

Tab 1	SB 600 by Truenow ; Similar to CS/H 01017 Bail Bonds					
468096	A	S	RCS	CJ, Truenow	Delete L.153 - 849:	02/02 06:05 PM
Tab 2	SB 760 by McClain ; Similar to CS/CS/H 00397 Violations of Pretrial Release Conditions for Violent Crimes					
574620	D	S	RCS	CJ, McClain	Delete everything after	02/02 06:05 PM
Tab 3	SB 1012 by Yarborough ; Identical to CS/H 00913 Inmate Services					
Tab 4	SB 1326 by Martin ; Identical to H 01505 Prosecution of Defendants					
807564	D	S	RCS	CJ, Martin	Delete everything after	02/02 06:05 PM
Tab 5	SB 1488 by Davis ; Booking Officer Duties Related to Minor Children of Arrested Persons					
Tab 6	SB 1536 by Pizzo ; Digital Voyeurism					
Tab 7	SB 1544 by Pizzo ; Similar to H 01283 Complaints Against Law Enforcement and Correctional Officers					
Tab 8	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, February 2, 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 600 Truenow (Similar CS/H 1017)	Bail Bonds; Decreasing the duration of in-person classroom-instruction basic certification courses required to be considered for approval and certification as an approved limited surety agent and professional bail bond agent prelicensing school; prohibiting bail bond agents and agencies from soliciting certain persons; requiring, rather than authorizing, that any monetary or cash component of any form of pretrial release be met by specified means; requiring that, upon a court's entry of an order to revoke pretrial release and order pretrial detention, the clerk of the court discharge any bond previously posted as a condition of pretrial release without further order of the court, etc. CJ 02/02/2026 Fav/CS JU RC	Fav/CS Yeas 8 Nays 0
2	SB 760 McClain (Similar CS/CS/H 397)	Violations of Pretrial Release Conditions for Violent Crimes; Citing this act as the "Victim Safety in Pretrial Release Act"; providing that a person who is on pretrial release for a specified violent crime commits a separate criminal offense if such person willfully violates a condition of pretrial release; requiring the court to consider certain factors in determining whether to order pretrial detention or grant pretrial release; authorizing a law enforcement officer to arrest without a warrant any person suspected of violating a condition of pretrial release if the original arrest was for a specified violent crime, etc. CJ 02/02/2026 Fav/CS ACJ FP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Monday, February 2, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 1012 Yarborough (Identical CS/H 913)	Inmate Services; Requiring that funds from the Contractor-Operated Institutions Inmate Welfare Trust Fund be used exclusively for specified provisions; revising compensation for the provision of inmate medical services by certain providers; providing an exemption; requiring a Medicaid health care provider to provide inmate patients with reasonable access to adequate medical services, etc. CJ 02/02/2026 Favorable ACJ AP	Favorable Yeas 8 Nays 0
Pending Reconsideration:			
4	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) CJ 02/02/2026 Reconsidered (Fav/CS) JU RC	Motion to Reconsider Adopted -- Final Vote: Fav/CS Yeas 5 Nays 2
5	SB 1488 Davis	Booking Officer Duties Related to Minor Children of Arrested Persons; Citing this act as the "Child Protection at Time of Parental Arrest Act"; requiring a booking officer to ask certain questions of arrested persons during the booking process and take certain actions related to the arrested person's minor children, etc. CJ 02/02/2026 Favorable CF RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Monday, February 2, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 1536 Pizzo	Digital Voyeurism; Revising the definition of the term "reasonable expectation of privacy" for purposes relating to the offense of digital voyeurism, etc. CJ 02/02/2026 Favorable ACJ RC	Favorable Yeas 8 Nays 0
7	SB 1544 Pizzo (Similar H 1283)	Complaints Against Law Enforcement and Correctional Officers; Requiring that a copy of a complaint, signed by the complainant under oath, be provided to law enforcement officers and correctional officers who are under investigation before any interrogation begins; providing that complainant names and signatures are not required if a complaint is accompanied by corroborating evidence; prohibiting certain personnel actions from being taken against a law enforcement officer or correctional officer unless such officer receives a copy of the complaint signed by the complainant under oath, etc. CJ 02/02/2026 Favorable GO RC	Favorable Yeas 6 Nays 1
Pending Reconsideration:			
8	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) CJ 02/02/2026 Reconsidered (Favorable) ACJ FP	Motion to Reconsider Adopted -- Final Vote: Favorable Yeas 8 Nays 0

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: CS/SB 600

INTRODUCER: Criminal Justice Committee and Senator Truenow

SUBJECT: Bail Bonds

DATE: February 3, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I.Summary:

CS/SB 600 revises numerous statutes relating to bond, bond agents, sureties, and pretrial release. Specifically, the bill makes the following changes related to bond agents and surety requirements by:

- Amending s. 648.386, F.S., to decrease, from two 120- hour, to two 80-hour classroom instruction courses required to be an approved limited surety agent or professional bail bond agent.
- Amending s. 648.44, F.S., to prohibit bail bond agents and agencies from soliciting bail from certain persons, unless in writing.
- Amending s. 903.05, F.S., to remove provisions stating that a surety may own Florida real estate to qualify as a surety.
- Amending s. 903.09, F.S., to require a surety, other than a bond agent, to justify suretyship by attaching to the bond United States currency, a United States postal money order, or cashier's check in the amount of the bond. Such currency money order, or cashier's check may not be used to secure more than one bond.
- Amending s. 903.101, F.S., to revise the requirements that sureties must meet to have equal access to jails for making bonds.
- Amending s. 903.16, F.S., to require any bail posted by a defendant or a third party who is not a bail bond agent to be receipted in the defendant's name.

The bill makes the following changes to bond revocation and forfeiture by:

- Amending s. 903.046, F.S., to specify that a surety bond that has been revoked may not be reinstated without a written authorization from the bail bond agent, bail bond agency, or surety.
- Amending s. 903.26, F.S., to revise provisions relating to forfeiture of bond.
- Amending s. 903.27, F.S., to require the clerk of court to enter a judgment against the surety if the forfeiture is not paid or discharged by order of the court within 60 days after the forfeiture notice has been mailed or electronically transmitted.
- Amending s. 903.28, F.S., to increase the amount of time, from 2 years to 3 years, within which a court must order remission of a forfeiture if it determines that there was no breach of the bond, and providing when the court must direct remission and its amount.
- Amending s. 903.29, F.S., to increase the length of time from the date of forfeiture of a bond within which a surety may arrest the principal.

The bill makes the following changes to bond cancellation by:

- Amending s. 903.31, F.S., to clarify when a court may cancel a bond, and define the term “revoked” to mean that an act, a statement, a document, or a promise has been annulled or canceled.
- Amending s. 903.0471, F.S., to require, upon a court’s entry of an order to revoke pretrial release and order pretrial detention, that the clerk of court discharge any bond previously posted as a condition of pretrial release without further order of the court.
- Amending s. 903.21, F.S., to require the clerk to discharge a bond without further hearing upon affirmation that the defendant is in jail or prison and that the surety agrees in writing to pay the costs incurred in returning the defendant to the jurisdiction of the court.

The bill makes the following changes to pretrial release by:

- Amending s. 903.011, F.S., to require that any monetary or cash component of any form of pretrial release be met by specified means, including United States currency, United States postal money order, or a cashier’s check.
- Amending s. 907.041, F.S., to specify that a person may not be released on nonmonetary conditions under the supervision of a pretrial release service unless the service certifies in writing to the court, before the defendant is released from custody that it has investigated or verified specified factors. Additionally, the bill adds DUI (third), felony battery, and battery by strangulation, to the list of crimes which constitute dangerous crimes for purposes of pretrial release. If a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court finds probable cause for such offense, the state or the court may move for pretrial detention. Current law provides that such motion is mandatory.

The bill repeals:

- Section 903.08, F.S., relating to the sufficiency of sureties.
- Section 903.17, F.S., relating to substitution of cash bail for other bail.
- Section 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail.

The bill may have an indeterminate jail bed impact and an indeterminate economic impact to bail bond agents. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

II. Present Situation

Bail Bond Agents and Sureties

Section 903.045, F.S., provides that a criminal surety bail bond, executed by a licensed bail bond agent in connection with the pretrial or appellate release of a criminal defendant, must be construed as a commitment by and an obligation upon the bail bond agent to ensure that the defendant appears at all criminal proceedings for which the surety bond is posted.

A criminal surety bail bond is, in essence, a contract involving three parties: the state, which brings the criminal charges; the bail bond agent¹, which is the surety; and the defendant, who is the principal.²

Registration of bail bond agents

A bail bond agent may not become a surety on an undertaking unless he or she has registered in the office of the sheriff and with the clerk of the circuit court in the county in which the bail bond agent resides. The bail bond agent may register in a like manner in any other county, and any bail bond agent must file a certified copy of his or her appointment by power of attorney from each insurer which he or she represents as a bail bond agent with each of such officers.

Registration and filing of a certified copy of renewed power of attorney must be performed by April 1 of each odd-numbered year. The clerk of the circuit court and the sheriff may not permit the registration of a bail bond agent unless such bail bond agent is currently licensed by the Department of Financial Services (DFS) and appointed by an insurer.³

Qualifications for prelicensing and continuing education

In order to be considered for approval and certification by the DFS as an approved limited surety agent⁴ and professional bail bond agent⁵ prelicensing school, such entity must:

- Offer a minimum of two 120-hour classroom-instruction basic certification courses in the criminal justice system per calendar year unless a reduced number of course offerings per calendar year is warranted in accordance with rules promulgated by the DFS or offer a DFS-approved correspondence course pursuant to the DFS rules.⁶
- Submit a prelicensing course curriculum to the DFS for approval.⁷

¹ Section 648.25(3), F.S., provides “bail bond agent” means a limited surety agent or a professional bail bond agent.

² *Polakoff & Abbott Bail Bonds v. State of Florida*, 111 So.3d 253 (Fla 5th DCA 2013).

³ Section 648.42, F.S.

⁴ Section 648.25(6), F.S., provides “Limited surety agent” means any individual appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings who receives or is promised money or other things of value therefore.

⁵ Section 648.25(8), F.S., provides “Professional bail bond agent” means any person who pledges United States currency, United States postal money orders, or cashier’s checks as security for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value.

⁶ Section 648.386(2)(a)1., F.S.

⁷ Section 648.386(2)(b), F.S.

- If applicable, offer prelicensing classes which are taught by instructors approved by the DFS.⁸

Qualification and Justification of sureties

Subject to the rules of the DFS and the Florida Services Commission (FSC), every surety who meets the following criteria must have equal access to Florida jails for the purpose of making bonds:⁹

- A surety for the release of a person on bail, other than a company authorized by law to act as a surety, must be a resident of the state or own real estate within the state.¹⁰
- Minors may bind themselves by a bond to secure their release on bail in the same manner as person sui juris.¹¹
- The combined net worth of the sureties, exclusive of any other bonds on which they may be principal, or surety and property exempt from execution, must be at least equal to the amount specified in the undertaking.¹²
- A surety must execute an affidavit stating that she or he possesses the qualifications and net worth required to become a surety. The affidavit must describe the surety's property and any encumbrances and must state the number and amount of any bonds entered into by the surety at any court that remain undischarged.
- A bond agent must justify her or his suretyship by attaching a copy of the power of attorney issued by the company to the bond or by attaching to the bond United States currency, a United States postal money order, or a cashier's check in the amount of the bond; but the United States currency, United States postal money order, or cashier's check cannot be used to secure more than one bond. Nothing herein must prohibit two or more qualified sureties from each posting any portion of a bond amount, and being liable for only that amount, so long as the total posted by all cosureties is equal to the amount of bond required.

Bail Bond Agent Prohibitions – Solicitation

Section 648.44, F.S., provides that a bail bond agent or bail bond agency¹³ may not:

- Suggest or advise the employment of, or name for employment, any particular attorney or attorneys to represent his or her principal.¹⁴
- Directly or indirectly solicit business in or on the property or grounds of a jail, prison, or other place where prisoners are confined or in or on the property or grounds of any court. The term "solicitation" includes the distribution of business cards, print advertising, or other written or oral information directed to prisoners or potential indemnitors, unless a request is initiated by the prisoner or a potential indemnitor. Permissible print advertising in the jail is

⁸ Section 648.386(2)(c), F.S.

⁹ Section 903.101, F.S.

¹⁰ Section 903.05, F.S.

¹¹ Section 903.06, F.S.

¹² Section 903.08, F.S.

¹³ Section 648.25(2), F.S., defines a "bail bond agency" to mean the building where a licensee maintains an office where all records required by ss. 648.34 and 648.36, F.S., are maintained; or an entity that:

- Charges a fee or premium to release an accused defendant or detainee from jail; or
- Engages in or employs others to engage in any activity that may be performed only by a licensee and appointed bail bond agent.

¹⁴ Section 648.44(1)(a), F.S.

strictly limited to a listing in a telephone directory and the posting of the bail bond agent's or agency's name, address, e-mail address, web address, and telephone number in a designated location within the jail.¹⁵

- Initiate in-person or telephone solicitation after 9:00 p.m. or before 8:00 a.m. at the residence of the detainee or the detainee's family.¹⁶
- Wear or display any identification other than the department issued or approved license or approved department identification, which includes a citation of the licensee's arrest powers, in or on the property or grounds of a jail, prison, or other place where prisoners are confined or in or on the property or grounds of any court.¹⁷
- Pay a fee or rebate or give or promise anything of value to a jailer, police officer, peace officer, or committing trial court judge or any other person who has power to arrest or to hold in custody or to any public official or public employee in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or estreatment thereof.¹⁸
- Pay a fee or rebate or give anything of value to an attorney in a bail bond matter, except in defense of any action on a bond.¹⁹
- Pay a fee or rebate or give or promise anything of value to the principal or anyone in his or her behalf.²⁰
- Participate in the capacity of an attorney at a trial or hearing of one on whose bond he or she is surety.²¹
- Loiter in or about a jail, courthouse, or where prisoners are confined.²²
- Accept anything of value from a principal for providing a bail bond except the premium and transfer fee authorized by the office, except that the bail bond agent or bail bond agency may accept collateral security or other indemnity from the principal or another person in accordance with state law, together with documentary stamp taxes, if applicable. No fees, expenses, or charges of any kind shall be permitted to be deducted from the collateral held or any return premium due, except as authorized by this chapter or rule of the department or commission. A bail bond agent or bail bond agency may, upon written agreement with another party, receive a fee or compensation for returning to custody an individual who has fled the jurisdiction of the court or caused the forfeiture of a bond.²³
- Write more than one power of attorney per charge on a bond, except in the case of a cosurety, unless the power of attorney prohibits a cosurety.²⁴
- Execute a bond in this state on his or her own behalf.²⁵
- Execute a bond in this state if a judgment has been entered on a bond executed by the bail bond agent or the bail bond agency is a named party on the judgment, which has remained unpaid for 35 days, unless the full amount of the judgment is deposited with the clerk.²⁶

¹⁵ Section 648.44(1)(b), F.S.

¹⁶ Section 648.44(1)(c), F.S.

¹⁷ Section 648.44(1)(d), F.S.

¹⁸ Section 648.44(1)(e), F.S.

¹⁹ Section 648.44(1)(f), F.S.

²⁰ Section 648.44(1)(g), F.S.

²¹ Section 648.44(1)(h), F.S.

²² Section 648.44(1)(i), F.S.

²³ Section 648.44(1)(j), F.S.

²⁴ Section 648.44(1)(k), F.S.

²⁵ Section 648.44(1)(l), F.S.

²⁶ Section 648.44(1)(m), F.S.

- Make a statement or representation to a court, unless such statement or representation is under oath. Such statement or representation may not be false, misleading, or deceptive.²⁷
- Attempt to collect, through threat or coercion, amounts due for the payment of any indebtedness related to the issuance of a bail bond.²⁸
- Conduct bail bond business with any person, other than the defendant, on the grounds of the jail or courthouse for the purpose of executing a bond.²⁹

Deposit of money or bonds as bail

A defendant who has been admitted to bail, or another person in the defendant's behalf, may deposit with the official authorized to take bail money an amount equal to the bail amount set in the court order. Such deposit must be receipted in the name of the defendant. The sheriff or other officials shall remit money or bonds received to the clerk to be held by the clerk pending court action. The clerk shall accept money or bonds remitted by the sheriff.³⁰

Consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond.³¹

When bail other than a deposit of money or bonds has been given, the defendant or the surety may deposit money or bonds as provided in s. 903.16, F.S., and have the original bond canceled.³²

Method of surrender

A surety desiring to surrender a defendant shall deliver a copy of the bond and the defendant to the official who had custody of the defendant at the time bail was taken or to the official into whose custody the defendant would have been placed if she or he had been committed. The official shall take the defendant into custody, as on a commitment, and issue a certificate acknowledging the surrender.³³

When a surety presents the certificate and a copy of the bond to the court having jurisdiction³⁴, the court shall order the obligors exonerated and any money or bonds deposited as bail refunded. The surety shall give the state attorney 3 days' notice of application for an order of exoneration and furnish the state attorney a copy of the certificate and bond.³⁵

The surety shall be exonerated of liability on the bond if it is determined before forfeiture of the bond that the defendant is in any jail or prison and the surety agrees in writing to pay the costs and expenses incurred in returning the defendant to the jurisdiction of the court. A surety is only

²⁷ Section 648.44(1)(n), F.S.

²⁸ Section 648.44(1)(o), F.S.

²⁹ Section 648.44(1)(p), F.S.

³⁰ Section 903.16(1), F.S.

³¹ Section 903.16(2), F.S.

³² Section 903.17, F.S.

³³ Section 903.21(1), F.S.

³⁴ Section 903.21(3)(b)2., F.S., provides "Jurisdiction" means the county from which the defendant was released on bail.

³⁵ Section 903.21(2), F.S.

responsible for the itemized costs and expenses³⁶ incurred for the transport of a defendant to whom he or she has a fiduciary duty and is not liable for the costs and expenses incurred in transporting any other defendant.³⁷

Forfeiture of bond

When a bail bond agent (agent) posts bond for a defendant, the agent is responsible for ensuring the defendant's appearance at required court proceedings. If a defendant fails to appear at a court proceeding and the agent was provided proper notice of such an appearance, there is a breach of the bond and bond forfeiture proceedings begin.³⁸ In such a case, the clerk of the court must notify the agent of the forfeiture by mail or electronic notice within 5 days after the forfeiture.³⁹ The agent must pay the forfeiture amount (i.e. the amount of the defendant's bond) within 60 days after that date that the notice was mailed or electronically transmitted.⁴⁰ The court must order the forfeiture to be discharged within 60 days if the:

- Court determines that it was impossible for the defendant to appear as required or within 60 days after the date of the required appearance due to circumstances beyond the defendant's control;
- Court determines that, at the time of the required appearance or within 60 days after the date of the required appearance, the defendant was confined in an institution or hospital; was confined in any county, state, federal, or immigration detention facility; was deported; or is deceased;
- Surrender or arrest of the defendant at the time of the required appearance or within 60 days after the date of the required appearance in any county, state, or federal jail or prison and upon a hold being placed to return the defendant to the jurisdiction of the court, provided that the costs and expenses incurred in returning the defendant to such jurisdiction are deducted from the forfeiture that is discharged; or
- Court determines that the state is unwilling to seek extradition of the fugitive defendant within 30 days after a request by the surety agent to do so, and contingent upon the surety agent's consent to pay all costs and the expenses incurred by an official in returning the defendant to the jurisdiction of the court, up to the penal amount of the bond.⁴¹

Forfeiture to judgement

If a bond forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days, and the bond is secured by means other than money or bonds, the clerk of the circuit court shall enter judgment against the surety for the penalty amount and issue execution; however, if the forfeiture is discharged conditioned upon payment of statutory costs or fees, the judgment may not exceed the unpaid costs or fees and may not be for the full forfeiture amount if a lesser amount satisfies the conditions of discharge.

³⁶ Section 903.21(3)(b)1., F.S., provides "Costs and expenses" means the prorated salary of any law enforcement officer or employee of a contracted transportation company as well as the actual expenses of transporting each defendant, which may only consist of mileage, vehicle expenses, meals, and, if necessary, overnight lodging for any law enforcement officer or employee of a contracted transportation company and the defendant.

³⁷ Section 903.21(3)(a), F.S.

³⁸ Section 903.26(2)(a), F.S.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Section 903.26(5), F.S.

Within 10 days after entry of judgment, the clerk shall furnish the DFS and the Office of Insurance Regulation (OIR) of the FSC with a certified copy of the judgment docket and shall provide the surety company's home office a copy of the judgment, including the bond power-of-attorney number and the executing agent's name.

If the judgment remains unpaid after 35 days, the clerk shall furnish the DFS, the OIR, and the sheriff of the county where the bond was executed, or the official responsible for the county jail if other than the sheriff, with two copies of the judgment and a certificate of nonpayment. Upon payment of the judgment or entry of an order vacating the judgment, the clerk shall immediately notify the sheriff or jail administrator and, if previously notified of nonpayment, the DFS and the OIR, and shall record a satisfaction of judgment or the order vacating judgment in the public records. Notices may be provided by mail or electronic means, and if the defendant is returned to the county and a motion to set aside the judgment is filed, the operation of this section is tolled until the court disposes of the motion.⁴²

A certificate signed by the clerk of the court or her or his designee, certifying that the required notice was mailed or electronically delivered on a specified date, and accompanied by a copy of the required notice constitutes sufficient proof that such mailing or electronic delivery was properly accomplished as indicated therein. If such mailing or electronic delivery was properly accomplished as evidenced by such certificate, the failure of a company to receive a copy of the judgment does not constitute a defense to the forfeiture and is not a ground for the discharge, remission, reduction, set aside, or continuance of such forfeiture.⁴³

Surety bail bonds may not be executed by a bail bond agent against whom a judgment has been entered which has remained unpaid for 35 days and may not be executed for a company against whom a judgment has been entered which has remained unpaid for 50 days. No sheriff or other official who is empowered to accept or approve surety bail bonds shall accept or approve such a bond executed by such a bail bond agent or executed for such a company until such judgment has been paid.⁴⁴

After notice of judgment against the surety given by the clerk of the circuit court, the surety or bail bond agent shall, within 35 days of the entry of judgment, submit to the clerk of the circuit court an amount equal to the judgment, unless the judgment has been set aside by the court within 35 days of the entry of judgment. If a motion to set aside the judgment has been filed, the amount submitted shall be held in escrow until such time as the court has disposed of the motion. The failure to comply with the provisions of this subsection constitutes a failure to pay the judgment.⁴⁵

After notice of judgment against the surety given by the clerk of the circuit court, the surety or bail bond agent may within 35 days file a motion to set aside the judgment or to stay the judgment. It shall be a condition of any such motion and of any order to stay the judgment that the surety pay the amount of the judgment to the clerk, which amount shall be held in escrow

⁴² Section 903.27(1), F.S.

⁴³ Section 903.27(2), F.S.

⁴⁴ Section 903.27(3), F.S.

⁴⁵ Section 903.27(4), F.S.

until such time as the court has disposed of the motion to set aside the judgment. The filing of such a motion, when accompanied by the required escrow deposit, shall act as an automatic stay of further proceedings, including execution, until the motion has been heard and a decision rendered by the court.⁴⁶

Remission of Forfeiture

On application within 2 years from forfeiture, the court must order remission of the forfeiture if it determines that there was no breach of the bond.⁴⁷

Section 903.28, F.S., provides if a defendant who failed to appear for a court proceeding surrenders or is apprehended within a specified time frame and the agent apprehended and surrendered the defendant, substantially procured or caused the defendant to be apprehended and surrendered, or paid the costs to return the defendant to the court's jurisdiction, and such delay did not thwart the proper prosecution of the defendant, the court must remit to the agent a specified percentage of the forfeiture as follows:

- 100% of the forfeiture if the defendant surrenders or is apprehended within 90 days after forfeiture;⁴⁸
- 95% of the forfeiture if the defendant surrenders or is apprehended within 180 days after forfeiture;⁴⁹
- 90% of the forfeiture if the defendant surrenders or is apprehended within 270 days after forfeiture;⁵⁰
- 85% of the forfeiture if the defendant surrenders or is apprehended within one year after forfeiture;⁵¹
- 50% of the forfeiture if the defendant surrenders or is apprehended within two years after forfeiture.⁵²

Within 2 years from the date of forfeiture of a bond, the surety may arrest the principal for the purpose of surrendering the principal to the official in whose custody she or he was at the time bail was taken or in whose custody the principal would have been placed had she or he been committed.⁵³

Discharging or Canceling a Bond

A bail bond is "canceled" when the conditions of the bond have been satisfied or the term of the bond, which is 36 months after such bond was posted for the release of a defendant, has expired.⁵⁴ The conditions of the bond are considered satisfied once the defendant's court case has concluded through a plea, trial, or dismissal of the defendant's court case.⁵⁵

⁴⁶ Section 903.27(5), F.S.

⁴⁷ Section 903.28(1), F.S.

⁴⁸ Section 903.28(2), F.S.

⁴⁹ Section 903.28(3), F.S.

⁵⁰ Section 903.28(4), F.S.

⁵¹ Section 903.28(5), F.S.

⁵² Section 903.28(6), F.S.

⁵³ Section 903.29, F.S.

⁵⁴ Section 903.31(1), F.S.

⁵⁵ *Id.*

Purpose of and Criteria for Bail Determination

Section 903.046, F.S., provides that the purpose of bail is to ensure a defendant's appearance in court and protect the community, and in deciding whether to grant release and under what conditions, the court must consider:

- The nature and circumstances of the offense charged.⁵⁶
- The weight of the evidence against the defendant.⁵⁷
- The defendant's family ties, length of residence in the community, immigration status, employment history, financial resources, and mental condition.⁵⁸
- The defendant's past and present conduct, including convictions, previous flight to avoid prosecution, or failure to appear at court proceedings. Certain failures to appear may limit eligibility for recognizance or non-monetary bonds, though the court retains discretion for circumstances beyond the defendant's control.⁵⁹
- The nature and probability of danger which the defendant's release poses to the community.⁶⁰
- The source of funds used to post bail or procure an appearance bond, particularly whether the proffered funds, real property, property, or any proposed collateral or bond premium may be linked to or derived from the crime alleged to have been committed or from any other criminal or illicit activities. The defendant must prove the funds are not derived from illicit sources.⁶¹
- Whether the defendant is already on release pending resolution of another criminal proceeding or on probation, parole, or other release pending completion of a sentence.⁶²
- The street value of any drug or controlled substance connected to or involved in the criminal charge. The court may set a higher bail to prevent use of illicit proceeds for release.⁶³
- The nature and probability of intimidation and danger to victims.⁶⁴
- Whether there is probable cause to believe that the defendant committed a new crime while on pretrial release.⁶⁵
- Any other facts that the court considers relevant.⁶⁶
- Whether the crime charged involves gang activity or is subject to enhanced penalties under ch. 874, F.S., such defendants are not eligible for release on bail or surety bond until the first appearance on the case.⁶⁷
- Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense, is required to register as a sexual offender, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case.⁶⁸

⁵⁶ Section 903.046(2)(a), F.S.

⁵⁷ Section 903.046(2)(b), F.S.

⁵⁸ Section 903.046(2)(c), F.S.

⁵⁹ Section 903.046(2)(d), F.S.

⁶⁰ Section 903.046(2)(e), F.S.

⁶¹ Section 903.046(2)(f), F.S.

⁶² Section 903.046(2)(g), F.S.

⁶³ Section 903.046(2)(h), F.S.

⁶⁴ Section 903.046(2)(i), F.S.

⁶⁵ Section 903.046(2)(j), F.S.

⁶⁶ Section 903.046(2)(k), F.S.

⁶⁷ Section 903.046(2)(l), F.S.

⁶⁸ Section 903.046(2)(m), F.S.

Pretrial detention and release

Section 903.011, F.S., any monetary component may be satisfied by a surety bond, and that differing monetary amounts may not be set for cash, surety, or other forms of release; only a judge may set, reduce, or alter bail, and the court may reconsider the monetary component if the defendant is unable to post bond. The Florida Supreme Court must annually adopt a uniform statewide bond schedule for offenses eligible for release before first appearance, which may not be undercut by local schedules unless approved by the Court, though chief judges may adopt higher local amounts; in doing so, the Court must consider community safety, assurance of appearance, and the integrity of the judicial process, and the schedule does not bind a judge in an individual case.

In Florida there is a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is:

- Charged with a dangerous crime⁶⁹; or
- Such person is an unauthorized alien charged with a forcible felony.

A person may not be released before first appearance and must receive an individualized bail determination if the person was already under supervision, designated a sexual offender or predator, arrested for violating a protective injunction, previously sentenced as a serious or violent recidivist, repeatedly arrested in the preceding six months, or is charged with specified serious offenses, including major felonies, homicide-related crimes, violent or domestic offenses, kidnapping or trafficking, firearm offenses by prohibited persons, sex offenses, abuse of vulnerable persons, arson or riot-related crimes, escape or witness tampering, gang-related offenses, drug trafficking, racketeering, or failure to appear while on bail.

Section 907.041, F.S., provides that it is the policy of this state that persons charged with committing serious criminal offenses, who pose a threat to public safety or the integrity of the judicial process, fail to appear at trial, or pose a substantial flight risk due to unauthorized status should be detained upon arrest. However, persons meeting specified criteria may be released under certain conditions until proceedings are concluded and adjudication has been determined. This policy aims to protect the community by detaining dangerous individuals while reducing the cost of incarcerating those who pose no threat. The Legislatures primary intent is the protection of the community.

Notwithstanding s. 907.041, F.S., a court may, on its own motion, revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect. Upon entry of such as order to revoke pretrial release and order pretrial

⁶⁹ Section 907.041(5), F.S., defines “dangerous crime” to mean any of the following: arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd; lascivious; or indecent assault or act upon or in presence of a child under the age of 16; sexual activity with a child; who is 12 years of age or older but less than 18 years of age; by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking and aggravated stalking; domestic violence; home invasion robbery; act of terrorism; manufacturing any substance; attempting or conspiring; human trafficking; trafficking in any controlled substance; extortion; and written threats to kill.

detention, other than for a failure to appear, the clerk of the court must discharge any bond previously posted as a condition of pretrial release without further order of the court.

Violation of condition of pretrial release

Section 903.047, F.S., requires a defendant, as a condition of pretrial release on a surety bond, recognized bond, or other form of bond, to refrain from criminal activity of any kind and to comply with all other conditions of pretrial release imposed by the court.

A court may, on its own motion, revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect.⁷⁰

III. Effect of Proposed Changes:

Bond Agents and Surety Requirements (Section 1, 2, 3, 7, 9 10, 11, 13)

The bill amends s. 648.386, F.S., to define “in-person classroom instruction,” to mean a course designed to be presented to a group of students by a life instructor using lectures, with the instructor and students in the same physical classroom at the same time.

Additionally, the bill decreases from two 120- hour, to two 80-hour classroom instruction courses required to be an approved limited surety agent or professional bail bond agent.

The bill amends s. 648.44, F.S., to prohibit bail bond agents and agencies from soliciting bail from a detainee, the detainee’s attorney, an adult member of the detainee’s immediate family, or any other person unless the detainee specifically authorizes such solicitation in writing.

A solicitation to a detainee may occur only after a legitimate request for bail services has been received from the detainee or a specified individual. Solicitation may only occur between 8 a.m. and 9 p.m., unless the bail bond agent or agency has received direct and specific written authorization from the detainee or the detainee’s attorney to solicit at another time.

A bail bond agent or agency may collect certain processing and services fees which must be separate from and not considered a premium.

Additionally, the bill prohibits a “virtual office,” which is defined in s. 648.25, F.S., to mean an office that does not provide a continuous physical office space and provides professional address and mail handling services and which may, upon request, provide communications and telephone services or a dedicated office space.

The bill amends s. 903.05, F.S., to remove provisions stating that a surety may own Florida real estate to qualify as a surety.

The bill amends s. 903.09, F.S., to require a surety, other than a bond agent, to justify suretyship by attaching to the bond United States currency, a United States postal money order, or cashier’s

⁷⁰ Section 903.0471, F.S.

check in the amount of the bond. Such currency money order, or cashier's check may not be used to secure more than one bond.

The bill amends s. 903.101, F.S., to revise the requirements that sureties must meet to have equal access to jails for making bonds.

The bill amends s. 903.16, F.S., to require any bail posted by a defendant or a third party who is not a bail bond agent to be receipted in the defendant's name.

The bill amends s. 903.21, F.S., to require the clerk to discharge a bond without further hearing upon affirmation that the defendant is in jail or prison and that the surety agrees in writing to pay the costs incurred in returning the defendant to the jurisdiction of the court.

Pretrial release (Section 4 and 20)

The bill amends s. 903.011, F.S., to require that any monetary or cash component of any form of pretrial release be met by specified means, including U.S. currency, U.S. postal money order, or a cashier's check.

The bill amends s. 907.041, F.S., to specify that a person may not be released on nonmonetary conditions under the supervision of a pretrial release service unless the service certifies in writing to the court, before the defendant is released from custody that it has investigated or verified specified factors.

Additionally, the bill adds DUI (third), felony battery, and battery by strangulation, to the list of crimes which constitute dangerous crimes for purposes of pretrial release.

The bill provides that if a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court finds probable cause for such offense, the state or the court may move for pretrial detention. Current law provides that such motion is mandatory.

Bond Revocation and Forfeiture (Section 5, 14, 15, 16, and 17)

The bill amends s. 903.046, F.S., to specify that a surety bond that has been revoked may not be reinstated without a written authorization from the bail bond agent, bail bond agency, or surety.

Section 903.26, F.S., to revise provisions relating to forfeiture of bond. The clerk of court must give a surety at least 72 hours' notice before the time of the defendant's required appearance. The bill provides that a signed certificate which certifies such required notice was mailed or electronically transmitted constitutes as proof of notice.

Additionally, bail bond agencies are added to the entities that must receive notice after forfeiture, and removes the provision that municipal officials having custody of forfeited money deposit the money into a designated municipal fund 60 days after the forfeiture notice has been mailed or electronically transmitted.

The bill clarifies that the court must discharge a forfeiture within 60 days after the forfeiture notice was mailed or electronically transmitted upon specific circumstances.

If after forfeiture of a bond, the criminal charges are resolved, adjudicated, or otherwise disposed of by any action of the court or state, the clerk must discharge the forfeiture and issue such notice to the surety without further order of the court. If such resolution or disposition occurs after payment of a forfeiture or judgment, remission must be granted upon proper motion.

Unless the time for payment or discharge of the forfeiture has passed, or unless the payment of the forfeiture has already been made, the clerk does not have standing to object to a motion to set aside a forfeiture, a motion to discharge a forfeiture, or a motion to reinstate a bond.

For each felony warrant that a court issues for a failure to appear in court, the state must enter the information of the defendant in the National Crime Information Center database with no restrictions until the defendant is returned to the jurisdiction of the court.

The bill amends s. 903.27, F.S., to require the clerk of court to enter a judgment against the surety if the forfeiture is not paid or discharged by order of the court within 60 days after the forfeiture notice has been mailed or electronically transmitted.

The bill amends s. 903.28, F.S., to increase the amount of time, from 2 years to 3 years, within which a court must order remission of a forfeiture if it determines that there was no breach of the bond.

The court must direct remission if within three years after forfeiture:

- The defendant surrenders or is appended and the surety has paid all costs of returning the defendant to the jurisdiction of the court,
- The defendant is deceased, or
- The state attorney is unwilling to seek extradition of the defendant after a request by the surety agent, bail bond agency or surety company.

If a delay has not thwarted proper prosecution of the defendant, the court must direct such remission as follows:

- 100% of the forfeiture if the defendant surrenders, is apprehended, is deceased, or the state fails to seek extradition within 90 days.
- 95% of the forfeiture if the defendant surrenders, etc., within 180 days.
- 90% of the forfeiture if the defendant surrenders, etc., within 270 days.
- 85% of the forfeiture if the defendant surrenders, etc., within 360 days.
- 80% of the forfeiture if the defendant surrenders, etc., within 450 days.
- 75% of the forfeiture if the defendant surrenders, etc., within 540 days.
- 70% of the forfeiture if the defendant surrenders, etc., within 630 days.
- 65% of the forfeiture if the defendant surrenders, etc., within 720 days.
- 60 % of the forfeiture if the defendant surrenders, etc., within 810 days.
- 55% of the forfeiture if the defendant surrenders, etc., within 900 days.
- 50% of the forfeiture if the defendant surrenders, etc., within 990 days.
- 45% of the forfeiture if the defendant surrenders, etc., within 36 months.

If the defendant surrenders or is apprehended and the surety has not paid all the costs of returning the defendant, the court may order remission of the forfeiture in accordance with the above schedule if the actual costs of returning the defendant have been deducted from such remission.

The bill reduces the time frame that notice must be given to the state attorney and clerk of court from 20 days to 10 days, for a hearing on the issue of remission.

The clerk must issue a remission within 10 days after a court orders remission, and remission untimely issued accrues at an interest rate of 1.5% per month.

Section 903.29, F.S., to increase the length of time from the date of forfeiture of a bond within which a surety may arrest the principal. The surety may arrest the principal for the purpose of surrendering the principal within 3 years from the date of forfeiture.

Bond cancellation Section 6 and 18

The bill amends s. 903.31, F.S., to clarify when a court may cancel a bond, and define the term “revoked” to mean that an act, a statement, a document, or a promise has been annulled or canceled.

The bill adds to the list of actions that an original appearance bond does not apply. An original appearance bond does not guarantee a sentencing deferral, a delayed sentencing, or an appearance after entering a plea agreement.

The bill amends s. 903.0471, F.S., to require, upon a court’s entry of an order to revoke pretrial release and order pretrial detention, that the clerk of court discharge any bond previously posted as a condition of pretrial release without further order of the court.

Repeals Section 8, 12, 19

The bill repeals:

- Section 903.08, F.S., relating to the sufficiency of sureties.
- Section 903.17, F.S., relating to substitution of cash bail for other bail.
- Section 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail.

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 impact to judicial and court workloads is indeterminate. Some provisions of the bill will reduce judicial workloads by requiring clerks to discharge bonds without a judicial ruling or hearing under certain constitutions and by permitting, rather than requirements, state attorneys or the court to move for pretrial detention of certain person charged with “dangerous crimes.” However, the additional offenses added to the list of “dangerous crimes” will add to judicial workload because more arrestees will require a hearing and may qualify for pretrial detention.⁷¹

The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably established the effects on judicial time and workload resulting from changes in hearings related to discharge of bonds and pretrial detentions as discussed in this report.⁷²

VI. Technical Deficiencies:

None.

⁷¹ Office of The State Courts Administrator *2026 Judicial Impact Statement*, pg. 3, (available on file at the Senate Criminal Justice Committee).

⁷² *Id.*

VII. Related Issues:

The minimum bond amount for persons charged with dangerous offenses may require revisions to the statewide uniform bond schedule.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 648.25, 648.386, 648.44, 903.011, 903.046, 903.0471, 903.05, 903.09, 903.101, 903.16, 903.17, 903.21, 903.26, 903.27, 903.28, 903.29, 903.31, 907.041, 648.45, 626.2816, 903.047, 903.286

This bill repeals the following sections of the Florida Statutes: 903.08, 903.17, 903.36.

This bill reenacts the following sections of the Florida Statutes: 626.2816, 903.09, 903.047, 903.286.

IX. Additional Information:

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

CS by Criminal Justice of February 2, 2026:

The committee substitute:

- Revises the definition of the term “virtual office.”
- Makes technical revisions to the definition of “in-person classroom instruction.”
- Replaces the term “arrestee” with “detainee” as it relates to bail bond solicitation.
- Authorizes a court, on its own motion, to revoke pretrial release and order pretrial detention upon a finding of probable cause that the defendant materially violated a condition of pretrial release for an offense other than failure to appear.
- Restores the provision governing pretrial release granting the court discretion to determine conditions of release under specific circumstances relating to failure to appear.
- Revises the criteria that a court must consider in making specified determinations.
- Provides that a revoked surety bond may not be reinstated without written authorization from the bail bond agent, bail bond agency, or surety.
- Removes language prohibiting the discharge of a bond without a further hearing or court order.
- Removes the requirement that municipal officials deposit forfeited money into a designated municipal fund within 60 days after the forfeiture notice is mailed or electronically transmitted.
- Requires the court, under specified circumstances, to order remission in accordance with applicable provisions when a defendant surrenders, is deceased, or is apprehended within a prescribed period following forfeiture.
- Makes other conforming and technical changes.

B. Amendments:

None.

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



468096

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2026	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 153 - 849
and insert:

(12) "Virtual office" means an office that does not provide a continuous physical office space and provides professional address and mail handling services and which may, upon request, provide communications and telephone services or a dedicated office space.

Section 2. Subsection (1) and paragraph (a) of subsection



468096

(2) of section 648.386, Florida Statutes, are amended to read:
648.386 Qualifications for prelicensing and continuing
education schools and instructors.—

(1) DEFINITIONS ~~DEFINITION OF "CLASSROOM INSTRUCTION"~~.—As
used in this section, the term:

(a) "Classroom instruction" means a course designed to be
presented to a group of students by a live instructor using
lecture, video, webcast, or virtual or other audio-video
presentation.

(b) "In-person classroom instruction" means a course
designed to be presented to a group of students by a live
instructor using lectures, with the instructor and students in
the same physical classroom at the same time.

(2) SCHOOLS AND CURRICULUM FOR PRELICENSING SCHOOLS.—In
order to be considered for approval and certification as an
approved limited surety agent and professional bail bond agent
prelicensing school, such entity must:

(a)1. Offer a minimum of two 80-hour in-person ~~120-hour~~
classroom-instruction basic certification courses in the
criminal justice system per calendar year unless a reduced
number of course offerings per calendar year is warranted in
accordance with rules adopted ~~promulgated~~ by the department; or

2. Offer a department-approved correspondence course
pursuant to department rules.

Section 3. Present paragraphs (d) through (p) of subsection
(1) of section 648.44, Florida Statutes, are redesignated as
paragraphs (e) through (q), respectively, a new paragraph (d) is
added to that subsection, and present paragraph (j) of that
subsection and subsections (4) and (9) of that section are



468096

amended, to read

648.44 Prohibitions; penalty.—

(1) A bail bond agent or bail bond agency may not:

(d) Solicit bail from a detainee, the detainee's attorney, an adult member of the detainee's immediate family, or any other person unless the detainee specifically authorizes such solicitation in writing. The detainee must sign this designation before the solicitation unless prohibited by the rules, regulations, or ordinances governing the place of imprisonment. If such a prohibition exists, the designation may be signed after the detainee's release to ratify a previous oral designation made by him or her. A solicitation to a detainee may occur only after a legitimate request for bail services has been received from the detainee or an individual specified in this paragraph. The solicitation of a person specified in this paragraph may only occur between 8 a.m. and 9 p.m., unless the bail bond agent or bail bond agency has received direct and specific written authorization from the detainee or the detainee's attorney to solicit at another time.

(k) ~~(j)~~ Accept anything of value from a principal for providing a bail bond aside from ~~except~~ the premium, a credit card merchant processing fee, a mobile payment services fee or similar charge which must be separate from and not considered premium, and a transfer fee authorized by the office, except that the bail bond agent or bail bond agency may accept collateral security or other indemnity from the principal or another person in accordance with s. 648.442, together with documentary stamp taxes, if applicable. No fees, expenses, or charges of any kind shall be permitted to be deducted from the



468096

collateral held or any return premium due, except as authorized by this chapter or rule of the department or commission. Upon written agreement with another party, a bail bond agent or bail bond agency may, ~~upon written agreement with another party,~~ receive a fee or compensation for returning to custody an individual who has fled the jurisdiction of the court or caused the forfeiture of a bond.

(4) A place of business, including a branch office, may not be established, opened, or maintained unless it is under the active full-time charge of a licensed and appointed bail bond agent. A virtual office is prohibited.

(9)(a) A ~~Any~~ person who violates paragraph (1)(f), paragraph (1)(g), paragraph (1)(h), paragraph (1)(k), paragraph (1)(o), any provisions of paragraph (1)(e), paragraph (1)(f), paragraph (1)(g), paragraph (1)(j), or paragraph (1)(n), or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A ~~Any~~ person who violates the provisions of paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(i), paragraph (1)(l), paragraph (1)(n), paragraph (1)(p), paragraph (1)(q), paragraph (1)(h), paragraph (1)(k), paragraph (1)(m), paragraph (1)(o), paragraph (1)(p), subsection (3), subsection (4), or subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Subsection (2) of section 903.011, Florida Statutes, is amended to read:

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

(2) Any monetary or cash component of any form of pretrial



468096

release must ~~may~~ be met by a surety bond or by United States
currency, a United States postal money order, or a cashier's
check in the amount of the bond.

Section 5. Paragraph (d) of subsection (2) of section
903.046, Florida Statutes, is amended to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail
or other conditions, and what that bail or those conditions may
be, the court shall consider:

(d) The defendant's past and present conduct, including any
record of convictions, previous flight to avoid prosecution, or
failure to appear at court proceedings. However, any defendant
who ~~had~~ failed to appear on the day of any required court
proceeding in the case at issue, but who ~~had~~ later voluntarily
appeared or surrendered, is not ~~shall not be~~ eligible for a
recognizance bond; and any defendant who failed to appear on the
day of any required court proceeding ~~in the case at issue~~ and
who was later arrested is not ~~shall not be~~ eligible for a
recognizance bond or for any form of bond which does not require
the greater of a monetary undertaking ~~or commitment~~ equal to or
greater than \$2,000 or twice the value of the monetary
~~commitment or~~ undertaking of the original bond, ~~whichever is~~
~~greater~~. Notwithstanding anything in this section, the court has
discretion in determining conditions of release if the defendant
proves circumstances beyond his or her control for the failure
to appear. A surety bond that has been revoked may not be
reinstated without a written authorization from the bail bond
agent, bail bond agency, or surety. This section may not be
construed as imposing additional duties or obligations on a



468096

governmental entity related to monetary bonds.

Section 6. Section 903.0471, Florida Statutes, is amended to read:

903.0471 Violation of condition of pretrial release.—Notwithstanding s. 907.041, a court may, on its own motion, revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect. Upon entry of such an order to revoke pretrial release and order pretrial detention, other than for a failure to appear, the clerk of the court must discharge any bond previously posted as a condition of pretrial release without further order of the court.

Section 7. Section 903.05, Florida Statutes, is amended to read:

903.05 Qualification of sureties.—A surety for the release of a person on bail, other than a company authorized by law to act as a surety, shall be a resident of the state ~~or own real estate within the state.~~

Section 8. Section 903.08, Florida Statutes, is repealed.

Section 9. Subsection (1) of section 903.09, Florida Statutes, is amended to read:

903.09 Justification of sureties.—

(1) A surety, other than a bail bond agent as defined in s. 648.25, shall justify his or her suretyship by attaching to the bond United States currency, a United States postal money order, or a cashier's check in the amount of the bond; however, the United States currency, United States postal money order, or



468096

cashier's check may not be used to secure more than one bond
~~execute an affidavit stating that she or he possesses the~~
~~qualifications and net worth required to become a surety. The~~
~~affidavit shall describe the surety's property and any~~
~~encumbrances and shall state the number and amount of any bonds~~
~~entered into by the surety at any court that remain~~
~~undischarged.~~

Section 10. Section 903.101, Florida Statutes, is amended
to read:

903.101 Sureties; licensed persons; to have equal access.—
Subject to rules adopted by the Department of Financial Services
and by the Financial Services Commission, every surety who meets
the requirements of s. 903.09 ~~ss. 903.05, 903.06, 903.08, and~~
~~903.09,~~ and every person who is currently licensed by the
Department of Financial Services and registered as required by
s. 648.42 must ~~shall~~ have equal access to the jails of this
state for the purpose of making bonds.

Section 11. Section 903.16, Florida Statutes, is amended to
read:

903.16 Deposit of money or bonds as bail.—

~~(1)~~ A defendant who has been admitted to bail, or another
person in the defendant's behalf, may deposit with the official
authorized to take bail money an amount equal to the bail amount
set in the court order. Such deposit must be receipted in the
name of the defendant ~~or nonregistered bonds of the United~~
~~States, the state, or a city, town, or county in the state,~~
~~equal in market value to the amount set in the order and the~~
~~personal bond of the defendant and an undertaking by the~~
~~depositor if the money or bonds are deposited by another. The~~



468096

sheriff or other officials shall ~~may~~ remit money or bonds received to the clerk to be held by the clerk pending court action ~~or return to the defendant or depositor~~. The clerk shall accept money or bonds remitted by the sheriff.

~~(2) Consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond.~~

Section 12. Section 903.17, Florida Statutes, is repealed.

Section 13. Subsection (3) of section 903.21, Florida Statutes, is amended to read:

903.21 Method of surrender; exoneration of obligors.—

(3)(a) The surety shall be exonerated of liability on the bond if it is determined before forfeiture ~~breach~~ of the bond that the defendant is in any jail or prison and the surety agrees in writing to pay the costs and expenses incurred in returning the defendant to the jurisdiction of the court. A surety is only responsible for the itemized costs and expenses incurred for the transport of a defendant to whom he or she has a fiduciary duty and is not liable for the costs and expenses incurred in transporting any other defendant.

(b) As used in ~~For purposes of~~ this subsection, the term:

1. "Costs and expenses" means the prorated salary of any law enforcement officer or employee of a contracted transportation company as well as the actual expenses of transporting each defendant, which may only consist of mileage, ~~vehicle expenses~~, meals, and, if necessary, overnight lodging for any law enforcement officer or employee of a contracted transportation company and the defendant.

2. "Jurisdiction" means the county from which the defendant



468096

was released on bail.

Section 14. Section 903.26, Florida Statutes, is amended to read:

903.26 Forfeiture of the bond; when and how directed; discharge; how and when made; effect of payment.—

(1) A bail bond may ~~shall~~ not be forfeited unless:

(a) The information, indictment, or affidavit was filed within 6 months after ~~from~~ the date of arrest, and

(b) The clerk of the court gave the surety at least 72 hours' notice, exclusive of Saturdays, Sundays, and holidays, before the time of the required appearance of the defendant.

Notice is ~~shall~~ not be necessary if the time for appearance is within 72 hours after ~~from~~ the time of arrest, ~~or if the time is~~ stated on the bond. Such notice may be mailed or electronically transmitted. A certificate signed by the clerk of the court or the clerk's designee which certifies that the notice required under this paragraph was mailed or electronically transmitted on a specified date and time and which is accompanied by a copy of the required notice constitutes sufficient proof that such mailing or electronic transmission was properly accomplished as required in this paragraph.

(2)(a) If there is a failure of the defendant to appear as required, the court must ~~shall~~ declare the bond and any bonds or money deposited as bail forfeited. The clerk of the court shall mail or electronically transmit a notice to the surety agent, bail bond agency, and surety company within 5 days after the forfeiture. A certificate signed by the clerk of the court or the clerk's designee which certifies, ~~certifying~~ that the notice required under this section ~~herein~~ was mailed or electronically



468096

transmitted on a specified date and which is accompanied by a copy of the required notice constitutes, ~~shall constitute~~ sufficient proof that such mailing or electronic transmission was properly accomplished as required in this paragraph ~~indicated therein~~. If such mailing or electronic transmission was properly accomplished as evidenced by such certificate, the failure of the surety agent, a bail bond agency, ~~of~~ a company, or ~~of~~ a defendant to receive such notice does ~~shall~~ not constitute a defense to such forfeiture and may ~~shall~~ not be grounds for discharge, remission, reduction, set aside, or continuance of such forfeiture. The forfeiture must ~~shall~~ be paid within 60 days after the date the notice was mailed or electronically transmitted.

(b) ~~If Failure of~~ the defendant fails to appear at the time, date, and place of required appearance, ~~shall result in forfeiture of the bond~~ is forfeited. Such forfeiture must ~~shall~~ be automatically entered by the clerk upon such failure to appear, and the clerk shall follow the procedures in paragraph (a). However, the court may determine, in its discretion and, in the interest of justice, that an appearance by the defendant on the ~~same day as~~ required day does not warrant forfeiture of the bond, ~~and the court~~ may direct the clerk to set aside any such forfeiture ~~which may have been entered~~. Any appearance by the defendant later than the required day constitutes forfeiture of the bond, and the court may ~~shall~~ not preclude entry of such forfeiture by the clerk.

(c) If there is a forfeiture of the bond, the clerk must ~~shall~~ provide, upon request, a certified copy of the warrant or capias to the bail bond agent or surety company.



468096

(3) Sixty days after the forfeiture notice has been mailed or electronically transmitted:

(a) State and county officials having custody of forfeited money shall deposit the money in the fine and forfeiture fund established pursuant to s. 142.01.

~~(b) Municipal officials having custody of forfeited money shall deposit the money in a designated municipal fund.~~

~~(c)~~ Officials having custody of bonds as authorized by s. 903.16 shall transmit the bonds to the clerk of the circuit court who shall ~~sell them at market value and~~ disburse the proceeds as provided in paragraph (a) ~~paragraphs (a) and (b).~~

~~(4)(a) When a bond is forfeited, the clerk shall transmit the bond and any affidavits to the clerk of the circuit court in which the bond and affidavits are filed. The clerk of the circuit court shall record the forfeiture in the deed or official records book. If the undertakings and affidavits describe real property in another county, the clerk shall transmit the bond and affidavits to the clerk of the circuit court of the county where the property is located who shall record and return them.~~

~~(b) The bond and affidavits shall be a lien on the real property they describe from the time of recording in the county where the property is located for 2 years or until the final determination of an action instituted thereon within a 2-year period. If an action is not instituted within 2 years from the date of recording, the lien shall be discharged. The lien will be discharged 2 years after the recording even if an action was instituted within 2 years unless a lis pendens notice is recorded in the action.~~



468096

(4)~~(5)~~ The court shall discharge a forfeiture within 60 days after the forfeiture notice was mailed or electronically transmitted upon any of the following:

(a) A determination that, due to circumstances beyond the defendant's control, it was impossible for the defendant to appear as required ~~or within 60 days after the date of the required appearance due to circumstances beyond the defendant's control~~. The potential adverse economic consequences of appearing as required may not be considered as constituting a ground for such a determination.~~.~~

(b) A determination that, at the time of the required appearance ~~or within 60 days after the date of the required appearance~~, the defendant was confined in an institution or hospital; was confined in any county, state, federal, or immigration detention facility; was deported; or is deceased.~~.~~

(c) Surrender or arrest of the defendant at the time of the required appearance ~~or within 60 days after the date of the required appearance~~ in any county, state, or federal jail or prison ~~and upon a hold being placed to return the defendant to the jurisdiction of the court~~. The court shall condition a discharge or remission on the payment of costs and ~~the~~ expenses as provided in s. 903.21(3), incurred by an official in returning the defendant to the jurisdiction of the court.~~.~~~~or~~

(d) A determination that the state is unwilling to seek extradition of the fugitive defendant within 10 ~~30~~ days after a written request by the surety agent to do so, and contingent upon the surety agent's consent to pay all costs and ~~the~~ expenses incurred by an official in returning the defendant to the jurisdiction of the court, as provided in s. 903.21(3), up



468096

to the penal amount of the bond.

(5) For each felony warrant that a court issues for a failure to appear in court, the state shall enter the information of the defendant in the National Crime Information Center database with no restrictions until the defendant is returned to the jurisdiction of the court.

(6) The discharge of a forfeiture may ~~shall~~ not be ordered for any reason other than as specified herein.

(7) The payment by a surety of a forfeiture under this law has ~~shall have~~ the same effect on the bond as payment of a judgment.

(8) If the defendant is arrested and returned to the county of jurisdiction of the court or has posted a new bond for the case at issue before judgment, the clerk must, upon affirmation by the sheriff or the chief correctional officer and, ~~shall~~, without further hearing or order of the court, discharge the forfeiture of the bond. However, if the surety agent fails to pay the costs and expenses incurred in returning the defendant to the county of jurisdiction, the clerk may ~~shall~~ not discharge the forfeiture of the bond. If the surety agent and the sheriff fail to agree on the amount of such ~~said~~ costs, ~~then~~ the court, after notice to the sheriff and the state attorney, must ~~shall~~ determine the amount of the costs.

(9) If, after forfeiture of a bond, the criminal charges for which the bond guaranteed appearance are resolved, adjudicated, or otherwise disposed of by any action of the court or state, the clerk must discharge the forfeiture and issue such notice to the surety without further order of the court. If such resolution or disposition occurs after payment of a forfeiture



468096

or judgment, remission must be granted upon proper motion and as specified under s. 903.28.

(10) Unless the time for payment or discharge of the forfeiture set forth in s. 903.27(1) has passed, or unless payment of the forfeiture has already been made, the clerk does not have standing to object to a motion to set aside a forfeiture under paragraph (2) (b), a motion to discharge a forfeiture under subsection (4), or a motion to reinstate a bond under s. 903.31(2).

Section 15. Section 903.27, Florida Statutes, is amended to read:

903.27 Forfeiture to judgment.—

(1) If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted ~~and the bond is secured other than by money and bonds authorized in s. 903.16~~, the clerk of the circuit court for the county where the order was made must ~~shall~~ enter a judgment against the surety for the amount of the penalty and issue execution. However, in any case in which the bond forfeiture has been discharged by the court of competent jurisdiction conditioned upon the payment by the surety of certain costs or fees as allowed by statute, the amount for which judgment may be entered may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned. Judgment for the full amount of the forfeiture may ~~shall~~ not be entered if payment of a lesser amount will satisfy the conditions to discharge the forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the Department of Financial Services and the Office of Insurance



468096

Regulation of the Financial Services Commission with a certified copy of the judgment docket and shall furnish the surety company at its home office a copy of the judgment, which shall include the power of attorney number of the bond and the name of the executing agent. If the judgment is not paid within 35 days, the clerk must ~~shall~~ furnish the Department of Financial Services, the Office of Insurance Regulation, and the sheriff of the county in which the bond was executed, or the official responsible for operation of the county jail, if that official is not ~~other than~~ the sheriff, two copies of the judgment and a certificate stating that the judgment remains unsatisfied. When ~~and if~~ the judgment is properly paid or an order to vacate the judgment has been entered by a court of competent jurisdiction, the clerk shall immediately notify the sheriff, or other such ~~the~~ official responsible for the operation of the county jail, ~~if other than the sheriff,~~ and, if they have been previously notified of nonpayment, the Department of Financial Services and the Office of Insurance Regulation, ~~if the department and office had been previously notified of nonpayment,~~ of such payment or order to vacate the judgment. The clerk may furnish documents or give notice as required in this subsection by mail or electronic means. The clerk shall also immediately prepare and record in the public records a satisfaction of the judgment or record the order to vacate judgment. If the defendant is returned to the county of jurisdiction of the court, whenever a motion to set aside the judgment is filed, the operation of this section is tolled until the court makes a disposition of the motion.

(2) A certificate signed by the clerk of the court or her or his designee which certifies, ~~certifying~~ that the notice



468096

required in subsection (1) was mailed or electronically delivered on a specified date, ~~and~~ is accompanied by a copy of the required notice constitutes sufficient proof that such mailing or electronic delivery was properly accomplished as required in this subsection ~~indicated therein~~. If such mailing or electronic delivery was properly accomplished as evidenced by such certificate, the failure of a company to receive a copy of the judgment as prescribed in subsection (1) does not constitute a defense to the forfeiture and is not a ground for the discharge, remission, reduction, set aside, or continuance of such forfeiture.

(3) Surety bail bonds may not be executed by a bail bond agent or a bail bond agency against whom a judgment has been entered which has remained unpaid for 35 days and may not be executed for a company against whom a judgment has been entered which has remained unpaid for 50 days. A ~~No~~ sheriff or other official who is empowered to accept or approve surety bail bonds may not ~~shall~~ accept or approve such a bond executed by such a bail bond agent or bail bond agency or executed for such a company until such judgment has been paid.

(4) After notice of judgment against the surety given by the clerk of the circuit court, the surety, a bail bond agency, or a bail bond agent shall, within 35 days after ~~of~~ the entry of judgment, submit to the clerk of the circuit court an amount equal to the judgment, unless the judgment has been set aside by the court within 35 days after ~~of the~~ entry of the judgment. If a motion to set aside the judgment has been filed pursuant to subsection (5), the amount submitted must ~~shall~~ be held in escrow until such time as the court has disposed of the motion.



468096

The failure to comply with ~~the provisions of~~ this subsection constitutes a failure to pay the judgment.

(5) After notice of judgment against the surety given by the clerk of the circuit court, the surety, bail bond agency, or bail bond agent may within 35 days file a motion to set aside ~~the judgment or to~~ stay the judgment. ~~It shall be a condition of~~ Any such motion or and of any order to stay the judgment must be conditioned on payment by ~~that~~ the surety of pay the amount of the judgment to the clerk, which amount must ~~shall~~ be held in escrow until such time as the court has disposed of the motion to set aside the judgment. The filing of such a motion, when accompanied by the required escrow deposit, acts ~~shall act~~ as an automatic stay of further proceedings, including execution, until the motion has been heard and a decision rendered by the court.

(6) The failure of a state attorney to file, or of the clerk of the circuit court to make, a certified copy of the order of forfeiture as required by law applicable before ~~prior~~ ~~to~~ July 1, 1982, does ~~shall~~ not invalidate any judgment entered by the clerk before ~~prior to~~ June 12, 1981.

Section 16. Section 903.28, Florida Statutes, is amended to read:

903.28 Remission of forfeiture; conditions.—

(1) On application within 36 months after ~~2 years from~~ forfeiture, the court must ~~shall~~ order remission of the forfeiture in accordance with subsection (2) if it determines that there was no breach of the bond.

(2) If the defendant surrenders or is apprehended and the surety has paid all costs of returning the defendant to the



468096

jurisdiction of the court, if the defendant is deceased, or if the state attorney is unwilling to seek extradition of the defendant from any jail or prison after a request by the surety agent, bail bond agency, or surety company consenting to pay all costs incurred by an official in returning the defendant to the jurisdiction of the court, as provided in s. 903.21(3)(a), up to the penal amount of the bond, within 36 months ~~90 days~~ after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (4), ~~must subsection (8)~~, ~~shall~~ direct remission in accordance with the following:

(a) One hundred percent of the forfeiture if the defendant surrenders or is apprehended within 90 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 90 days after forfeiture.

(b) Ninety-five percent of the forfeiture if the defendant surrenders or is apprehended within 180 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 180 days after forfeiture.

(c) Ninety percent of the forfeiture if the defendant surrenders or is apprehended within 270 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 270 days after forfeiture.



468096

(d) Eighty-five percent of the forfeiture if the defendant surrenders or is apprehended within 360 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 360 days after forfeiture.

(e) Eighty percent of the forfeiture if the defendant surrenders or is apprehended within 450 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 450 days after forfeiture.

(f) Seventy-five percent of the forfeiture if the defendant surrenders or is apprehended within 540 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 540 days after forfeiture.

(g) Seventy percent of the forfeiture if the defendant surrenders or is apprehended within 630 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 630 days after forfeiture.

(h) Sixty-five percent of the forfeiture if the defendant surrenders or is apprehended within 720 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 720 days



468096

after forfeiture.

(i) Sixty percent of the forfeiture if the defendant surrenders or is apprehended within 810 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 810 days after forfeiture.

(j) Fifty-five percent of the forfeiture if the defendant surrenders or is apprehended within 900 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 900 days after forfeiture.

(k) Fifty percent of the forfeiture if the defendant surrenders or is apprehended within 990 days after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 990 days after forfeiture.

(l) Forty-five percent of the forfeiture if the defendant surrenders or is apprehended within 36 months after forfeiture and the delay has not thwarted proper prosecution of the defendant or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 36 months after forfeiture ~~of up to, but not more than, 100 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the~~



468096

~~apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(3) If the defendant surrenders or is apprehended within 180 days after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 95 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(4) If the defendant surrenders or is apprehended within 270 days after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall~~



468096

~~direct remission of up to, but not more than, 90 percent of a
forfeiture if the surety apprehended and surrendered the
defendant or if the apprehension or surrender of the defendant
was substantially procured or caused by the surety, or the
surety has substantially attempted to procure or cause the
apprehension or surrender of the defendant, and the delay has
not thwarted the proper prosecution of the defendant. In
addition, remission shall be granted when the surety did not
substantially participate or attempt to participate in the
apprehension or surrender of the defendant when the costs of
returning the defendant to the jurisdiction of the court have
been deducted from the remission and when the delay has not
thwarted the proper prosecution of the defendant.~~

~~(5) If the defendant surrenders or is apprehended within 1
year after forfeiture, the court, on motion at a hearing upon
notice having been given to the clerk of the circuit court and
the state attorney as required in subsection (8), shall direct
remission of up to, but not more than, 85 percent of a
forfeiture if the surety apprehended and surrendered the
defendant or if the apprehension or surrender of the defendant
was substantially procured or caused by the surety, or the
surety has substantially attempted to procure or cause the
apprehension or surrender of the defendant, and the delay has
not thwarted the proper prosecution of the defendant. In
addition, remission shall be granted when the surety did not
substantially participate or attempt to participate in the
apprehension or surrender of the defendant when the costs of
returning the defendant to the jurisdiction of the court have
been deducted from the remission and when the delay has not~~



468096

~~thwarted the proper prosecution of the defendant.~~

~~(6) If the defendant surrenders or is apprehended within 2 years after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 50 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(3)(7)~~ The remission of a forfeiture may not be ordered for any reason other than as specified in this section ~~herein~~.

~~(4)(8)~~ An application for remission must be accompanied by affidavits setting forth the facts on which it is founded; however, the surety must establish by further documentation or other evidence any claimed attempt at procuring or causing the apprehension or surrender of the defendant before the court may order remission based upon an attempt to procure or cause such apprehension or surrender. The clerk of the circuit court and the state attorney must be given 10 ~~20~~ days' notice before a hearing on an application and be furnished copies of all papers,



468096

applications, and affidavits. Remission must ~~shall~~ be granted on the condition of payment of costs, as provided in s.

903.21(3)(a), unless the ground for remission is that there was no breach of the bond.

(5) ~~(9)~~ The clerk of the circuit court may enter into a contract with a private attorney or into an interagency agreement with a governmental agency to represent the clerk of the court in an action for the remission of a forfeiture under this section.

(6) ~~(10)~~ The clerk of the circuit court is the real party in interest for all appeals arising from an action for the remission of a forfeiture under this section.

(7) The clerk of the circuit court shall issue a remission within 10 days after entry of a court order directing remission, and a remission untimely issued accrues interest at the rate of 1.5 percent per month.

(8) If the defendant surrenders or is apprehended and the surety has not paid all costs of returning the defendant to the jurisdiction of the court, the court may order remission of the forfeiture in accordance with subsection (2) if the actual costs of returning the defendant to the jurisdiction of the court have been deducted from the remission.

Section 17. Section 903.29, Florida Statutes, is amended to read:

903.29 Arrest of principal by surety after forfeiture.—
Within 3 ~~2~~ years from the date of forfeiture of a bond, the surety may arrest the principal for the purpose of surrendering the principal to the official in whose custody she or he was at the time bail was taken or in whose custody the principal would



468096

have been placed had she or he been committed.

Section 18. Subsections (1) and (2) of section 903.31, Florida Statutes, are amended to read:

903.31 Canceling the bond.—

(1) Within 10 business days after the conditions of a bond have been satisfied or the forfeiture discharged or remitted, the court must ~~shall~~ order the bond canceled and, if the surety has attached a certificate of cancellation to the original bond, the clerk of the court must ~~shall~~ mail or electronically furnish an executed certificate of cancellation to the surety without cost. The clerk of the court shall discharge the bond upon an adjudication of guilt or innocence or an acquittal, or if a period of 36 months has passed since the original bond was posted. ~~For~~ A withholding of an adjudication of guilt, a finding of guilt by a jury, or a no action by the state satisfies ~~shall satisfy~~ the conditions of the bond. If the bond has been revoked by the court, other than for a failure to appear, the clerk of the court must discharge or cancel the bond. The original appearance bond expires ~~shall expire~~ 36 months after such bond has been posted for the release of the defendant from custody, at which time the clerk of the court must discharge the bond. This subsection does not apply to cases in which a bond has been declared forfeited before the 36-month expiration, unless the forfeiture was set aside or discharged. As used in this subsection, the term "revoked" means that an act, a statement, a document, or a promise has been annulled or canceled.

(2) The original appearance bond does not guarantee a deferred sentence; a sentencing deferral; a delayed sentencing; an appearance after entering a plea agreement; an appearance



468096

during or after a presentence investigation; an appearance during or after appeals; conduct during or appearance after admission to a pretrial intervention program; placement in a court-ordered program, including a residential mental health facility; payment of fines; or attendance at educational or rehabilitation facilities the court otherwise provides in the judgment. If the original appearance bond has been forfeited or revoked, it may ~~the bond shall~~ not be reinstated without approval from the surety on the original bond.

Section 19. Section 903.36, Florida Statutes, is repealed.

Section 20. Paragraph (b) of subsection (3) and paragraphs (a), (d), and (g) of subsection (5) of section 907.041, Florida Statutes, are amended, and paragraph (c) of subsection (5) of that section is reenacted, to read:

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—

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

Delete lines 4 - 126

and insert:

648.386, F.S.; defining the term "in-person classroom instruction"; decreasing the duration of in-person classroom-instruction basic certification courses required to be considered for approval and certification as an approved limited surety agent and professional bail bond agent prelicensing school; amending s. 648.44, F.S.; prohibiting bail bond agents and agencies from soliciting certain persons;



468096

providing exceptions; authorizing bail bond agents and agencies to accept certain fees or charges; prohibiting virtual offices; amending s. 903.011, F.S.; requiring, rather than authorizing, that any monetary or cash component of any form of pretrial release be met by specified means; amending s. 903.046, F.S.; revising the criteria that a court must consider in making specified determinations; prohibiting a surety bond that has been revoked from being reinstated without written authorization; amending s. 903.0471, F.S.; requiring that, upon a court's entry of an order to revoke pretrial release and order pretrial detention in certain circumstances, the clerk of the court discharge any bond previously posted as a condition of pretrial release without further order of the court; amending s. 903.05, F.S.; deleting the requirement that a surety own certain real estate as a qualification for the release of a person on bail; repealing s. 903.08, F.S., relating to sufficiency of sureties; amending s. 903.09, F.S.; requiring sureties, other than bail bond agents, to justify their suretyship by attaching to the bond United States currency, a United States postal money order, or a cashier's check in the amount of the bond; providing that such currency, money order, or cashier's check may not be used to secure more than one bond; deleting the requirement that a surety execute an affidavit providing certain information; amending s. 903.101, F.S.; revising the requirements



468096

that sureties must meet to have equal access to jails for making bonds; amending s. 903.16, F.S.; authorizing a defendant who has been admitted to bail, or another person on the defendant's behalf, to deposit with the official authorized to take bail money an amount equal to the bail amount set in the court order; requiring that such deposit be receipted in the name of the defendant; requiring, rather than authorizing, the sheriff or other officials to remit to the clerk money or bonds received which are to be held by the clerk pending court action; deleting a provision stating that consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond; repealing s. 903.17, F.S., relating to substitution of cash bail for other bail; amending s. 903.21, F.S.; specifying that the surety is exonerated of liability on a bond if a specified determination is made before forfeiture of the bond; revising the definition of the term "costs and expenses"; amending s. 903.26, F.S.; providing that a certain signed certificate that certifies a specified required notice constitutes sufficient proof of the mailing or electronic transmission of such notice; deleting a requirement that municipal officials having custody of forfeited money deposit such money in a designated municipal fund within 60 days after the forfeiture notice has been mailed or electronically transmitted; deleting certain requirements that must be met when bonds are



468096

forfeited; revising the circumstances under which the court is required to discharge a forfeiture within a specified timeframe; requiring the state to enter the information of a defendant in the National Crime Information Center database for each felony warrant that a court issues for failure to appear; specifying circumstances under which the clerk must discharge a forfeiture and issue a certain notice to the surety without further order of the court; specifying circumstances under which the clerk does not have standing to object to specified motions; amending s. 903.27, F.S.; requiring the clerk of the circuit court to enter a certain judgment if the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted; reducing the number of days within which the clerk must furnish specified information to the Department of Financial Services, the Office of Insurance Regulation of the Financial Services Commission, and the surety company at its home office; amending s. 903.28, F.S.; increasing the amount of time within which a court must order remission of a forfeiture if it determines that there was no breach of the bond; requiring a court, in certain circumstances and upon a certain motion, to direct remission in accordance with specified provisions if a defendant surrenders, is deceased, or is apprehended within a certain time after forfeiture; deleting provisions relating to the



468096

ordering of remission under specified circumstances;
decreasing the amount of time for which the clerk of
the circuit court and the state attorney must be given
notice before a certain hearing and be furnished with
copies of certain documents; requiring the clerk of
the circuit court to issue a remission within a
certain timeframe after the entry of a court order
directing remission; providing for accrual of interest
if remission is not issued within such timeframe;
providing that the court may order remission of the
forfeiture in certain circumstances; amending s.
903.29, F.S.; increasing the length of time from the
date of forfeiture of a bond within which a surety may
arrest the principal; amending s. 903.31, F.S.;
revising provisions relating to the ordering of a bond
cancellation; revising applicability; defining the
term "revoked"; specifying that the original
appearance bond does not guarantee a sentencing
deferral, a delayed sentencing, or an appearance after
entering a plea agreement; repealing s. 903.36, F.S.,
relating to guaranteed arrest bond certificates as
cash bail; reenacting and amending s. 907.041, F.S.;
requiring that a certain

By Senator Truenow

13-00275A-26

2026600__

1 A bill to be entitled
 2 An act relating to bail bonds; amending s. 648.25,
 3 F.S.; defining the term "virtual office"; amending s.
 4 648.386, F.S.; replacing the term "classroom
 5 instruction" with the term "in-person classroom
 6 instruction" defining the term "in-person classroom
 7 instruction"; decreasing the duration of in-person
 8 classroom-instruction basic certification courses
 9 required to be considered for approval and
 10 certification as an approved limited surety agent and
 11 professional bail bond agent prelicensing school;
 12 amending s. 648.44, F.S.; prohibiting bail bond agents
 13 and agencies from soliciting certain persons;
 14 providing exceptions; authorizing bail bond agents and
 15 agencies to accept certain fees or charges;
 16 prohibiting virtual offices; conforming provisions to
 17 changes made by the act; amending s. 903.011, F.S.;
 18 requiring, rather than authorizing, that any monetary
 19 or cash component of any form of pretrial release be
 20 met by specified means; amending s. 903.046, F.S.;
 21 revising the criteria that a court must consider in
 22 making specified determinations; amending s. 903.0471,
 23 F.S.; requiring that, upon a court's entry of an order
 24 to revoke pretrial release and order pretrial
 25 detention, the clerk of the court discharge any bond
 26 previously posted as a condition of pretrial release
 27 without further order of the court; amending s.
 28 903.05, F.S.; deleting the requirement that a surety
 29 own certain real estate as a qualification for the

Page 1 of 38

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

13-00275A-26

2026600__

30 release of a person on bail; repealing s. 903.08,
 31 F.S., relating to sufficiency of sureties; amending s.
 32 903.09, F.S.; requiring sureties, other than bail bond
 33 agents, to justify their suretyship by attaching to
 34 the bond United States currency, a United States
 35 postal money order, or a cashier's check in the amount
 36 of the bond; providing that such currency, money
 37 order, or cashier's check may not be used to secure
 38 more than one bond; deleting the requirement that a
 39 surety execute an affidavit providing certain
 40 information; amending s. 903.101, F.S.; revising the
 41 requirements that sureties must meet to have equal
 42 access to jails for making bonds; amending s. 903.16,
 43 F.S.; authorizing a defendant who has been admitted to
 44 bail, or another person on the defendant's behalf, to
 45 deposit with the official authorized to take bail
 46 money an amount equal to the bail amount set in the
 47 court order; requiring that such deposit be receipted
 48 in the name of the defendant; requiring, rather than
 49 authorizing, the sheriff or other officials to remit
 50 to the clerk money or bonds received which are to be
 51 held by the clerk pending court action; deleting a
 52 provision stating that consent is conclusively
 53 presumed for the clerk of the circuit court to sell
 54 bonds deposited as bail after forfeiture of the bond;
 55 repealing s. 903.17, F.S., relating to substitution of
 56 cash bail for other bail; amending s. 903.21, F.S.;
 57 specifying that the surety is exonerated of liability
 58 on a bond if a specified determination is made before

Page 2 of 38

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

13-00275A-26

2026600

59 forfeiture of the bond; requiring clerks, upon a
 60 certain affirmation by the sheriff or the chief
 61 correctional officer, to discharge the bond without
 62 further hearing or order from the court; revising the
 63 definition of the term "costs and expenses"; amending
 64 s. 903.26, F.S.; providing that a certain signed
 65 certificate that certifies a specified required notice
 66 constitutes sufficient proof of the mailing or
 67 electronic transmission of such notice; deleting a
 68 requirement that municipal officials having custody of
 69 forfeited money deposit such money in a designated
 70 municipal fund within 60 days after the forfeiture
 71 notice has been mailed or electronically transmitted;
 72 deleting certain requirements that must be met when
 73 bonds are forfeited; revising the circumstances under
 74 which the court is required to discharge a forfeiture
 75 within a specified timeframe; requiring the state to
 76 enter the information of a defendant in the National
 77 Crime Information Center database for each felony
 78 warrant that a court issues; specifying circumstances
 79 under which the clerk must discharge a forfeiture and
 80 issue a certain notice to the surety without further
 81 order of the court; specifying circumstances under
 82 which the clerk does not have standing to object to
 83 specified motions; conforming provisions to changes
 84 made by the act; making technical changes; amending s.
 85 903.27, F.S.; requiring the clerk of the circuit court
 86 to enter a certain judgment if the forfeiture is not
 87 paid or discharged by order of a court of competent

13-00275A-26

2026600

88 jurisdiction within 60 days after the forfeiture
 89 notice has been mailed or electronically transmitted;
 90 reducing the number of days within which the clerk
 91 must furnish specified information to the Department
 92 of Financial Services, the Office of Insurance
 93 Regulation of the Financial Services Commission, and
 94 the surety company at its home office; conforming
 95 provisions to changes made by the act; amending s.
 96 903.28, F.S.; increasing the amount of time within
 97 which a court must order remission of a forfeiture if
 98 it determines that there was no breach of the bond;
 99 requiring a court, upon a certain motion, to order
 100 remission in accordance with specified provisions if a
 101 defendant surrenders, is deceased, is apprehended, or
 102 is deported within a certain time after forfeiture;
 103 deleting provisions relating to the ordering of
 104 remission under specified circumstances; decreasing
 105 the amount of time for which the clerk of the circuit
 106 court and the state attorney must be given notice
 107 before a certain hearing and be furnished with copies
 108 of certain documents; requiring the clerk of the
 109 circuit court to issue a remission within a certain
 110 timeframe after the entry of a court order directing
 111 remission; providing for accrual of interest if
 112 remission is not issued within such timeframe;
 113 amending s. 903.29, F.S.; increasing the length of
 114 time from the date of forfeiture of a bond within
 115 which a surety may arrest the principal; amending s.
 116 903.31, F.S.; revising provisions relating to the

13-00275A-26

2026600

117 ordering of a bond cancellation; revising
 118 applicability; defining the term "revoked"; specifying
 119 that the original appearance bond does not guarantee a
 120 sentencing deferral, a deferred prosecution agreement,
 121 a delayed sentencing, or an appearance after entering
 122 a plea agreement; repealing s. 903.36, F.S., relating
 123 to guaranteed arrest bond certificates as cash bail;
 124 reenacting and amending s. 907.041, F.S.; establishing
 125 a minimum bond amount per offense for persons charged
 126 with dangerous crimes; requiring that a certain
 127 pretrial release service certification be made in
 128 writing before the defendant is released from custody;
 129 revising the definition of the term "dangerous crime";
 130 authorizing, rather than requiring, the state attorney
 131 or the court on its own motion, to move for pretrial
 132 detention if a defendant is arrested for certain
 133 dangerous crimes and the court makes a certain
 134 determination; amending s. 648.45, F.S.; conforming
 135 cross-references; making technical changes; reenacting
 136 s. 626.2816(2) and (3), F.S., relating to regulation
 137 of continuing education for licensees, course
 138 providers, instructors, school officials, and monitor
 139 groups, to incorporate the amendment made to s.
 140 648.386, F.S., in references thereto; reenacting s.
 141 903.047(1)(c), F.S., relating to conditions of
 142 pretrial release, to incorporate the amendment made to
 143 s. 903.046, F.S., in a reference thereto; reenacting
 144 s. 903.286(2), F.S., relating to cash bond forms, to
 145 incorporate the amendment made to s. 903.09, F.S., in

13-00275A-26

2026600

146 a reference thereto; providing an effective date.

147
 148 Be It Enacted by the Legislature of the State of Florida:

149
 150 Section 1. Subsection (12) is added to section 648.25,
 151 Florida Statutes, to read:

152 648.25 Definitions.—As used in this chapter, the term:

153 (12) "Virtual office" means a professional address, mail
 154 handling, and sometimes phone answering and meeting room access,
 155 without requiring a physical office space.

156 Section 2. Subsection (1) and paragraph (a) of subsection
 157 (2) of section 648.386, Florida Statutes, are amended to read:

158 648.386 Qualifications for prelicensing and continuing
 159 education schools and instructors.—

160 (1) DEFINITION OF "IN-PERSON CLASSROOM INSTRUCTION".—As
 161 used in this section, the term "in-person classroom instruction"
 162 means a course designed to be presented to a group of students
 163 by a live instructor using lecture, with the instructor and
 164 students in the same physical classroom at the same time ~~video,~~
 165 ~~webcast, or virtual or other audio-video presentation.~~

166 (2) SCHOOLS AND CURRICULUM FOR PRELICENSING SCHOOLS.—In
 167 order to be considered for approval and certification as an
 168 approved limited surety agent and professional bail bond agent
 169 prelicensing school, such entity must:

170 (a)1. Offer a minimum of two 80-hour in-person ~~120-hour~~
 171 classroom-instruction basic certification courses in the
 172 criminal justice system per calendar year unless a reduced
 173 number of course offerings per calendar year is warranted in
 174 accordance with rules adopted ~~promulgated~~ by the department; or

13-00275A-26

2026600

2. Offer a department-approved correspondence course pursuant to department rules.

Section 3. Present paragraphs (d) through (p) of subsection (1) of section 648.44, Florida Statutes, are redesignated as paragraphs (e) through (q), respectively, a new paragraph (d) is added to that subsection, and present paragraph (j) of that subsection and subsections (4) and (9) of that section are amended, to read:

648.44 Prohibitions; penalty.—

(1) A bail bond agent or bail bond agency may not:

(d) Solicit bail from an arrestee, the arrestee's attorney, an adult member of the arrestee's immediate family, or any other person the arrestee specifically designates in writing. The arrestee must sign this designation before the solicitation unless prohibited by the rules, regulations, or ordinances governing the place of imprisonment. If such a prohibition exists, the designation may be signed after the arrestee's release to ratify a previous oral designation made by him or her. A solicitation to an arrestee may occur only after a legitimate request for bail services has been received from the arrestee or an individual specified in this paragraph. The solicitation of a person specified in this paragraph may only occur between 8 a.m. and 9 p.m., unless the bail bond agent or bail bond agency has received direct and specific written authorization from the arrestee or the arrestee's attorney to solicit at another time.

~~(k)(j)~~ Accept anything of value from a principal for providing a bail bond aside from except the premium, a credit card merchant processing fee, a mobile payment services fee or

13-00275A-26

2026600

similar charge which must be separate from and not considered premium, and a transfer fee authorized by the office, except that the bail bond agent or bail bond agency may accept collateral security or other indemnity from the principal or another person in accordance with s. 648.442, together with documentary stamp taxes, if applicable. No fees, expenses, or charges of any kind shall be permitted to be deducted from the collateral held or any return premium due, except as authorized by this chapter or rule of the department or commission. Upon written agreement with another party, a bail bond agent or bail bond agency may, ~~upon written agreement with another party,~~ receive a fee or compensation for returning to custody an individual who has fled the jurisdiction of the court or caused the forfeiture of a bond.

(4) A place of business, including a branch office, may not be established, opened, or maintained unless it is under the active full-time charge of a licensed and appointed bail bond agent. A virtual office as defined in s. 648.25 is prohibited.

(9) (a) A ~~Any~~ person who violates paragraph (1) (f), paragraph (1) (g), paragraph (1) (h), paragraph (1) (k), paragraph (1) (o), any provisions of paragraph (1) (e), paragraph (1) (f), paragraph (1) (g), paragraph (1) (j), or paragraph (1) (n), or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A ~~Any~~ person who violates the provisions of paragraph (1) (a), paragraph (1) (b), paragraph (1) (c), paragraph (1) (i), paragraph (1) (l), paragraph (1) (n), paragraph (1) (p), paragraph (1) (q), paragraph (1) (h), paragraph (1) (k), paragraph (1) (m), paragraph (1) (e), paragraph (1) (p), subsection (3), subsection

13-00275A-26

2026600

(4), or subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Subsection (2) of section 903.011, Florida Statutes, is amended to read:

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

(2) Any monetary or cash component of any form of pretrial release ~~must~~ may be met by a surety bond or by United States currency, a United States postal money order, or a cashier's check in the amount of the bond.

Section 5. Paragraph (d) of subsection (2) of section 903.046, Florida Statutes, is amended to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(d) The defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution, or failure to appear at court proceedings. However, any defendant who ~~had~~ failed to appear on the day of any required court proceeding in the case at issue, but who ~~had~~ later voluntarily appeared or surrendered, ~~is not shall not be~~ eligible for a recognizance bond; and any defendant who failed to appear on the day of any required court proceeding ~~in the case at issue~~ and who was later arrested ~~is not shall not be~~ eligible for a recognizance bond or for any form of bond which does not require the greater of a monetary undertaking ~~or commitment~~ equal to or greater than \$2,000 or twice the value of the monetary ~~commitment or~~ undertaking of the original bond, ~~whichever is~~

13-00275A-26

2026600

~~greater. Notwithstanding anything in this section, the court has discretion in determining conditions of release if the defendant proves circumstances beyond his or her control for the failure to appear. This section may not be construed as imposing additional duties or obligations on a governmental entity related to monetary bonds.~~

Section 6. Section 903.0471, Florida Statutes, is amended to read:

903.0471 Violation of condition of pretrial release.—Notwithstanding s. 907.041, a court may, on its own motion, revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect. Upon entry of such an order to revoke pretrial release and order pretrial detention, the clerk of the court must discharge any bond previously posted as a condition of pretrial release without further order of the court.

Section 7. Section 903.05, Florida Statutes, is amended to read:

903.05 Qualification of sureties.—A surety for the release of a person on bail, other than a company authorized by law to act as a surety, shall be a resident of the state ~~or own real estate within the state.~~

Section 8. Section 903.08, Florida Statutes, is repealed.

Section 9. Subsection (1) of section 903.09, Florida Statutes, is amended to read:

903.09 Justification of sureties.—

(1) A surety, other than a bail bond agent as defined in s.

13-00275A-26

2026600

291 648.25, shall justify his or her suretyship by attaching to the
 292 bond United States currency, a United States postal money order,
 293 or a cashier's check in the amount of the bond; however, the
 294 United States currency, United States postal money order, or
 295 cashier's check may not be used to secure more than one bond
 296 execute an affidavit stating that she or he possesses the
 297 qualifications and net worth required to become a surety. The
 298 affidavit shall describe the surety's property and any
 299 encumbrances and shall state the number and amount of any bonds
 300 entered into by the surety at any court that remain
 301 undischarged.

302 Section 10. Section 903.101, Florida Statutes, is amended
 303 to read:

304 903.101 Sureties; licensed persons; to have equal access.-
 305 Subject to rules adopted by the Department of Financial Services
 306 and by the Financial Services Commission, every surety who meets
 307 the requirements of s. 903.09 ~~ss. 903.05, 903.06, 903.08, and~~
 308 ~~903.09~~, and every person who is currently licensed by the
 309 Department of Financial Services and registered as required by
 310 s. 648.42 must ~~shall~~ have equal access to the jails of this
 311 state for the purpose of making bonds.

312 Section 11. Section 903.16, Florida Statutes, is amended to
 313 read:

314 903.16 Deposit of money or bonds as bail.-

315 ~~(1)~~ A defendant who has been admitted to bail, or another
 316 person in the defendant's behalf, may deposit with the official
 317 authorized to take bail money an amount equal to the bail amount
 318 set in the court order. Such deposit must be receipted in the
 319 name of the defendant ~~or nonregistered bonds of the United~~

13-00275A-26

2026600

320 ~~States, the state, or a city, town, or county in the state,~~
 321 ~~equal in market value to the amount set in the order and the~~
 322 ~~personal bond of the defendant and an undertaking by the~~
 323 ~~depositor if the money or bonds are deposited by another.~~ The
 324 sheriff or other officials shall ~~may~~ remit money or bonds
 325 received to the clerk to be held by the clerk pending court
 326 action ~~or return to the defendant or depositor.~~ The clerk shall
 327 accept money or bonds remitted by the sheriff.

328 ~~(2) Consent is conclusively presumed for the clerk of the~~
 329 ~~circuit court to sell bonds deposited as bail after forfeiture~~
 330 ~~of the bond.~~

331 Section 12. Section 903.17, Florida Statutes, is repealed.

332 Section 13. Subsection (3) of section 903.21, Florida
 333 Statutes, is amended to read:

334 903.21 Method of surrender; exoneration of obligors.-

335 (3)(a) The surety shall be exonerated of liability on the
 336 bond if it is determined before forfeiture ~~breach~~ of the bond
 337 that the defendant is in any jail or prison and the surety
 338 agrees in writing to pay the costs and expenses incurred in
 339 returning the defendant to the jurisdiction of the court. Upon
 340 affirmation by the sheriff or the chief correctional officer of
 341 the defendant being in any jail or prison and the surety
 342 agreeing in writing to pay the costs and expenses incurred in
 343 returning the defendant to the jurisdiction of the court, the
 344 clerk must discharge the bond without further hearing or order
 345 of the court. A surety is only responsible for the itemized
 346 costs and expenses incurred for the transport of a defendant to
 347 whom he or she has a fiduciary duty and is not liable for the
 348 costs and expenses incurred in transporting any other defendant.

13-00275A-26

2026600

349 (b) As used in ~~For purposes of~~ this subsection, the term:

350 1. "Costs and expenses" means the prorated salary of any
 351 law enforcement officer or employee of a contracted
 352 transportation company as well as the actual expenses of
 353 transporting each defendant, which may only consist of mileage,
 354 ~~vehicle expenses~~, meals, and, if necessary, overnight lodging
 355 for any law enforcement officer or employee of a contracted
 356 transportation company and the defendant.

357 2. "Jurisdiction" means the county from which the defendant
 358 was released on bail.

359 Section 14. Section 903.26, Florida Statutes, is amended to
 360 read:

361 903.26 Forfeiture of the bond; when and how directed;
 362 discharge; how and when made; effect of payment.-

363 (1) A bail bond ~~may shall~~ not be forfeited unless:

364 (a) The information, indictment, or affidavit was filed
 365 within 6 months after ~~from~~ the date of arrest, and

366 (b) The clerk of the court gave the surety at least 72
 367 hours' notice, exclusive of Saturdays, Sundays, and holidays,
 368 before the time of the required appearance of the defendant.
 369 Notice ~~is shall~~ not be necessary if the time for appearance is
 370 within 72 hours after ~~from~~ the time of arrest, ~~or if the time is~~
 371 stated on the bond. Such notice may be mailed or electronically
 372 transmitted. A certificate signed by the clerk of the court or
 373 the clerk's designee which certifies that the notice required
 374 under this paragraph was mailed or electronically transmitted on
 375 a specified date and time and which is accompanied by a copy of
 376 the required notice constitutes sufficient proof that such
 377 mailing or electronic transmission was properly accomplished as

13-00275A-26

2026600

378 required in this paragraph.

379 (2)(a) If there is a failure of the defendant to appear as
 380 required, the court ~~must shall~~ declare the bond and any bonds or
 381 money deposited as bail forfeited. The clerk of the court shall
 382 mail or electronically transmit a notice to the surety agent,
 383 bail bond agency, and surety company within 5 days after the
 384 forfeiture. A certificate signed by the clerk of the court or
 385 the clerk's designee which certifies, ~~certifying~~ that the notice
 386 required under this section ~~herein~~ was mailed or electronically
 387 transmitted on a specified date and which is accompanied by a
 388 copy of the required notice constitutes, ~~shall constitute~~
 389 sufficient proof that such mailing or electronic transmission
 390 was properly accomplished as required in this paragraph
 391 ~~indicated therein~~. If such mailing or electronic transmission
 392 was properly accomplished as evidenced by such certificate, the
 393 failure of the surety agent, a bail bond agency, ~~of~~ a company,
 394 or ~~of~~ a defendant to receive such notice does shall not
 395 constitute a defense to such forfeiture and ~~may shall~~ not be
 396 grounds for discharge, remission, reduction, set aside, or
 397 continuance of such forfeiture. The forfeiture ~~must shall~~ be
 398 paid within 60 days after the date the notice was mailed or
 399 electronically transmitted.

400 (b) ~~If Failure of~~ the defendant fails to appear at the
 401 time, date, and place of required appearance, ~~shall result in~~
 402 ~~forfeiture of~~ the bond is forfeited. Such forfeiture ~~must shall~~
 403 be automatically entered by the clerk upon such failure to
 404 appear, and the clerk shall follow the procedures in paragraph
 405 (a). However, the court may determine, in its discretion ~~and~~, in
 406 the interest of justice, that an appearance by the defendant on

13-00275A-26

2026600

the ~~same day as~~ required day does not warrant forfeiture of the bond, and the court may direct the clerk to set aside any such forfeiture which may have been entered. Any appearance by the defendant later than the required day constitutes forfeiture of the bond, and the court may ~~shall~~ not preclude entry of such forfeiture by the clerk.

(c) If there is a forfeiture of the bond, the clerk must ~~shall~~ provide, upon request, a certified copy of the warrant or capias to the bail bond agent or surety company.

(3) Sixty days after the forfeiture notice has been mailed or electronically transmitted:

(a) State and county officials having custody of forfeited money shall deposit the money in the fine and forfeiture fund established pursuant to s. 142.01.

(b) ~~Municipal officials having custody of forfeited money shall deposit the money in a designated municipal fund.~~

~~(e) Officials having custody of bonds as authorized by s. 903.16 shall transmit the bonds to the clerk of the circuit court who shall sell them at market value and disburse the proceeds as provided in paragraph (a) paragraphs (a) and (b).~~

~~(4)(a) When a bond is forfeited, the clerk shall transmit the bond and any affidavits to the clerk of the circuit court in which the bond and affidavits are filed. The clerk of the circuit court shall record the forfeiture in the deed or official records book. If the undertakings and affidavits describe real property in another county, the clerk shall transmit the bond and affidavits to the clerk of the circuit court of the county where the property is located who shall record and return them.~~

13-00275A-26

2026600

~~(b) The bond and affidavits shall be a lien on the real property they describe from the time of recording in the county where the property is located for 2 years or until the final determination of an action instituted thereon within a 2-year period. If an action is not instituted within 2 years from the date of recording, the lien shall be discharged. The lien will be discharged 2 years after the recording even if an action was instituted within 2 years unless a lis pendens notice is recorded in the action.~~

~~(5)~~ The court shall discharge a forfeiture within 60 days upon any of the following:

(a) A determination that, due to circumstances beyond the defendant's control, it was impossible for the defendant to appear as required or within 60 days after the forfeiture notice was mailed or electronically transmitted date of the required appearance due to circumstances beyond the defendant's control. The potential adverse economic consequences of appearing as required may not be considered as constituting a ground for such a determination.

(b) A determination that, at the time of the required appearance or within 60 days after the forfeiture notice was mailed or electronically transmitted date of the required appearance, the defendant was confined in an institution or hospital; was confined in any county, state, federal, or immigration detention facility; was deported; or is deceased.

(c) Surrender or arrest of the defendant at the time of the required appearance or within 60 days after the forfeiture notice was mailed or electronically transmitted date of the required appearance in any county, state, or federal jail or

13-00275A-26

2026600

prison and upon a hold being placed to return the defendant to the jurisdiction of the court. The court shall condition a discharge or remission on the payment of costs and the expenses as provided in s. 903.21(3), incurred by an official in returning the defendant to the jurisdiction of the court, ~~or~~

(d) A determination that the state is unwilling to seek extradition of the fugitive defendant within 10 ~~30~~ days after a written request by the surety agent to do so, and contingent upon the surety agent's consent to pay all costs and the expenses incurred by an official in returning the defendant to the jurisdiction of the court, as provided in s. 903.21(3), up to the penal amount of the bond. If the state does not respond in writing within 10 days after receiving a written request to seek a determination of extradition, the failure to respond is evidence that the state is unwilling to seek extradition.

(5) For each felony warrant that a court issues, the state shall enter the information of the defendant in the National Crime Information Center database with no restrictions until the defendant is returned to the jurisdiction of the court.

(6) The discharge of a forfeiture may ~~shall~~ not be ordered for any reason other than as specified herein.

(7) The payment by a surety of a forfeiture under this law ~~has shall have~~ the same effect on the bond as payment of a judgment.

(8) If the defendant is arrested and returned to the county of jurisdiction of the court or has posted a new bond for the case at issue before judgment, the clerk must, upon affirmation by the sheriff or the chief correctional officer and, shall, without further hearing or order of the court, discharge the

13-00275A-26

2026600

forfeiture of the bond. However, if the surety agent fails to pay the costs and expenses incurred in returning the defendant to the county of jurisdiction, the clerk may ~~shall~~ not discharge the forfeiture of the bond. If the surety agent and the sheriff fail to agree on the amount of such ~~said~~ costs, ~~then~~ the court, after notice to the sheriff and the state attorney, must ~~shall~~ determine the amount of the costs.

(9) If, after forfeiture of a bond, the criminal charges for which the bond guaranteed appearance are resolved, adjudicated, or otherwise disposed of by any action of the court or state, the clerk must discharge the forfeiture and issue such notice to the surety without further order of the court. If such resolution or disposition occurs after payment of a forfeiture or judgment, remission must be granted upon proper motion and as specified under s. 903.28.

(10) Unless the time for payment or discharge of the forfeiture set forth in s. 903.27(1) has passed, or unless payment of the forfeiture has already been made, the clerk does not have standing to object to a motion to set aside a forfeiture under paragraph (2)(b), a motion to discharge a forfeiture under subsection (4), or a motion to reinstate a bond under s. 903.31(2).

Section 15. Section 903.27, Florida Statutes, is amended to read:

903.27 Forfeiture to judgment.—

(1) If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted ~~and the bond is secured other than by money and bonds authorized~~

13-00275A-26

2026600

523 ~~in s. 903.16~~, the clerk of the circuit court for the county
 524 where the order was made ~~must shall~~ enter a judgment against the
 525 surety for the amount of the penalty and issue execution.
 526 However, in any case in which the bond forfeiture has been
 527 discharged by the court of competent jurisdiction conditioned
 528 upon the payment by the surety of certain costs or fees as
 529 allowed by statute, the amount for which judgment may be entered
 530 may not exceed the amount of the unpaid fees or costs upon which
 531 the discharge had been conditioned. Judgment for the full amount
 532 of the forfeiture may ~~shall~~ not be entered if payment of a
 533 lesser amount will satisfy the conditions to discharge the
 534 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
 535 Department of Financial Services and the Office of Insurance
 536 Regulation of the Financial Services Commission with a certified
 537 copy of the judgment docket and shall furnish the surety company
 538 at its home office a copy of the judgment, which shall include
 539 the power of attorney number of the bond and the name of the
 540 executing agent. If the judgment is not paid within 35 days, the
 541 clerk ~~must shall~~ furnish the Department of Financial Services,
 542 the Office of Insurance Regulation, and the sheriff of the
 543 county in which the bond was executed, or the official
 544 responsible for operation of the county jail, if that official
 545 is not other than the sheriff, two copies of the judgment and a
 546 certificate stating that the judgment remains unsatisfied. When
 547 ~~and if~~ the judgment is properly paid or an order to vacate the
 548 judgment has been entered by a court of competent jurisdiction,
 549 the clerk shall immediately notify the sheriff, or other such
 550 ~~the~~ official responsible for the operation of the county jail,
 551 ~~if other than the sheriff~~, and, if they have been previously

13-00275A-26

2026600

552 notified of nonpayment, the Department of Financial Services and
 553 the Office of Insurance Regulation, ~~if the department and office~~
 554 ~~had been previously notified of nonpayment~~, of such payment or
 555 order to vacate the judgment. The clerk may furnish documents or
 556 give notice as required in this subsection by mail or electronic
 557 means. The clerk shall also immediately prepare and record in
 558 the public records a satisfaction of the judgment or record the
 559 order to vacate judgment. If the defendant is returned to the
 560 county of jurisdiction of the court, whenever a motion to set
 561 aside the judgment is filed, the operation of this section is
 562 tolled until the court makes a disposition of the motion.

563 (2) A certificate signed by the clerk of the court or her
 564 or his designee which certifies, ~~certifying~~ that the notice
 565 required in subsection (1) was mailed or electronically
 566 delivered on a specified date, and is accompanied by a copy of
 567 the required notice constitutes sufficient proof that such
 568 mailing or electronic delivery was properly accomplished as
 569 required in this subsection indicated therein. If such mailing
 570 or electronic delivery was properly accomplished as evidenced by
 571 such certificate, the failure of a company to receive a copy of
 572 the judgment as prescribed in subsection (1) does not constitute
 573 a defense to the forfeiture and is not a ground for the
 574 discharge, remission, reduction, set aside, or continuance of
 575 such forfeiture.

576 (3) Surety bail bonds may not be executed by a bail bond
 577 agent or a bail bond agency against whom a judgment has been
 578 entered which has remained unpaid for 35 days and may not be
 579 executed for a company against whom a judgment has been entered
 580 which has remained unpaid for 50 days. A ~~No~~ sheriff or other

13-00275A-26

2026600

official who is empowered to accept or approve surety bail bonds ~~may not shall~~ accept or approve such a bond executed by such a bail bond agent or bail bond agency or executed for such a company until such judgment has been paid.

(4) After notice of judgment against the surety given by the clerk of the circuit court, the surety, a bail bond agency, or a bail bond agent shall, within 35 days after ~~of~~ the entry of judgment, submit to the clerk of the circuit court an amount equal to the judgment, unless the judgment has been set aside by the court within 35 days after ~~of~~ the entry of the judgment. If a motion to set aside the judgment has been filed pursuant to subsection (5), the amount submitted must ~~shall~~ be held in escrow until such time as the court has disposed of the motion. The failure to comply with ~~the provisions of~~ this subsection constitutes a failure to pay the judgment.

(5) After notice of judgment against the surety given by the clerk of the circuit court, the surety, bail bond agency, or bail bond agent may within 35 days file a motion to set aside ~~the judgment or to~~ stay the judgment. ~~It shall be a condition of~~ Any such motion or and of any order to stay the judgment must be conditioned on payment by that the surety of pay the amount of the judgment to the clerk, which amount must ~~shall~~ be held in escrow until such time as the court has disposed of the motion to set aside the judgment. The filing of such a motion, when accompanied by the required escrow deposit, acts ~~shall act~~ as an automatic stay of further proceedings, including execution, until the motion has been heard and a decision rendered by the court.

(6) The failure of a state attorney to file, or of the

13-00275A-26

2026600

clerk of the circuit court to make, a certified copy of the order of forfeiture as required by law applicable before ~~prior~~ ~~to~~ July 1, 1982, does ~~shall~~ not invalidate any judgment entered by the clerk before ~~prior to~~ June 12, 1981.

Section 16. Section 903.28, Florida Statutes, is amended to read:

903.28 Remission of forfeiture; conditions.—

(1) On application within 36 months after ~~2 years from~~ forfeiture, the court must ~~shall~~ order remission of the forfeiture if it determines that there was no breach of the bond.

(2) If the defendant surrenders, is deceased, ~~or~~ is apprehended, or is deported within 36 months ~~90 days~~ after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required under subsection (4), must ~~in subsection (8)~~, ~~shall~~ direct remission in accordance with the following:

(a) One-hundred percent of the forfeiture if:

1. The defendant surrenders, is apprehended, or is deported within 90 days after forfeiture;

2. The state is unwilling to seek extradition of the defendant from any jail or prison after a request by the surety agent, bail bond agency, or the surety company, and contingent upon the surety agent, bail bond agency, or surety company consenting to pay all costs incurred by an official in returning the defendant to the jurisdiction of the court, as provided in s. 903.21(3)(a), up to the penal amount of the bond;

3. The defendant is deceased or was confined in any county, state, federal, or immigration detention facility and

13-00275A-26 2026600

subsequently was released from custody or deported without the
state placing a detainer on the defendant; or

4. The defendant is deceased within 36 months after
forfeiture.

(b) Ninety-five percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 180 days after
forfeiture.

(c) Ninety percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 270 days after
forfeiture.

(d) Eighty-five percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 360 days after
forfeiture.

(e) Eighty percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 450 days after
forfeiture.

(f) Seventy-five percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 540 days after
forfeiture.

(g) Seventy percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 630 days after
forfeiture.

(h) Sixty-five percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 720 days after
forfeiture.

(i) Sixty percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 810 days after
forfeiture.

(j) Fifty-five percent of the forfeiture if the defendant

13-00275A-26 2026600

surrenders, is apprehended, or is deported within 900 days after
forfeiture.

(k) Fifty percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 990 days after
forfeiture.

(l) Forty-five percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 36 months
after forfeiture of up to, but not more than, 100 percent of a
forfeiture if the surety apprehended and surrendered the
defendant or if the apprehension or surrender of the defendant
was substantially procured or caused by the surety, or the
surety has substantially attempted to procure or cause the
apprehension or surrender of the defendant, and the delay has
not thwarted the proper prosecution of the defendant. In
addition, remission shall be granted when the surety did not
substantially participate or attempt to participate in the
apprehension or surrender of the defendant when the costs of
returning the defendant to the jurisdiction of the court have
been deducted from the remission and when the delay has not
thwarted the proper prosecution of the defendant.

(3) If the defendant surrenders or is apprehended within
180 days after forfeiture, the court, on motion at a hearing
upon notice having been given to the clerk of the circuit court
and the state attorney as required in subsection (8), shall
direct remission of up to, but not more than, 95 percent of a
forfeiture if the surety apprehended and surrendered the
defendant or if the apprehension or surrender of the defendant
was substantially procured or caused by the surety, or the
surety has substantially attempted to procure or cause the

13-00275A-26

2026600

apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.

(4) If the defendant surrenders or is apprehended within 270 days after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 90 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.

(5) If the defendant surrenders or is apprehended within 1 year after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct

13-00275A-26

2026600

remission of up to, but not more than, 85 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.

(6) If the defendant surrenders or is apprehended within 2 years after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 50 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not

13-00275A-26

2026600

~~thwarted the proper prosecution of the defendant.~~

~~(3)(7)~~ The remission of a forfeiture may not be ordered for any reason other than as specified in this section herein.

~~(4)(8)~~ An application for remission must be accompanied by affidavits setting forth the facts on which it is founded; however, the surety must establish by further documentation or other evidence any claimed attempt at procuring or causing the apprehension or surrender of the defendant before the court may order remission based upon an attempt to procure or cause such apprehension or surrender. The clerk of the circuit court and the state attorney must be given 10 ~~20~~ days' notice before a hearing on an application and be furnished copies of all papers, applications, and affidavits. Remission must ~~shall~~ be granted on the condition of payment of costs, as provided in s. 903.21(3)(a), unless the ground for remission is that there was no breach of the bond.

~~(5)(9)~~ The clerk of the circuit court may enter into a contract with a private attorney or into an interagency agreement with a governmental agency to represent the clerk of the court in an action for the remission of a forfeiture under this section.

~~(6)(10)~~ The clerk of the circuit court is the real party in interest for all appeals arising from an action for the remission of a forfeiture under this section.

(7) The clerk of the circuit court shall issue a remission within 10 days after entry of a court order directing remission, and a remission untimely issued accrues interest at the rate of 1.5 percent per month.

Section 17. Section 903.29, Florida Statutes, is amended to

13-00275A-26

2026600

read:

903.29 Arrest of principal by surety after forfeiture.—

Within ~~3~~ 2 years from the date of forfeiture of a bond, the surety may arrest the principal for the purpose of surrendering the principal to the official in whose custody she or he was at the time bail was taken or in whose custody the principal would have been placed had she or he been committed.

Section 18. Subsections (1) and (2) of section 903.31, Florida Statutes, are amended to read:

903.31 Canceling the bond.—

(1) Within 10 business days after the conditions of a bond have been satisfied or the forfeiture discharged or remitted, the court must ~~shall~~ order the bond canceled and, if the surety has attached a certificate of cancellation to the original bond, the clerk of the court must ~~shall~~ mail or electronically furnish an executed certificate of cancellation to the surety without cost. The clerk of the court shall discharge the bond upon an adjudication of guilt or innocence or an acquittal, or if a period of 36 months has passed since the original bond was posted, ~~or~~ A withholding of an adjudication of guilt, a finding of guilt by a jury, or a no action by the state satisfies ~~shall satisfy~~ the conditions of the bond. If the bond has been revoked by the court, the clerk of the court must discharge or cancel the bond. The original appearance bond expires ~~shall expire~~ 36 months after such bond has been posted for the release of the defendant from custody, at which time the clerk of the court must discharge the bond. This subsection does not apply to cases in which a bond has been declared forfeited before the 36-month expiration, unless the forfeiture was set aside or discharged.

13-00275A-26

2026600

813 As used in this subsection, the term "revoked" means that an
 814 act, a statement, a document, or a promise has been annulled or
 815 canceled.

816 (2) The original appearance bond does not guarantee a
 817 deferred sentence; a sentencing deferral; a deferred prosecution
 818 agreement; a delayed sentencing; an appearance after entering a
 819 plea agreement; an appearance during or after a presentence
 820 investigation; an appearance during or after appeals; conduct
 821 during or appearance after admission to a pretrial intervention
 822 program; placement in a court-ordered program, including a
 823 residential mental health facility; payment of fines; or
 824 attendance at educational or rehabilitation facilities the court
 825 otherwise provides in the judgment. If the original appearance
 826 bond has been forfeited or revoked, it may the bond shall not be
 827 reinstated without approval from the surety on the original
 828 bond.

829 Section 19. Section 903.36, Florida Statutes, is repealed.

830 Section 20. Subsection (3) and paragraphs (a), (d), and (g)
 831 of subsection (5) of section 907.041, Florida Statutes, are
 832 amended, and paragraph (c) of subsection (5) of that section is
 833 reenacted, to read:

834 907.041 Pretrial detention and release.—

835 (3) RELEASE ON NONMONETARY CONDITIONS.—

836 (a) It is the intent of the Legislature to create a
 837 presumption in favor of release on nonmonetary conditions for
 838 any person who is granted pretrial release unless such person is
 839 charged with a dangerous crime as defined in subsection (5) or
 840 such person is an unauthorized alien charged with a forcible
 841 felony as described in subsection (6). A person charged with a

13-00275A-26

2026600

842 dangerous crime as defined in subsection (5) must shall be
 843 released on monetary conditions, with a minimum bond amount of
 844 \$10,000 per offense, if it is determined that such monetary
 845 conditions are necessary to assure the presence of the person at
 846 trial or at other proceedings, to protect the community from
 847 risk of physical harm to persons, to assure the presence of the
 848 accused at trial, or to assure the integrity of the judicial
 849 process.

850 (b) A ~~No~~ person may not shall be released on nonmonetary
 851 conditions under the supervision of a pretrial release service,
 852 unless the service certifies in writing to the court, before the
 853 defendant is released from custody, that it has investigated or
 854 otherwise verified:

855 1. The circumstances of the accused's family, employment,
 856 financial resources, character, mental condition, immigration
 857 status, and length of residence in the community;

858 2. The accused's record of convictions, of appearances at
 859 court proceedings, of flight to avoid prosecution, or of failure
 860 to appear at court proceedings; and

861 3. Other facts necessary to assist the court in its
 862 determination of the indigency of the accused and whether she or
 863 he should be released under the supervision of the service.

864 (5) PRETRIAL DETENTION.—

865 (a) As used in this subsection, "dangerous crime" means any
 866 of the following:

- 867 1. Arson.~~†~~
- 868 2. Aggravated assault.~~†~~
- 869 3. Aggravated battery.~~†~~
- 870 4. Illegal use of explosives.~~†~~

13-00275A-26

2026600

- 871 5. Child abuse or aggravated child abuse.~~+~~
 872 6. Abuse of an elderly person or disabled adult, or
 873 aggravated abuse of an elderly person or disabled adult.~~+~~
 874 7. Aircraft piracy.~~+~~
 875 8. Kidnapping.~~+~~
 876 9. Homicide.~~+~~
 877 10. Manslaughter, including DUI manslaughter and BUI
 878 manslaughter.~~+~~
 879 11. Sexual battery.~~+~~
 880 12. Robbery.~~+~~
 881 13. Carjacking.~~+~~
 882 14. Lewd, lascivious, or indecent assault or act upon or in
 883 presence of a child under the age of 16 years.~~+~~
 884 15. Sexual activity with a child, who is 12 years of age or
 885 older but less than 18 years of age, by or at solicitation of
 886 person in familial or custodial authority.~~+~~
 887 16. Burglary of a dwelling.~~+~~
 888 17. Stalking and aggravated stalking.~~+~~
 889 18. Act of domestic violence as defined in s. 741.28.~~+~~
 890 19. Home invasion robbery.~~+~~
 891 20. Act of terrorism as defined in s. 775.30.~~+~~
 892 21. Manufacturing any substances in violation of chapter
 893 893.~~+~~
 894 22. Attempting or conspiring to commit any such crime.~~+~~
 895 23. Human trafficking.~~+~~
 896 24. Trafficking in any controlled substance described in s.
 897 893.135(1)(c)4.~~+~~
 898 25. Extortion in violation of s. 836.05.~~+~~ and
 899 26. Written threats to kill in violation of s. 836.10.

13-00275A-26

2026600

- 900 27. Driving under the influence in violation of s.
 901 316.193(2)(b)1. or (2)(b)3.
 902 28. Felony battery.
 903 29. Battery by strangulation.
 904 (c) Upon motion by the state attorney, the court may order
 905 pretrial detention if it finds a substantial probability, based
 906 on a defendant's past and present patterns of behavior, the
 907 criteria in s. 903.046, and any other relevant facts, that any
 908 of the following circumstances exist:
 909 1. The defendant has previously violated conditions of
 910 release and that no further conditions of release are reasonably
 911 likely to assure the defendant's appearance at subsequent
 912 proceedings;
 913 2. The defendant, with the intent to obstruct the judicial
 914 process, has threatened, intimidated, or injured any victim,
 915 potential witness, juror, or judicial officer, or has attempted
 916 or conspired to do so, and that no condition of release will
 917 reasonably prevent the obstruction of the judicial process;
 918 3. The defendant is charged with trafficking in controlled
 919 substances as defined by s. 893.135, that there is a substantial
 920 probability that the defendant has committed the offense, and
 921 that no conditions of release will reasonably assure the
 922 defendant's appearance at subsequent criminal proceedings;
 923 4. The defendant is charged with DUI manslaughter, as
 924 defined by s. 316.193, and that there is a substantial
 925 probability that the defendant committed the crime and that the
 926 defendant poses a threat of harm to the community; conditions
 927 that would support a finding by the court pursuant to this
 928 subparagraph that the defendant poses a threat of harm to the

13-00275A-26

2026600

community include, but are not limited to, any of the following:

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

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

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

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

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

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

8.a. The defendant has ever been sentenced pursuant to s.

13-00275A-26

2026600

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

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

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

(d) If a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court determines there is probable cause to believe the defendant committed the offense, the state attorney, or the court on its own motion, may move ~~shall motion~~ for pretrial detention. If the court finds a substantial probability that the defendant committed the offense and, based on the defendant's past and present patterns of behavior, consideration of the criteria in s. 903.046, and any other relevant facts, that no conditions of release or bail will reasonably protect the community from risk of physical harm, ensure the presence of the defendant at trial, or assure the integrity of the judicial process, the court must order pretrial detention.

(g)1. If a motion for pretrial detention is granted ~~required~~ under paragraph (d), the pretrial detention hearing must be held within 5 days after the defendant's first appearance hearing or, if there is no first appearance hearing,

13-00275A-26

2026600

within 5 days after the defendant's arraignment.

2. If a state attorney files a motion for pretrial detention under paragraph (c), the pretrial detention hearing must be held within 5 days after the filing of such motion.

3. The defendant may request a continuance of a pretrial detention hearing. No continuance shall be for longer than 5 days unless there are extenuating circumstances. The state attorney shall be entitled to one continuance for good cause.

4. The defendant may be detained pending the completion of the pretrial detention hearing. If a defendant is released on bail pending a pretrial detention hearing under paragraph (d), the court must inform the defendant that if he or she uses a surety bond to meet the monetary component of pretrial release and the motion for pretrial detention is subsequently granted, the defendant will not be entitled to the return of the premium on such surety bond.

Section 21. Subsection (4) of section 648.45, Florida Statutes, is amended to read:

648.45 Actions against a licensee; suspension or revocation of eligibility to hold a license.—

(4) A ~~Any~~ licensee found to have violated s. 648.44(1)(b), (e), or (j) ~~s. 648.44(1)(b), (d), or (i)~~ shall, at a minimum, be suspended for a period of 3 months. A greater penalty, including revocation, must ~~shall~~ be imposed if there is a willful or repeated violation of s. 648.44(1)(b), (e), or (j) ~~s. 648.44(1)(b), (d), or (i)~~, or the licensee has committed other violations of this chapter.

Section 22. For the purpose of incorporating the amendment made by this act to section 648.386, Florida Statutes, in

13-00275A-26

2026600

references thereto, subsections (2) and (3) of section 626.2816, Florida Statutes, are reenacted to read:

626.2816 Regulation of continuing education for licensees, course providers, instructors, school officials, and monitor groups.—

(2) The department shall adopt rules establishing standards for the approval, regulation, and operation of the continuing education programs and for the discipline of licensees, course providers, instructors, school officials, and monitor groups. The standards must be designed to ensure that such course providers, instructors, school officials, and monitor groups have the knowledge, competence, and integrity to fulfill the educational objectives of ss. 626.2815, 626.869, 648.385, and 648.386.

(3) The department shall adopt rules establishing a process by which compliance with the continuing education requirements of ss. 626.2815, 626.869, 648.385, and 648.386 can be determined, the establishment of a continuing education compliance period for licensees, and forms necessary to implement such a process.

Section 23. For the purpose of incorporating the amendment made by this act to section 903.046, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 903.047, Florida Statutes, is reenacted to read:

903.047 Conditions of pretrial release.—

(1) As a condition of pretrial release, whether such release is by surety bail bond or recognizance bond or in some other form, the defendant must:

(c) Comply with all conditions of pretrial release imposed

13-00275A-26

2026600

by the court. A court must consider s. 903.046(2) when determining whether to impose nonmonetary conditions in addition to or in lieu of monetary bond. Such nonmonetary conditions may include, but are not limited to, requiring a defendant to:

1. Maintain employment, or, if unemployed, actively seek employment.

2. Maintain or commence an educational program.

3. Abide by specified restrictions on personal associations, place of residence, or travel.

4. Report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency.

5. Comply with a specified curfew.

6. Refrain from possessing a firearm, destructive device, or other dangerous weapon.

7. Refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription from a licensed medical practitioner.

8. Undergo available medical, psychological, psychiatric, mental health, or substance abuse evaluation and follow all recommendations, including treatment for drug or alcohol dependency, and remain in a specified institution, if required for that purpose.

9. Return to custody for specified hours following release for employment, school, or other limited purposes.

10. Any other condition that is reasonably necessary to assure the appearance of the defendant at subsequent proceedings and to protect the community against unreasonable danger of harm.

Section 24. For the purpose of incorporating the amendment

13-00275A-26

2026600

made by this act to section 903.09, Florida Statutes, in a reference thereto, subsection (2) of section 903.286, Florida Statutes, is reenacted to read:

903.286 Return of cash bond; requirement to withhold unpaid fines, fees, court costs; cash bond forms.—

(2) All cash bond forms used in conjunction with the requirements of s. 903.09 must prominently display a notice explaining that all funds are subject to forfeiture and withholding by the clerk of the court for the payment of costs of prosecution, costs of representation as provided by ss. 27.52 and 938.29, court fees, court costs, and criminal penalties on behalf of the criminal defendant regardless of who posted the funds.

Section 25. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Joint Legislative Auditing Committee
Transportation

SENATOR KEITH TRUENOW

13th District

January 5, 2026

The Honorable Jonathan Martin
315 Senate Office Building
Tallahassee, FL 32399

Dear Chairman Martin,

I would like to request SB 600 Bail Bonds be placed on your next available agenda to be heard in the Committee on Criminal Justice.

This good bill modifies bail-bond requirements, procedures and oversight.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

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

REPLY TO:

- ☐ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- ☐ 16207 State Road 50, Suite 401, Clermont, Florida 34711
- ☐ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

2/2/2026

Meeting Date

CRIM JUSTICE

Committee

600

Bill Number or Topic

Amendment Barcode (if applicable)

Name Clerk Greg Harrell

Phone 352.671.5604

Address 110 NW 1st AVE

Email

Street

Ocala

City

FL

State

34475

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

02/02/2026

APPEARANCE RECORD

600

Meeting Date

Criminal Justice

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Shawn Foster

Phone

7278084131

Address

215 South Monroe Street, Suite 520

Email

foster@scgroup.us

Street

Tallahassee

FL

32309

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida Bail Agents Association



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

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

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

S-001 (08/10/2021)

February 2, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

600

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

OFFICE OF THE STATE COURTS ADMINISTRATOR
2026 JUDICIAL IMPACT STATEMENT

BILL NUMBER: SB 600

DATE: January 31, 2026

SPONSOR(S): Senator Truenow

STATUTE(S) AFFECTED: ss. 626.2816, 648.25, 648.386, 648.44, 648.45, 903.011, 903.046, 903.047, 903.0471, 903.05, 903.08, 903.09, 903.101, 903.16, 903.17, 903.21, 903.26, 903.27, 903.28, 903.286, 903.29, 903.31, 903.36, 907.041, F.S.

COMPANION BILL(S): CS/HB 1017 by Representative Baker

AGENCY CONTACT: Tashiba Robinson, Office of Legislative Affairs

TELEPHONE: (850) 922-5692

ASSIGNED OSCA STAFF: BNS

I. SUMMARY:

The bill amends provisions of law related to pretrial detention and bail bonds, including the regulation of bond agents; forfeiture and remissions of forfeited bond amounts; and the posting of bonds by defendants, including defendants who have been arrested for a crime designated as a “dangerous crime” and are subject to pretrial detention. The bill also expands the definition of “dangerous crime” for purposes of heightened pretrial detention restrictions to include additional offenses.

II. EFFECT OF PROPOSED CHANGES:

The bill amends provisions of law related to pretrial detention and bail bonds. Provisions that affect the court system and judicial processes have the following impacts:

- Section 5 – Currently, the court must consider certain statutorily specified factors when determining whether to release a defendant on bail or other conditions, and when determining what the bail or other conditions should be. If a defendant has failed to appear on any date on the case at issue and is subsequently arrested, the court may not release the defendant on a non-monetary bond. However, the court has discretion in determining conditions of release if the defendant provides circumstances beyond his or her control for the failure to appear.
 - The bill prohibits release on a non-monetary bond if the defendant has a failure to appear in any court proceeding and was later arrested. The bill also repeals discretion of the court to determine conditions of release if a failure to appear is determined to be due to circumstances beyond the defendant’s control.

OFFICE OF THE STATE COURTS ADMINISTRATOR
2026 JUDICIAL IMPACT STATEMENT

- Sections 6, 13-14 - Currently, when a judge revokes pretrial release and orders pretrial detention other than for a failure to appear, the judge must also issue an order to the clerk of court to discharge any bond previously posted. Under the bill, the clerk is directed to discharge any bond previously posted without any further court order. Also, if, after forfeiture of a bond, the criminal charges associated with the bond are resolved, the clerks are directed to discharge the forfeiture without any further court order. (If resolution of the criminal charges occurs after payment of the forfeiture, court action is still required for remission of the forfeiture.)
- Section 20 – Currently, there is a presumption in favor of pre-trial release on non-monetary conditions for persons granted pre-trial release unless a person is charged with a “dangerous crime” or is an unauthorized alien charged with a forcible felony. No person may be released on nonmonetary conditions under the supervision of a pretrial release service unless the service has investigated certain statutorily specified background information on the defendant which is used by the judge to determine whether the defendant should be released under the supervision of the service. Current law does not specify the form of the certification.

Persons arrested for a “dangerous crime” must attend a first appearance hearing and may not be granted non-monetary pretrial release if there is probable cause to believe the person committed the offense. The state attorney may move for pretrial detention, and the court may order pretrial detention, of a person arrested for a dangerous crime if certain circumstances exist. If the dangerous crime is a capital, life, or first-degree felony, the state or the court must move for pretrial detention and pretrial detention must be ordered if certain conditions are met. If a person charged with a dangerous crime is released, they must be released on monetary conditions if it is determined that monetary conditions are necessary to ensure the presence of the defendant at court proceedings, to protect the community, or to ensure the integrity of the judicial process. No minimum bond is currently specified in statute for a person charged with a “dangerous crime.”

- The bill requires a pretrial release servicer to certify in writing that it has investigated the statutorily specified background information on the defendant before the defendant is released from custody.
- The bill permits, rather than requires, the state attorney or

OFFICE OF THE STATE COURTS ADMINISTRATOR
2026 JUDICIAL IMPACT STATEMENT

the court to move for pretrial detention if the charged offense is a capital, life, or first-degree felony “dangerous crime.”

- The bill expands the definition of “dangerous crime” to add third time DUIs occurring within 10 years of a prior DUI, 4th time DUIs, felony battery, and battery by strangulation, as offenses subject to heightened pre-trial release restrictions.
- The bill establishes a \$10,000 minimum bond amount, per offense, for persons charged with a dangerous crime who are released on monetary conditions.

III. **ANTICIPATED JUDICIAL OR COURT WORKLOAD IMPACT:**

The impact to judicial and court workloads is indeterminate. Some provisions of the bill will reduce judicial workload by requiring clerks to discharge bonds without a judicial ruling or hearing under certain conditions and by permitting, rather than requiring, state attorneys or the court to move for pretrial detention of certain persons charged with “dangerous crimes.” However, the additional offenses added to the list of “dangerous crimes” will add to judicial workload because more arrestees will require a hearing and may qualify for pretrial detention.

IV. **IMPACT TO COURT RULES/JURY INSTRUCTIONS:**

The minimum bond amount for persons charged with dangerous offenses may require revisions to the statewide uniform bond schedule.

V. **ESTIMATED FISCAL IMPACTS ON THE JUDICIARY:**

A. **Revenues:** None.

B. **Expenditures:** The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting from changes in hearings related to discharge of bonds and pretrial detention, as discussed in Section III, above.

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 760

INTRODUCER: Criminal Justice Committee and Senator McClain

SUBJECT: Violations of Pretrial Release Conditions for Violent Crimes

DATE: February 4, 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 760 creates s. 903.0472, F.S., relating to violations of pretrial release conditions for violent crimes. The bill provides that it is a first degree misdemeanor when a person willfully violates a no contact order imposed as a condition of pretrial release for a specified crime.

A second or subsequent violation is a third degree felony.

A person who is arrested for this offense or a person who is on pretrial release for committing a specified crime and is arrested for a new law violation, must be held in custody until his or her first appearance hearing, at which time the court must review the alleged violation and determine whether to order pretrial detention or to grant pretrial release with appropriate conditions. The court must prioritize the safety of the victim and the public and must consider:

- The nature and severity of the original offense.
- The person's history of compliance with court orders.
- Any evidence of intent to intimidate, harass, or harm any person.

The bill amends s. 901.15, F.S., to authorize a law enforcement officer to arrest a person without a warrant when there is probable cause to believe the person has committed the new crime created in the bill.

The bill may have a positive indeterminate jail and prison bed impact by creating new misdemeanor and felony offense, which may result in increased jail and prison admissions. *See Section V. Fiscal Impact Policy.*

The bill takes effect on October 1, 2026.

II. Present Situation:

Arrest

Generally, a law enforcement officer may only arrest a person without a warrant when the person has committed a felony, or a misdemeanor or violation of a municipal or county ordinance in the presence of the officer. An arrest for the commission of a misdemeanor or the violation of a municipal or county ordinance must be made immediately or in fresh pursuit.¹

A law enforcement officer may arrest a person without a warrant when a felony has been committed, and he or she reasonably believes that the person committed such felony.² Generally, a police officer may make a warrantless misdemeanor arrest only if it is committed in the presence of the officer. However, there are a number of statutory exceptions that permits a warrantless misdemeanor arrest when the officer has probable cause to believe that the defendant has committed specified offenses.³

The concept of probable cause is grounded upon the standard of objective reasonableness.⁴ In *Ornelas v. United States*, 517 U.S. 690, 696-97 (1996), the court opined that “the principal component of a determination of reasonable suspicion or probable cause will be the events which occurred leading up to the stop or search, and then the decision whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to reasonable suspicion or to probable cause.”⁵

Pretrial detention and release

In Florida there is a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is:

- Charged with a dangerous crime; or
- Such person is an unauthorized alien charged with a forcible felony.

Section 907.041, F.S., provides that it is the policy of this state that persons charged with committing serious criminal offenses, who pose a threat to public safety or the integrity of the judicial process, fail to appear at trial, or pose a substantial flight risk due to unauthorized status should be detained upon arrest. However, persons meeting specified criteria may be released under certain conditions until proceedings are concluded and adjudication has been determined. This policy aims to protect the community by detaining dangerous individuals while

¹ Section 901.15(1), F.S.

² Section 901.15(2), F.S.

³ Section 901.15(7), F.S.

⁴ *Hawxhurst v. State*, 159 S.3d 1012, 1014 (Fla. 3rd DCA 2015).

⁵ *Ornelas v. United States*, 517 U.S. 690, 696-97, 116 S.Ct. 1657, 134 L.Ed.2d 911(1996).

reducing the cost of incarcerating those who pose no threat. The Legislatures primary intent is the protection of the community.

A person charged with a dangerous crime⁶ must be released on monetary conditions if it is determined that such monetary conditions are necessary to assure the presence of the person at trial or at other proceedings, to protect the community from risk of physical harm to person, to assure the presence of the accused a trial, or to assure the integrity of the judicial process.⁷

No person shall be released on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies to the court that it has investigated or otherwise verified:

- The circumstances of the accused's family, employment, financial resources, character, mental condition, immigration status, and length of residence in the community;
- The accused's record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings; and
- Other facts necessary to assist the court in its determination of the indigency of the accused and whether she or he should be released under the supervision of the service.⁸

Conditions of Pretrial Release

Section 903.047, F.S., requires a defendant, as a condition of pretrial release on a surety bond, recognized bond, or other form of bond, to refrain from criminal activity of any kind and to comply with all other conditions of pretrial release imposed by the court.

If the court issues an order of no contact, the defendant must refrain from any contact of any type with the victim, except through pretrial discovery pursuant to the Florida Rules of Criminal Procedure. An order of no contact is effective immediately and enforceable for the duration of the pretrial release or until it is modified by the court. The defendant shall be informed in writing of the order of no contact, specifying the applicable prohibited acts, before the defendant is released from custody on pretrial release.

Unless otherwise specified by the court, the term “no contact” includes the following prohibited acts:

- Communicating orally or in any written form, either in person, telephonically, electronically, or in any other manner, either directly or indirectly through a third person, with the victim or any other person named in the order. If the victim and the defendant have children in common, at the request of the defendant, the court may designate an appropriate third person to contact the victim for the sole purpose of facilitating the defendant's contact with the

⁶ A “dangerous crime” means any of the following: Arson; Aggravated assault; Aggravated battery; Illegal use of explosives; Child abuse or aggravated child abuse; Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult; Aircraft piracy; Kidnapping; Homicide; Manslaughter, including DUI manslaughter and BUI manslaughter; Sexual battery; Robbery; Carjacking; Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years; Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; Burglary of a dwelling; Stalking and aggravated stalking; Act of domestic violence; Home invasion robbery; Act of terrorism; Manufacturing any substances in violation of ch. 893, F.S.; Attempting or conspiring to commit any such crime; Human trafficking; Trafficking; Extortion; Written threats to kill.

⁷ Section 907.041(3)(a), F.S.

⁸ Section 907.041(3)(b)1.-3., F.S.

children. However, an attorney for the defendant is not prohibited, from communicating with any person protected by the no contact order for lawful purposes.

- Having physical or violent contact with the victim or other named person or his or her property.
- Being within 500 feet of the victim's or other named person's residence, even if the defendant and the victim or other named person share the residence.
- Being within 500 feet of the victim's or other named person's vehicle, place of employment, or a specified place frequented regularly by such person.

Other conditions that the court may impose as a condition of pretrial release include, but are not limited to:

- Maintaining employment, or seek employment.
- Maintain or commence an educational program.
- Report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency.
- Comply with a specified curfew.
- Refrain from drug or alcohol use.
- Refrain from possessing a firearm, destructive device, or other dangerous weapon.⁹

Violation of Pretrial Release

A court may, on its own motion, revoke a defendant's pretrial release and order pretrial detention if the court finds probable cause to believe that a defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect.¹⁰

A violation of pretrial release is generally not a separate criminal offense, however a person who violates a condition of pretrial release when his or her original arrest was for committing domestic violence or dating violence, commits a first degree misdemeanor and he or she is required to be held in custody until first appearance.¹¹

III. Effect of Proposed Changes:

The bill creates s. 903.0472, F.S., relating to violations of pretrial release conditions for violent crimes. The bill provides that it is a first degree misdemeanor when a person willfully violates a no contact order issued as a condition of pretrial release, if the original arrest was for one of the following offenses:

- Murder;
- Manslaughter;
- Assault;
- Aggravated assault;
- Battery;
- Aggravated battery;
- Stalking

⁹ Section 903.047(1)(c), F.S.

¹⁰ Section 903.0471, F.S.

¹¹ Sections 741.29(7) and 784.046(15), F.S.

- Aggravated stalking;
- Kidnapping;
- False imprisonment;
- Sexual battery;
- Lewd or lascivious offenses committed on persons less than 16;
- Robbery;
- Written or electronic threats to kill or do bodily injury;
- Any other felony that involves the use or threat of physical force or violence against any individual.

A second or subsequent violation is a third degree felony.

A person who is arrested for this offense or a person who is on pretrial release for committing one of the above listed offenses and is arrested for a new law violation must be held in custody until his or her first appearance hearing, at which time the court shall review the alleged violation and determine whether to order pretrial detention or to grant pretrial release with appropriate conditions. The court must prioritize the safety of the victim and the public and must consider:

- The nature and severity of the original offense.
- The person's history of compliance with court orders.
- Any evidence of intent to intimidate, harass, or harm any person.

The bill amends s.901.15, F.S., to authorize a law enforcement officer to arrest a person without a warrant when there is probable cause to believe the person has violated the new crime created in this bill.

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:

State Government:

The bill may have a positive indeterminate prison bed impact by creating a new felony offense, which may result in increased prison admissions.

Local Government:

The bill may have a positive indeterminate jail bed impact by creating a new misdemeanor offense and requiring a person who is arrested for committing such offense to be held in custody until first appearance, which may result in increased jail admissions and result in longer terms of pretrial detention. However, since a person who violates a condition of pretrial release can currently have his or her release revoked and be recommitted to jail, any impact may be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 901.15 and 903.0472.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Criminal Justice on February 2, 2026

The committee substitute:

- Provides that the crime of violating pretrial release is only applicable to violating a no contact order that was ordered as a condition of pretrial release.
- Removes a forcible felony, as defined in s. 776.08, F.S., from the list of enumerated criminal offenses that constitute a separate criminal offense when committed while on pretrial release.
- Expands the list of enumerated criminal offenses to include any other felony involving the use or threat of physical force or violence against any individual.
- Requires that a person who commits a new law violation while on pretrial release remain in custody until his or her first appearance, at which time the court shall prioritize the safety of the victim and the public, in addition to other specified criteria.

B. Amendments:

None.



574620

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2026	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Victim Safety in
Pretrial Release Act."

Section 2. Section 903.0472, Florida Statutes, is created
to read:

903.0472 Violations of pretrial release for specified
crimes.-



574620

(1) A person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if he or she willfully violates a condition of pretrial release described in s. 903.047(1)(b) which a court imposed after he or she was arrested for committing any of the following offenses:

- (a) Murder, as defined in s. 782.04;
- (b) Manslaughter, as defined in s. 782.07;
- (c) Assault, as defined in s. 784.011;
- (d) Aggravated assault, as defined in s. 784.021;
- (e) Battery, as defined in s. 784.03;
- (f) Aggravated battery, as defined in s. 784.045;
- (g) Stalking, as defined in s. 784.048(2);
- (h) Aggravated stalking, as defined in s. 784.048(3), (4), (5), or (7);
- (i) Kidnapping, as defined in s. 787.01;
- (j) False imprisonment, as defined in s. 787.02;
- (k) Sexual battery, as defined in s. 794.011;
- (l) Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, as described in s. 800.04;
- (m) Robbery, as defined in s. 812.13;
- (n) Written or electronic threats to kill or do bodily injury, as described in s. 836.10; or
- (o) Any other felony that involves the use or threat of physical force or violence against any individual.

(2) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she commits a second or subsequent violation of subsection (1).



574620

(3) A person who is arrested for a violation of this section or who is on pretrial release for committing an offense specified in subsection (1) and who is arrested for committing a new law violation shall be held in custody until his or her first appearance hearing, at which time the court shall review the alleged violation and determine whether to order pretrial detention or to grant pretrial release with appropriate conditions. In making such determinations, the court shall prioritize the safety of the victim and the public and, in addition to the criteria in s. 903.046(2), shall also consider:

(a) The nature and severity of the underlying offense for which conditions of pretrial release were imposed.

(b) The person's history of compliance with court orders.

(c) Any evidence of the person's intent to intimidate, harass, or harm any person.

(4) A law enforcement officer may not be held liable in any civil action for an arrest of a person based on probable cause to believe that the person has violated this section.

Section 3. Subsection (17) is added to section 901.15, Florida Statutes, to read:

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

(17) There is probable cause to believe that the person has committed a violation of s. 903.0472(1), for willfully violating a condition of pretrial release for a specified crime.

Section 4. This act shall take effect October 1, 2026.

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



574620

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to violations of pretrial release conditions for violent crimes; providing a short title; creating s. 903.0472, F.S.; providing that a person who is on pretrial release for a specified violent crime commits a separate criminal offense if such person willfully violates certain conditions of pretrial release; providing criminal penalties; providing criminal penalties for a second or subsequent violation; requiring a person who is arrested for committing specified violations to be held in custody until his or her first appearance hearing; requiring the court to consider certain factors in determining whether to order pretrial detention or grant pretrial release; providing that a law enforcement officer is not liable in a civil action for an arrest of a person based on probable cause to believe that the person has violated a condition of pretrial release in specified circumstances; amending s. 901.15, F.S.; authorizing a law enforcement officer to arrest a person without a warrant if there is probable cause to believe that the person has willfully violated certain conditions of pretrial release; providing an effective date.

By Senator McClain

9-00867A-26

2026760__

A bill to be entitled

An act relating to violations of pretrial release conditions for violent crimes; providing a short title; creating s. 903.0472, F.S.; providing that a person who is on pretrial release for a specified violent crime commits a separate criminal offense if such person willfully violates a condition of pretrial release; providing penalties; specifying procedures at the person's first appearance hearing; requiring the court to consider certain factors in determining whether to order pretrial detention or grant pretrial release; providing that a law enforcement officer is not liable in a civil action for an arrest of a person based on probable cause to believe that the person has violated a condition of pretrial release in specified circumstances; amending s. 901.15, F.S.; authorizing a law enforcement officer to arrest without a warrant any person suspected of violating a condition of pretrial release if the original arrest was for a specified violent crime; providing an effective date.

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

Section 1. This act may be cited as the "Victim Safety in Pretrial Release Act."

Section 2. Section 903.0472, Florida Statutes, is created to read:

903.0472 Violations of pretrial release for specified violent crimes.—

Page 1 of 4

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

9-00867A-26

2026760__

(1) A person who willfully violates a condition of pretrial release provided in s. 903.047 when the original arrest was for any of the following offenses, which offense involved violence or a credible threat of violence and the victim of which such offense was an individual:

(a) A forcible felony, as defined in s. 776.08;

(b) Murder, as defined in s. 782.04;

(c) Manslaughter, as defined in s. 782.07;

(d) Assault, as defined in s. 784.011;

(e) Aggravated assault, as defined in s. 784.021;

(f) Battery, as defined in s. 784.03;

(g) Aggravated battery, as defined in s. 784.045;

(h) Stalking, as defined in s. 784.048(2);

(i) Aggravated stalking, as defined in s. 784.048(3), (4),

(5), or (7);

(j) Kidnapping, as defined in s. 787.01;

(k) False imprisonment, as defined in s. 787.02;

(l) Sexual battery, as defined in s. 794.011;

(m) Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, as described in s. 800.04;

(n) Robbery, as defined in s. 812.13;

(o) Written or electronic threats to kill or do bodily injury, as described in s. 836.10; or

(p) Any criminal offense resulting in physical injury or death,

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Page 2 of 4

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

9-00867A-26

2026760

(2) A person who commits a second or subsequent violation of subsection (1) which is against the victim of the original offense or which constitutes a new act of violence or threat of violence commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who is arrested for a violation of this section shall be held in custody until his or her first appearance hearing, at which time the court shall review the alleged violation and determine whether to order pretrial detention or to grant pretrial release with appropriate conditions. In making such determinations, the court shall prioritize the safety of the victim and the public and shall also consider:

(a) The nature and severity of the original offense.

(b) The person's history of compliance with court orders.

(c) Any evidence of intent to intimidate, harass, or harm any person.

(4) A law enforcement officer may not be held liable in any civil action for an arrest of a person based on probable cause to believe that the person has violated this section.

Section 3. Subsection (13) of section 901.15, Florida Statutes, is amended to read:

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

(13) There is probable cause to believe that the person has committed an act that violates a condition of pretrial release provided in s. 903.047 when the original arrest was for an act of domestic violence as defined in s. 741.28, ~~or when the~~

9-00867A-26

2026760

~~original arrest was for~~ an act of dating violence as defined in s. 784.046, or a violent crime specified in s. 903.0472(1).

Section 4. This act shall take effect October 1, 2026.



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 14, 2026

I respectfully request that **Senate Bill #760**, relating to Violations of Pretrial Release Conditions for Violent Crimes, be placed on the:

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

A handwritten signature in dark ink, appearing to read "Stan McClain".

Senator Stan McClain
Florida Senate, District 9

The Florida Senate

APPEARANCE RECORD

SB 760

2/2/26

Meeting Date

Criminal Justice

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Allie McNair**

Phone **850-877-2165**

Address **2617 Mahan Dr.**

Email **amcnair@flsheriffs.org**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Sheriffs Association

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

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

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

S-001 (08/10/2021)

February 2, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate
APPEARANCE RECORD

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

760

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

2/2/26

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 760

Bill Number or Topic

574620

Amendment Barcode (if applicable)

Name Allie McNair

Phone 850-877-2165

Address 2617 Mahan Dr.

Email amcnair@flsheriffs.org

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Sheriffs Association

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

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

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

S-001 (08/10/2021)

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 1012

INTRODUCER: Senator Yarborough

SUBJECT: Inmate Services

DATE: January 30, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 1012 revises provisions relating to the Contractor-Operated Institution Inmate Welfare Trust Fund and compensation rates for emergency and specialty medical services for inmates within the Department of Corrections (DOC).

The bill amends s. 945.215, F.S., to provide that funds in the Contractor-Operated Institution Inmate Welfare Trust Fund must be used exclusively to provide for, or operate the following at Contractor-Operated facilities:

- Programs to aid inmates' reintegration into society.
- Environmental health upgrades to facilities, including fixed capital outlay for repairs and maintenance that would improve environmental conditions of the correctional facilities.

The bill amends s. 945.6041, F.S., to reduce the compensation rate that the DOC must pay community health care providers. Current law provides that inmate medical services may not exceed 110 percent of the Medicare allowable rate, however the bill reduces that payment to providers to the Medicaid rate.

Community health care providers must to provide inmate patients with reasonable access to adequate medical services, including emergency and specialty care services. If such providers do not provide inmate patients with reasonable access to adequate medical services, they will no longer remain in good standing with the Medicaid program or be able to participate in a Medicaid supplemental funding program.

A community health care provider may only negotiate above the Medicaid allowable rate if such provider enters into a contract with the DOC, a comprehensive health care services vendor, or a contractor-operated correctional facility, to provide medical services to inmates:

- In a secure unit within the community health care provider's medical facility;
- Within a correctional institution or facility; or

- By telehealth, if inmates are within the correctional institution or facility when they receive medical services.

The bill will have a positive fiscal impact on the DOC. See Section VI. Fiscal Impact Statement.

Provisions relating to compensation for inmate emergency and specialty services are effective October 1, 2026. The remaining provisions take effect on July 1, 2026.

II. Present Situation:

Inmate Healthcare

The State of Florida is responsible for providing inmates with a constitutional standard of care when they are admitted into an institution. The DOC contracts with Centurion of Florida, LLC, to provide comprehensive medical, mental health and dental services statewide. Inmates are screened at a reception center to determine their current medical, dental, and mental health needs. Within each major correctional institution, the contractor provides primary care using a core staff of clinicians, nurses, mental health and dental professionals and administrators.¹

Health services are typically provided on site in the healthcare clinic areas of the correctional institutions, and such services include primary care clinics, chronic care clinics, dental services, urgent care services, psychiatry, psychology, physical and other rehabilitative therapies, patient education, and more. Some of the biggest challenges in correctional health care include managing the complex healthcare needs of a large inmate population, ensuring safety and security, and addressing mental health issues. Patients requiring highly specialized services or hospitalization are transported to hospitals and specialists in the community.²

The DOC is authorized to enter into continuing contracts with licensed health care providers, including hospitals and health maintenance organizations, for the provision of inmate health care services which the DOC is unable to provide in its facilities.³

For each nonemergency visit initiated by an inmate, the inmate must make a copayment of five dollars. The proceeds of each copayment is deposited into the State-Operated Institutions Welfare Trust Fund or into the General Revenue Fund.⁴ The DOC is authorized to collect a supplemental copayment for a medical consultation relating to an inmate's health care occurring outside the prison or for a prosthetic device for an inmate and such copayment must be used to defray all or part of the security costs associated with the surveillance and transport of the inmate.⁵

¹ Florida Department of Corrections, *Health Services*, available at <https://www.fdc.myflorida.com/health-services> (last visited January 29, 2026).

² Centurion, *FAQs*, available at: <https://teamcenturion.com/correctional-care-solutions/correctional-healthcare/> (last visited January 29, 2026).

³ Section 945.6033, F.S.

⁴ Section 945.6037(1), F.S.

⁵ Section 945.6037(2), F.S.

For medical care that cannot be provided within the DOC, services must be obtained from outside health care providers.⁶ Compensation to health care providers⁷ who provide care to inmates in the community is provided in statute. Compensation to a health care provider to provide inmate medical services may not exceed 110 percent of the Medicare allowable rate if the health care provider does not have a contract to provide services with the DOC or the contractor-operated correctionally facility, which houses the inmate. However, compensation to a health care provider may not exceed 125 percent of the Medicare allowable rate if:

- The health care provider does not have a contract to provide services with the DOC or the contractor-operated facility; and
- The health care provider reported a negative operating margin for the previous year to the Agency for Health Care Administration (AHCA) through hospital-audited financial data.⁸

During the 2024-25 FY, there were a total of 40,215 approved requests made to Centurion's Utilization Management program for specialist appointments. Such requests are made by inmates to see medical specialists who are not employed by Centurion.⁹

Request Type	Number of Approved Requests ¹⁰
Office visit - <i>Requests for office visit specialty consultations</i>	21,106
Outpatient surgical visit	6,936
Imaging visit - <i>Includes CT, MRI, and PET scan</i>	5,521
Outpatient service - <i>Includes swallow studies, colonoscopies, EGDs, EMGs, nerve conduction studies, etc.</i>	3,921
Therapy - <i>Includes physical, occupational, or speech therapy</i>	1,909
Orthotic/prosthetics - <i>Includes evaluation, products, and fittings related to customized orthotic and prosthetic devices</i>	267
Sleep study	198
Radiation	174
Durable medical equipment	138
Pain management - <i>Includes pain management injections</i>	22
Obstetrics ultrasound - <i>Ultrasounds related to pregnancy</i>	20
Transplant - <i>Includes both the work-up and transplant if transplant is approved</i>	3

⁶ Department of Correction, *2026 Agency Legislative Bill Analysis SB 1012*, January 8, 2026 (on file with the Senate Committee on Criminal Justice).

⁷ Section 945.6041(1)(b), F.S., provides that “health care provider means: a hospital licensed under ch. 395, F.S.; a physician or physician assistant licensed under ch. 458, F.S.; an osteopathic physician or physician assistant licensed under ch. 459, F.S.; a podiatric physician licensed under ch. 461, F.S.; a health maintenance organization certificated under part I of ch. 641, F.S.; an ambulatory surgical center licensed under ch. 395, F.S.; a professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., and 4. For professional activity; an other medical facility.

⁸ Section 945.6041(2), F.S.

⁹ Florida Department of Corrections, *Office of Health Services: Summary of Approved Specialty Medical Appointments, State Fiscal Year 2024-25*, January 26, 2026 (on file with Senate Committee on Criminal Justice).

¹⁰ Id.

Agency for Health Care Administration

The AHCA is created under s. 20.42, F.S., to be the chief health policy and planning entity for the state, responsible for health facility licensure, inspection, and regulatory enforcement,¹¹ as well as the administration of Florida's Medicaid program.¹²

The Florida Medicaid Program and Medicare

The Medicaid program is a voluntary, federal-state program that finances health coverage for individuals, including eligible low-income adults, children, pregnant women, elderly adults, and persons with disabilities.¹³ The federal Center for Medicare and Medicaid Services within the U.S. Department of Health and Human Services is responsible for administering the Medicaid program at the federal level. Florida Medicaid is the health care safety net for low-income Floridians and is financed through state and federal funds.¹⁴ Approximately 72.7 percent of Florida Medicaid recipients¹⁵ receive services through a managed care plan contracted with the AHCA, and as of November 2025, current enrollment reports the Florida Medicaid enrollment total is 3,997,975 people.¹⁶

The structure of each state's Medicaid program varies, but what states must pay for is largely determined by the federal government, as a condition of receiving federal funds.¹⁷ The federal government also sets the minimum mandatory benefits to be covered in every state Medicaid program.¹⁸

The AHCA is required, subject to specific appropriations, to reimburse Medicaid providers for services under a fee schedule established by rule.¹⁹ The AHCA is also responsible for developing Medicaid provider agreements, which must contain specified terms, including provisions related to contracts for services, payment terms and methodology, records maintenance and security, and indemnity.²⁰

¹¹ Agency for Health Care Administration, *Health Quality Assurance*, available at <https://ahca.myflorida.com/health-quality-assurance> (last visited January 21, 2026).

¹² Section 409.902, F.S.

¹³ Medicaid.gov, *Medicaid*, available at <https://www.medicaid.gov/medicaid> (last visited January 28, 2026).

¹⁴ Section 20.42, F.S.

¹⁵ The other 27.3 percent of recipients receive Medicaid services through the fee-for-service (FFS) delivery model, where providers contract directly with the AHCA to render services, billing and receiving reimbursement directly from the AHCA.

¹⁶ Agency for Health Care Administration, *Florida Medicaid Monthly Enrollment Report*, Nov. 2025, available at: <https://ahca.myflorida.com/medicaid-finance-and-analytics/medicaid-data-analytics/medicaid-monthly-enrollment-report> (last visited January 28, 2026).

¹⁷ Title 42 U.S.C. §§ 1396-1396w -5; Title 42 C.F.R. Part 430-456 (§§ 430.0-456.725).

¹⁸ Section 409.964, F.S.

¹⁹ Section 409.908, F.S. Florida Agency for Health Care Administration, *Rule 59G-4.002, Provider Reimbursement Schedules and Billing Codes*, available at <https://ahca.myflorida.com/medicaid/rules/rule-59g-4.002-provider-reimbursement-schedules-and-billing-codes> (last visited January 28, 2026).

²⁰ Section 409.907(1)-(4), F.S.

Medicare

Medicare is federal health insurance for anyone age 65 and older, and some people under 65 with certain disabilities or conditions.²¹ More than 66 million people in the U.S. receive health care coverage from Medicare.²² The U.S. Centers for Medicare and Medicaid Services (CMS) develops and uses fee schedules for Medicare reimbursement payments to health care providers made on a fee-for-service basis.²³

The CMS uses a standardized Physician Fee Schedule (PFS) based on the Resource-Based Relative Value Scale (RBRVS) to reimburse health care providers for services paid for via Medicare.²⁴ The RBRVS captures the time, effort, and cost involved in providing a patient service through three types of Relative Value Units (RVUs): work, practice expense, and malpractice expenses. The RVUs are assigned to each medical billing code so that resources used to provide a service are measured on a common scale. For example, a 10-19 minute office visit for the evaluation and management of an established patient has a value of 0.70 RVUs, while a 30-39 minute office visit with the same patient would have a value of 1.92 RVUs.²⁵ RVUs become PFS payment rates through the application of a fixed-dollar conversion factor.²⁶

The 2024 Consolidated Appropriations Act included a 2.93 percent increase to the PFS conversion factor for dates of service from March 9, 2024, through December 31, 2024, resulting in a conversion factor of \$33.29 per RVU.²⁷ In January 2025, this temporary 2.93 percent increase expired resulting in a conversion factor of \$32.35, which includes a 0.02 percent adjustment to account for changes in work RVUs for some services.²⁸

Contractor-Operated Institutions Inmate Welfare Trust Fund

Contractor-operated institutions or contractor-operated correctional facilities, formerly known as private prisons, are under contract with the DOC.²⁹

²¹ Social Security Administration, *What is Medicare and who can get it?* available at <https://www.ssa.gov/faqs/en/questions/KA-02113.html> (last visited January 28, 2026).

²² Medicare.gov, *About Us*, available at <https://www.medicare.gov/about-us> (last visited January 28, 2026).

²³ Centers for Medicare and Medicaid Services, *Fee Schedules-General Information* available at <https://www.cms.gov/medicare/payment/fee-schedules> (last visited January 28, 2026).

²⁴ American Academy of Professional Coders, *What are Relative Value Units?* available at <https://www.aapc.com/resources/what-are-relative-value-units-rvus> (last visited January 28, 2026).

²⁵ American Academy of Family Physicians, *Journal of Family Practice Management*, *Understanding and Improving Your Work RVUs*, <https://www.aafp.org/pubs/fpm/issues/2023/0300/understanding-rvus.html> (last visited January 28, 2026).

²⁶ Centers for Medicare and Medicaid Services, *Physician Fee Schedule*, available at <https://www.cms.gov/cms-guide-medical-technology-companies-and-other-interested-parties/payment/physician-fee-schedule> (last visited January 28, 2026).

²⁷ Centers for Medicare and Medicaid Services, *2025 Physician Fee Schedule*, available at <https://www.cms.gov/medicare/payment/fee-schedules/physician/federal-regulation-notice/cms-1807-f> (last visited January 28, 2026).

²⁸ Centers for Medicare and Medicaid Services, *2025 Medicare Physician Fee Schedule*, available at <https://www.cms.gov/newsroom/fact-sheets/calendar-year-cy-2025-medicare-physician-fee-schedule-final-rule> (last visited January 28, 2026).

²⁹ Section 945.215(3)(a), F.S.

Proceeds from inmate canteens, vending machines primarily used by inmates, telephone commissions, and similar sources are deposited into the Contractor-Operated Institutions Inmate Welfare Trust Fund³⁰ and can only be expended pursuant to legislative appropriation.³¹

In contrast, the State-Operated Institutions Inmate Welfare Trust Fund is held by the DOC for the benefit and welfare of inmates incarcerated in the correctional facilities operated directly by the DOC. Statutory authority for these funds extend beyond the authority granted to the Contractor-Operated Institution Inmate Welfare Trust Fund. The funds in the State-Operated Institutional Inmate Welfare Trust Fund must be used exclusively to provide for or operate any of the following at correctional facilities operated by the DOC:³²

- Literacy programs, vocational training programs, and educational programs, including fixed capital outlay for educational facilities.
- Inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries.
- Inmate substance abuse treatment programs and transition and life skills training programs.
- The purchase, rental, maintenance, or repair of electronic or audiovisual equipment, media, services, and programming used by inmates.
- The purchase, rental, maintenance, or repair of recreation and wellness equipment.
- The purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program.
- Environmental health upgrades to facilities, including fixed capital outlay for repairs and maintenance that would improve environmental conditions of the correctional facilities.

Contractor-Operated Correctional Facilities

A contract entered into for the operation of contractor-operated correctional facilities, formerly known as private prisons, must maximize the cost savings³³ of such facilities and:

- Is not exempt from ch. 287, F.S., including the competitive solicitation requirements.
- Be executed with the contractor most qualified.
- Indemnify the state and the DOC against any and all liability.
- Require that the contractor seek, obtain, and maintain accreditation by the American Correctional Association for the facility under that contract.
- Require the proposed facilities and the management plans for the inmates meet applicable American Correctional Association standards and the requirements of all applicable court orders and state law.
- Establish operations standards for correctional facilities subject to the contract.
- Require the contractor to be responsible for a range of dental, medical, and psychological services; diet; education; and work programs at least equal to those provided by the DOC in comparable facilities.

³⁰ Section 945.215(3)(b)1., F.S.

³¹ Section 945.215(3)(b)2., F.S.

³² Section 945.215(2)(c)1.-7., F.S.

³³ The department may not enter into a contract or series of contracts unless the DOC determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Section 957.07, F.S.

- Require the selection and appointment of a full-time contract monitor, appointed and supervised by the DOC.
- Be contracted for a period of three years and may be renewed for successive two-year periods thereafter.³⁴

There are currently seven contractor-operated correctional facilities in Florida, operated by Management & Training Corporation, The GEO Group, or Inc, CoreCivic. The State owns the buildings and grants the contractors exclusive rights to use them.³⁵ The following correctional facilities are contract-operated correctional facilities:

- Bay Correctional Facility;
- Blackwater River Correctional Facility;
- Gadsden Correctional Facility;
- Graceville Correctional Facility;
- Lake City Correctional Facility;
- Moore Haven Correctional Facility; and
- South Bay Correctional Facility.

III. Effect of Proposed Changes:

The bill revises provisions relating to the Contractor-Operated Institution Inmate Welfare Trust Fund and compensation rates for emergency and specialty medical services for inmates within the DOC.

The bill amends s. 945.215, F.S., to provide that funds in the Contractor-Operated Institution Inmate Welfare Trust Fund must be used exclusively to provide for, or operate the following at Contractor-Operated facilities:

- Programs to aid inmates' reintegration into society.
- Environmental health upgrades to facilities, including fixed capital outlay for repairs and maintenance that would improve environmental conditions of the correctional facilities.

The bill amends s. 945.6041, F.S., to reduce the compensation rate that the DOC must pay community health care providers to that of the Medicaid rate.

Community health care providers are required to provide inmate patients with reasonable access to adequate medical services, including emergency and specialty care services. If such providers do not provide inmate patients with reasonable access to adequate medical services, they will no longer remain in good standing with the Medicaid program or be able to participate in a Medicaid supplemental funding program.

A community health care provider may only negotiate above the Medicaid allowable rate if such provider enters into a contract with the DOC, a comprehensive health care services vender, or a contractor-operated correctional facility, to provide medical services to inmates:

- In a secure unit within the community health care provider's medical facility;

³⁴ Section 957.04(1)(a)-(i), F.S.

³⁵ E-mail, *Private Prison Info*, from Katherine Shea, January 28, 2026 (on file with the Senate Committee on Criminal Justice).

- Within a correctional institution or facility; or
- By telehealth, if inmates are within the correctional institution or facility when they receive medical services.

The bill changes the term “health care provider,” to “community health care provider,” and expands the term to include an autonomous advance practice registered nurse.

Additionally the bill provides the following definitions:

- “Inmate medical services” includes, but is not limited to, services rendered by a community health care provider.
- “Medicaid allowable rate” means the amount that the AHCA would reimburse a Medicaid provider, as defined by s. 409.901, F.S., for Medicaid-covered services delivered through the fee-for-service program.
- “Secure unity” means a designated space, approved by the DOC, where the DOC can safely and efficiently manage and secure inmates who are receiving medical services from a community health care provider.

Provisions relating to compensation for inmate emergency and specialty services are effective October 1, 2026. The remaining provisions take 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:

The bill will have a negative fiscal impact on the private sector by reducing the rate of compensation to private physicians, hospitals, and other medical facilities who treat inmates outside of the DOC.

C. Government Sector Impact:

The bill will have a positive fiscal impact on the DOC by reducing the amount the DOC compensates for inmates who receive health care services in outside hospital emergency departments by reimbursing those providers at the Medicaid allowable rate, which would ultimately result in a significant, but not yet determined, savings to Florida taxpayers.³⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 945.215, 945.6041, 944.72

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.

³⁶ Department of Correction, 2026 *Agency Legislative Bill Analysis SB 1012*, January 8, 2026 (on file with the Senate Committee on Criminal Justice).

By Senator Yarborough

4-00769A-26

20261012__

1 A bill to be entitled
 2 An act relating to inmate services; amending s.
 3 945.215, F.S.; requiring that funds from the
 4 Contractor-Operated Institutions Inmate Welfare Trust
 5 Fund be used exclusively for specified provisions;
 6 amending s. 945.6041, F.S.; providing legislative
 7 intent; revising the term "health care provider" to
 8 "community health care provider" and revising its
 9 definition; providing definitions; revising
 10 compensation for the provision of inmate medical
 11 services by certain providers; providing an exemption;
 12 requiring a Medicaid health care provider to provide
 13 inmate patients with reasonable access to adequate
 14 medical services; revising compensation for the
 15 provision of inmate emergency medical transportation
 16 services; reenacting s. 944.72(1), F.S., relating to
 17 the Contractor-Operated Institutions Inmate Welfare
 18 Trust Fund, to incorporate the amendment made to s.
 19 945.215, F.S., in a reference thereto; providing
 20 effective dates.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Paragraph (b) of subsection (3) of section
 25 945.215, Florida Statutes, is amended to read:
 26 945.215 Inmate welfare and employee benefit trust funds.—
 27 (3) CONTRACTOR-OPERATED INSTITUTIONS INMATE WELFARE TRUST
 28 FUND; CONTRACTOR-OPERATED CORRECTIONAL FACILITIES.—
 29 (b)1. The net proceeds derived from inmate canteens,

Page 1 of 6

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

4-00769A-26

20261012__

30 vending machines used primarily by inmates, telephone
 31 commissions, and similar sources at contractor-operated
 32 correctional facilities shall be deposited in the Contractor-
 33 Operated Institutions Inmate Welfare Trust Fund.
 34 2. Funds in the Contractor-Operated Institutions Inmate
 35 Welfare Trust Fund must be used exclusively to provide for or
 36 operate any of the following at contractor-operated correctional
 37 facilities:
 38 a. Programs to aid inmates' reintegration into society.
 39 b. Environmental health upgrades to facilities, including
 40 fixed capital outlay for repairs and maintenance that would
 41 improve environmental conditions of the correctional facilities.
 42 3.2- Funds in the Contractor-Operated Institutions Inmate
 43 Welfare Trust Fund shall be expended only pursuant to
 44 legislative appropriation.
 45 Section 2. Effective October 1, 2026, section 945.6041,
 46 Florida Statutes, is amended to read:
 47 945.6041 Compensation for inmate emergency and specialty
 48 medical services.—
 49 (1) The department relies on community health care
 50 providers to provide emergency and specialty medical services to
 51 incarcerated inmates which cannot be provided by health care
 52 staff inside a state correctional institution. The department
 53 has experienced a substantial increase in inmate health care
 54 costs. Accordingly, it is the intent of the Legislature that
 55 inmates committed to the custody of the department have adequate
 56 access to emergency or other necessary specialty medical
 57 services at rates that are cost-effective for the state.
 58 (2)(1)- As used in this section, the term:

Page 2 of 6

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

4-00769A-26

20261012

~~(b)(a)~~ "Emergency medical transportation services" includes, but is not limited to, services rendered by ambulances, emergency medical services vehicles, and air ambulances as those terms are defined in s. 401.23.

~~(a)(b)~~ "Community health care provider" means:

1. A hospital licensed under chapter 395.

2. A physician or physician assistant licensed under chapter 458.

3. An osteopathic physician or physician assistant licensed under chapter 459.

4. A podiatric physician licensed under chapter 461.

5. An autonomous advanced practice registered nurse licensed under chapter 464.

~~6.5-~~ A health maintenance organization certificated under part I of chapter 641.

~~7.6-~~ An ambulatory surgical center licensed under chapter 395.

~~8.7-~~ A professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., and 4. for professional activity.

~~9.8-~~ An other medical facility.

a. As used in this subparagraph, the term "other medical facility" means:

(I) A facility the primary purpose of which is to provide human medical diagnostic services, or a facility providing nonsurgical human medical treatment which discharges patients on the same working day that the patients are admitted; and

(II) A facility that is not part of a hospital.

4-00769A-26

20261012

b. The term does not include a facility existing for the primary purpose of performing terminations of pregnancy, or an office maintained by a physician or dentist for the practice of medicine.

(c) "Inmate medical services" includes, but is not limited to, services rendered by a community health care provider to an inmate.

(d) "Medicaid allowable rate" means the amount that the Agency for Health Care Administration would reimburse a Medicaid provider, as defined by s. 409.901, for Medicaid-covered services delivered through the fee-for-service program.

(e) "Secure unit" means a designated space, approved by the department, where the department can safely and efficiently manage and secure inmates who are receiving medical services from a community health care provider.

(3)(2) Compensation to a community health care provider for the provision of to provide inmate medical services may not exceed 110 percent of the Medicaid Medicare allowable rate if the health care provider does not have a contract to provide services with the department or the contractor-operated correctional facility, as defined in s. 944.710, which houses the inmate. However, a community health care provider is exempt from this section and may negotiate compensation above the Medicaid allowable rate if the community health care provider enters into an agreement with the department, a comprehensive health care services vendor, or a contractor-operated correctional facility, as defined in s. 944.710, to provide medical services to inmates in a secure unit within the community health care provider's medical facility, within a

4-00769A-26 20261012

correctional institution or facility, or by telehealth in accordance with s. 456.47 if such inmates are within the correctional institution or facility when they receive such medical services.

(4) In addition to the Medicaid provider agreement requirements established in s. 409.907 to participate in a Medicaid supplemental funding program and to remain in good standing with the Medicaid program, a Medicaid community health care provider shall provide inmate patients with reasonable access to adequate medical services, including emergency and specialty care services. ~~compensation to a health care provider may not exceed 125 percent of the Medicare allowable rate if:~~

~~(a) The health care provider does not have a contract to provide services with the department or the contractor-operated correctional facility, as defined in s. 944.710, which houses the inmate; and~~

~~(b) The health care provider reported a negative operating margin for the previous year to the Agency for Health Care Administration through hospital-audited financial data.~~

(5)(3) Compensation to an entity to provide emergency medical transportation services for inmates may not exceed ~~110~~ percent of the ~~Medicaid Medicare~~ allowable rate ~~if the entity does not have a contract with the department or a contractor-operated correctional facility, as defined in s. 944.710, to provide the services.~~

(6)(4) This section does not apply to charges for medical services provided at a hospital operated by the department.

Section 3. For the purpose of incorporating the amendment made by this act to section 945.215, Florida Statutes, in a

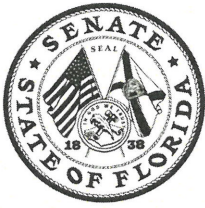
4-00769A-26 20261012

reference thereto, subsection (1) of section 944.72, Florida Statutes, is reenacted to read:

944.72 Contractor-Operated Institutions Inmate Welfare Trust Fund.—

(1) There is hereby created in the Department of Corrections the Contractor-Operated Institutions Inmate Welfare Trust Fund. The purpose of the trust fund shall be the benefit and welfare of inmates incarcerated in contractor-operated correctional facilities under contract with the department pursuant to this chapter or chapter 957. Moneys shall be deposited in the trust fund and expenditures made from the trust fund as provided in s. 945.215.

Section 4. Except as otherwise expressly provided in this act, 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: January 12, 2026

I respectfully request that **Senate Bill #1012**, relating to Inmate Services, be placed on the:

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

A handwritten signature in blue ink that reads "Clay Yarborough".

Senator Clay Yarborough
Florida Senate, District 4



2026 AGENCY LEGISLATIVE BILL ANALYSIS

Florida Department of Corrections

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 1012
BILL TITLE:	Inmate Services
BILL SPONSOR:	Senator Clay Yarborough
EFFECTIVE DATES:	July 1, 2026; October 1, 2026

<u>COMMITTEES OF REFERENCE</u>
1) Criminal Justice
2) Appropriations Committee on Criminal and Civil Justice
3) Appropriations
4)
5)

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

<u>CURRENT COMMITTEE</u>
Criminal Justice

<u>SIMILAR BILLS</u>	
BILL NUMBER:	
SPONSOR:	

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	HB 913
SPONSOR:	Johnson

<u>Is this bill part of an agency package?</u>
Yes.

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	1/8/2026
LEAD AGENCY ANALYST:	Grady Enlow
ADDITIONAL ANALYST(S):	Clayton Weiss, Dorothy Burnsed, Melissa McDaniel, Kimberly Mims, Tiffany Harrell, David Ensley
LEGAL ANALYST:	Dorothy M. Burnsed, Paul Vazquez
FISCAL ANALYST:	Tommy Milito and Jennifer Hanson

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Senate Bill 1012 (the bill) amends section 945.215, Florida Statutes (F.S.), to add the authority to use funds in the Contractor-Operated Institutions Inmate Welfare Trust Fund (COIIWTF) for programs to aid inmates' reintegration into society and for environmental health upgrades to facilities, including fixed capital outlay, for repairs and maintenance that would improve environmental conditions at Contractor-Operated Correctional Facilities (COCF). This will make the spending authority related to COCFs comparable to the spending authority related to the State Operated Inmate Welfare Trust Fund for state-run institutions.

The bill also amends s. 945.6041, F.S., to change the title to "Compensation for Inmate Emergency and Specialty Medical Services" and to specify that the Florida Department of Corrections ("the Department"), its comprehensive health care contractor, or the contractor-operated correctional facilities shall compensate community health care providers, as defined in s. 945.6041(1)(b), F.S., and emergency transport entities for inmate medical services/transport, at the relevant *Medicaid* rates. The bill would add further that, as a condition of participating in a Medicaid supplemental funding program, a community health care provider must provide reasonable access to adequate health care services to inmate patients, including emergency and specialty care.

A health care provider is exempt from this section and may negotiate reimbursement rates above relevant Medicaid rates, if they have an agreement or contract with the Department, a comprehensive health care vendor, or a COCF to provide health care services to the Department's inmates in a secure unit within their medical facility, in the Department's COCFs or Department institutions, or by telehealth in accordance with s. 456.47, F.S.

The bill also amends (and renumbers) s. 945.6041(3), F.S., to specify that compensation to an entity to provide emergency medical transportation services for inmates may not exceed the Medicaid allowable rate.

Though the Medicaid rate is used as the billable rate, the bill does not have the effect of creating inmate eligibility for Medicaid coverage while incarcerated.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Regarding section 945.215, F.S., currently, the Legislature appropriates funding from General Revenue and the COIIWTF for operations of COCFs.

From the General Revenue funds, the COCF operations and management contracts (contract) identify specific programmatic services funded from the per diem. Additionally, each contract specifies a deduction from the per diem for maintenance and repair of the state-owned furniture, fixtures, and equipment. As the COCFs increase in age, so does the cost to maintain them. These deductions will increase in contract rebids; however, due to the need for maintenance and repairs of critical systems, the deductions alone will not suffice.

The COIIWTF appropriation funds additional programmatic services that are not identified in the contract; providing additional services to aid inmates in their reintegration into society and structured activities to reduce inmate idleness. Additional services include vocational training (barbering, cosmetology, environmental services, HVAC), canine training, industry certifications, and self-improvement courses, including small business preparation and workforce readiness. From FY 2022-23 through FY 2024-25, the annual appropriation of \$2,093,348 for program services has not been fully utilized, as reflected below.

Fiscal Year	Appropriation	Surplus Authority
FY 2022-23	\$2,093,348	\$1,011,161
FY 2023-24	\$2,093,348	\$1,127,030
FY 2024-25	\$2,093,348	\$1,495,130

The ability to use this appropriation for programmatic services and/or improvement of environmental conditions would have long-lasting positive impacts on public safety by reducing the idleness of inmates housed in COCFs as well providing adequate upkeep of state-owned buildings.

Regarding s. 945.6041, F.S., the Department is responsible for providing inmates with a constitutional standard of care when they are committed to a Department institution in accordance with sections 945.025(2), and 945.6034, F.S. This includes comprehensive medical, mental health, and dental services, and all associated ancillary services. Currently, these services are provided through a comprehensive healthcare contract with Centurion of Florida, LLC., and partnerships with state agencies and other organizations. The COCFs also provide a basic level of primary care health services within those facilities.

Primary care services are provided in each institution and include health education, sick calls, periodic screenings (e.g., mammograms and other cancer screenings), immunizations, infection control, and a variety of chronic illness clinics. Each health services unit also has a basic urgent care services room to assess inmates with medical emergencies who may need to be sent out for a higher level of care. Most institutions have infirmaries, which are staffed with nurses 24 hours per day, seven days per week, and provide nursing level care, such as monitoring vital signs, administering intravenous fluids, post-surgical wound care, changing bandages and dressings, stabilizing patients after procedures, and monitoring long-term patients who are not acutely ill but cannot live among the general population.

The Department also has specialty dorms/units for elderly inmates and inmates with complex medical needs who require step-down care, long-term care, or palliative care. Centurion subcontracts with a variety of vendors to provide on-site diagnostic and therapeutic ancillary services such as radiology, labs, dialysis, and physical and respiratory therapy.

For some of the secondary and tertiary care, the Department operates a licensed, 120-bed, prison hospital at Reception and Medical Center (RMC) in Lake Butler, Florida. The RMC Hospital campus also includes an ambulatory surgical center, dialysis center, and radiotherapy center, all of which are operated by private contractors. In addition, the Department's vendor has a network of specialists and hospitals that provide on-site specialty care and agreements for off-site inpatient/outpatient hospital services in dedicated secure hospital wings.

Medical care that cannot be provided by these resources must be obtained from outside health care providers. The Department currently has secure, designated space where inmates can receive community health services safely and efficiently and is actively increasing that capacity. In those units, healthcare providers may negotiate rates higher than Medicaid rates. The Department's vendor has contracted for discounted or fixed pricing from many, but not all, of its outside providers. Having an established price allows cost control and the prediction of future expenses. However, some of these contracts are for rates greater than the current 110% Medicare rate and some health care providers do not have contracts with the Department's vendor.

Section 945.6041, F.S., was created in 2009 to codify proviso language and to assist the Department with rising inmate medical costs. Presently, the statute provides that compensation to a health care provider to provide inmate medical services may not exceed 110 percent of the *Medicare* rate if the health care provider does not have a contract to provide services with the department or the contractor-operated correctional facilities and 125 percent of the Medicare rate if the hospital reported an operating loss to the Agency for Health Care Administration.

2. EFFECT OF THE BILL:

Regarding s. 945.215, F.S., the bill will allow the residual appropriations authority within the POIWF to be used for improvement of environmental conditions. Since this authority would normally revert, there is no fiscal impact to the Department.

Regarding s. 945.6041, F.S., the bill will lower the compensation rate for inmate medical services to community health care providers to the allowable Medicaid rates, regardless of contract status, unless the community health care provider has an agreement to provide health care services to inmates in a **secure unit** within the community health care provider's medical facility, inside a correctional institution or facility, or by telehealth where inmates receive health care services within the correctional institution or facility.

The bill adds definitions for "inmate medical services," "Medicaid allowable rate," and "secure unit."

The bill provides that a Medicaid health care provider must provide reasonable access to adequate health care services, to include emergency and specialty care services, to inmate patients as a condition of participating in a Medicaid supplemental funding program and to remain in good standing with the Medicaid program.

Finally, the bill amends the compensation to entities providing emergency medical transportation services for inmates to the Medicaid allowable rate.

The bill may reduce the amount the Department compensates for inmates who receive health care services in outside hospital emergency departments by reimbursing those providers at the Medicaid allowable rate, which would ultimately result in a significant, but not yet determined, savings to Florida taxpayers.

The bill may encourage and incentivize more community health providers to offer their services behind-the-fence at the higher negotiated rate. Although this effect may offset some of the intended cost savings of the bill, it would reduce the frequency and cost of security staff needed to transport inmates into the community. This would provide efficiency in security resources while enhancing community safety.

The act would take effect October 1, 2026.

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

If yes, explain:	No.
What is the expected impact to the agency's core mission?	N/A
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

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

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

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

If yes, provide a description:	No.
Date Due:	
Bill Section Number(s):	

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

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

FISCAL ANALYSIS

1. WHAT IS THE FISCAL IMPACT TO LOCAL GOVERNMENT?

Revenues:	Unknown.
Expenditures:	Unknown.
Does the legislation increase local taxes or fees?	Unknown.
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?	N/A

2. WHAT IS THE FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	Unknown.
Expenditures:	<p>The overall fiscal impact of this legislative proposal is indeterminate. However, the below factors could have a fiscal impact.</p> <p>(1) Regarding 945.215, F.S. change:</p> <ul style="list-style-type: none"> Potential for added expenditures in the COIIWTF to address inmate environmental conditions. <p>(2) Regarding 945.6041, F.S. change:</p> <ul style="list-style-type: none"> Potential decrease in inmate emergency medical transportation costs, resulting in a savings to Florida taxpayers. Potential decrease in the cost of inmate outside hospital emergency department and outside community health care provider services, resulting in a savings to Florida taxpayers. <p>Potential increase in the number of community health care providers that may become willing to negotiate contracts to offer services behind the fence at a higher negotiated rate; thereby offsetting some of the cost savings of the bill.</p>
Does the legislation contain a State Government appropriation?	Unknown.
If yes, was this appropriated last year?	N/A

3. WHAT IS THE FISCAL IMPACT TO THE PRIVATE SECTOR?

Revenues:	Unknown.
Expenditures:	Unknown.
Other:	Unknown.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

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

--	--

TECHNOLOGY IMPACT

Does the legislation impact the agency's technology systems (i.e., IT support, licensing software, data storage, etc.)?	No.
If yes, describe the anticipated impact to the agency including any fiscal impact.	

FEDERAL IMPACT

Does the legislation have a federal impact (i.e. federal compliance, federal funding, federal agency involvement, etc.)?	No.
If yes, describe the anticipated impact including any fiscal impact.	N/A

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	<p>Regarding Section 1 of the bill, there does not appear to be any legal issues.</p> <p>Regarding Section 2 of the bill, the proposal requires Medicaid providers, as a condition of a Medicaid provider agreement and remaining in good standing, to provide reasonable access to services to inmate patients. Though states have authority to impose conditions on Medicaid provider agreements related to access for Medicaid patients, it is not clear whether a state can impose a condition in a Medicaid provider agreement that is unrelated to Medicaid services or unrelated to a Medicaid patient. Recent US Supreme Court case law suggests that states may have more flexibility in setting conditions for participation, even if the conditions are not directly related to the Medicaid program.</p> <p>Medicaid is a jointly financed federal-state program. States devise and fund their own medical assistance programs, subject to the requirements of the Medicaid Act, and the federal government provides partial reimbursement. <u>Moore ex rel. Moore v. Reese</u>, 637 F.3d 1220, 1232 (11th Cir. 2011)(citing 42 U.S.C. §§ 1396b(a), 1396d(b)). Florida law sets forth "Provider Requirements" and establishes that all Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Handbook. Fla. Admin. Code R. 59G-4.150.</p> <p>The statutory framework applicable to Florida's Medicaid program is section 409.907, F.S.. <u>Agency for Persons with Disabilities v. Angel Heart Support Servs.,</u></p>
--	---

	<p><u>Inc.</u>, 388 So. 3d 973, 975 (Fla. 3d DCA 2024)(citing <u>Diaz v. State, Agency for Health Care Admin.</u>, 65 So. 3d 78, 80–81 (Fla. 3d DCA 2011)(“The agency may make payments for ... services rendered to Medicaid recipients only to an individual or entity who has a provider agreement in effect with the agency.”)). Medicaid providers must have a provider agreement, in accordance with section 409.907, F.S., to receive Medicaid funds from AHCA.</p> <p>A Provider Agreement is described as follows:</p> <p>Each provider agreement shall be a voluntary contract between the agency and the provider, in which the provider agrees to comply with all laws and rules pertaining to the Medicaid program when furnishing a service or goods to a Medicaid recipient and the agency agrees to pay a sum ... for the service provided to the Medicaid recipient. Each provider agreement shall be effective for a stipulated period of time, shall be terminable by either party after reasonable notice, and shall be renewable by mutual agreement.</p> <p>§ 409.907(2), Fla. Stat. (2009) (emphasis added); <u>see also Diaz v. State, Agency for Health Care Admin.</u>, 65 So. 3d 78, 80–81 (Fla. 3d DCA 2011).</p> <p>Section 409.907, F.S., contains other requirements related to the Medicaid program that must be included in the provider agreements (e.g., good standing, a valid license, appropriate record maintenance and retention, billing other providers before Medicaid, etc.). Any condition that a state includes in a provider agreement must not violate federal Medicaid regulations. Overall, however, states have flexibility in setting provider agreements.</p> <p>Though it is not clear whether a state can require Medicaid providers to provide access to care for non-Medicaid patients as a condition of program participation, legal developments indicate that there may be a shift in favor of states imposing conditions unrelated to Medicaid patients. Multiple states have banned abortion providers from their Medicaid programs. Recently, the US Supreme Court, in <u>Medina v. Planned Parenthood South Atlantic</u>, 145 S.Ct. 2219 (2025), determined that Medicaid enrollees cannot sue states under Section 1983 for alleged violations of the free choice provision. This decision may expand the ability of states to legislate conditions on providers other than those directly related to the program or quality of care.</p>
--	--

From: [Stokes, Amanda](#)
To: [Denson, Tori](#)
Subject: FW: Private Prison Info
Date: Wednesday, January 28, 2026 2:35:43 PM
Attachments: [image001.png](#)

To keep on file.

From: Shea, Katherine <Katherine.Shea@fdc.myflorida.com>
Sent: Wednesday, January 28, 2026 11:07 AM
To: Stokes, Amanda <STOKES.AMANDA@flsenate.gov>
Cc: Wyant, Madison <Wyant.Madison@flsenate.gov>; Taylor, Willard Chris <Chris.Taylor2@fdc.myflorida.com>; Johnson, SarahKathryn <SarahKathryn.Johnson@fdc.myflorida.com>; Glady, Michelle <Michelle.Glady@fdc.myflorida.com>
Subject: RE: Private Prison Info

All buildings are owned by the state. There is a modular building at Graceville that was purchased by the vendor – the modular unit is used for substance abuse staff offices, to meet with inmates for treatment services, and hold group sessions. The state does not maintain that modular building.

Katherine Babcock Shea

Legislative Affairs Director
Florida Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399
Legislative Affairs: (850) 488-7436
Citizen Services: (850) 488-7052
Mobile: (850) 688-7432



We Never Walk Alone

Respect ★ Integrity ★ Courage ★ Selfless Service ★ Compassion

CONFIDENTIALITY & PUBLIC RECORDS NOTICE: This message and any attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information that is exempt from public disclosure. Any unauthorized review, use, disclosure, or distribution is prohibited. If you have received this message in error, please contact the sender by phone and destroy the original and all copies. Please be aware that the State of Florida has a broad public records law and that any correspondence sent to this email address may be subject to public disclosure.

From: Stokes, Amanda <STOKES.AMANDA@flsenate.gov>
Sent: Wednesday, January 28, 2026 10:54 AM
To: Shea, Katherine <Katherine.Shea@fdc.myflorida.com>
Cc: Wyant, Madison <Wyant.Madison@flsenate.gov>; Taylor, Willard Chris <Chris.Taylor2@fdc.myflorida.com>; Johnson, SarahKathryn <SarahKathryn.Johnson@fdc.myflorida.com>
Subject: RE: Private Prison Info

Thank you for this! Just for clarification, there are no buildings being used that are owned by the Contractors? They are all state buildings?

From: Shea, Katherine <Katherine.Shea@fdc.myflorida.com>
Sent: Wednesday, January 28, 2026 10:52 AM
To: Stokes, Amanda <STOKES.AMANDA@flsenate.gov>
Cc: Wyant, Madison <Wyant.Madison@flsenate.gov>; Taylor, Willard Chris <Chris.Taylor2@fdc.myflorida.com>; Johnson, SarahKathryn <SarahKathryn.Johnson@fdc.myflorida.com>
Subject: RE: Private Prison Info

Good morning,

The state owns the buildings of Contractor-Operated Correctional Facilities and grants the contractors exclusive rights to use them.

Bay Correctional Facility – currently MTC (Management & Training Corporation), will switch over to GEO (The GEO Group, Inc.) contract in July 2026
5400 Bayline Drive
Panama City, Florida 32404

Blackwater River Correctional Facility – GEO (The GEO Group, Inc.)
5914 Jeff Ates Road
Milton, Florida 32583

Gadsden Correctional Facility –MTC (Management & Training Corporation)
6044 Greensboro Highway
Quincy, Florida 32351

Graceville Correctional Facility – currently MTC, will switch over to GEO (The GEO Group, Inc.) contract in July 2026
5168 Ezell Rd.
Graceville, Florida 32440

Lake City Correctional Facility – CoreCivic
7906 East Highway 90
Lake City, Florida 32055

Moore Haven Correctional Facility – GEO (The GEO Group, Inc.)

1282 East State Road FL-78
Moore Haven, Florida 33471

South Bay Correctional Facility – GEO (The GEO Group, Inc.)

600 U.S. Highway 27
South Bay, Florida 33493

Please let us know if you have any questions.

Respectfully,

Katherine Babcock Shea

Legislative Affairs Director
Florida Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399
Legislative Affairs: (850) 488-7436
Citizen Services: (850) 488-7052
Mobile: (850) 688-7432



We Never Walk Alone

Respect ★ Integrity ★ Courage ★ Selfless Service ★ Compassion

CONFIDENTIALITY & PUBLIC RECORDS NOTICE: This message and any attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information that is exempt from public disclosure. Any unauthorized review, use, disclosure, or distribution is prohibited. If you have received this message in error, please contact the sender by phone and destroy the original and all copies. Please be aware that the State of Florida has a broad public records law and that any correspondence sent to this email address may be subject to public disclosure.

From: Stokes, Amanda <STOKES.AMANDA@flsenate.gov>

Sent: Wednesday, January 28, 2026 9:52 AM

To: Shea, Katherine <Katherine.Shea@fdc.myflorida.com>

Cc: Wyant, Madison <Wyant.Madison@flsenate.gov>

Subject: Private Prison Info

Hey Katherine,

Would you be able to get me a quick list of all the private prison vendors, and also who owns the buildings where the private prisons operate?

Thanks!

Amanda D. Stokes

Staff Director

Criminal Justice Committee

510 Knott Building

404 South Monroe Street

Tallahassee, FL 32399-1100

850 487 5192



FLORIDA DEPARTMENT OF CORRECTIONS OFFICE OF HEALTH SERVICES

Summary of Approved Specialty Medical Appointments, State Fiscal Year 2024-25 January 26, 2026

In State Fiscal Year 2024-25, there were a total of 40,215 approved requests made to Centurion's Utilization Management (UM) program for specialist appointments for inmates to be seen by medical specialists not employed by Centurion, the Department's comprehensive health care contractor. The number of total requests is currently unknown; however, Centurion indicates that their denial rate, or Alternative Treatment Plan rate, is about 1.5 percent (which would project roughly 40,900 total requests made in the fiscal year). The approved requests included specialty services that occurred in offsite locations in a community setting as well as within medical space within the Department's correctional institutions. Please note, Centurion's UM data system does not distinguish between services that were provided onsite in institutional medical clinics versus services that were rendered at offsite, community facilities.

Request Type	Number of Approved Requests
Office visit <i>Requests for office visit specialty consultations (more detailed information provided below)</i>	21,106
Outpatient surgical visit	6,936
Imaging visit <i>Includes CT, MRI, and PET scan</i>	5,521
Outpatient service <i>Includes swallow studies, colonoscopies, EGDs, EMGs, nerve conduction studies, etc.</i>	3,921
Therapy <i>Includes physical, occupational, or speech therapy</i>	1,909
Orthotic/prosthetics <i>Includes evaluation, products, and fittings related to customized orthotic and prosthetic devices</i>	267
Sleep study	198
Radiation	174
Durable medical equipment	138
Pain management <i>Includes pain management injections</i>	22
Obstetrics ultrasound <i>Ultrasounds related to pregnancy</i>	20
Transplant <i>Includes both the work-up and transplant if transplant is approved</i>	3

Of the 21,106 office visit approved requests, there were 42 different categories of office visit requests in State Fiscal Year 2024-25. The top 20 categories are listed below beginning in order with the category with the greatest number of approved requests and they cumulatively accounted for over 95 percent of the total office visit requests.

- | | | |
|-----------------------|------------------|------------------------|
| 1. Orthopedic surgery | 3. Cardiology | 5. Hematology/oncology |
| 2. Surgery, general | 4. Ophthalmology | 6. Urology |



FLORIDA DEPARTMENT OF CORRECTIONS OFFICE OF HEALTH SERVICES

- | | | |
|---------------------|------------------------|--------------------------|
| 7. Gastroenterology | 12. Retinal specialist | 17. Orthotics/prosthetic |
| 8. Otolaryngology | 13. Radiation oncology | 18. Hand surgery |
| 9. Neurosurgery | 14. Pulmonology | 19. Vascular surgery |
| 10. Neurology | 15. Dermatology | 20. Audiology |
| 11. Nephrology | 16. Specialty clinic | |

The orthotics/prosthetic *office visits* are unique from the 267 orthotics/prosthetics approved requests shown in the table on page 1. The office visits were initial evaluations in which the inmate may have been provided with a device that was readily available and did not require individualized customization, whereas the 267 approved requests shown in the table on page 1 represented visits in which the inmate required a customized device based on their individualized needs.

In State Fiscal Year 2024-25, the 20 categories with the highest number of approved requests are listed below along with the number of approved requests for the fiscal year.

- | | |
|--------------------------------|---------------------------------|
| 1. Surgery, general (3,386) | 11. Nephrology (527) |
| 2. Orthopedic surgery (2,708) | 12. Retinal specialist (423) |
| 3. Cardiologist (2,253) | 13. Radiation oncology (402) |
| 4. Ophthalmology (2,071) | 14. Pulmonology (341) |
| 5. Hematology/oncology (2,029) | 15. Dermatology (315) |
| 6. Urology (1,644) | 16. Orthotics/prosthetics (266) |
| 7. Gastroenterology (1,084) | 17. Hand surgery (255) |
| 8. Otolaryngology (599) | 18. Vascular surgery (207) |
| 9. Neurosurgery (579) | 19. Audiologist (184) |
| 10. Neurology (528) | 20. Obstetrics/gynecology (94) |

In State Fiscal Year 2024-25, the 20 institutions with the highest number of approved requests were:

- | | |
|---|--|
| 1. Reception and Medical Center, Main Unit | 12. Tomoka Correctional Institution |
| 2. Union Correctional Institution | 13. Dade Correctional Institution |
| 3. Columbia Correctional Institution, Annex | 14. Columbia Correctional Institution, Main Unit |
| 4. Lowell Correctional Institution, Annex | 15. Everglades Correctional Institution |
| 5. Madison Correctional Institution | 16. Mayo Correctional Institution, Annex |
| 6. Suwannee Correctional Institution, Annex | 17. Lowell Correctional Institution, Main Unit |
| 7. Reception and Medical Center, West Unit | 18. Hamilton Correctional Institution, Annex |
| 8. Florida Women's Reception Center | 19. Martin Correctional Institution |
| 9. Marion Correctional Institution | 20. South Florida Reception Center |
| 10. Sumter Correctional Institution | |
| 11. Zephyrhills Correctional Institution | |

The Florida Senate

APPEARANCE RECORD

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

Feb. 2, 2026

Meeting Date

Criminal Justice

Committee

SB 1012

Bill Number or Topic

Amendment Barcode (if applicable)

Name Justin Senior Phone 850-528-9159

Address ~~125~~ 125 S. Gadsden St., Suite 300 Email justin@snhaf.net

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:

Safety Net Hospital Alliance of Florida

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

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

S-001 (08/10/2021)

February 2, 2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

1012

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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-001 108/10/2022

The Florida Senate
APPEARANCE RECORD

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

2/2/26
Meeting Date

SB1012
Bill Number or Topic

CJ
Committee

Amendment Barcode (if applicable)

Name Denise Prock

Phone 561-855-0833

Address PO 211174
Street

Email denise@floridacares
Charity.org

WFB
City

FL
State

33421
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 1012

Bill Number or Topic

Amendment Barcode (if applicable)

2/2/2020

Meeting Date

Criminal Justice

Committee

Name

Katherine Shea

Phone

850-488-7436

Address

501 S. Calhoun St.

Email

Katherine.Shea@FDC.myflorida.com

Street

Tallahassee

FL

32399

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Department of
Corrections

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1326

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Prosecution of Defendants

DATE: January 27, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB1326 amends provisions of the Florida Statutes relating to the affirmative defense of not guilty by reason of insanity, competency, and the use of mental illness as a mitigating circumstance.

The bill amends s. 775.027, F.S., to revise the affirmative defense of not guilty by reason of insanity, by removing language that allowed a defendant to present evidence that at the time of the offense, he or she had a mental infirmity, disease, or defect and did not know what he or she was doing was wrong.

The bill amends s. 916.12, F.S., to provide that an expert who examines a defendant for competency to proceed must consider and include in the report whether the expert finds that the defendant is malingering. Additionally, the expert must include what instrument or method was used as the basis of such finding.

The bill amends s. 916.15, F.S., to require a defendant who has been found not guilty by reason of insanity and who meets commitment criteria to be involuntarily committed.

The bill amends s. 921.0026, F.S., to revise mitigating circumstances which permit a court to sentence a defendant to a sentence below the lowest permissible sentence based on sentencing guidelines by narrowing the mitigating circumstance for physical disabilities and mental

disorders. Such mitigating circumstance may not be construed to allow a convicted defendant to receive outpatient therapy in lieu of a term of incarceration.

The bill amends s. 916.145, F.S., to extend the timeframe that the state attorney must wait before dismissing charges against a defendant who has been found incompetent.

The bill will have a negative fiscal impact on the Department of Children and Families and 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

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.

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

During the 2024/25 FY, there were 377 patients at state mental health treatment facilities who were adjudicated as Not Guilty by Reason of Insanity.⁶

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.”⁷

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.⁸

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.⁹ 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.”¹⁰ 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.”¹¹

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.¹² 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.

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 E-mail attachment from Chancer Teel, DCF Data, February 2, 2026 (on file with the Senate Committee on Criminal Justice).

⁷ 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.

⁸ K.S.A. 21-5202.

⁹ *Kahler v. Kansas*, 589 U.S. 271, 140 S.Ct. 1021, 206 L.Ed.2d 312 (2020).

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 775.027, F.S.

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.¹³

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.^{14,15} Additionally, Florida courts have held that involuntary intoxication is admissible only to negate the intent required for specific intent crimes.¹⁶

While Florida has not defined "culpable mental state," Kansas has defined it to include "knowingly," and "recklessly."¹⁷ 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.¹⁸

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.¹⁹ 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.'"²⁰

"[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."²¹

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

¹³ Section 21-5202, K.S.,

¹⁴ *Goodwin v. State*, 734 So. 2d 1057, (1st DCA 1998).

¹⁵ *See also* s. 775.051, F.S., abolishing voluntary intoxication as a defense.

¹⁶ *Daniels v. State*, 313 So. 3d 247 (1st DCA 2021).

¹⁷ Section 21-5202, K.S.,

¹⁸ Section 916.12(1), F.S.

¹⁹ *James v. Singletary*, 957 F.2d 1562, 1571 (11th Cir.1992).

²⁰ *Id.*

²¹ *Id.*

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.²²

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.
- 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 availability 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.²³

During the 2024/25 FY, 1,417 individuals were committed to a competency restoration program, and the total number of patients at state mental health treatment facilities who were adjudicated incompetent was 2,675.²⁴ An individual who has been committed to the Department of Children and Families for competency training waits on average for 115 days for admittance, while most persons receiving treatment in the community had little or no wait time.²⁵

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

²² Section 916.12(3), F.S.

²³ Section 916.15(3)(a), F.S.; *See* s. 394.467, F.S., Involuntary inpatient placement.

²⁴ E-mail attachment from Chancer Teel, DCF Data, February 3, 2026 (on file with the Senate Committee on Criminal Justice).

²⁵ *Id.*; E-mail from Chancer Teel, DCF Data, February 3, 2026 (on file with the Senate Committee on Criminal Justice).

facts that support a departure from the lowest permissible sentence is a preponderance of the evidence.²⁶

The lowest permissible sentence is the minimum sentence that may be imposed by the trial court, absent a valid reason for departure.²⁷ 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.
- 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.²⁸

III. Effect of Proposed Changes:

The bill amends s. 775.027, F.S., to revise the affirmative defense of not guilty by reason of insanity, by removing language that allowed a defendant to present evidence that at the time of the offense, he or she had a mental infirmity, disease, or defect and *did not know what he or she was doing was wrong*.

²⁶ Section 921.002(1)(f), and (3), F.S.

²⁷ Section 921.0024(2), F.S.

²⁸ *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.

Under the bill, a person may raise the affirmative defense of not guilty by reason of insanity if he or she establishes that at the time of the offense, 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.

The bill amends s. 916.12, F.S., to provide that an expert who examines a defendant for competency to proceed must consider and include in the report whether the expert finds that the defendant is malingering. Additionally, the expert must include what instrument or method was used as the basis of such finding.

The bill amends s. 916.15, F.S., to require a defendant who has been found not guilty by reason of insanity and who meets commitment criteria to be involuntarily committed.

The bill amends s. 921.0026, F.S., to revise mitigating circumstances which permit a court to sentence a defendant to a sentence below the lowest permissible sentence based on sentencing guidelines by narrowing the mitigating circumstance for physical disabilities and mental disorders. The court may issue such a downward departure if the defendant requires specialized treatment for a:

- Severe physical disability; or
 - Severe and persistent mental illness that has been diagnosed by a qualified professional.
- The court may not depart from the lowest permissible sentence if the defendant is convicted of murder, manslaughter, or for a registerable sex offense, or is a danger to self or others.

The above mitigating circumstance may not be construed to allow a convicted defendant to receive outpatient therapy in lieu of a term of incarceration.

The bill amends s. 916.145, F.S., to extend the timeframe that the state attorney must wait before dismissing charges against a defendant who has been found incompetent. A defendant's charges may not be dismissed unless the defendant remains incompetent to proceed for a duration of time equal to the maximum statutory sentence for his or her charges and such sentence is more than five years.

If the defendant's maximum statutory sentence is equal to or less than 5 years, the court may dismiss charges three years after a determination of incompetency, unless the charge is a specified offense.

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 has a positive indeterminate fiscal impact.²⁹ While it is unknown how many individuals will be affected, the bill narrows the mitigating circumstances for defendants with physical disabilities and mental illness. This may result in longer prison sentences and more individuals sentenced to incarceration.

The bill has a negative fiscal impact on the Department of Children and Families. According to the Department of Children and Families, there are 3,104 beds in State Mental Health Treatment Facilities. The average bed day rate based on expenditures for the state-operated mental health treatment facilities for FY 24-25 is \$428.13. The average bed day rate based on expenditures for the contracted state mental health treatment facilities for FY 24-25 is \$357.97. There is no difference in cost at the state mental health facilities that are treating persons found Not Guilty by Reason of Insanity of those found incompetent to proceed.³⁰

The bill prohibits the state from dismissing charges of defendants who are found incompetent to proceed unless they have remained incompetent for a duration of time equal to that of the statutory maximum sentence, if such sentence is more than 5 years.

²⁹ SB 1326 Strike-all amendment 807564, EDR proposed estimate, (on file with the Senate Committee on Criminal Justice).

³⁰ E-mail attachment from Chancer Teel, DCF Data, February 3, 2026 (on file with the Senate Committee on Criminal Justice).

This increases the length of time that a defendant must receive competency training before the state may dismiss charges, and may result in competency restoration for the duration of life if a defendant is charged with a life felony, 30 years if the defendant is charged with a first degree felony, or 15 years if the defendant is charged with a second degree felony.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Criminal Justice on February 2, 2026:

The committee substitute:

- Removes language in the bill relating to the defense of a lack of culpable mental state and revises the current affirmative defense of not guilty by reason of insanity to remove that a defendant may be found NGRI if the defendant knew what he or she was doing but did not know that it was wrong.
- Adds that an expert must include in a competency report whether a defendant is malingering, and what instrument or method was used in making such determination.
- Provides that a defendant who is acquitted by NGRI must be committed if he or she meets commitment criteria.
- Provides that the court may grant a downward departure if a defendant has a severe and persistent mental illness and is not a danger to self or others, and is not convicted of murder, manslaughter, or a sex offense. The amendment specifies that such downward departure may not allow a convicted defendant to receive outpatient therapy in lieu of a term of incarceration.
- Increases the amount of time that a defendant must remain incompetent before the state may dismiss charges.

B. Amendments:

None.



807564

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2026	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

775.027 Insanity defense.—

(1) AFFIRMATIVE DEFENSE.—All persons are presumed to be
sane. It is an affirmative defense to a criminal prosecution
that, at the time of the commission of the acts constituting the



807564

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.†

~~(a) The defendant had a mental infirmity, disease, or defect; and~~

~~(b) Because of this condition, the defendant:~~

~~1. Did not know what he or she was doing or its consequences; or~~

~~2. 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.~~

Mental infirmity, disease, or defect does not constitute a defense of insanity except as provided in this subsection.

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

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

916.12 Mental competence to proceed.—

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

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

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



807564

- (c) Understand the adversarial nature of the legal process.
- (d) Disclose to counsel facts pertinent to the proceedings at issue.
- (e) Manifest appropriate courtroom behavior.
- (f) Testify relevantly.

In addition, an examining expert shall consider and include in his or her report whether the expert finds that the defendant is malingering, what instrument or method was used as the basis for any such finding, and any other factor deemed relevant by the expert.

Section 3. Section 916.15, Florida Statutes, is amended to read:

916.15 Involuntary commitment of defendant adjudicated not guilty by reason of insanity.—

(1) The determination of whether a defendant is not guilty by reason of insanity shall be determined in accordance with s. 775.027 and the applicable ~~Rule 3.217~~, Florida Rules of Criminal Procedure.

(2) A defendant who is acquitted of criminal charges because of a finding of not guilty by reason of insanity shall ~~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.

(3)(a) Every defendant acquitted of criminal charges by reason of insanity and found to meet the criteria for involuntary commitment shall ~~may~~ be committed and treated in accordance with the provisions of this section and the applicable Florida Rules of Criminal Procedure.



807564

(b) Immediately after receipt of a completed copy of the court commitment order containing all documentation required by the applicable Florida Rules of Criminal Procedure, the department shall request all medical information relating to the defendant from the jail. The jail shall provide the department with all medical information relating to the defendant within 3 business days after receipt of the department's request or at the time the defendant enters the physical custody of the department, whichever is earlier.

(c) The department shall admit a defendant so adjudicated to an appropriate facility or program for treatment and shall retain and treat such defendant. No later than 6 months after the date of admission, prior to the end of any period of extended commitment, or at any time that the administrator or his or her designee determines that the defendant no longer meets the criteria for continued commitment placement, the administrator or designee shall file a report with the court pursuant to the applicable Florida Rules of Criminal Procedure.

(4) In all proceedings under this section, both the defendant and the state shall have the right to a hearing before the committing court. Evidence at such hearing may be presented by the hospital administrator or the administrator's designee as well as by the state and the defendant. The defendant shall have the right to counsel at any such hearing. In the event that a defendant is determined to be indigent pursuant to s. 27.52, the public defender shall represent the defendant. The parties shall have access to the defendant's records at the treating facilities and may interview or depose personnel who have had contact with the defendant at the treating facilities.



807564

(5) The commitment hearing shall be held within 30 days after the court receives notification that the defendant no longer meets the criteria for continued commitment. The defendant must be transported to the committing court's jurisdiction for the hearing. Each defendant returning to a jail shall continue to receive the same psychotropic medications as prescribed by the facility physician at the time of discharge from a forensic or civil facility, unless the jail physician determines there is a compelling medical reason to change or discontinue the medication for the health and safety of the defendant. If the jail physician changes or discontinues the medication and the defendant is later determined at the competency hearing to be incompetent to stand trial and is recommitted to the department, the jail physician may not change or discontinue the defendant's prescribed psychotropic medication upon the defendant's next discharge from the forensic or civil facility.

Section 4. Section 921.0026, Florida Statutes, is amended to read:

921.0026 Mitigating circumstances.—This section applies to any felony offense, except any capital felony, committed on or after October 1, 1998.

(1) A downward departure from the lowest permissible sentence, as calculated according to the total sentence points pursuant to s. 921.0024, is prohibited unless there are circumstances or factors that reasonably justify the downward departure. Mitigating factors to be considered include, but are not limited to, those listed in subsection (2). The imposition of a sentence below the lowest permissible sentence is subject



807564

to appellate review under chapter 924, but the extent of downward departure is not subject to appellate review.

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

(a) The departure results from a legitimate, uncoerced plea bargain.

(b) The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.

(c) The 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.

(d) The defendant requires specialized treatment for a:

1. Severe physical disability; or

2. Severe and persistent mental illness that is unrelated to substance abuse or addiction, and has been diagnosed by a qualified professional, as that term is defined in s. 39.01. The court may not depart from the lowest permissible sentence under this subparagraph if the defendant is a danger to himself or herself or others, or is convicted of murder, manslaughter, or any offense listed in s. 943.0435.

3. This section shall not be construed to allow a convicted defendant to receive outpatient therapy in lieu of a term of incarceration. ~~mental disorder that is unrelated to substance abuse or addiction or for a physical disability, and the defendant is amenable to treatment.~~

(e) The need for payment of restitution to the victim outweighs the need for a prison sentence.

(f) The victim was an initiator, willing participant,



807564

aggressor, or provoker of the incident.

(g) The defendant acted under extreme duress or under the domination of another person.

(h) Before the identity of the defendant was determined, the victim was substantially compensated.

(i) The defendant cooperated with the state to resolve the current offense or any other offense.

(j) The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.

(k) At the time of the offense the defendant was too young to appreciate the consequences of the offense.

(l) The defendant is to be sentenced as a youthful offender.

(m) The defendant's offense is a nonviolent felony, the defendant's Criminal Punishment Code scoresheet total sentence points under s. 921.0024 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).

(n) The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

(3) 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



807564

departure from the permissible sentencing range.

Section 5. Section 916.145, Florida Statutes, is amended to read:

916.145 Dismissal of charges.—

(1) Except as provided in subsection (2), the charges against a defendant adjudicated incompetent to proceed due to mental illness may not ~~shall~~ be dismissed unless: ~~without prejudice to the state if~~

(a) The defendant remains incompetent to proceed for a duration of time equal to the maximum statutory sentence for such charges; and

(b) The maximum statutory sentence for such charges is more than 5 years.

(2) If the defendant's maximum statutory sentence is equal to or less than 5 years, ~~5 continuous, uninterrupted years after such determination, unless the court in its order specifies its reasons for believing that the defendant will become competent to proceed within the foreseeable future and specifies the time within which the defendant is expected to become competent to proceed.~~ the court may dismiss such charges at least 3 years after such determination of incompetency, unless the charge is:

(a) Arson;

(b) Sexual battery;

(c) Robbery;

(d) Kidnapping;

(e) Aggravated child abuse;

(f) Aggravated abuse of an elderly person or disabled adult;

(g) Aggravated assault with a deadly weapon;



807564

(h) Murder;

(i) Manslaughter;

(j) Aggravated manslaughter of an elderly person or disabled adult;

(k) Aggravated manslaughter of a child;

(l) Unlawful throwing, projecting, placing, or discharging of a destructive device or bomb;

(m) Armed burglary;

(n) Aggravated battery;

(o) Aggravated stalking;

(p) A forcible felony as defined in s. 776.08 and not listed elsewhere in this subsection;

(q) An offense where an element of the offense requires the possession, use, or discharge of a firearm;

(r) An attempt to commit an offense listed in this subsection;

(s) An offense allegedly committed by a defendant who has had a forcible or violent felony conviction within the 5 years immediately preceding the date of arrest for the nonviolent felony sought to be dismissed;

(t) An offense allegedly committed by a defendant who, after having been found incompetent and placed under court supervision in a community-based program, is formally charged by a state attorney or the Office of the Statewide Prosecutor with a new felony offense; or

(u) An offense for which there is an identifiable victim and such victim has not consented to the dismissal.

(3)~~(2)~~ This section does not prohibit the state from refiling dismissed charges if the defendant is declared to be



807564

competent to proceed in the future.

Section 6. This act shall take effect October 1, 2026

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to the prosecution of defendants;
amending s. 775.027, F.S.; revising the qualifications
for an insanity defense; amending s. 916.12, F.S.;
updating reporting requirements for examining experts;
amending s. 916.15; requiring involuntary commitment
for persons found not guilty by reason of insanity in
certain circumstances; amending s. 916.145, F.S.;
revising requirements for dismissal of charges;
amending s. 921.0026, F.S.; revising mitigating
circumstances for sentencing; providing an effective
date.

By Senator Martin

33-01489-26

20261326__

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

Page 1 of 4

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

33-01489-26

20261326__

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

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

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

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

Page 2 of 4

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

33-01489-26 20261326

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

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

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

916.12 Mental competence to proceed.—

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

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

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

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

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

(e) Manifest appropriate courtroom behavior.

(f) Testify relevantly.

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

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

921.0026 Mitigating circumstances.—This section applies to

33-01489-26 20261326

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

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

(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.~~

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

921.245 Mental health treatment for convicted defendants.—

(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.

(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.

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

The Florida Senate

APPEARANCE RECORD

2/2/26

Meeting Date

Senate Criminal Justice

Committee

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

1326

Bill Number or Topic

807564

Amendment Barcode (if applicable)

Name

Nellie King

Phone

561-373-7032

Address

319 Clematis St. Ste. 604

Email

Nellie@

Street

Criminal Defense Fla,

City

WFB, FL

State

33401

Zip

com

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/2/26

Meeting Date

Criminal Justice

Committee

SB 1326

Bill Number or Topic

807564

Amendment Barcode (if applicable)

Name

Matt Metz, Public Defender 7th Cir.

Phone

(386) 341-6513

Address

251 N. Ridgewood

Street

Email

Metz.Matthew@pd7.org

Daytona Beach

City

FL

State

32114

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/2/20
Meeting Date

Senate Criminal Justice
Committee

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

SB 1320
Bill Number or Topic

807564
Amendment Barcode (if applicable)

Name Kimberly Comer Phone 630.677.3108

Address 7681 Fieldstone Ranch Sq. Email KimberlyC64@att.net
Street

Vero Beach FL 32967
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:

NAMI Florida & Florida Mental Health Advocacy Coalition

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

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

02/02/20

Meeting Date

Senate CJ

Committee

1326

Bill Number or Topic

807564

Amendment Barcode (if applicable)

Name

Grace Hanna - Floridians for

Phone

8505446939

Alternatives to the Death Penalty

Address

216 Parkbrook Circle

Email

grace@fadp.org

Street

TLH

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

02/02/2026

Meeting Date

Senate Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

SB1326

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Dr. Karla Sapp**

Phone **912-980-6049**

Address **3252 Emerson Lane**

Email **drkarlasapp@gmail.com**

Street

Tallahassee

FL

32317

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

February 2, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

1326

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

2/2

Meeting Date

CRIMINAL JUSTICE

Committee

1326

Bill Number or Topic

Amendment Barcode (if applicable)

Name

LIBBY GUZZO

Phone

850-245-0155

Address

PL-01 CAPITOL

Email

ELIZABETH.GUZZO@
myFLORIDALEGAL.com

Street

TLH

City

FL

State

32399

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

ATTORNEY GENERAL

☐

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

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

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

S-001 (08/10/2021)

From: [Stokes, Amanda](#)
To: [Denson, Tori](#)
Subject: FW: DCF Data
Date: Wednesday, February 4, 2026 9:20:59 AM
Attachments: [Senate Criminal Justice Request 1.28.2026.pdf](#)

From: Teel, Chancer <Chancer.Teel@myflfamilies.com>
Sent: Monday, February 2, 2026 9:06 AM
To: Stokes, Amanda <Stokes.Amanda@flsenate.gov>
Cc: Cellon, Connie <CELLON.CONNIE@flsenate.gov>
Subject: RE: DCF Data

Good morning, Amanda and Connie!

Please see the attached data and let me know if we can be helpful on anything else.
Have a great week!

Respectfully,



Chancer Teel
Legislative Affairs Director
Florida Department of Children and Families
2415 North Monroe Street, A153
Tallahassee, Florida 32303
Office: (850) 488-9410
Cell: (850) 933-7101

From: Teel, Chancer <Chancer.Teel@myflfamilies.com>
Sent: Friday, January 30, 2026 4:48 PM
To: Stokes, Amanda <Stokes.Amanda@flsenate.gov>
Cc: Cellon, Connie <CELLON.CONNIE@flsenate.gov>
Subject: RE: DCF Data

Yes absolutely!

From: Stokes, Amanda <Stokes.Amanda@flsenate.gov>
Sent: Friday, January 30, 2026 4:41 PM
To: Teel, Chancer <Chancer.Teel@myflfamilies.com>
Cc: Cellon, Connie <CELLON.CONNIE@flsenate.gov>
Subject: RE: DCF Data

CAUTION: This email originated from outside of the Department of Children and Families. Whether you know the sender or not, do not click links or open attachments you were not expecting.

Thanks for the update Chancer- Do you think we can get it Monday or Tuesday? I'd like to add some info in the cs analysis.

Thanks!

Amanda

From: Teel, Chancer <Chancer.Teel@myflfamilies.com>

Sent: Friday, January 30, 2026 4:40 PM

To: Stokes, Amanda <Stokes.Amanda@flsenate.gov>

Subject: DCF Data

Good afternoon, Amanda!

I have the insanity data requested earlier this week currently routing, I will send it over ASAP but just wanted to give you a status update on the request in writing.

Respectfully,

one dcf



Chancer Teel
Legislative Affairs Director
Florida Department of Children and Families
2415 North Monroe Street, A153
Tallahassee, Florida 32303
Office: (850) 488-9410
Cell: (850) 933-7101

In the last 2 years, how many individuals have come through DCF facilities who have been found not guilty by reason of insanity?

- In SFY 2023/24 the total number of patients at the state mental health treatment facilities who were adjudicated as Not Guilty by Reason of Insanity is **412**.
- In SFY 2024/25 the total number of patients at the state mental treatment facilities who were adjudicated as Not Guilty by Reason of Insanity is **377**.

In the last 2 years, how many individuals have come through DCF facilities who have been found incompetent to proceed?

- During SFY 2023/24 the total number of patients at the state mental health treatment facilities adjudicated as Incompetent to Proceed is **2,576**.
- During SFY 2024/25 the total number of patients at the state mental health treatment facilities adjudicated as Incompetent to Proceed is **2,675**.

In the last 2 years, how many individuals have been committed to competency restoration programs

- How many in the community?
- Wait time average, or by circuit breakdown?
- During SFY 2023/2024 **1,139** individuals were committed to competency restoration programs.
- During SFY 2024/2025 **1,417** individuals were committed to competency restoration programs.
- Across most regions, individuals found incompetent to proceed who were served through DCF-funded facilities experienced little to no wait time over the last two fiscal years. Specifically, no wait times were reported in FY 2023-24 or FY 2024-25 across Circuits 3, 4, 5, 6, 7, 8, 10, 12, 13, 15, 16, 19, and 20, as reported by LSF Health Systems, Central Florida Behavioral Health Network, Southeast Florida Behavioral Health Network, and Thriving Mind South Florida. In Circuit 11, services were initiated within 72 hours in both fiscal years. These regions generally report timely placement and service initiation once individuals are deemed appropriate for competency-related services, reflecting sufficient

alignment between demand and available community-based capacity.

- However, several regions reported notable wait times, primarily driven by jail release delays, housing needs, and the availability of appropriate residential or specialized placements. Broward Behavioral Health Coalition indicated that while individuals engage with community restoration treatment within 30 days once released, those awaiting release from jail experience average waits of four to six months, with longer delays for individuals requiring housing or residential treatment. Central Florida Cares Health System reported average waiting periods in FY 2023-24 of 123 days in Circuit 9 and 112 days in Circuit 18, with FY 2024-25 showing significant variation by county, ranging from as low as 2–4 days in parts of Circuits 9 and 18 to as high as 90–180 days in others. Northwest Florida Health Network similarly reported no wait time in some circuits, but measurable delays in others, including average waits of up to 62.6 days in FY 2023-24 and up to 132 days in FY 2024-25. Overall, these differences reflect localized capacity constraints rather than a uniform statewide trend, with housing availability, forensic complexity, and jail-to-community transition processes being the primary contributors to longer waits.
- In SFY 2023/24 the total “pre-commitment” and “post commitment” individuals that may have been committed to the state mental health treatment facility but were diverted from jail to a community placement is **981**.
- In SFY 2024/25 the total “pre-commitment” and “post commitment” individuals that may have been committed to the state mental health treatment facility but were diverted from jail to a community placement is **564**.
- The following tables represent the circuit breakdown of patients that were either pre-commitment or post commitment diversions to the community

FY 2023/24	Pre-Commitment Diversion	Post-Commitment Diversion
Circuit 01	0	0
Circuit 02	76	4
Circuit 03	33	1
Circuit 04	47	11
Circuit 05	6	3
Circuit 06	6	2
Circuit 07	0	1
Circuit 08	27	0
Circuit 09	1	5
Circuit 10	2	4
Circuit 11	43	0
Circuit 12	25	4
Circuit 13	277	4
Circuit 14	26	1
Circuit 15	29	0
Circuit 16	11	1
Circuit 17	265	12
Circuit 18	16	3
Circuit 19	31	2
Circuit 20	1	1
TOTAL	922	59

FY 2024/25	Pre-Commitment Diversion	Post-Commitment Diversion
Circuit 01	4	2
Circuit 02	42	1
Circuit 03	13	1
Circuit 04	14	2
Circuit 05	7	4
Circuit 06	3	0
Circuit 07	1	4
Circuit 08	2	1
Circuit 09	23	2
Circuit 10	1	0
Circuit 11	14	0
Circuit 12	1	1
Circuit 13	78	1
Circuit 14	25	1
Circuit 15	6	0
Circuit 16	9	0
Circuit 17	270	8
Circuit 18	15	4
Circuit 19	4	0
Circuit 20	0	0
TOTAL	532	32

What is the per diem rate to be in a competency restoration program?

- The average bed day rate based on expenditures for the state operated mental health treatment facilities for SFY 2024/25 is \$428.13. The average bed day rate based on expenditures for the contracted state mental health treatment facilities for SFY 2024/25 is \$357.97.

Is it different than the per diem rate for someone found to be not guilty by reason of insanity?

- No, the average bed rate at state mental health treatment facilities is not different based on individuals being adjudicated as Not Guilty by Reason of Insanity.

How many beds are available in total?

- There are currently **3,104 beds** in State Mental Health Treatment Facilities.

In the last 2 years, how many individuals have come through DCF facilities who have been found not guilty by reason of insanity?

- In SFY 2023/24 the total number of patients at the state mental health treatment facilities who were adjudicated as Not Guilty by Reason of Insanity is **412**.
- In SFY 2024/25 the total number of patients at the state mental treatment facilities who were adjudicated as Not Guilty by Reason of Insanity is **377**.

In the last 2 years, how many individuals have come through DCF facilities who have been found incompetent to proceed?

- During SFY 2023/24 the total number of patients at the state mental health treatment facilities adjudicated as Incompetent to Proceed is **2,576**.
- During SFY 2024/25 the total number of patients at the state mental health treatment facilities adjudicated as Incompetent to Proceed is **2,675**.

In the last 2 years, how many individuals have been committed to competency restoration programs

- How many in the community?
- Wait time average, or by circuit breakdown?
- During SFY 2023/2024 **1,139** individuals were committed to competency restoration programs.
- During SFY 2024/2025 **1,417** individuals were committed to competency restoration programs.
- Across most regions, individuals found incompetent to proceed who were served through DCF-funded facilities experienced little to no wait time over the last two fiscal years. Specifically, no wait times were reported in FY 2023-24 or FY 2024-25 across Circuits 3, 4, 5, 6, 7, 8, 10, 12, 13, 15, 16, 19, and 20, as reported by LSF Health Systems, Central Florida Behavioral Health Network, Southeast Florida Behavioral Health Network, and Thriving Mind South Florida. In Circuit 11, services were initiated within 72 hours in both fiscal years. These regions generally report timely placement and service initiation once individuals are deemed appropriate for competency-related services, reflecting sufficient

alignment between demand and available community-based capacity.

- However, several regions reported notable wait times, primarily driven by jail release delays, housing needs, and the availability of appropriate residential or specialized placements. Broward Behavioral Health Coalition indicated that while individuals engage with community restoration treatment within 30 days once released, those awaiting release from jail experience average waits of four to six months, with longer delays for individuals requiring housing or residential treatment. Central Florida Cares Health System reported average waiting periods in FY 2023-24 of 123 days in Circuit 9 and 112 days in Circuit 18, with FY 2024-25 showing significant variation by county, ranging from as low as 2–4 days in parts of Circuits 9 and 18 to as high as 90–180 days in others. Northwest Florida Health Network similarly reported no wait time in some circuits, but measurable delays in others, including average waits of up to 62.6 days in FY 2023-24 and up to 132 days in FY 2024-25. Overall, these differences reflect localized capacity constraints rather than a uniform statewide trend, with housing availability, forensic complexity, and jail-to-community transition processes being the primary contributors to longer waits.
- In SFY 2023/24 the total “pre-commitment” and “post commitment” individuals that may have been committed to the state mental health treatment facility but were diverted from jail to a community placement is **981**.
- In SFY 2024/25 the total “pre-commitment” and “post commitment” individuals that may have been committed to the state mental health treatment facility but were diverted from jail to a community placement is **564**.
- The following tables represent the circuit breakdown of patients that were either pre-commitment or post commitment diversions to the community

FY 2023/24	Pre-Commitment Diversion	Post-Commitment Diversion
Circuit 01	0	0
Circuit 02	76	4
Circuit 03	33	1
Circuit 04	47	11
Circuit 05	6	3
Circuit 06	6	2
Circuit 07	0	1
Circuit 08	27	0
Circuit 09	1	5
Circuit 10	2	4
Circuit 11	43	0
Circuit 12	25	4
Circuit 13	277	4
Circuit 14	26	1
Circuit 15	29	0
Circuit 16	11	1
Circuit 17	265	12
Circuit 18	16	3
Circuit 19	31	2
Circuit 20	1	1
TOTAL	922	59

FY 2024/25	Pre-Commitment Diversion	Post-Commitment Diversion
Circuit 01	4	2
Circuit 02	42	1
Circuit 03	13	1
Circuit 04	14	2
Circuit 05	7	4
Circuit 06	3	0
Circuit 07	1	4
Circuit 08	2	1
Circuit 09	23	2
Circuit 10	1	0
Circuit 11	14	0
Circuit 12	1	1
Circuit 13	78	1
Circuit 14	25	1
Circuit 15	6	0
Circuit 16	9	0
Circuit 17	270	8
Circuit 18	15	4
Circuit 19	4	0
Circuit 20	0	0
TOTAL	532	32

What is the per diem rate to be in a competency restoration program?

- The average bed day rate based on expenditures for the state operated mental health treatment facilities for SFY 2024/25 is \$428.13. The average bed day rate based on expenditures for the contracted state mental health treatment facilities for SFY 2024/25 is \$357.97.

Is it different than the per diem rate for someone found to be not guilty by reason of insanity?

- No, the average bed rate at state mental health treatment facilities is not different based on individuals being adjudicated as Not Guilty by Reason of Insanity.

How many beds are available in total?

- There are currently **3,104 beds** in State Mental Health Treatment Facilities.

From: [Stokes, Amanda](#)
To: [Denson, Tori](#)
Subject: FW: DCF Data
Date: Wednesday, February 4, 2026 9:21:03 AM

From: Teel, Chancer <Chancer.Teel@myflfamilies.com>
Sent: Tuesday, February 3, 2026 4:50 PM
To: Stokes, Amanda <Stokes.Amanda@flsenate.gov>
Cc: Cellon, Connie <CELLON.CONNIE@flsenate.gov>
Subject: RE: DCF Data

Hi Amanda!

Here are the responses to these two questions. Please let me know if we can be helpful on anything else.

- It states there is not a significant wait period if the person was served through a DCF funded facility. Is this considered community treatment, or is it a secure facility?
 - This means community treatment wherever the individual is located, whether that is a jail, family home, residential treatment setting, or through a Florida Assertive Treatment team, Forensic Multidisciplinary Team. The first sentence in that response may be understood better as, “Across most regions, individuals who have been committed to competency restoration programs experienced little to no wait time over the last two fiscal years.”
- If a person is committed to the State hospital, is that only when they are found to be a danger- and what is the wait time for that commitment?
 - An individual is committed to the department when they have been arrested for a felony, and the issue of competency has been raised by the attorney’s or judge that prevents the person from going through the judicial process. The judge orders an examination to be performed by a court appointed evaluator, who does the exam and renders an opinion of competency or incompetency. If incompetent to proceed, the judge will court order an individual to a mental health treatment facility for restoration services. Many times, patients are either diverted, or ordered into community programs, when they have lesser changes, but always

approved by a judge. The average number of days to admit a forensic individual committed to the Department is 115 days.

Respectfully,



Chancer Teel
Legislative Affairs Director
Florida Department of Children and Families
2415 North Monroe Street, A153
Tallahassee, Florida 32303
Office: (850) 488-9410
Cell: (850) 933-7101

From: Stokes, Amanda <Stokes.Amanda@flsenate.gov>
Sent: Monday, February 2, 2026 12:14 PM
To: Teel, Chancer <Chancer.Teel@myflfamilies.com>
Cc: Cellon, Connie <CELLON.CONNIE@flsenate.gov>
Subject: RE: DCF Data

CAUTION: This email originated from outside of the Department of Children and Families. Whether you know the sender or not, do not click links or open attachments you were not expecting.

Hi Chancer,

Thank you for this information! I do have a question to clarify- its states there is not a significant wait period if the person was served through a DCF funded facility. Is this considered community treatment, or is it a secure facility? If a person is committed to the State hospital, is that only when they are found to be a danger- and what is the wait time for that commitment?

I just want to make sure I'm understanding all of the information correctly.

Thanks!

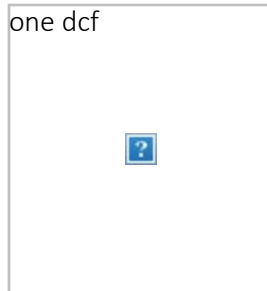
Amanda

From: Teel, Chancer <Chancer.Teel@myflfamilies.com>
Sent: Monday, February 2, 2026 9:06 AM
To: Stokes, Amanda <Stokes.Amanda@flsenate.gov>
Cc: Cellon, Connie <CELLON.CONNIE@flsenate.gov>
Subject: RE: DCF Data

Good morning, Amanda and Connie!

Please see the attached data and let me know if we can be helpful on anything else.
Have a great week!

Respectfully,



Chancer Teel
Legislative Affairs Director
Florida Department of Children and Families
2415 North Monroe Street, A153
Tallahassee, Florida 32303
Office: (850) 488-9410
Cell: (850) 933-7101

From: Teel, Chancer <Chancer.Teel@myflfamilies.com>
Sent: Friday, January 30, 2026 4:48 PM
To: Stokes, Amanda <Stokes.Amanda@flsenate.gov>
Cc: Cellon, Connie <CELLON.CONNIE@flsenate.gov>
Subject: RE: DCF Data

Yes absolutely!

From: Stokes, Amanda <Stokes.Amanda@flsenate.gov>
Sent: Friday, January 30, 2026 4:41 PM
To: Teel, Chancer <Chancer.Teel@myflfamilies.com>
Cc: Cellon, Connie <CELLON.CONNIE@flsenate.gov>
Subject: RE: DCF Data

CAUTION: This email originated from outside of the Department of Children and Families. Whether you know the sender or not, do not click links or open attachments you were not expecting.

Thanks for the update Chancer- Do you think we can get it Monday or Tuesday? I'd like to add some info in the cs analysis.

Thanks!

Amanda

From: Teel, Chancer <Chancer.Teel@myflfamilies.com>
Sent: Friday, January 30, 2026 4:40 PM
To: Stokes, Amanda <Stokes.Amanda@flsenate.gov>
Subject: DCF Data

Good afternoon, Amanda!

I have the insanity data requested earlier this week currently routing, I will send it over ASAP but just wanted to give you a status update on the request in writing.

Respectfully,



Chancer Teel
Legislative Affairs Director
Florida Department of Children and Families
2415 North Monroe Street, A153
Tallahassee, Florida 32303
Office: (850) 488-9410
Cell: (850) 933-7101

SB 1326 – strike-all amendment 807564

This bill amends multiple statutes. First, it amends s. 775.027, F.S., deleting that insanity during the time of the commission of an offense is established when “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.” It then amends s. 916.12, F.S., adding the following language (new language in bold): “In addition, an examining expert shall consider and include in his or her report **whether the expert finds that the defendant is malingering, what instrument or method was used as the basis for any such finding, and** any other factor deemed relevant by the expert.” Additionally, it amends s. 916.15, F.S., adding s. 775.027, F.S. to determining whether a defendant is not guilty by reason of insanity. It also replaces “may” with “shall” when those acquitted by reason of insanity should be considered for involuntary commitment. Furthermore, this bill amends s. 921.0026, F.S., deleting “mental disorder that is unrelated to substance abuse or addiction or for a physical disability, and the defendant is amenable to treatment” from mitigating circumstances that could lead to downward departures from the lowest permissible sentence and replacing it with the following: “Severe physical disability...or...severe and persistent mental illness that is unrelated to substance abuse or addiction, and has been diagnosed by a qualified professional, as that term is defined in s. 39.01, F.S. The court may not depart from the lowest permissible sentence under this subparagraph if the defendant is a danger to himself or herself or others, or is convicted of murder, manslaughter, or any offense listed in s. 943.0435, F.S...this section shall not be construed to allow a convicted defendant to receive outpatient therapy in lieu of a term of incarceration.” Finally, it amends s. 916.145, F.S., stating that the charges against a defendant adjudicated incompetent to proceed due to mental illness may not be dismissed unless the defendant remains incompetent for a duration of time equal to the maximum statutory sentence for such charges and the maximum statutory sentence for such charges is more than five years. Also, the court may dismiss such charges at least three years after a determination of incompetency if the defendant’s maximum sentence is equal to or less than five years, unless it is for specific charges. Current language states that the charges against a defendant adjudicated incompetent to proceed due to mental illness shall be dismissed without prejudice to the state if the defendant remains incompetent to proceed for five continuous, uninterrupted years, and after three years allowing the court to dismiss such charges unless it is for specific charges.

It is not known what the magnitude of the impact would be to the prison population from the adjustments to mitigating circumstances or changes to adjudicated incompetent.

EDR PROPOSED ESTIMATE: Positive Indeterminate

Requested by: Senate

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1488

INTRODUCER: Senator Davis

SUBJECT: Booking Officer Duties Related to Minor Children of Arrested Persons

DATE: January 30, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.			CF	
3.			RC	

I. Summary:

SB 1488, cited as the “Child Protection at Time of Parental Arrest Act,” creates s. 901.45, F.S., to require a booking officer to ask specified questions to an arrested person during the booking process.

The bill requires a booking officer to ask the arrested person if he or she has a minor child and, if answered in the affirmative, the bill specifies additional questions and requires the booking officer to verify the minor child’s safety and location.

A booking officer is required to notify the central abuse hotline if the officer determines that the minor child is unprotected and at risk of or vulnerable to abuse, abandonment, or neglect, or is without a responsible guardian. Additionally, the booking officer may notify the central abuse hotline and request an immediate protective investigation if the arrested person states he or she does not have a minor child, but a previous arrest record states that a minor child lives with the person.

The bill takes effect on July 1, 2026.

II. Present Situation:

Arrests

A law enforcement officer¹ is authorized to arrest a person who commits a criminal offense. A law enforcement officer may make such an arrest after obtaining an arrest warrant or, in specified circumstances, he or she may make an immediate arrest without a warrant.²

¹ Section 943.10(1), F.S.

² Section 901.15, F.S.

A law enforcement officer must request approval from a judge to obtain an arrest warrant. A judge is authorized to issue a warrant authorizing a person's arrest for committing any crime if he or she finds probable cause that the person committed a crime within his or her jurisdiction.³ When a judge signs an arrest warrant, he or she also sets a bond amount for a defendant, which allows a defendant arrested under the warrant to be released from jail upon.⁴

An officer making an arrest by a warrant must inform the person to be arrested of the reason for the arrest and that a warrant has been issued, unless the person flees or forcibly resists before the officer has an opportunity to inform them, or when giving the information will imperil the arrest. The warrant does not need to be in the officer's possession at the time of arrest, but available on request as soon as practicable.⁵

A law enforcement officer may arrest a person without a warrant when:

- The person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer. An arrest for the commission of a misdemeanor or the violation of a municipal or county ordinance must be made immediately or in fresh pursuit.
- A felony has been committed and he or she reasonably believes that the person committed it.
- He or she reasonably believes that a felony has been or is being committed and that the person to be arrested has committed or is committing it.
- There is probable cause to believe a person has committed certain enumerated misdemeanor offenses for which a warrantless arrest has been explicitly authorized by statute, such as a battery, criminal mischief or graffiti, an act of domestic violence, an injunction violation, or sexual cyberharassment.⁶

Department of Children and Families' Central Abuse Hotline

The Florida Abuse Hotline serves as the central reporting center for allegations of abuse, neglect, and/or exploitation for all children and vulnerable adults in Florida. The Hotline receives calls, faxes, and web based reports from citizens and professionals with concerns of abuse, neglect, or exploitation of children and vulnerable adults in Florida.⁷

Mandatory Reporting of Child Abuse

A person is required to report immediately to the central abuse hotline in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect that any of the following has occurred⁸:

- Child abuse, abandonment, or neglect by a parent or caregiver, which includes, but is not limited to, when a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or when a child is in need of

³ Section 901.02, F.S.

⁴ Section 901.02, F.S.

⁵ Section 901.16, F.S.

⁶ Section 901.15, F.S.

⁷ Florida Department of Children and Families, *About the Florida Abuse Hotline*, available at <https://www.myflfamilies.com/services/abuse-hotline/about> (last visited on January 29, 2026).

⁸ Section 39.201, F.S.

supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care.⁹

- Child abuse by an adult other than a parent, legal guardian, caregiver, or other person responsible for the child's welfare. The central abuse hotline must immediately electronically transfer such reports to the appropriate county sheriff's office.¹⁰

Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse must report such knowledge or suspicion to the central abuse hotline, including if the alleged incident involves a child who is in the custody of or under the protective supervision of the department.¹¹

While all individuals who know or suspect that a child is a victim of child abuse, abandonment, neglect, sexual abuse or juvenile sexual abuse are *required* to report to the hotline, s. 39.201, F.S., designates the following professions as mandatory reporters who must also provide their names when reporting suspected abuse:

- Health care providers,
- Health care or mental health care professionals,
- Spiritual healers,
- School teachers and official personnel,
- Social workers, day care workers, or other professional childcare workers, foster care workers, residential workers, or institutional workers;
- Law enforcement officers;
- Judges; or
- Animal control officers or agents.

Exceptions to the mandatory reporting requirements include situations where an individual may be aware of abuse under specified circumstances; the exceptions do not remove or reduce the responsibility of any person to report known or suspected cases of child abuse, abandonment, or neglect. Such exceptions include:

- Professionals hired or contracted by the DCF to provide treatment or counseling to individuals due to child abuse, neglect, or abandonment.
- Judicial branch officers or employees, when the DCF is already investigating the case, there is an existing case, or the matter has already been reported to the DCF, or there is reasonable cause to believe that the information is already known to the DCF.
- Officers and employees of law enforcement agencies when abuse was reported to them through the central abuse hotline. The hotline is not required to transfer calls or reports to a sheriff's office or other law enforcement agency if the matter was initially reported by the office or agency.¹²

⁹ Section 39.201(1)(a)1.a., F.S.

¹⁰ Section 39.201(1)(a)1.b., F.S.

¹¹ Section 39.201(1)2., F.S.

¹² Section 39.201(2)(a), F.S.

III. Effect of Proposed Changes:

The bill, cited as the “Child Protection at Time of Parental Arrest Act,” creates s. 901.45, F.S., to require a booking officer to ask whether an arrested person has a minor child to during the booking process and take further action if warranted.

If answered in the affirmative, the bill requires the booking officer to ask, in the same or similar wording, the following questions:

- Is the minor child safe with a responsible guardian?
- Do I need to contact someone to confirm the care of the minor child?

Further, the bill requires the booking officer to verify the minor child’s safety and location.

A booking officer is required to notify the central abuse hotline if the officer determines that the minor child is unprotected and at risk of or vulnerable to abuse, abandonment, or neglect, or is without a responsible guardian. Additionally, the booking officer may notify the central abuse hotline and request an immediate protective investigation if the arrested person states he or she does not have a minor child, but a previous arrest record states that a minor child lives with the person.

The bill defines “guardian” as a parent, relative, caregiver, or other person legally designated by a court to be responsible for the safety and welfare of a minor child. Additionally, the bill defines “minor child” as an unmarried person under the age of 18 years who has not been emancipated by order of the court and who is the legal or biological child of an arrested person.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the section 901.45 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Davis

5-00893A-26

20261488__

A bill to be entitled

An act relating to booking officer duties related to minor children of arrested persons; providing a short title; creating s. 901.45, F.S.; providing definitions; requiring a booking officer to ask certain questions of arrested persons during the booking process and take certain actions related to the arrested person's minor children; providing an effective date.

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

Section 1. This act may be cited as the "Child Protection at Time of Parental Arrest Act."

Section 2. Section 901.45, Florida Statutes, is created to read:

901.45 Booking officer duties related to minor children of arrested persons.—

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

(a) "Guardian" means a parent, relative, caregiver, or other person legally designated by a court to be responsible for the safety and welfare of a minor child.

(b) "Minor child" means an unmarried person under the age of 18 years who has not been emancipated by order of the court and who is the legal or biological child of an arrested person.

(2) In addition to any other duty, whenever a booking officer is committing an arrested person to custody, the booking officer must ask the arrested person if he or she has a minor child.

5-00893A-26

20261488__

(3) If the arrested person states that he or she has a minor child, the booking officer must ask the person, in the same or similar wording, the following questions, and take the following actions:

(a) Is the minor child safe with a responsible guardian?

(b) Do I need to contact someone to confirm the care of the minor child?

(c) Verify the minor child's safety and current placement or location.

(d) Notify the central abuse hotline, if the booking officer determines that the minor child is unprotected and at risk of or vulnerable to abuse, abandonment, or neglect, or is without a responsible guardian.

(4) If the arrested person states that he or she does not have a minor child, but a previous arrest record states that a minor child lives with the person, the booking officer may contact the central abuse hotline and request an immediate protective investigation.

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

February 2, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate
APPEARANCE RECORD

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

1488

Bill Number or Topic

Amendment Barcode (if applicable)

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

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

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida Smart Justice Alliance



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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1536

INTRODUCER: Senator Pizzo

SUBJECT: Digital Voyeurism

DATE: January 30, 2026

REVISED: _____

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

I. Summary:

SB 1536, amends s. 810.145, F.S., to revise the definition of the term “reasonable expectation of privacy” for purposes relating to the offense of digital voyeurism, to include a privately fenced yard.

This bill is estimated to have a positive indeterminate fiscal impact. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

II. Present Situation:

Digital voyeurism is a growing issue in Florida, with cases involving the secret recording of people in private settings. On January 3, 2026, a deputy with the Palm Beach County Sheriff’s Office was called to Target in Royal Palm Beach for reports of voyeurism. A 14-year-old victim told deputies that she was in a fitting room with her shirt off when a stranger in an adjacent stall stuck his arm over into her stall and used a phone to take a photograph of her while she was changing.¹

In another incident a 20-year-old Gainesville man was arrested and charged with voyeurism and burglary of an occupied dwelling after he allegedly snuck onto a lawn and peered at a teenager through her bedroom window. According to police reports, the man either scaled a 6-foot fence or entered through a closed gate to get into the backyard of the teen’s home. He allegedly

¹ Bellinghausen, Grace, ABC NEWS, *Man accused of filming teen in Target dressing room arrested after weeks-long search*, published on January 26, 2026, available at <https://abc3340.com/news/nation-world/man-accused-of-filming-teen-in-target-dressing-room-arrested-after-weeks-long-search-palm-beach-county-sheriffs-office-clewiston-royal-palm-beach-florida-january-26-2026> (last visited January 28, 2026).

watched the 15-year old through the window secretly and was spotted by the girl's mother who reported the incident to police.²

In 2024, Florida renamed and expanded the offense of “video voyeurism” to “digital voyeurism,” strengthening penalties and reclassifying the offense under state law to better address privacy violations committed through modern digital recording devices, including smartphones and hidden cameras.

Digital Voyeurism

Section 810.145, F.S., provides that a person commits the offense of digital voyeurism if that person:

- For his or her own amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading, exploiting, or abusing another person, intentionally uses or installs an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;³
- For the amusement, entertainment, sexual arousal, gratification, or profit of another, or on behalf of another, intentionally permits the use or installation of an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;⁴ or
- For the amusement, entertainment, sexual arousal, gratification, or profit of oneself or another, or on behalf of oneself or another, intentionally uses an imaging device to secretly view, broadcast, or record under or through the clothing being worn by another person, without that person's knowledge and consent, for the purpose of viewing the body of, or the undergarments worn by, that person.⁵

For purposes of digital voyeurism, the term “reasonable expectation of privacy” means circumstances under which a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person's undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a residential dwelling, bathroom, changing room, fitting room, dressing room, or tanning booth.⁶

A person who is under 19 years of age and who violates this offense commits a first degree misdemeanor.^{7,8}

² Whittel & Melton, *Man arrested for Voyeurism, Alleged Victim was 15*, available at <https://www.floridasexcrimeattorney.com/man-arrested-for-voyeurism-alleged-victim-was-15.html> (last visited January 28, 2026).

³ Section 810.145(2)(a)1., F.S.

⁴ Section 810.145(2)(a)2., F.S.

⁵ Section 810.145(2)(a)3., F.S.

⁶ Section 810.145(1)(f), F.S.

⁷ Section 810.145(3)(b), F.S.

⁸ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

A person who is 19 years of age or older who violates this offense commits a third degree felony.^{9,10}

Digital Voyeurism Dissemination

A person commits the offense of digital voyeurism dissemination if that person, knowing or having reason to believe that an image or recording was created by committing digital voyeurism and he or she intentionally disseminates, distributes, or transfers the image or recording to another person for the purpose of the amusement, entertainment, sexual arousal, or gratification of any person, or for the purpose of degrading, exploiting, or abusing another person.¹¹ A person who commits the offense of digital voyeurism dissemination commits a third degree felony.¹²

A person commits the offense of commercial digital voyeurism dissemination if that person:

- Knowing or having reason to believe that an image was created by committing digital voyeurism and sells the image for consideration to another person;¹³ or
- Having created the image by committing digital voyeurism, and disseminates, distributes, or transfers the image to another person for that person to sell the image to others.¹⁴

Commercial digital voyeurism dissemination is a third degree felony.

Digital voyeurism penalties

Each instance of viewing, broadcasting, recording, disseminating, distributing, or transferring of an image recording made in violation of this section is a separate offense for which a separate penalty is authorized.

A person who is 19 years of age or older is convicted of committing any violation of s. 810.145, F.S., relating to digital voyeurism and is a family or household member of the victim, or holds a position of authority or trust with the victim, the court shall reclassify the felony to the next higher degree as follows:

- A felony of the third degree is reclassified as a felony of the second degree.¹⁵
- A felony of the second degree is reclassified as a felony of the first degree.¹⁶

For purposes of sentencing under ch. 921, F.S., and incentive gain-time eligibility under ch. 944, F.S., a felony that is reclassified is ranked one level above the ranking in s. 921.0022, F.S.

⁹ Section 810.145(3)(c), F.S.

¹⁰ A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a \$5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

¹¹ Section 810.145(3)(a), F.S.

¹² Section 810.145(3)(b), F.S.

¹³ Section 810.145(4)(a), F.S.

¹⁴ Section 810.145(4)(b), F.S.

¹⁵ Section 810.145(7)(b)1., F.S.

¹⁶ Section 810.145(7)(b)2., F.S.

III. Effect of Proposed Changes:

SB 1536 amends s. 810.145, F.S., to revise the definition of the term “reasonable expectation of privacy” for purposes relating to the offense of digital voyeurism.

The bill adds *privately fenced yard* to the places in which a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned the person undressing was being viewed, recorded, or broadcasted by another,

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:

This bill amends s. 810.145, F.S., adding “privately fenced yard” to places where someone should have a “reasonable expectation of privacy,” expanding the areas where

digital voyeurism would apply when “a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person’s undressing was being viewed, recorded, or broadcasted by another...” This would impact the multiple felonies under this statute.

Per DOC, in FY 24-25, there were 13 new commitments to prison for felonies under s. 810.145, F.S. It is not known how many additional offenders there would be with the addition of privately fenced yard to where someone would have a reasonable expectation of privacy.¹⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 810.145 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.

¹⁷ Office of Economic and Demographic Research Preliminary Estimate, *SB 1536- Digital Voyeurism*, (on file with the Senate Committee on Criminal Justice).

By Senator Pizzo

37-01560-26

20261536__

A bill to be entitled

An act relating to digital voyeurism; amending s.
810.145, F.S.; revising the definition of the term
"reasonable expectation of privacy" for purposes
relating to the offense of digital voyeurism;
providing an effective date.

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

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

810.145 Digital voyeurism.—

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

(f) "Reasonable expectation of privacy" means circumstances
under which a reasonable person would believe that he or she
could fully disrobe in privacy, without being concerned that the
person's undressing was being viewed, recorded, or broadcasted
by another, including, but not limited to, the interior of a
residential dwelling, privately fenced yard, bathroom, changing
room, fitting room, dressing room, or tanning booth.

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

SB 1536 – Digital Voyeurism

This bill amends s. 810.145, F.S., adding “privately fenced yard” to places where someone should have a “reasonable expectation of privacy,” expanding the areas where digital voyeurism would apply when “a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person’s undressing was being viewed, recorded, or broadcasted by another...” This would impact the multiple felonies under this statute.

Per DOC, in FY 24-25, there were 13 new commitments to prison for felonies under s. 810.145, F.S. It is not known how many additional offenders there would be with the addition of privately fenced yard to where someone would have a reasonable expectation of privacy.

EDR PROPOSED ESTIMATE: Positive Indeterminate

Requested by: Senate

February 2, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

1536

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1544

INTRODUCER: Senator Pizzo

SUBJECT: Complaints Against Law Enforcement and Correctional Officers

DATE: January 30, 2026

REVISED: _____

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

I. Summary:

SB 1544 amends s. 112.532, F.S., to allow officers to receive a copy of the complaint when such officer is under investigation. Under the bill, it is required that the complainant sign the complaint under oath and a copy of the signed complaint be provided to the officers involved in the complaint. Such complaint must be given:

- While the officer is under investigation, but prior to any interrogation.
- During the notice of disciplinary action which may result in dismissal, demotion, transfer or other personnel action that occurs prior to such action being taken.
- When an officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal.

If the complaint is accompanied by corroborating evidence, the complainant names and signature are not required, unless the officer is subject to disciplinary action.

The bill removes the provision that the officer or officer's representative must request a complete copy of the investigative file, when an officer is subject to disciplinary action.

Section 112.532(8), F.S., is created to provide that the investigative file of an investigation of a law enforcement or correctional officer which does not result in disciplinary action on the officer *must* be included in that officer's personnel file. Such investigations may not affect the ability of the officer to receive a promotion, a raise, or any other commendation.

The bill amends s. 112.533, F.S., to require a complaint against a law enforcement or correctional officer to be in writing and signed under oath, by the person filing the complaint.

Any complainant who makes a false complaint is guilty of the crime of perjury by false written declaration which constitutes a third degree felony.^{1,2}

The bill may have an indeterminate fiscal impact on counties and municipalities due to additional administrative and compliance requirements. Additionally, the bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

II. Present Situation:

The Commission on Accreditation for Law Enforcement Agencies³ requires agencies to maintain a written directive that mandates the investigation of all complaints against the agency or its employees, including anonymous complaints.⁴ Likewise, the Commission for Florida Law Enforcement Accreditation standard requires agencies to have a written directive that establishes clear procedures for receiving, documenting, and processing all complaints involving the agency or its personnel.⁵

Officer Bill of Rights

Law enforcement officers' and correctional officers' rights are outlined in the Florida Statutes, these are commonly referred to as, "law enforcement officers' bill of rights."⁶ Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:⁷

- The interrogation must be conducted at a reasonable hour;
- The interrogation must take place either at the office of the command of the investigating officer or at the local precinct, police unit, or correctional unit in which the incident allegedly occurred;
- The officer under investigation must be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation must be asked by or through one interrogator during any one interrogation;
- The officer must be informed of the nature of the investigation before any interrogation begins, and must be informed of the names of all complainants;
- Interrogating sessions must be for reasonable periods and must be timed to allow for personal necessities and rest periods;

¹ Section 92.525(3), F.S.

² A felony of the third degree is punishable by a term of imprisonment not exceeding 5 years and a \$5000 fine, punishable as provided in ss. 775.082, 775.083, and 775.084, F.S.

³ Commission on Accreditation for Law Enforcement Agencies, *26.2.1 Complaint Investigation*, available at <https://www.calea.org/node/11406> (Last visited January 30, 2026).

⁴ Florida Sheriffs Association, *Analysis of SB 1544*, (on file with the Senate Committee on Criminal Justice).

⁵ Commission for Florida Law Enforcement Accreditation, Inc., *Standards Manual, 20.01 Investigations*, available at [CFA Edition 5.19 Feb 2023](#) (Last visited January 30, 2026).

⁶ Section 112.532, F.S.

⁷ Section 112.532(1), F.S.

- The officer under interrogation may not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. A promise or reward may not be made as an inducement to answer questions;
- Interrogating sessions, including all recess periods, must be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. A copy of any recording of the interrogation session must be made available upon request to the interrogated officer no later than 72 hours, excluding holidays and weekends, following said interrogation;
- If the officer under interrogation is under arrest, or is likely to be placed under arrest, he or she must be completely informed of all his or her rights before commencing the interrogation; and
- At the request of the officer under investigation, he or she has the right to counsel, who must be present at all times during the interrogation.

Under the bill of rights, officers must receive notice of disciplinary action, a copy of and the opportunity to address contents of the investigative file. Any dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action before the effective date of the action.⁸ Officers may request and obtain a copy of the file. The contents of the complaint and investigation must remain confidential until such time as the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal.⁹

No law enforcement officer or correctional officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.¹⁰

Investigations of Law Enforcement Officers

Section 112.533, F.S., provides that every law enforcement agency and correctional agency must establish and put into operation a system for the receipt, investigation, and determination of complaints received from any person, which must be the procedure for investigating a complaint against a law enforcement and correctional officer determining whether to proceed with disciplinary action or to file disciplinary charges.¹¹ When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report must, at the time the report is completed:

- Verify that the contents are true and accurate based on the person's personal knowledge, information, and belief,¹² and

⁸ Section 112.532(4)(a), F.S.

⁹ Section 112.532(4)(b), F.S.

¹⁰ Section 112.532(5), F.S.

¹¹ Section 112.533, F.S.

¹² Section 95.525, F.S.

- Include a specific sworn statement.¹³

III. Effect of Proposed Changes:

The bill amends s. 112.532, F.S., to allow officers to receive a copy of the complaint when such officer is under investigation. Under the bill, it is required that the complainant sign the complaint under oath and a copy of the signed complaint be provided to the officers involved in the complaint. Such complaint must be given:

- While the officer is under investigation, but prior to any interrogation.
- During the notice of disciplinary action which may result in dismissal, demotion, transfer or other personnel action that occurs prior to such action being taken.
- When an officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal.

SB 1544 amends s. 112.532, F.S., to allow officers to receive a copy of the complaint when such officer is under investigation. Under the bill, it is required that the complainant sign the complaint under oath and a copy of the signed complaint be provided to the officers involved in the complaint. Such complaint must be given:

- While the officer is under investigation, but prior to any interrogation.
- During the notice of disciplinary action which may result in dismissal, demotion, transfer or other personnel action that occurs prior to such action being taken.
- When an officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal.

If the complaint is accompanied by corroborating evidence, the complainant names and signature are not required, unless the officer is subject to disciplinary action.

The bill removes the provision that the officer or officer's representative must request a complete copy of the investigative file, when an officer is subject to disciplinary action.

Section 112.532(8), F.S., is created to provide that the investigative file of an investigation of a law enforcement or correctional officer which does not result in disciplinary action on the officer *must* be included in that officer's personnel file. Such investigations may not affect the ability of the officer to receive a promotion, a raise, or any other commendation. Currently, if there is a succession of "not sustained" investigations, a sheriff or chief may require remedial action or take some other non-disciplinary action to address what appears to be a pattern even though no discipline is imposed.¹⁴

The bill amends s. 112.533, F.S., to require a complaint against a law enforcement or correctional officer to be in writing and signed under oath, by the person filing the complaint.

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

¹⁴ *Id.*

Any complainant who makes a false complaint is guilty of the crime of perjury by false written declaration which constitutes a third degree felony.^{15,16}

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

¹⁵ Section 92.525(3), F.S.

¹⁶ A felony of the third degree is punishable by a term of imprisonment not exceeding 5 years and a \$5000 fine, punishable as provided in ss. 775.082, 775.083, and 775.084, F.S.

- Per DOC, in FY 24-25, there were no new commitments to prison for the offense of perjury. Per FDLE, there were 369 discipline cases resolved in FY 24-25. However, it does not include citizen complaints, so it is not known how many complaints or complainants there were last fiscal year.¹⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

Difficulties may be encountered in obtaining a written complaint under oath, and there is the separate issue of obtaining corroborating evidence if a sworn written complaint cannot be obtained. The bill raises questions as to what constitutes corroborating evidence.¹⁸

Additionally, the Florida Sheriff's Association reports that the bill may interfere with accreditation best practices:

Commission for Law Enforcement Accreditation ("CALEA") standard 26.2.1 requires an agency to have a written directive which requires all complaints against an agency or its employees to be investigated, to include anonymous complaints. The Commission for Florida Law Enforcement Accreditation (CFA) standard 20.01 requires a written directive establishing procedures for processing all complaints against the agency or its members.¹⁹

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.532, 112.533

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.

¹⁷ Office of Economic and Demographic Research, *SB 1544 Complaints Against Law Enforcement and Correctional Officers*, (on file with the Senate Committee on Criminal Justice).

¹⁸ Florida Sheriffs Association, *Analysis of SB 1544*, (on file with the Senate Committee on Criminal Justice).

¹⁹ *Id.*

By Senator Pizzo

37-00267A-26

20261544

A bill to be entitled

An act relating to complaints against law enforcement and correctional officers; amending s. 112.532, F.S.; requiring that a copy of a complaint, signed by the complainant under oath, be provided to law enforcement officers and correctional officers who are under investigation before any interrogation begins; providing that complainant names and signatures are not required if a complaint is accompanied by corroborating evidence; prohibiting certain personnel actions from being taken against a law enforcement officer or correctional officer unless such officer receives a copy of the complaint signed by the complainant under oath; providing an exception; requiring that the investigative file of certain investigations of a law enforcement officer or correctional officer be included in such officer's personnel file; providing that certain investigations do not affect such officer's ability to receive a promotion, a raise, or any other commendation; amending s. 112.533, F.S.; requiring a complaint against a law enforcement officer or correctional officer to be in writing and signed under oath by the person filing the complaint; providing an exception; providing penalties for making a false complaint; providing an effective date.

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

Page 1 of 5

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

37-00267A-26

20261544

Section 1. Paragraph (d) of subsection (1) and subsection (4) of section 112.532, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

112.532 Law enforcement officers' and correctional officers' rights.—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.—Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:

(d) The law enforcement officer or correctional officer under investigation must be informed of the nature of the investigation and the names of all complainants and must be provided with a copy of the complaint, signed by the complainant under oath, before any interrogation begins, ~~and he or she must be informed of the names of all complainants.~~ However, if a complaint is accompanied by corroborating evidence, the complainant names and a signature are not required. All identifiable witnesses shall be interviewed, whenever possible, prior to the beginning of the investigative interview of the accused officer. The complaint, all witness statements, including all other existing subject officer statements, and all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings

Page 2 of 5

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

37-00267A-26

20261544

relating to the incident under investigation, must be provided to each officer who is the subject of the complaint before the beginning of any investigative interview of that officer. An officer, after being informed of the right to review witness statements, may voluntarily waive the provisions of this paragraph and provide a voluntary statement at any time.

(4) NOTICE OF DISCIPLINARY ACTION; COPY OF AND OPPORTUNITY TO ADDRESS CONTENTS OF INVESTIGATIVE FILE; CONFIDENTIALITY.—

(a) A dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action and is provided with a copy of the complaint, signed by the complainant under oath, unless the exception in paragraph (1)(d) applies, before the effective date of the action.

(b) Notwithstanding s. 112.533(5), whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative must, ~~upon request,~~ be provided with a complete copy of the investigative file, including the complaint signed by the complainant under oath, the final investigative report, and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation must remain confidential until such

37-00267A-26

20261544

time as the employing law enforcement agency makes a final determination whether to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

(8) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS AFTER AN INVESTIGATION.—The investigative file produced during an investigation of a law enforcement or correctional officer, which investigation does not result in the imposition of disciplinary action on the officer, must be included in the personnel file of such officer. An investigation of a law enforcement officer or correctional officer which does not result in the imposition of disciplinary action on the officer does not affect the ability of such officer to receive a promotion, a raise, or any other commendation.

Section 2. Paragraph (a) of subsection (4) of section 112.533, Florida Statutes, is amended to read:

112.533 Receipt and processing of complaints.—

(4)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which must be the procedure for investigating a complaint against a law enforcement or correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. A complaint against a law enforcement or correctional officer must

37-00267A-26

20261544__

117 be in writing and be signed under oath as provided in s.
118 92.525(2) by the person filing the complaint, except as provided
119 in s. 112.532(1)(d). A complainant who makes a false complaint
120 is subject to the penalties in s. 92.525(3). When law
121 enforcement or correctional agency personnel assigned the
122 responsibility of investigating the complaint prepare an
123 investigative report or summary, regardless of form, the person
124 preparing the report shall, at the time the report is completed:

125 1. Verify pursuant to s. 92.525 that the contents of the
126 report are true and accurate based upon the person's personal
127 knowledge, information, and belief.

128 2. Include the following statement, sworn and subscribed to
129 pursuant to s. 92.525:

130
131 "I, the undersigned, do hereby swear, under penalty of perjury,
132 that, to the best of my personal knowledge, information, and
133 belief, I have not knowingly or willfully deprived, or allowed
134 another to deprive, the subject of the investigation of any of
135 the rights contained in ss. 112.532 and 112.533, Florida
136 Statutes."

137
138 The requirements of subparagraphs 1. and 2. must be completed
139 before the determination as to whether to proceed with
140 disciplinary action or to file disciplinary charges. This
141 subsection does not preclude the Criminal Justice Standards and
142 Training Commission from exercising its authority under chapter
143 943.

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



The Florida Senate

Committee Agenda Request

To: Senator Martin, Chair
Committee on Criminal Justice

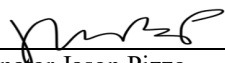
Subject: Committee Agenda Request

Date: January 21, 2026

I respectfully request that **Senate Bill 1544**, relating Complaints Against Law Enforcement and Correctional Officers, be placed on the:

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

Thank you for your consideration.



Senator Jason Pizzo
Florida Senate, District 37

ANALYSIS OF SB 1544

Under the current law (The Law Enforcement Officers and Correctional Officers Bill of Rights, sections 112.531-112.535 Fla. Stat.) every law enforcement agency is required to establish a system for the receipt, investigation and determination of complaints received from any person. See in particular s. 112.533(4)(a). In section 112.532, the procedures to be followed when an officer is under investigation and subject to interrogation for any reason that could lead to disciplinary action, suspension, demotion, or dismissal are set forth in detail.

Therefore, when any complaint is provided to a law enforcement agency, sworn or non-sworn, verbal or in writing, the agency must have established procedures in place for that complaint to be reviewed. Typically, a complainant is interviewed first under oath. All witnesses aside from the complainant are required to be interviewed prior to the subject officer interview. See s. 112.532(1)(d).

The bill would impose a hurdle for persons who wish to make a complaint against an officer. Under the proposed legislation, the complaint must be in writing and made under oath, unless it is accompanied with corroborating evidence before any officer may be interrogated.

Aside from the practical difficulties that may be encountered in obtaining a written complaint under oath there is the separate issue of obtaining corroborating evidence if a sworn written complaint cannot be obtained. For example, if a female complains that she had been sexually propositioned by an officer and is afraid of signing a complaint under oath, but there are no witnesses and no video, there would be no basis to investigate the officer on this complaint.

Even if the agency relies on corroborating evidence, the bill raises questions as to what constitutes corroborating evidence. Will body worn camera video or sworn witness statements be required?

Rudeness complaints are typically addressed by a supervisor who will meet with the officer about the complaint and decide whether the matter is resolved or further investigation is necessary. The new language amending section 112.532(1)(d) may impede supervisors from addressing these complaints without a written sworn complaint or corroborating evidence to support their “investigation” if no video exists for review.

The other significant issue presented by the bill is the prohibition of the investigative file being considered for “promotion, raise, or other commendation” if no disciplinary action resulted. In many instances, a violation of policy is determined to be

not sustained because there is conflicting evidence such as “he said, she said” in a harassment or excessive use of force complaint. If there is a succession of these not sustained investigations, a sheriff or chief may currently require remedial action or take some other non-disciplinary action to address what appears to be a pattern even though no discipline is imposed under the bill. Under the bill, however, the same investigations would preclude a sheriff or chief from denying a promotion, a raise, or any other commendation.

Another question is what constitutes discipline. Agencies vary regarding their definitions of discipline. In one agency a reprimand may be remedial, yet another may include it as discipline. There will be inconsistent applications of this provision of the bill due to the variation of discipline.

When a law enforcement agency achieves accreditation, either national or Florida, it achieves the pinnacle of accountability and has demonstrated compliance with best practices. The bill interferes with compliance with accreditation best practices. Commission for Law Enforcement Accreditation (“CALEA”) standard 26.2.1 requires an agency to have a written directive which requires all complaints against an agency or its employees to be investigated, to include anonymous complaints. The Commission for Florida Law Enforcement Accreditation (CFA) standard 20.01 requires a written directive establishing procedures for processing *all complaints* against the agency or its members.

In addition to accountability and transparency concerns, restricting the documentation and use of non-disciplinary investigations and outcomes could expose agencies to liability. More specifically, the prohibition on using non-disciplinary investigative outcomes in certain personnel decisions could adversely impact an agency’s ability to defend against constitutional custom, policy or practice claims or state law negligent supervision, retention or training claims.

Finally, this provision of the bill conflicts with legislative intent to establish investigative procedures but avoid restricting the decision making of an agency head with respect to an investigation. See Section 112.535 F. S. Although a sheriff or chief currently has the discretion to decide the nature of an appropriate discipline, the same discretion would now be precluded in considering the impact of these investigations on advancement and promotions.

In sum, the bill will create substantial changes to the Bill of Rights that will be intensely scrutinized and open to interpretation and debate. If these substantive changes are to be effected there should be systemic issues warranting the amendments. We are unaware of any such issues that relate to current law.

SB 1544 – Complaints Against Law Enforcement and Correctional Officers (Similar HB 1283)

This bill amends s. 112.532, F.S., adding that all complaints against law enforcement officers or correctional officers be provided to the officers, with the names of all complainants, “signed by the complainant under oath.” It also adds that “if a complaint is accompanied by corroborating evidence, the complainant names and a signature are not required.” It then amends s. 112.533, F.S., stating the following: “A complaint against a law enforcement or correctional officer must be in writing and be signed under oath as provided in s. 92.525(2), F.S. by the person filing the complaint, except as provided in s. 112.532(1)(d), F.S. A complainant who makes a false complaint is subject to the penalties in s. 92.525(3), F.S. Therefore, this expands the scope of the current Level 1, 3rd degree felony for committing perjury.

Per DOC, in FY 24-25, there were no new commitments to prison for the offense of perjury. Per FDLE, there were 369 discipline cases resolved in FY 24-25. However, it does not include citizen complaints, so it is not known how many complaints or complainants there were last fiscal year.

EDR PROPOSED ESTIMATE: Positive Indeterminate

Requested by: Senate

The Florida Senate
APPEARANCE RECORD

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

1544

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date
Senate Criminal Justice
Committee

Name

Lisa Henning

Phone

850-746-8808

Address

242 Office Plaza

Email

lphlegislative@aol.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Fraternal Order of Police

☐

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)

Feb 2, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

1544

Bill Number or Topic

Amendment Barcode (if applicable)

Name **David Marsey**

Phone **8502193631**

Address **2636 Mitcham Drive**

Email **dmarsey@rumberger.com**

Street

Tallahassee

City

FL

State

32308

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**The Florida Police Chiefs
Association**

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

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

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

2/2/26
Meeting Date

S-Criminal Justice
Committee

SB 1544
Bill Number or Topic

Amendment Barcode (if applicable)

Name Robin Graber obo FL Council Against Sexual Violence Phone 850-694-9230

Address 1820 E. Park Ave. Suite 100 Email rgraber@fcasv.org
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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/2/26
Meeting Date

CJ
Committee

SB1544
Bill Number or Topic

Amendment Barcode (if applicable)

Name Denise Rock

Phone 561-855-0833

Address PO Box 21174
Street

Email denise@Florida
carescharity.org

WPO FL 33421
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

02/02/2026

Meeting Date

Criminal Justice

Committee

The Florida Senate
APPEARANCE RECORD

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

1544

Bill Number or Topic

Amendment Barcode (if applicable)

Name **William B. Smith**

Phone **wsmith@flpba.org**

Address **300 E. Brevard St**

Email

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:

FI PBA

☐ 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)

Feb 2, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate
APPEARANCE RECORD

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

1544

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jennifer Cook Pritt**

Phone **8502193631**

Address **2636 Mitcham Drive**

Email **jpritt@fpca.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**The Florida Police Chiefs
Association**

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

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

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

S-001 (08/10/2021)

February 2, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

1544

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

02.02.2026

Meeting Date

CRIMINAL JUSTICE

Committee

SB1549

Bill Number or Topic

Amendment Barcode (if applicable)

Name

FELIX DEL ROSARIO (FRATERNAL ORDER OF POLICE)

Phone

305-310-4081

Address

700 SW 12 AVE

Email

PRESIDENT@FOPMIAM.COM

Street

MIAMI

City

FL

State

33130

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-2-2026

Meeting Date

Criminal Justice

Committee

SB 1544

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

O.H. "Beau" Bottin / FOP 05-30

Phone

904-866-9587

Address

1442 Fruit Cove Rd

Street

Email

Bottin354@yahoo.com

Saint Johns

City

FL

State

32259

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/2/26

Meeting Date

Criminal Justice

Committee

SB 1544

Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair Phone 850-877-2165

Address 2617 Mahan Dr. Email amcnair@flsheriffs.org

Street

Tallahassee

City

FL

State

32308

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Sheriffs Association

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1750

INTRODUCER: Senator Martin

SUBJECT: Criminal Sexual Conduct

DATE: January 23, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	Favorable
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 Pleasure,' 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.
 - Sadoomasochistic abuse involving a child.
 - Sexual battery involving a child.
 - Sexual bestiality involving a child.

Reclassified offenses carry the following mandatory minimum terms of imprisonment:

- A third degree felony is reclassified to a second degree felony and requires a 5 year mandatory minimum term of imprisonment;
- A second degree felony is reclassified to a first degree felony and requires a 15 year mandatory minimum term of imprisonment; and
- A first degree felony is reclassified to a life felony and requires a 25 year mandatory minimum term of imprisonment.

The bill amends s. 794.0116, F.S., to increase mandatory minimum prison sentences for sexual offenses committed by persons previously convicted, or had an adjudication withheld, of a sexual offense. The bill increases the mandatory minimum term of imprisonment as follows:

- Lewd or Lascivious Molestation, is increased from a minimum mandatory term of imprisonment of 10 years to 15 years.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 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.

This bill repeals section 800.02 if of the Florida Statute.

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

33-01480-26

20261750__

1 A bill to be entitled
 2 An act relating to criminal sexual conduct; amending
 3 s. 775.0847, F.S.; revising the circumstances under
 4 which the violation of specified provisions must be
 5 reclassified to the next higher degree; providing for
 6 reclassification of such violations and mandatory
 7 minimum terms of imprisonment; amending s. 794.0116,
 8 F.S.; increasing the mandatory minimum terms of
 9 imprisonment for persons who commit a violation of
 10 specified provisions and have a certain prior
 11 conviction; amending s. 827.071, F.S.; revising the
 12 definition of the term "child" or "minor"; increasing
 13 criminal penalties and providing a mandatory minimum
 14 term of imprisonment for persons who commit the
 15 offense of use of a child in a sexual performance;
 16 providing criminal penalties and a mandatory minimum
 17 term of imprisonment for persons who commit the
 18 offense of aggravated use of a child in a sexual
 19 performance; providing a mandatory minimum term of
 20 imprisonment for persons who commit the offense of
 21 promoting a sexual performance by a child; increasing
 22 criminal penalties for persons who knowingly solicit,
 23 possess, control, or intentionally view any
 24 photographic material, motion picture, or other
 25 specified representations that include child
 26 pornography; amending s. 827.072, F.S.; increasing
 27 criminal penalties and providing a mandatory minimum
 28 term of imprisonment for persons who intentionally
 29 create generated child pornography; amending s.

Page 1 of 64

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

33-01480-26

20261750__

30 828.126, F.S.; increasing criminal penalties for
 31 specified offenses relating to sexual activities
 32 involving animals; making technical changes; requiring
 33 a court to issue a specified order that must be
 34 effective for a minimum of 5 years, rather than
 35 authorizing the court to issue such order to be
 36 effective for up to 5 years, after the date of a
 37 specified conviction; amending s. 847.011, F.S.;
 38 providing applicability; amending s. 847.0137, F.S.;
 39 defining terms; providing criminal penalties and a
 40 mandatory minimum term of imprisonment for persons who
 41 knew or reasonably should have known that they were
 42 transmitting or taking other actions to make
 43 accessible child pornography or generated child
 44 pornography; increasing criminal penalties and
 45 providing a mandatory minimum term of imprisonment for
 46 persons who knew or reasonably should have known that
 47 they were transmitting child pornography or generated
 48 child pornography; specifying circumstances under
 49 which persons may not be subject to prosecution;
 50 amending ss. 775.15, 794.0115, and 921.0022, F.S.;
 51 conforming cross-references; conforming provisions to
 52 changes made by the act; providing an effective date.
 53
 54 Be It Enacted by the Legislature of the State of Florida:
 55
 56 Section 1. Subsections (2) and (3) of section 775.0847,
 57 Florida Statutes, are amended to read:
 58 775.0847 Possession or promotion of certain images of child

Page 2 of 64

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

33-01480-26

20261750__

pornography; reclassification.—

(2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138 ~~must shall~~ be reclassified to the next higher degree as provided in subsection (3) if:

(a) The offender possesses 20 ~~10~~ or more images of any form of child pornography regardless of content; ~~or and~~

(b) The content of at least one image contains one or more of the following:

1. A prepubescent child ~~who is younger than the age of 5~~.
2. Sadomasochistic abuse involving a child.
3. Sexual battery involving a child.
4. Sexual bestiality involving a child.

~~5. Any motion picture, film, video, or computer-generated motion picture, film, or video involving a child, regardless of length and regardless of whether the motion picture, film, video, or computer-generated motion picture, film, or video contains sound.~~

(3)(a) In the case of a felony of the third degree, the offense is reclassified to a felony of the second degree, and the offender must be sentenced to a mandatory minimum term of imprisonment of 5 years.

(b) In the case of a felony of the second degree, the offense is reclassified to a felony of the first degree, and the offender must be sentenced to a mandatory minimum term of imprisonment of 15 years.

(c) In the case of a felony of the first degree, the offense is reclassified to a life felony, and the offender must be sentenced to a mandatory minimum term of imprisonment of 25 years.

33-01480-26

20261750__

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 2. Subsection (1) of section 794.0116, Florida Statutes, is amended to read:

794.0116 Sexual offenses by persons previously convicted of sexual offenses.—

(1) A person who was previously convicted of or had adjudication withheld for an offense specified in s. 943.0435(1)(h)1.a. and commits a violation of s. 800.04(5); s. 825.1025(3); s. 827.071(2), (3), (4), or (5)(a); s. 847.0135; s. 847.0137; or s. 847.0145 must shall be sentenced to a mandatory minimum term of imprisonment as follows:

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

33-01480-26 20261750__

(f) 827.071(5)(a) 10 years

(g) 847.0135 10 years

(h) 847.0137 10 years

(i) 847.0145 25 ~~20~~ years

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

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

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

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

(b) "Child pornography" means:

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

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

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

33-01480-26 20261750__

mouth and the vulva.

(d) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(e) "Identifiable minor" means a person:

1. Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and

2. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

The term may not be construed to require proof of the actual identity of the identifiable minor.

(f) "Intentionally view" means to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.

(g) "Performance" means any play, motion picture, photograph, or dance or any other visual representation exhibited before an audience.

(h) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

(i) "Sadomasochistic abuse" means flagellation or torture by or upon a person, or the condition of being fettered, bound,

33-01480-26

20261750__

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

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

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

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

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

a. The focal point of the image is on the minor's genitals;

b. The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;

33-01480-26

20261750__

c. The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;

d. The image suggests sexual coyness or a willingness to engage in sexual conduct; or

e. The image is intended or designed to elicit a sexual response in the viewer.

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

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

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

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

33-01480-26

20261750__

years.

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

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

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

33-01480-26

20261750__

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

827.072 Generated child pornography.—

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

(a) "Generated child pornography" means any image that has been created, altered, adapted, or modified by electronic, mechanical, or other computer-generated means to portray a fictitious person, who a reasonable person would regard as being a real person younger than 18 years of age, engaged in sexual conduct.

(2)

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

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

828.126 Sexual activities involving animals.—

(1) As used in this section, the term "sexual contact with an animal" means any act committed between a person and an animal for the purpose of sexual gratification, abuse, or financial gain which involves:

(a) Contact between the sex organ or anus of one and the mouth, sex organ, or anus of the other;

(b) The fondling of the sex organ or anus of an animal; or

(c) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person.

33-01480-26

20261750

281 (2) A person may not+
 282 ~~(a)~~ knowingly engage in any sexual contact with an animal.
 283 A person who violates this subsection commits a felony of the
 284 second degree, punishable as provided in s. 775.082, s. 775.083,
 285 or s. 775.084.+
 286 ~~(3)(b)~~ A person may not knowingly cause, aid, or abet
 287 another person to engage in any sexual contact with an animal. A
 288 person who violates this subsection commits a felony of the
 289 second degree, punishable as provided in s. 775.082, s. 775.083,
 290 or s. 775.084.+
 291 ~~(4)(e)~~ A person may not knowingly permit any sexual contact
 292 with an animal to be conducted on any premises under his or her
 293 charge or control. A person who violates this subsection commits
 294 a felony of the third degree, punishable as provided in s.
 295 775.082, s. 775.083, or s. 775.084.+
 296 ~~(5)(d)~~ A person may not knowingly organize, promote,
 297 conduct, aid, abet, participate in as an observer, or advertise,
 298 offer, solicit, or accept an offer of an animal for the purpose
 299 of sexual contact with such animal, or perform any service in
 300 the furtherance of an act involving any sexual contact with an
 301 animal. A person who violates this subsection commits a felony
 302 of the third degree, punishable as provided in s. 775.082, s.
 303 775.083, or s. 775.084.+~~or~~
 304 ~~(6)(e)~~ A person may not knowingly film, distribute, or
 305 possess any pornographic image or video of a person and an
 306 animal engaged in any of the activities prohibited by this
 307 section. A person who violates this subsection commits a felony
 308 of the third degree, punishable as provided in s. 775.082, s.
 309 775.083, or s. 775.084

33-01480-26

20261750

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:

33-01480-26

20261750

847.0137 Transmission of child pornography or generated child pornography ~~by electronic device or equipment~~ prohibited; penalties.—

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

(a) "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.

(b) "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, shareable link, access token, credentials, or other means.

(c) "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.

(d) "Transmit" means 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.

(2) A person who knew or reasonably should have known that he or she was 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

33-01480-26

20261750

pornography or generated child pornography, and who knowingly causes another person to view or obtain such images, or otherwise facilitates access to such material, commits a felony of the second degree, punishable as provided in ss. 775.082, 775.083, or 775.084, and must be sentenced to a mandatory minimum term of imprisonment of 5 years.

(3) Notwithstanding ss. 847.012 and 847.0133, ~~a any~~ person in this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001 or generated child pornography as defined in s. 827.072, to another person in this state or in another jurisdiction commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be sentenced to a mandatory minimum term of imprisonment of 5 years.

(4)(3) Notwithstanding ss. 847.012 and 847.0133, ~~a any~~ person in any jurisdiction other than this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001 or generated child pornography as defined in s. 827.072, to any person in this state commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be sentenced to a mandatory minimum term of imprisonment of 5 years.

(5) A person who, in good faith, provides a link, access credential, 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

33-01480-26 20261750

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.—

33-01480-26 20261750

426 (2) A ~~Any person who is~~ convicted of a violation of s.
 427 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 428 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2)(a) or
 429 827.071(2), (3), or (4); or s. 847.0145; or of any similar
 430 offense under a former designation, which offense the person
 431 committed when he or she was 18 years of age or older, and the
 432 person:

433 (a) Caused serious personal injury to the victim as a
 434 result of the commission of the offense;

435 (b) Used or threatened to use a deadly weapon during the
 436 commission of the offense;

437 (c) Victimized more than one person during the course of
 438 the criminal episode applicable to the offense;

439 (d) Committed the offense while under the jurisdiction of a
 440 court for a felony offense under the laws of this state, for an
 441 offense that is a felony in another jurisdiction, or for an
 442 offense that would be a felony if that offense were committed in
 443 this state; or

444 (e) Has previously been convicted of a violation of s.
 445 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 446 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2)(a) or
 447 827.071(2), (3), or (4); s. 847.0145; of any offense under a
 448 former statutory designation which is similar in elements to an
 449 offense described in this paragraph; or of any offense that is a
 450 felony in another jurisdiction, or would be a felony if that
 451 offense were committed in this state, and which is similar in
 452 elements to an offense described in this paragraph,

453
 454 is a dangerous sexual felony offender, who must be sentenced to

33-01480-26 20261750__

455 a mandatory minimum term of 25 years imprisonment up to, and
 456 including, life imprisonment. If the offense described in this
 457 subsection was committed on or after October 1, 2014, a person
 458 who qualifies as a dangerous sexual felony offender pursuant to
 459 this subsection must be sentenced to a mandatory minimum term of
 460 50 years imprisonment up to, and including, life imprisonment.
 461 Section 10. Paragraphs (e), (f), and (g) of subsection (3)
 462 of section 921.0022, Florida Statutes, are amended to read:
 463 921.0022 Criminal Punishment Code; offense severity ranking
 464 chart.—
 465 (3) OFFENSE SEVERITY RANKING CHART
 466 (e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and

33-01480-26 20261750__

lights activated.

470 316.80(2) 2nd Unlawful conveyance of
fuel; obtaining fuel
fraudulently.

471 322.34(6) 3rd Careless operation of
motor vehicle with
suspended license,
resulting in death or
serious bodily injury.

472 327.30(5)(a)2. 3rd Vessel accidents
involving personal
injuries other than
serious bodily injury;
leaving scene.

473 365.172 2nd Misuse of emergency
(14)(b)2. communications system
resulting in death.

474 379.365(2)(c)1. 3rd Violation of rules
relating to: willful
molestation of stone
crab traps, lines, or
buoys; illegal
bartering, trading, or
sale, conspiring or

33-01480-26

20261750

aiding in such barter,
trade, or sale, or
supplying, agreeing to
supply, aiding in
supplying, or giving
away stone crab trap
tags or certificates;
making, altering,
forging, counterfeiting,
or reproducing stone
crab trap tags;
possession of forged,
counterfeit, or
imitation stone crab
trap tags; and engaging
in the commercial
harvest of stone crabs
while license is
suspended or revoked.

475

379.367(4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.

476

379.407(5) (b) 3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

477

Page 19 of 64

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

33-01480-26

20261750

381.0041(11) (b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

478

440.10(1) (g)

2nd

Failure to obtain
workers' compensation
coverage.

479

440.105(5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

480

440.381(2)

3rd

Submission of false,
misleading, or
incomplete information
with the purpose of
avoiding or reducing
workers' compensation
premiums.

481

624.401(4) (b) 2.

2nd

Transacting insurance
without a certificate or
authority; premium
collected \$20,000 or
more but less than
\$100,000.

482

626.902(1) (c)

2nd

Representing an

Page 20 of 64

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

	33-01480-26		20261750	
			unauthorized insurer; repeat offender.	
483	790.01(3)	3rd	Unlawful carrying of a concealed firearm.	
484	790.162	2nd	Threat to throw or discharge destructive device.	
485	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.	
486	790.221(1)	2nd	Possession of short- barreled shotgun or machine gun.	
487	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.	
488	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.	
489	800.04(6)(c)	3rd	Lewd or lascivious	

Page 21 of 64

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

	33-01480-26		20261750	
			conduct; offender less than 18 years of age.	
490	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.	
491	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	
492	810.145(4)	3rd	Commercial digital voyeurism dissemination.	
493	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.	
494	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.	
495	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.	
496	812.0145(2)(b)	2nd	Theft from person 65 years of age or older;	

Page 22 of 64

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

	33-01480-26		20261750	
				\$10,000 or more but less than \$50,000.
497	812.015 (8) (a) & (c)-(e)	3rd		Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
498	812.015(8) (f)	3rd		Retail theft; multiple thefts within specified period.
499	812.015(8) (g)	3rd		Retail theft; committed with specified number of other persons.
500	812.019(1)	2nd		Stolen property; dealing in or trafficking in.
501	812.081(3)	2nd		Trafficking in trade secrets.
502	812.131(2) (b)	3rd		Robbery by sudden snatching.
503	812.16(2)	3rd		Owning, operating, or conducting a chop shop.
504	817.034(4) (a) 2.	2nd		Communications fraud,

	33-01480-26		20261750	
				value \$20,000 to \$50,000.
505	817.234(11) (b)	2nd		Insurance fraud; property value \$20,000 or more but less than \$100,000.
506	817.2341(1), (2) (a) & (3) (a)	3rd		Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
507	817.568(2) (b)	2nd		Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
508				

	33-01480-26		20261750	
509	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.	
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.	
510	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	
511	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	
512	836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.	
513				

Page 25 of 64

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

	33-01480-26		20261750	
	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.	
514	843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.	
515	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.	
516	847.0137 <u>(3) & (4)</u> (2) & (3)	<u>2nd</u> 3rd	Transmission of <u>child pornography or generated child pornography by electronic device or equipment.</u>	
517	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.	
518	874.05(1)(b)	2nd	Encouraging or recruiting another to	

Page 26 of 64

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

	33-01480-26		20261750__	
			join a criminal gang; second or subsequent offense.	
519	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.	
520	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).	
521	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned	

Page 27 of 64

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

	33-01480-26		20261750__	
			recreational facility or community center.	
522	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.	
523	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.	
524	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or	

Page 28 of 64

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

33-01480-26

20261750

(2) (a), (2) (b), or
(2) (c) 5. drugs) within
1,000 feet of public
housing facility.

893.13 (4) (b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

893.1351 (1)

3rd

Ownership, lease, or
rental for trafficking
in or manufacturing of
controlled substance.

(f) LEVEL 6

Florida
Statute

Felony
Degree

Description

316.027 (2) (b)

2nd

Leaving the scene of a
crash involving serious
bodily injury.

316.193 (2) (b)

3rd

Felony DUI, 4th or
subsequent conviction.

316.1935 (4) (a)

2nd

Aggravated fleeing or
eluding.

Page 29 of 64

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

33-01480-26

20261750

327.30 (5) (a) 3.

2nd

Vessel accidents
involving serious bodily
injury; leaving scene.

400.9935 (4) (c)

2nd

Operating a clinic, or
offering services
requiring licensure,
without a license.

499.0051 (2)

2nd

Knowing forgery of
transaction history,
transaction information,
or transaction
statement.

499.0051 (3)

2nd

Knowing purchase or
receipt of prescription
drug from unauthorized
person.

499.0051 (4)

2nd

Knowing sale or transfer
of prescription drug to
unauthorized person.

775.0875 (1)

3rd

Taking firearm from law
enforcement officer.

784.021 (1) (a)

3rd

Aggravated assault;
deadly weapon without

Page 30 of 64

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

	33-01480-26		20261750	
			intent to kill.	
540	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.	
541	784.041	3rd	Felony battery; domestic battery by strangulation.	
542	784.048 (3)	3rd	Aggravated stalking; credible threat.	
543	784.048 (5)	3rd	Aggravated stalking of person under 16.	
544	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.	
545	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.	
546	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.	
547	784.081 (2)	2nd	Aggravated assault on specified official or	

	33-01480-26		20261750	
			employee.	
548	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.	
549	784.083 (2)	2nd	Aggravated assault on code inspector.	
550	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	
551	787.025 (2) (a)	3rd	Luring or enticing a child.	
552	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.	
553	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	
554	790.164 (1)	2nd	False report concerning bomb, explosive, weapon	

33-01480-26

20261750__

of mass destruction, act
of arson or violence to
state property, or use
of firearms in violent
manner.

555

790.19

2nd

Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

556

794.011(8)(a)

3rd

Solicitation of minor to
participate in sexual
activity by custodial
adult.

557

794.05(1)

2nd

Unlawful sexual activity
with specified minor.

558

800.04(5)(d)

3rd

Lewd or lascivious
molestation; victim 12
years of age or older
but less than 16 years
of age; offender less
than 18 years.

559

800.04(6)(b)

2nd

Lewd or lascivious
conduct; offender 18
years of age or older.

Page 33 of 64

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

33-01480-26

20261750__

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;

Page 34 of 64

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

	33-01480-26		20261750	
			second or subsequent conviction.	
567	812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.	
568	812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.	
569	812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.	
570	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).	
571	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.	
572	817.49(2)(b)2.	2nd	Willful making of a false report of a crime	

	33-01480-26		20261750	
			resulting in death.	
573	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.	
574	817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.	
575	825.102(1)	3rd	Abuse of an elderly person or disabled adult.	
576	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.	
577	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.	
578	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.	
579				

	33-01480-26		20261750
580	827.03(2)(c)	3rd	Abuse of a child.
581	827.03(2)(d)	3rd	Neglect of a child.
	<u>827.071(5)(a)</u> 827.071(5)	<u>2nd</u> 3rd	<u>Knowingly solicit,</u> possess, control, or intentionally view any photographic material, motion picture, etc., <u>that</u> which includes child pornography.
582	<u>828.126(2) or (3)</u>	<u>2nd</u>	<u>Sexual activities</u> <u>involving animals.</u>
583	<u>828.126(4), (5), or (6)</u> 828.126(3)	3rd	Sexual activities involving animals.
584	836.05	2nd	Threats; extortion.
585	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
586	843.12	3rd	Aids or assists person to escape.
587			

	33-01480-26		20261750
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
588	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
589	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
590	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
591	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
592	918.13(2)(b)	2nd	Tampering with or

33-01480-26

20261750

fabricating physical
evidence relating to a
capital felony.

593

944.35 (3) (a) 2.

3rd

Committing malicious
battery upon or
inflicting cruel or
inhuman treatment on an
inmate or offender on
community supervision,
resulting in great
bodily harm.

594

944.40

2nd

Escapes.

595

944.46

3rd

Harboring, concealing,
aiding escaped
prisoners.

596

944.47 (1) (a) 5.

2nd

Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

597

951.22 (1) (i)

3rd

Firearm or weapon
introduced into county
detention facility.

598

Page 39 of 64

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

33-01480-26

20261750

599 (g) LEVEL 7

600

Florida

Felony

Statute

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

Page 40 of 64

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

	33-01480-26		20261750	
				act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
606	409.920	3rd		Medicaid provider fraud; \$10,000 or less.
607	(2) (b) 1.a.			
	409.920	2nd		Medicaid provider fraud; more than \$10,000, but less than \$50,000.
608	(2) (b) 1.b.			
	456.065(2)	3rd		Practicing a health care profession without a license.
609	456.065(2)	2nd		Practicing a health care profession without a license which results in serious bodily injury.
610	458.327(1)	3rd		Practicing medicine without a license.
611	459.013(1)	3rd		Practicing osteopathic medicine without a license.
612	460.411(1)	3rd		Practicing chiropractic

Page 41 of 64

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

	33-01480-26		20261750	
				medicine without a license.
613	461.012(1)	3rd		Practicing podiatric medicine without a license.
614	462.17	3rd		Practicing naturopathy without a license.
615	463.015(1)	3rd		Practicing optometry without a license.
616	464.016(1)	3rd		Practicing nursing without a license.
617	465.015(2)	3rd		Practicing pharmacy without a license.
618	466.026(1)	3rd		Practicing dentistry or dental hygiene without a license.
619	467.201	3rd		Practicing midwifery without a license.
620	468.366	3rd		Delivering respiratory care services without a license.

Page 42 of 64

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

33-01480-26 20261750__

621 483.828(1) 3rd Practicing as clinical
laboratory personnel
without a license.

622 483.901(7) 3rd Practicing medical
physics without a
license.

623 484.013(1)(c) 3rd Preparing or dispensing
optical devices without a
prescription.

624 484.053 3rd Dispensing hearing aids
without a license.

625 494.0018(2) 1st Conviction of any
violation of chapter 494
in which the total money
and property unlawfully
obtained exceeded \$50,000
and there were five or
more victims.

626 560.123(8)(b)1. 3rd Failure to report
currency or payment
instruments exceeding
\$300 but less than
\$20,000 by a money

Page 43 of 64

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

33-01480-26 20261750__

627 services business.

560.125(5)(a) 3rd Money services business
by unauthorized person,
currency or payment
instruments exceeding
\$300 but less than
\$20,000.

628 655.50(10)(b)1. 3rd Failure to report
financial transactions
exceeding \$300 but less
than \$20,000 by financial
institution.

629 775.21(10)(a) 3rd Sexual predator; failure
to register; failure to
renew driver license or
identification card;
other registration
violations.

630 775.21(10)(b) 3rd Sexual predator working
where children regularly
congregate.

631 775.21(10)(g) 3rd Failure to report or
providing false
information about a

Page 44 of 64

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

33-01480-26

20261750

sexual predator; harbor
or conceal a sexual
predator.

632

782.051(3)

2nd

Attempted felony murder
of a person by a person
other than the
perpetrator or the
perpetrator of an
attempted felony.

633

782.07(1)

2nd

Killing of a human being
by the act, procurement,
or culpable negligence of
another (manslaughter).

634

782.071

2nd

Killing of a human being
or unborn child by the
operation of a motor
vehicle in a reckless
manner (vehicular
homicide).

635

782.072

2nd

Killing of a human being
by the operation of a
vessel in a reckless
manner (vessel homicide).

636

784.045(1)(a)1.

2nd

Aggravated battery;

Page 45 of 64

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

33-01480-26

20261750

intentionally causing
great bodily harm or
disfigurement.

637

784.045(1)(a)2.

2nd

Aggravated battery; using
deadly weapon.

638

784.045(1)(b)

2nd

Aggravated battery;
perpetrator aware victim
pregnant.

639

784.048(4)

3rd

Aggravated stalking;
violation of injunction
or court order.

640

784.048(7)

3rd

Aggravated stalking;
violation of court order.

641

784.07(2)(d)

1st

Aggravated battery on law
enforcement officer.

642

784.074(1)(a)

1st

Aggravated battery on
sexually violent
predators facility staff.

643

784.08(2)(a)

1st

Aggravated battery on a
person 65 years of age or
older.

644

Page 46 of 64

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

	33-01480-26		20261750	
	784.081(1)	1st	Aggravated battery on specified official or employee.	
645				
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	
646				
	784.083(1)	1st	Aggravated battery on code inspector.	
647				
	787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.	
648				
	787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.	
649				
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.	
650				
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to	

	33-01480-26		20261750	
			within the state.	
651				
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	
652				
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.	
653				
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	
654				
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	
655				
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	
656				
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass	

	33-01480-26		20261750	
				destruction while committing or attempting to commit a felony.
657	790.23	1st,PBL		Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
658	794.08(4)	3rd		Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
659	796.05(1)	1st		Live on earnings of a prostitute; 2nd offense.
660	796.05(1)	1st		Live on earnings of a prostitute; 3rd and subsequent offense.
661	800.04(5)(c)1.	2nd		Lewd or lascivious molestation; victim younger than 12 years of age; offender younger

Page 49 of 64

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

	33-01480-26		20261750	
				than 18 years of age.
662	800.04(5)(c)2.	2nd		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
663	800.04(5)(e)	1st		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
664	806.01(2)	2nd		Maliciously damage structure by fire or explosive.
665	810.02(3)(a)	2nd		Burglary of occupied dwelling; unarmed; no assault or battery.
666	810.02(3)(b)	2nd		Burglary of unoccupied dwelling; unarmed; no assault or battery.

Page 50 of 64

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

	33-01480-26		20261750	
667				
	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	
668				
	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.	
669				
	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.	
670				
	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.	
671				
	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.	
672				
	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment	

Page 51 of 64

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

	33-01480-26		20261750	
				from authorized emergency vehicle.
673				
	812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.	
674				
	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.	
675				
	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	
676				
	812.131(2)(a)	2nd	Robbery by sudden snatching.	
677				
	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.	
678				
	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.	
679				

Page 52 of 64

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

	33-01480-26		20261750	
	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.	
680				
	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.	
681				
	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.	
682				
	817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.	
683				
	817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.	
684				
	817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to	

Page 53 of 64

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

	33-01480-26		20261750	
			defraud.	
685				
	817.535(2)(a)	3rd	Filing false lien or other unauthorized document.	
686				
	817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.	
687				
	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	
688				
	825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.	
689				
	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	
690				
	827.04(3)	3rd	Impregnation of a child	

Page 54 of 64

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

	33-01480-26		20261750__
			under 16 years of age by person 21 years of age or older.
691	<u>827.071(2)(a)</u>	<u>1st</u> 2nd	Use of or induce a child in a sexual performance, or promote or direct such performance.
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			

	33-01480-26		20261750__
	838.021(3)(a)	2nd	Unlawful harm to a public servant.
698	838.22	2nd	Bid tampering.
699	843.0855(2)	3rd	Impersonation of a public officer or employee.
700	843.0855(3)	3rd	Unlawful simulation of legal process.
701	843.0855(4)	3rd	Intimidation of a public officer or employee.
702	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
703	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
704	872.06	2nd	Abuse of a dead human body.
705	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or

	33-01480-26		20261750	
				subsequent offense.
706	874.10	1st, PBL		Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
707	893.13(1)(c)1.	1st		Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
708	893.13(1)(e)1.	1st		Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000

	33-01480-26		20261750	
				feet of property used for religious services or a specified business site.
709	893.13(4)(a)	1st		Use or hire of minor; deliver to minor other controlled substance.
710	893.135(1)(a)1.	1st		Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
711	893.135 (1)(b)1.a.	1st		Trafficking in cocaine, more than 28 grams, less than 200 grams.
712	893.135 (1)(c)1.a.	1st		Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
713	893.135 (1)(c)2.a.	1st		Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
714	893.135 (1)(c)2.b.	1st		Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
715				

	33-01480-26		20261750__
716	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.a.		7 grams or more, less than 14 grams.
717	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.b.		14 grams or more, less than 25 grams.
718	893.135	1st	Trafficking in fentanyl,
	(1) (c) 4.b. (I)		4 grams or more, less than 14 grams.
719	893.135	1st	Trafficking in
	(1) (d) 1.a.		phencyclidine, 28 grams or more, less than 200 grams.
720	893.135 (1) (e) 1.	1st	Trafficking in
			methaqualone, 200 grams or more, less than 5 kilograms.
721	893.135 (1) (f) 1.	1st	Trafficking in
			amphetamine, 14 grams or more, less than 28 grams.
	893.135	1st	Trafficking in
	(1) (g) 1.a.		flunitrazepam, 4 grams or more, less than 14 grams.

	33-01480-26		20261750__
722	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
723	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.a.		Butanediol, 1 kilogram or more, less than 5 kilograms.
724	893.135	1st	Trafficking in
	(1) (k) 2.a.		Phenethylamines, 10 grams or more, less than 200 grams.
725	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams or more, less than 500 grams.
726	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
727	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams

	33-01480-26		20261750	
				or more, less than 100 grams.
728	893.1351(2)	2nd		Possession of place for trafficking in or manufacturing of controlled substance.
729	896.101(5)(a)	3rd		Money laundering, financial transactions exceeding \$300 but less than \$20,000.
730	896.104(4)(a)1.	3rd		Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
731	943.0435(4)(c)	2nd		Sexual offender vacating permanent residence; failure to comply with reporting requirements.
732	943.0435(8)	2nd		Sexual offender; remains in state after indicating intent to leave; failure

Page 61 of 64

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

	33-01480-26		20261750	
				to comply with reporting requirements.
733	943.0435(9)(a)	3rd		Sexual offender; failure to comply with reporting requirements.
734	943.0435(13)	3rd		Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
735	943.0435(14)	3rd		Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
736	944.607(9)	3rd		Sexual offender; failure to comply with reporting requirements.
737	944.607(10)(a)	3rd		Sexual offender; failure to submit to the taking of a digitized photograph.

Page 62 of 64

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

738 33-01480-26 20261750
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;

33-01480-26 20261750
failure to respond to
address verification;
providing false
registration information.

743
744 Section 11. This act shall take effect October 1, 2026.

February 2, 2026

The Florida Senate
APPEARANCE RECORD

1750

DUPLICATE

Meeting Date

Criminal Justice

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/2/26

Meeting Date

S. Criminal Justice

Committee

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

SB 1750

Bill Number or Topic

Amendment Barcode (if applicable)

Name Robin Graber obo FL Council Against Sexual Violence

Phone 850-694-9230

Address 1820 E. Park Ave Suite 100
Street

Email rgrabr@fcsa.org

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

2/2/26

Meeting Date

Criminal Justice

Committee

SB 1750

Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

Phone 850-877-2165

Address 2617 Mahan Dr.

Email amcnair@flsheriffs.org

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Sheriffs Association

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

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 37
Caption: Senate Criminal Justice Committee

Case No.:

Type:
Judge:

Started: 2/2/2026 3:32:21 PM
Ends: 2/2/2026 5:25:59 PM **Length:** 01:53:39

3:32:43 PM Chair Martin calls the meeting to order
3:32:53 PM Roll call
3:33:11 PM Tab 2 - SB 760 Violations of Pretrial Release Conditions by Senator McClain
3:33:26 PM Amendment barcode 574620
3:34:44 PM Chair reads appearances waiving
3:34:49 PM Sen. McClain waives close
3:34:55 PM Back on bill as amended
3:35:03 PM Chair reads appearances waiving
3:35:15 PM Sen. McClain closes on bill
3:35:20 PM Roll call
3:35:34 PM Chair Martin reports the bill
3:36:01 PM Tab 6-SB 1536 Digital Voyeurism by Senator Pizzo
3:36:15 PM Sen. Pizzo explains the bill
3:36:33 PM Sen. Pizzo presents visual aid
3:39:07 PM Questions:
3:39:14 PM Chair Martin
3:39:42 PM Sen. Pizzo
3:40:10 PM Sen. Simon
3:40:15 PM Sen. Pizzo
3:40:51 PM Sen. Pizzo waives close on the bill
3:40:55 PM Roll call
3:41:10 PM Chair Martin reports the bill
3:41:15 PM Tab 3-SB 1012 Inmate Services by Senator Yarborough
3:41:26 PM Chair Yarborough explains the bill
3:44:04 PM Questions:
3:44:08 PM Vice Chair Smith
3:45:02 PM Sen. Yarborough
3:45:53 PM Vice Chair Smith
3:47:23 PM Sen. Yarborough
3:47:29 PM Vice Chair Smith
3:47:40 PM Sen. Yarborough
3:48:52 PM Vice Chair Smith
3:50:05 PM Sen. Yarborough
3:51:24 PM Vice Chair Smith
3:53:03 PM Sen. Yarborough
3:53:42 PM Appearances:
3:53:57 PM Justin Senior, Safety Net Hospital Alliance of Florida
3:54:17 PM Vice Chair Smith
3:54:27 PM Justin Senior
3:55:27 PM Debate:
3:55:30 PM Sen. Bernard
3:55:50 PM Vice Chair Smith

3:58:11 PM Sen. Yarborough closes on the bill
3:58:20 PM Roll Call
3:58:34 PM Chair Martin reports the bill
3:58:43 PM Tab 3- SB 600 Bail Bonds by Senator Truenow
3:59:01 PM Sen Truenow explains the bill
3:59:56 PM Amendment 468096
4:00:04 PM Sen. Truenow explains the amendment
4:00:50 PM Sen. Truenow waives close, amendment adopted
4:00:59 PM Questions:
4:01:02 PM Sen. Pizzo
4:01:29 PM Sen. Truenow
4:01:34 PM Sen. Pizzo
4:02:15 PM Sen. Truenow
4:02:58 PM Sen. Pizzo
4:03:18 PM Sen. Truenow
4:03:21 PM Sen. Pizzo
4:03:36 PM Sen. Truenow
4:04:15 PM Appearances:
4:04:30 PM Clerk Greg Harrell
4:05:46 PM Sen. Pizzo
4:06:02 PM Greg Harrell
4:06:06 PM Sen. Pizzo
4:06:14 PM Shawn Foster, Florida Bail Agents Association
4:07:46 PM Sen. Pizzo
4:08:14 PM Shawn Foster
4:08:46 PM Sen. Pizzo
4:09:25 PM Shawn Foster
4:09:37 PM Chair Martin
4:09:52 PM Shawn Foster
4:10:01 PM Sen. Pizzo
4:10:15 PM Shawn Foster
4:10:42 PM Debate:
4:10:49 PM Sen. Pizzo
4:11:18 PM Sen. Truenow closes on bill
4:11:36 PM Roll Call
4:11:49 PM Chair Martin reports the bill
4:12:00 PM chair Martin gives the gavel to Vice Chair Smith
4:12:18 PM Vice Chair Smith
4:12:29 PM Chair Martin makes a motion to reconsider SB 1750
4:12:37 PM Tab 8-SB 1750 Criminal Sexual Conduct
4:12:47 PM Sen. Martin explains the bill
4:14:04 PM Chair Martin waives close on the bill
4:14:07 PM Roll Call
4:14:23 PM Vice Chair reports the bill
4:15:12 PM Tab 7- SB 1544 Complaints Against Law Enforcement and Correctional Officers by Senator Pizzo
4:15:18 PM Sen. Pizzo explains bill
4:15:34 PM Questions:
4:15:39 PM Vice Chair Smith
4:16:08 PM Sen. Pizzo
4:16:57 PM Vice Chair Smith
4:18:23 PM Sen. Pizzo

4:19:40 PM Vice Chair Smith
4:19:53 PM Sen. Pizzo
4:20:47 PM Vice Chair Smith
4:21:45 PM Sen. Pizzo
4:21:58 PM Appearances:
4:22:09 PM Lisa Henning, Fraternal Order of Police
4:22:22 PM David Marsey, The Florida Police Chiefs Association
4:29:49 PM Sen. Bernard
4:30:12 PM David Marsey
4:30:33 PM Sen. Bernard
4:30:43 PM David Marsey
4:31:52 PM Sen. Bernard
4:32:00 PM David Marsey
4:32:39 PM Sen. Bernard
4:33:01 PM David Marsey
4:33:17 PM Sen. Bernard
4:33:44 PM David Marsey
4:33:52 PM Sen. Bernard
4:33:56 PM David Marsey
4:34:14 PM Sen. Pizzo
4:35:13 PM David Marsey
4:35:17 PM Sen. Pizzo
4:35:23 PM David Marsey
4:35:39 PM Sen. Pizzo
4:36:12 PM David Marsey
4:36:37 PM Sen. Pizzo
4:36:45 PM David Marsey
4:37:06 PM Sen. Pizzo
4:37:19 PM David Marsey
4:37:29 PM Sen. Pizzo
4:37:48 PM David Marsey
4:37:53 PM Sen. Pizzo
4:38:09 PM David Marsey
4:38:15 PM Sen. Pizzo
4:39:00 PM David Marsey
4:39:17 PM Sen. Pizzo
4:39:25 PM David Marsey
4:39:29 PM Sen. Pizzo
4:39:42 PM David Marsey
4:40:53 PM Sen. Pizzo
4:41:06 PM David Marsey
4:41:11 PM Sen. Pizzo
4:41:15 PM David Marsey
4:41:21 PM Sen. Pizzo
4:41:24 PM David Marsey
4:41:29 PM Vice Chair Smith
4:41:48 PM Sen. Pizzo
4:42:09 PM David Marsey
4:42:12 PM Sen. Pizzo
4:42:18 PM David Marsey
4:42:38 PM Sen. Pizzo
4:42:53 PM Robin Graber, Florida Council Against Sexual Violence

4:47:06 PM Sen. Pizzo
4:47:13 PM Robin Graber
4:47:38 PM Chair Smith
4:47:57 PM Denise Rock, Florida Cares, Executive Director
4:49:28 PM Chair reads appearances waiving
4:50:07 PM Debate:
4:50:18 PM Chair Martin in debate
4:54:26 PM Sen. Pizzo closes on the bill
4:56:47 PM Roll call
4:57:03 PM Vice Chair Smith reports the bill
4:57:20 PM Tab 5-1488 Booking Officer Duties Related to Minor Children of Arrested Persons by Senator Davis
4:57:32 PM Sen. Davis explains the bill
4:59:31 PM Chair reads waiving
4:59:41 PM Sen. Davis waives close
4:59:43 PM Roll call
4:59:56 PM Vice Chair Smith reports the bill
5:00:13 PM Vice Chair Smith recognizes Senator Pizzo for a motion
5:00:42 PM Sen. Pizzo moves to reconsider SB 1326
5:00:55 PM Tab 4-SB 1326 Prosecution of Defendants by Senator Martin
5:01:04 PM Amendment barcode 807564
5:01:12 PM Chair Martin explains the amendment
5:02:39 PM Appearances:
5:03:08 PM Nellie King, Criminal Defense Lawyers Past President
5:05:28 PM Matt Metz, Public Defender, 7th Circuit
5:09:22 PM Kimberly Comer, NAMI Florida & Florida Mental Health Advocacy Coalition
5:11:15 PM Chair reads appearances waiving
5:11:32 PM Chair Martin waives close on amendment
5:11:43 PM Amendment adopted
5:11:53 PM Back on the bill, as amended
5:11:56 PM Appearances:
5:12:07 PM Dr. Karla Sapp
5:16:24 PM Chair reads appearances waiving
5:16:43 PM Debate:
5:16:47 PM Sen. Pizzo
5:19:53 PM Sen. Simon
5:21:03 PM Sen. Bradley
5:24:07 PM Chair Martin closes on the bill
5:24:39 PM Roll Call
5:25:00 PM Vice Chair Smith reports the bill
5:25:12 PM Votes after roll call:
5:25:23 PM Sen. Bradley
5:25:36 PM Sen. Simon
5:25:49 PM Sen. Pizzo moves to adjourn
5:25:52 PM Meeting adjourned