

Tab 1	SB 500 by Avila (CO-INTRODUCERS) Wright; Similar to CS/H 00401 Security for Statewide Constitutional Office Candidates				
857630	A	S	ACJ, Avila	Delete L.20:	02/24 08:10 AM
Tab 2	CS/SB 536 by CJ, Martin; Similar to CS/H 00429 Criminal Gang Members				
545718	D	S	ACJ, Martin	Delete everything after	02/24 01:53 PM
Tab 3	CS/SB 762 by JU, Martin (CO-INTRODUCERS) Rouson; Similar to CS/CS/H 00177 Offices of Criminal Conflict and Civil Regional Counsel				
659714	A	S	ACJ, Martin	Delete L.46:	02/24 01:54 PM
Tab 4	CS/SB 1582 by CM, Yarborough; Similar to CS/H 01345 Statewide Data Sharing of Secondhand Dealer and Pawnbroker Transactions				
572826	D	S	ACJ, Yarborough	Delete everything after	02/23 09:00 AM
Tab 5	CS/SB 1632 by JU, Grall; Similar to CS/H 01471 Ideologies Inconsistent with American Principles				
Tab 6	CS/SB 1634 by JU, Grall; Similar to CS/H 01473 Public Records and Meetings/Chief of Domestic Security				
Tab 7	CS/SB 1742 by CJ, Martin; Similar to CS/CS/H 01525 Indecent Exposure of Sexual Organs to Minors				
457242	A	S	ACJ, Martin	Delete L.21 - 48:	02/24 12:04 PM
Tab 8	SB 1750 by Martin; Similar to CS/H 01159 Criminal Sexual Conduct				
814272	D	S	ACJ, Martin	Delete everything after	02/24 01:52 PM
Tab 9	SB 1792 by Yarborough; Similar to CS/H 00181 Public Records/Pawnbroker Transactions				

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE
Senator Garcia, Chair
Senator Martin, Vice Chair

MEETING DATE: Wednesday, February 25, 2026
TIME: 1:30—4:30 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Garcia, Chair; Senator Martin, Vice Chair; Senators Osgood, Polsky, Simon, Smith, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 500 Avila (Similar CS/H 401)	Security for Statewide Constitutional Office Candidates; Requiring the Department of Law Enforcement to provide certain candidates with a protective security detail for a specified time period, etc.	EE 01/13/2026 Favorable ACJ 02/25/2026 FP
2	CS/SB 536 Criminal Justice / Martin (Similar CS/H 429)	Criminal Gang Members; Defining the term “gang-related language”; revising the definition of the term “criminal gang member”, etc.	CJ 01/12/2026 Fav/CS ACJ 02/25/2026 FP
3	CS/SB 762 Judiciary / Martin (Similar CS/CS/H 177)	Offices of Criminal Conflict and Civil Regional Counsel; Requiring that an office of criminal conflict and civil regional counsel provide a certain written notice to the court under specified conditions; authorizing the court to appoint an office of criminal conflict and civil regional counsel in another region for certain cases in certain circumstances; requiring such appointed counsel to provide certain documentation to the Justice Administrative Commission for reimbursement, subject to legislative appropriation, etc.	JU 01/12/2026 Fav/CS ACJ 02/25/2026 FP

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Wednesday, February 25, 2026, 1:30—4:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 1582 Commerce and Tourism / Yarborough (Similar CS/H 1345, Compare CS/H 181, Linked S 1792)	Statewide Data Sharing of Secondhand Dealer and Pawnbroker Transactions; Revising the recordkeeping, transaction, and reporting requirements of certain secondhand dealers and pawnbrokers to be shared with the Department of Law Enforcement for the purpose of statewide data sharing of such records, transactions, and reports, etc. CM 01/28/2026 Fav/CS ACJ 02/12/2026 Temporarily Postponed ACJ 02/25/2026 FP	
5	CS/SB 1632 Judiciary / Grall (Similar CS/H 1471, Compare CS/H 1473, Linked CS/S 1634)	Ideologies Inconsistent with American Principles; Prohibiting the application of certain law in adjudicatory proceedings in a manner that violates a constitutional right; defining the term “domestic terrorist organization”; providing that a person who knowingly provides or attempts or conspires to provide material support or resources to a domestic terrorist organization commits a specified felony; providing that a person who willfully becomes a member of a domestic terrorist organization and serves under the direction or control of such organization with a specified intent commits a specified felony; authorizing the Chief of Domestic Security to designate an organization a foreign terrorist organization or a domestic terrorist organization if certain criteria are met, etc. JU 02/03/2026 Fav/CS ACJ 02/18/2026 Temporarily Postponed ACJ 02/25/2026 FP	
6	CS/SB 1634 Judiciary / Grall (Similar CS/H 1473, Compare CS/H 1471, Linked CS/S 1632)	Public Records and Meetings/Chief of Domestic Security; Providing an exemption from public records requirements for certain information held by the Chief of Domestic Security and any information in a certain notification which would reveal information critical to state or national security; providing an exemption from public meetings requirements for portions of meetings which would reveal such exempt information; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. JU 02/03/2026 Fav/CS ACJ 02/18/2026 Temporarily Postponed ACJ 02/25/2026 FP	

COMMITTEE MEETING EXPANDED AGENDAAppropriations Committee on Criminal and Civil Justice
Wednesday, February 25, 2026, 1:30—4:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 1742 Criminal Justice / Martin (Similar CS/CS/H 1525)	Indecent Exposure of Sexual Organs to Minors; Repealing a provision relating to unnatural and lascivious acts; prohibiting a person from intentionally exposing or exhibiting his or her sexual organs in a lewd or lascivious manner for a specified purpose while viewing a person who is younger than 16 years of age or performing specified sexual acts for a specified purpose while viewing a person who is younger than 16 years of age; defining the term "viewing"; providing a criminal penalty, etc.	CJ 01/26/2026 Fav/CS ACJ 02/25/2026 FP
8	SB 1750 Martin (Similar CS/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 02/25/2026 FP
9	SB 1792 Yarborough (Similar CS/H 181, Compare CS/H 1345, Linked CS/S 1582)	Public Records/Pawnbroker Transactions; Expanding the exemption from public records requirements for records relating to pawnbroker transactions to include those records delivered to the Department of Law Enforcement; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	ACJ 02/12/2026 Temporarily Postponed ACJ 02/25/2026 FP

Other Related Meeting Documents

By Senator Avila

39-01004-26

2026500__

1 A bill to be entitled
 2 An act relating to security for statewide
 3 constitutional office candidates; creating s. 99.122,
 4 F.S.; requiring the Department of Law Enforcement to
 5 provide certain candidates with a protective security
 6 detail for a specified time period; providing an
 7 effective date.

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

10
 11 Section 1. Section 99.122, Florida Statutes, is created to
 12 read:

13 99.122 Protective security detail for nominees and
 14 officers-elect.-

15 (1) Immediately upon the adjournment of the meeting of the
 16 Elections Canvassing Commission certifying the results of the
 17 primary election under s. 102.111, the Department of Law
 18 Enforcement must provide a protective security detail to all
 19 nominees of a political party, other than the nominees of a
 20 minor political party, to the following offices:

21 (a) The Governor.

22 (b) The Lieutenant Governor.

23 (c) A cabinet officer.

24 (2) The protective security detail must be provided
 25 immediately upon the adjournment of the meeting of the Elections
 26 Canvassing Commission certifying the results of the primary
 27 election under s. 102.111 until the relevant nominee concedes
 28 the general election or upon adjournment of the meeting of the
 29 Elections Canvassing Commission certifying the results of the

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

39-01004-26

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30 general election under s. 102.111, whichever is earlier. The
 31 Department of Law Enforcement must continue to provide a
 32 protective security detail to the officers-elect until the
 33 officers-elect assume office.

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

Page 2 of 2

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



857630

LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Criminal and Civil Justice
(Avila) recommended the following:

Senate Amendment

Delete line 20
and insert:
minor political party as defined in s. 97.021(20), to the
following offices:

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 500

INTRODUCER: Senator Avila

SUBJECT: Security for Statewide Constitutional Office Candidates

DATE: February 24, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cleary</u>	<u>Roberts</u>	<u>EE</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

I. Summary:

SB 500 requires the Florida Department of Law Enforcement (FDLE) to provide certain candidates with protective security detail for a specified time period.

Security would be provided to major-party nominees for Governor, Lieutenant Governor, and Cabinet offices after the Elections Canvassing Commission (ECC) certifies the primary election results and continue until the nominee either concedes the general election or the general election results are officially certified.

The bill requires FDLE to provide protective security detail to the officers-elect until the officers-elect assume office.

The bill has a significant negative fiscal impact to the Florida Department of Law Enforcement. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

According to nationwide studies, there has been an increase in the rise of polarization in American politics that coincides with an increase in observed threats to public officials, which have steadily risen in the past decade, culminating in actual acts of violence, assassination or attempted assassination of public officials.¹

¹ Simon A. Levin, Helen V. Milner, and Charles Perrings, “*The dynamics of political polarization,*” Proceedings of the National Academy of Sciences 118:50 (2021).

Evidence suggests the prevalence of threats to public officials is perceived to be growing and exerting pressure on public officials and systems of governance.² In terms of the type of public officials targeted with threats of violence, elected officials were among the most common at 41 percent of the threat targets.³

Florida law does not require any state law enforcement agency to provide protective security for nominees of any political party for state office. FDLE⁴ is, however, directed to provide and maintain security for:

- The Governor, the Governor's immediate family, the Governor's office, mansion, and grounds;
- Visiting governors and families upon request by the Governor; and
- Other persons visiting the state for whom such services are requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court, and for whom the failure to provide security or transportation could result in a clear and present danger to the personal safety of such persons or could result in public embarrassment to the state.⁵

Additionally, FDLE is directed to coordinate all protective services with the United States Department of State and the United States Secret Service when requested to do so by such agencies or by the Governor or member of the Cabinet.⁶

FDLE is required to submit a report each August 15th to the Governor, the Legislature, and the Cabinet detailing all transportation and protective services provided under s. 943.68(1), (5), and (6), F.S., within the preceding fiscal year.⁷

² Simi Pete, Ligon Gina, Hughes Seamus, Standridge Natalie, "Rising Threats to Public Officials: A Review of 10 Years of Federal Data, CTC Sentinel (May 2024), ("[T]he data reveals something new emerged during the past decade: a concentration of threats that began to spike in 2017 corresponding with a general increase in polarization following the 2016 presidential election. While 2013-2016 had on average 38 federal charges involving threats to public officials per year, that average sharply increased during the period of 2017-2022, with the average number of federal charges increasing to 62 per year. It seems the clamor of threats to public officials has grown louder since 2017, with gradual, steady increases").

³ *Id.*

⁴ *Structure of the Florida Cabinet*, The Governor & Cabinet of the State of Florida Website, <https://www.cabinet.myflorida.com/> (last visited Feb. 20, 2026) (The Department maintains a dual role of direct investigative and enforcement responsibilities along with assisting other state law enforcement agencies—serving as the primary statewide investigative agency concerning organized, complex, and multi-jurisdictional crimes. The Department also provides administrative and technological support to criminal justice agencies through all of its organizational divisions and delivers a comprehensive information system of investigative, intelligence, operational and management data through the Florida Intelligence Center (FIC) and the Florida Crime Information Center (FCIC), which is interfaced with the National Crime Information Center (NCIC)); *See Protective Operations*, Florida Department of Law Enforcement webpage, <https://www.fdle.state.fl.us/regions-divisions/protective-operations> (Last visited Feb. 20, 2026) (FDLE's Protective operations section has been providing protective operations for the Governor and first family since 1973. Special agents in this detail routinely work holidays, nights and weekends and must maintain the confidentiality and trust of the Governor and first family. In addition to Protective Operations providing critical protection for the Governor and first family, they also provide protection for the Governor's office, Governor's mansion and grounds. The Protective Operations Section is also authorized to provide protection and transportation for visiting governors and other dignitaries when requested).

⁵ Section 943.68 F.S.

⁶ Section 943.68(8), F.S.

⁷ Section 943.68(9), F.S.; *See* Commissioner Mark Glass, *Florida Department of Law Enforcement Transportation and Protective Services Report July 1, 2024, through June 30, 2025* (August 15, 2025), <https://s3.documentcloud.org/documents/26074041/tps-2024-25-report.pdf>, (The total amount for protective costs for the

III. Effect of Proposed Changes:

The bill creates s. 99.112, F.S., to require :

- Florida Department of Law Enforcement (FDLE), upon the adjournment of the meeting of the Elections Canvassing Commission(ECC) certifying the results of the primary election under s. 102.111, F.S.,⁸ to provide protective security detail to all nominees of major political parties,⁹ for the offices of Governor, Lieutenant Governor, and Cabinet Officers.¹⁰
- Protective security detail to be provided from the immediate adjournment of the meeting of the ECC certifying the results of the primary election until the relevant nominees concede the general election or upon adjournment of the meeting of the ECC certifying the results of the general election.
- FDLE to continue to provide protective security detail to the officers-elect until the officers-elect assume office.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

period of July 1, 2024, through June 30, 2025 was \$11,146,541.29. The costs incurred for protective services for the Governor, the Governor's Office, Governor's Family, Mansion, and grounds for the period of July 1, 2024, through June 30, 2025, was \$10,657,189.62. For the same period, 113 protective details were performed for visiting dignitaries totaling \$489,351.67).

⁸ Section 102.111, F.S. (The Elections Canvassing Commission consists of the Governor and two members of the Cabinet selected by the Governor. The Commission is required to meet at 8 a.m. on the 9th day after a primary election and at 8 a.m. on the 14th day after a general election to certify the returns of the election for each federal, state, and multicounty office and for each constitutional amendment).

⁹ See *Political Parties*, Florida Department of State web page, <https://dos.fl.gov/elections/candidates-committees/political-parties/> (last visited Feb. 20, 2026) (There are only two major political parties in Florida: the Republican Party of Florida, and the Florida Democratic Party).

¹⁰ *Structure of the Florida Cabinet*, The Governor & Cabinet of the State of Florida Website, <https://www.cabinet.myflorida.com/> (last visited Feb. 20, 2026) (Florida, under Article IV of the Florida Constitution has four statewide elected constitutional offices that form the Governor and Cabinet. These officials are elected by voters across the entire state and, along with the Governor, comprise the Florida Cabinet, which acts as a collective decision-making body for several key state agencies. **Governor** – The chief executive officer of the state. **Lieutenant Governor** – a constitutional officer but is elected on a joint ticket with the Governor, rather than independently statewide. **Attorney General** – The state's chief legal officer and head of the Department of Legal Affairs. **Chief Financial Officer** – Oversees the state's finances, acts as the State Fire Marshal, and heads the Department of Financial Services. **Commissioner of Agriculture** – Safeguards the public through food product testing and inspection, manages public lands, and heads the Department of Agriculture and Consumer Services.

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:

FDLE estimates the bill will increase the workload of existing FDLE agents. Additional costs and resources are needed to comply with the new requirements. FDLE requests rental vehicles, travel, and overtime costs for 20 Protective Operations Special Agents, specifically:

- Overtime for existing protective operations positions - \$622,773 (recurring);
- Rental vehicles - \$60,130 (nonrecurring);
- Additional travel - \$480,000 (nonrecurring);
- Soft body armor - \$3,250 (nonrecurring); and
- Vehicle armor - \$20,000 (nonrecurring).

FDLE estimates the total fiscal impact to be \$1,186,153 (\$563,380 nonrecurring).¹¹

VI. Technical Deficiencies:

The term “Minor Political Parties” is not specifically defined in the bill. But the term “Minor Political Parties,” is defined in the Election Code under s. 97.021(20), F.S. “as any group as specified in s. 103.095 which on January 1 preceding a primary election does not have registered as members 5 percent of the total registered electors of the state.” According to the Florida Department of State currently there are only two major political parties recognized in the State Florida: the Republican Party of Florida, and the Florida Democratic Party.¹²

VII. Related Issues:

None.

¹¹ Florida Department of Law Enforcement, *Senate Bill Analysis 500 Agency Analysis* (Jan. 6, 2026) (on file with the Senate Committee on Ethics and Elections).

¹² See Political Parties, Florida Department of State web page, <https://dos.fl.gov/elections/candidates-committees/political-parties/> (last visited February 2026).

VIII. Statutes Affected:

This bill creates section 99.122 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Martin

591-01886-26

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1 A bill to be entitled
 2 An act relating to criminal gang members; amending s.
 3 874.03, F.S.; defining the term "gang-related
 4 language"; revising the definition of the term
 5 "criminal gang member"; reenacting ss. 823.05(2)(a),
 6 921.141(6)(n), and 951.23(11), F.S., all relating to
 7 the definition of the term "criminal gang member", to
 8 incorporate the amendment made to s. 874.03, F.S., in
 9 references thereto; providing an effective date.

10 Be It Enacted by the Legislature of the State of Florida:
 11
 12

13 Section 1. Subsection (3) of section 874.03, Florida
 14 Statutes, is amended to read:

15 874.03 Definitions.—As used in this chapter:

16 (3) "Gang-related language" is any verbal or written
 17 statement that signals gang affiliation, supports gang activity,
 18 or uses recognized gang codes, symbols, or terminology
 19 associated with criminal organizations. Written statements
 20 include any digital or electronic statements, including
 21 statements made on any online platform or social media.

22 (4) "Criminal gang member" means ~~is~~ a person who meets two
 23 or more of the following criteria:

24 (a) Admits in person or on an online platform or social
 25 media that he or she is a criminal gang member.

26 (b) ~~(a)~~ Is identified or claimed by a ~~Admits to~~ criminal
 27 gang as one of its members ~~membership~~.

28 (c) ~~(b)~~ Is identified as a criminal gang member by a parent,
 29 or guardian, or spouse living with the person.

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30 ~~(d)~~ ~~(e)~~ Is identified as a criminal gang member by a
 31 documented reliable informant.
 32 ~~(e)~~ ~~(d)~~ Adopts the style of dress of a criminal gang.
 33 ~~(f)~~ ~~(e)~~ Adopts the use of a hand sign identified as used by
 34 a criminal gang.
 35 ~~(g)~~ ~~(f)~~ Has a tattoo identified as used by a criminal gang.
 36 ~~(h)~~ ~~(g)~~ Associates with one or more known criminal gang
 37 members.
 38 ~~(i)~~ ~~(h)~~ Is identified as a criminal gang member by an
 39 informant of previously untested reliability and such
 40 identification is corroborated by independent information.
 41 ~~(j)~~ ~~(i)~~ Is identified as a criminal gang member by physical
 42 evidence.
 43 ~~(k)~~ ~~(j)~~ Has been observed in the company of one or more
 44 known criminal gang members two ~~four~~ or more times. Observation
 45 in a custodial setting requires a willful association. It is the
 46 intent of the Legislature to allow this criterion to be used to
 47 identify gang members who recruit and organize in jails,
 48 prisons, and other detention settings.
 49 ~~(l)~~ ~~(k)~~ Has authored any communication indicating gang
 50 affiliation or gang activity or accepting responsibility for the
 51 commission of any crime by a ~~the~~ criminal gang member.
 52 ~~(m)~~ Uses gang-related language on an online platform or
 53 social media.
 54
 55 Where a single act or factual transaction satisfies the
 56 requirements of more than one of the criteria in this
 57 subsection, each of those criteria has thereby been satisfied
 58 for the purposes of this subsection ~~the statute~~.

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59 Section 2. For the purpose of incorporating the amendment
60 made by this act to section 874.03, Florida Statutes, in a
61 reference thereto, paragraph (a) of subsection (2) of section
62 823.05, Florida Statutes, is reenacted to read:

63 823.05 Places and groups engaged in certain activities
64 declared a nuisance; abatement and enjoinderment.-

65 (2)(a) As used in this subsection, the terms "criminal
66 gang," "criminal gang member," "criminal gang associate," and
67 "criminal gang-related activity" have the same meanings as
68 provided in s. 874.03.

69 Section 3. For the purpose of incorporating the amendment
70 made by this act to section 874.03, Florida Statutes, in a
71 reference thereto, paragraph (n) of subsection (6) of section
72 921.141, Florida Statutes, is reenacted to read:

73 921.141 Sentence of death or life imprisonment for capital
74 felonies; further proceedings to determine sentence.-

75 (6) AGGRAVATING FACTORS.-Aggravating factors shall be
76 limited to the following:

77 (n) The capital felony was committed by a criminal gang
78 member, as defined in s. 874.03.

79 Section 4. For the purpose of incorporating the amendment
80 made by this act to section 874.03, Florida Statutes, in a
81 reference thereto, subsection (11) of section 951.23, Florida
82 Statutes, is reenacted to read:

83 951.23 County and municipal detention facilities;
84 definitions; administration; standards and requirements.-

85 (11) GANG STATUS OF INMATES.-A county or municipal
86 detention facility may designate an individual to be responsible
87 for assessing whether each current inmate is a criminal gang

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88 member or associate using the criteria in s. 874.03. The
89 individual should at least once biweekly transmit information on
90 inmates believed to be criminal gang members or associates to
91 the arresting law enforcement agency.

92 Section 5. This act shall take effect July 1, 2026.



545718

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (6), (7), and (8) of section
874.03, Florida Statutes, are redesignated as subsections (7),
(8), and (9), respectively, a new subsection (6) is added to
that section, and subsection (3) of that section is amended, to
read:

874.03 Definitions.—As used in this chapter:



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11 (3) "Criminal gang member" means ~~is~~ a person who meets two
12 or more of the following criteria:

13 (a) Admits in person or on an online platform or social
14 media that he or she is a criminal gang member.

15 (b) ~~(a)~~ Is identified or claimed by a ~~Admits to~~ criminal
16 gang as one of its members ~~membership.~~

17 (c) ~~(b)~~ Is identified as a criminal gang member by a parent,
18 or guardian, or spouse living with the person.

19 (d) ~~(c)~~ Is identified as a criminal gang member by a
20 documented reliable informant.

21 (e) ~~(d)~~ Adopts the style of dress of a criminal gang.

22 (f) ~~(e)~~ Adopts the use of a hand sign identified as used by
23 a criminal gang.

24 (g) ~~(f)~~ Has a tattoo identified as used by a criminal gang.

25 (h) ~~(g)~~ Associates with one or more known criminal gang
26 members.

27 (i) ~~(h)~~ Is identified as a criminal gang member by an
28 informant of previously untested reliability and such
29 identification is corroborated by independent information.

30 (j) ~~(i)~~ Is identified as a criminal gang member by physical
31 evidence.

32 (k) ~~(j)~~ Has been observed in the company of one or more
33 known criminal gang members two ~~four~~ or more times. Observation
34 in a custodial setting requires a willful association. It is the
35 intent of the Legislature to allow this criterion to be used to
36 identify gang members who recruit and organize in jails,
37 prisons, and other detention settings.

38 (l) ~~(k)~~ Has authored any communication indicating gang
39 affiliation or gang activity or accepting responsibility for the



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40 commission of any crime by a the criminal gang member.

41 (m) Uses gang-related language in furtherance of criminal
42 gang-related activity on an online platform or social media.

43

44 Where a single act or factual transaction satisfies the
45 requirements of more than one of the criteria in this
46 subsection, each of those criteria has thereby been satisfied
47 for the purposes of this subsection ~~the statute.~~

48 (6) "Gang-related language" means any verbal or written
49 statement that signals gang affiliation, supports gang activity,
50 or uses recognized gang codes, symbols, or terminology
51 associated with criminal organizations. Written statements
52 include any digital or electronic statements, including
53 statements made on any online platform or social media.

54 Section 2. For the purpose of incorporating the amendment
55 made by this act to section 874.03, Florida Statutes, in a
56 reference thereto, paragraph (a) of subsection (2) of section
57 823.05, Florida Statutes, is reenacted to read:

58 823.05 Places and groups engaged in certain activities
59 declared a nuisance; abatement and enjoinder.—

60 (2) (a) As used in this subsection, the terms "criminal
61 gang," "criminal gang member," "criminal gang associate," and
62 "criminal gang-related activity" have the same meanings as
63 provided in s. 874.03.

64 Section 3. For the purpose of incorporating the amendment
65 made by this act to section 874.03, Florida Statutes, in a
66 reference thereto, paragraph (n) of subsection (6) of section
67 921.141, Florida Statutes, is reenacted to read:

68 921.141 Sentence of death or life imprisonment for capital



545718

69 felonies; further proceedings to determine sentence.-

70 (6) AGGRAVATING FACTORS.-Aggravating factors shall be
71 limited to the following:

72 (n) The capital felony was committed by a criminal gang
73 member, as defined in s. 874.03.

74 Section 4. For the purpose of incorporating the amendment
75 made by this act to section 874.03, Florida Statutes, in a
76 reference thereto, subsection (11) of section 951.23, Florida
77 Statutes, is reenacted to read:

78 951.23 County and municipal detention facilities;
79 definitions; administration; standards and requirements.-

80 (11) GANG STATUS OF INMATES.-A county or municipal
81 detention facility may designate an individual to be responsible
82 for assessing whether each current inmate is a criminal gang
83 member or associate using the criteria in s. 874.03. The
84 individual should at least once biweekly transmit information on
85 inmates believed to be criminal gang members or associates to
86 the arresting law enforcement agency.

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

88

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

90 And the title is amended as follows:

91 Delete everything before the enacting clause
92 and insert:

93 A bill to be entitled
94 An act relating to criteria for determining criminal
95 gang membership; amending s. 874.03, F.S.; revising
96 the definition of the term "criminal gang member";
97 defining the term "gang-related language"; reenacting



545718

98 ss. 823.05(2)(a), 921.141(6)(n), and 951.23(11), F.S.,
99 all relating to the definition of the term "criminal
100 gang member," to incorporate the amendment made to s.
101 874.03, F.S., in references thereto; providing an
102 effective date.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 536

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Criminal Gang Members

DATE: February 24, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 536 amends s. 874.03, F.S., to modify the definition of a “criminal gang member” as it pertains to criminal investigations, charges against suspected gang members, and the sentencing of criminal gang members, and creates a definition for the term “gang-related language.”

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

The bill takes effect on July 1, 2026.

II. Present Situation:

Recent Criminal Gang Activity in Florida

Following a multi-year investigation, 10 suspected senior members of a violent, criminal enterprise were arrested in May 2025, on charges related to racketeering that include underlying offenses of conspiracy to commit homicide, directing activities of a criminal gang and money laundering. Additionally, detectives discovered a kill list of the gang members’ intended victims and notified them before the crimes occurred. Arrest warrants were filed in March, and in April, a coordinated and sweeping statewide operation resulted in 10 arrests.¹

¹ Broward County Sheriff’s Office, *Investigation Topples Leadership of Notorious Sex, Money, Murder Blood Gang*, reported by Miranda Grossman/PIO 5/2/2025 1400; available at <https://www.sheriff.org/PIO/BSOnews/Pages/BSO->

The Polk County Sheriff's Office arrested five men for organized theft crimes that they say also had ties to the Venezuelan gang Tren De Aragua. The five men are all accused of trying to steal about \$3,200 in liquor from a Sam's Club store in north Lakeland. All of the men are linked to over three dozen retail thefts across the area, according to the sheriff's office. The robbery charges have been upgraded to a first-degree felony because the sheriff's office says two of the men are known members of the Tren De Aragua gang, and the other three are associates. The suspects are believed to be linked to over 3 dozen retail thefts across the central part of Florida.²

Criminal Gangs

"Criminal gang"³ means a formal or informal ongoing organization, association, or group⁴ that has as one of its primary activities⁵ the commission of criminal or delinquent acts, and that consists of three or more persons who have a common name or common identifying signs, colors, or symbols, including, but not limited to, terrorist organizations,⁶ transnational crime organizations,⁷ and hate groups⁸.

A "criminal gang associate"⁹ is a person who:

- Admits to criminal gang association; or
- Meets any single defining criterion for criminal gang membership.¹⁰

A "criminal gang member" is a person who meets *two or more* of the following criteria:

- Admits to criminal gang membership.
- Is identified as a criminal gang member by a parent or guardian.
- Is identified as a criminal gang member by a documented reliable informant.
- Adopts the style of dress of a criminal gang.
- Adopts the use of a hand sign identified as used by a criminal gang.
- Has a tattoo identified as used by a criminal gang.

[INVESTIGATION-TOPPLES-LEADERSHIP-OF-NOTORIOUS-SEX,-MONEY,-MURDER-BLOOD-GANG-.aspx?](#) (last visited January 6, 2026).

² News 6, *Robbery Suspects Were Linked to Venezuelan Gang, Polk County Sheriff Says*, Christie Zizo, April 18, 2025; available at <https://www.clickorlando.com/news/local/2025/04/18/5-robbery-suspects-were-linked-to-venezuelan-gang-polk-county-sheriff-says/> (last visited January 6, 2026).

³ Section 874.03(1), F.S.

⁴ "Ongoing" means that the organization was in existence during the time period charged in a petition, information, indictment, or action for civil injunctive relief. s. 874.03(1)(a), F.S.

⁵ "Primary activities" means that a criminal gang spends a substantial amount of time engaged in such activity, although such activity need not be the only, or even the most important, activity in which the criminal gang engages. Section 874.03(1)(b), F.S.

⁶ "Terrorist organization" means any organized group engaged in or organized for the purpose of engaging in terrorism as defined in s. 775.30, F.S. This definition shall not be construed to prevent prosecution under this chapter of individuals acting alone. Section 874.03(7), F.S.

⁷ "Transnational crime organization" means any group, network, or association of persons, at least one of which is an unauthorized alien as defined in s. 908.111, F.S., that routinely facilitates the international trafficking of drugs, humans, or weapons or the international smuggling of humans. Section 874.03(8), F.S.

⁸ "Hate group" means an organization whose primary purpose is to promote animosity, hostility, and malice against a person or persons or against the property of a person or persons because of race, religion, disability, sexual orientation, ethnicity, or national origin. Section 874.03(6), F.S.

⁹ Section 874.03(2), F.S.

¹⁰ Section 874.03(3), F.S.

- Associates with one or more known criminal gang members.
- Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information.
- Is identified as a criminal gang member by physical evidence.
- Has been observed in the company of one or more known criminal gang members four or more times. Observation in a custodial setting requires a willful association. It is the intent of the Legislature to allow this criterion to be used to identify gang members who recruit and organize in jails, prisons, and other detention settings.
- Has authored any communication indicating responsibility for the commission of any crime by the criminal gang.

Where a single act or factual transaction satisfies the requirements of more than one of the criteria listed above, each of those criteria has thereby been satisfied for the purposes of the statute.¹¹

A person who intentionally causes, encourages, solicits, or recruits another person to become a criminal gang member where a condition of membership or continued membership is the commission of any crime commits a third degree felony.¹² It is a second degree felony for a person to commit this crime if the person recruited to become a gang member is *under the age of 13* and where a condition of membership or continued membership is the commission of any crime.¹³ Enhanced penalties are provided for second or subsequent offenses.

All profits, proceeds, and instrumentalities of criminal gang activity or criminal gang recruitment and all property used or intended or attempted to be used to facilitate the criminal activity of any criminal gang, criminal gang member, or criminal gang recruitment, are subject to seizure and forfeiture under the Florida Contraband Forfeiture Act¹⁴

Any person who knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity commits a first degree felony.¹⁵ “Criminal gang-related activity” is an activity:

- Committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purposes of increasing a person’s own standing or position within a criminal gang;
- In which the participants are identified as criminal gang members or criminal gang associates acting individually or collectively to further any criminal purpose of the gang;
- That is defined as criminal gang activity by a documented reliable informant; or
- That is identified as criminal gang activity by an informant of previously untested reliability and such identification is corroborated by independent information.¹⁶

¹¹ Section 874.03(3)(a)-(k), F.S.

¹² Section 874.05(1)(a), F.S., A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

¹³ Section 874.05(2)(a), F.S., A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.03, F.S.

¹⁴ Section 932.704, F.S.

¹⁵ Section 874.10, F.S.; a first degree felony is punishable by imprisonment for a term of years not exceeding 30 years and up to a \$10,000 fine. Sections 775.082, 775.083, and 775.084, F.S.

¹⁶ Section 874.03(4)(a)-(d), F.S.

- That is identified as criminal gang activity by an informant of previously untested reliability and such identification is corroborated by independent information.¹⁷

Any person possessing or manufacturing any blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued identification document for the purpose of benefiting, promoting, or furthering the interests of a criminal gang commits a second degree felony.¹⁸

Enhanced Penalties

Section 874.04, F.S., provides for enhanced penalties for a crime committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.¹⁹ If the factfinder determines beyond a reasonable doubt that the defendant committed the offense charged for the purpose of benefiting, promoting, or furthering the interests of a criminal gang, the penalty may be enhanced to the penalty of a crime one degree higher than that committed.

III. Effect of Proposed Changes:

The bill amends s. 874.03(4), F.S., to revise the definition of a criminal gang member as it pertains to criminal investigations of or charges brought against suspected gang members. Although the defendant charged with a criminal offense does not necessarily have to meet the criminal gang member definition to be charged with any criminal offense, meeting the definition does often provide enhanced penalties for a criminal conviction.²⁰

The definition of a “criminal gang member,” including the list of criteria, is amended to mean a person who meets two or more specified criteria. Criteria added or amended by the bill includes that the person:

- Admits in person or on an online platform or social media that he or she is a criminal gang member.
- Is identified or claimed by a criminal gang as one of its members.
- Is identified as a criminal gang member by a parent, guardian, or spouse living with the person.
- Has been observed in the company of one or more known criminal gang members two or more times; observation in a custodial setting requires a willful association. It is the intent of the Legislature to allow this criterion to be used to identify gang members who recruit and organize in jails, prisons, and other detention settings.
- Has authored any communication indicating gang affiliation or gang activity or accepting responsibility for the commission of any crime by a criminal gang member.
- Uses gang-related language on an online platform or social media.

¹⁷ Section 874.03(4)(a)-(d), F.S.

¹⁸ Section 874.12, F.S.; a second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.03, F.S.

¹⁹ Section 874.04, F.S.; “Enhanced penalties” means that a misdemeanor of the second degree may be punished *as if it were* a misdemeanor of the first degree; a misdemeanor of the first degree may be punished *as if it were* a felony of the third degree; a felony of the third degree may be punished *as if it were* a felony of the second degree; a felony of the second degree may be punished *as if it were* a felony of the first degree; and a felony of the first degree may be punished *as if it were* a life felony.

²⁰ See ss. 874.04, 874.05, and 921.0024(1)(b), F.S.

The bill defines “gang-related language” in s. 874.03(3), F.S., as any verbal or written statement that signals gang affiliation, supports gang activity, or uses recognized gang codes, symbols, or terminology associated with criminal organizations. Written statements include any digital or electronic statements, including statements made on any online platform or social media.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

- Per the FDLE, there were no arrests or convictions/adjudications withheld under s. 874.04, F.S. in Fiscal Year (FY) 2024-2025. Per DOC, in FY 2024-2025, there were no new commitments under s. 874.04, F.S. The lack of data is likely due to the statute enhancing other offenses, so the number of offenders is not known. Per FDLE, for the remaining felonies under ch. 874, F.S., in FY 2024-2025, there were 15 arrests and no convictions/adjudications withheld. Per DOC, there was one new commitment in FY 2024-2025. Furthermore, there were 6 new commitments for possessing a weapon as a convicted felon (s. 790.23(4), F.S.) and one for registration of a convicted felon (s. 775.13(4)(b), F.S.).
- Per the DOC, five inmates were admitted to the prison system in FY 2024-2025 with a death sentence and 469 inmates were admitted with a life sentence. For those admitted with a death sentence, one was listed as a gang member, and for those admitted with life sentences, 67 were listed as gang members and 25 were listed as associates. It is not known how many of these life sentences were given instead of a death sentence. Furthermore, those inmates executed in FY 2024-2025 averaged 27 years in prison, with the shortest time between initial incarceration and execution being 22 years. Assuming that future inmates on death row would have similar time in prison, any impact on prison beds should not be felt for at least a decade and would have no impact within the forecast window.
- Although, few offenders are currently arriving as new commitments for most felonies impacted by this bill, it is not known how many are impacted by the penalty enhancements under s. 874.04, F.S. Therefore, the magnitude of the impact cannot be quantified.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 874.03, 823.05, 921.141, and 951.23.

IX. Additional Information:

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

CS by Criminal Justice on January 12, 2026

The committee substitute:

²¹ Office of Economic and Demographic Research, *SB 536 – Criminal Gang Members* (on file with the Senate Appropriations Committee on Criminal and Civil Justice)

- Changes the definition of the term “criminal gang member” to provide that a person must meet two or more criteria to be considered a gang member and revises such criteria.
- Provides a definition for the term “gang-related language.”

B. Amendments:

None.

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

By the Committee on Judiciary; and Senator Martin

590-01893-26

2026762c1

1 A bill to be entitled
 2 An act relating to offices of criminal conflict and
 3 civil regional counsel; amending s. 27.511, F.S.;
 4 requiring that an office of criminal conflict and
 5 civil regional counsel provide a certain written
 6 notice to the court under specified conditions;
 7 providing requirements for the written notice;
 8 authorizing the court to appoint an office of criminal
 9 conflict and civil regional counsel in another region
 10 for certain cases in certain circumstances; providing
 11 construction; requiring such appointed counsel to
 12 provide certain documentation to the Justice
 13 Administrative Commission for reimbursement, subject
 14 to legislative appropriation; requiring each regional
 15 office that accepts such appointments to biannually
 16 submit a specified report to the commission; requiring
 17 the appointment of private counsel in certain
 18 circumstances; amending s. 744.331, F.S.; conforming a
 19 cross-reference; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Present subsections (6) through (10) of section
 24 27.511, Florida Statutes, are redesignated as subsections (7)
 25 through (11), respectively, and a new subsection (6) is added to
 26 that section, to read:

27 27.511 Offices of criminal conflict and civil regional
 28 counsel; legislative intent; qualifications; appointment;
 29 duties.—

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

590-01893-26

2026762c1

30 (6) (a) At any time that an office of criminal conflict and
 31 civil regional counsel determines that it can no longer
 32 represent an indigent defendant in a death penalty case due to a
 33 conflict of interest or a lack of qualifications, it must
 34 provide written notice to the court. The written notice must
 35 state that the person has been determined to be indigent under
 36 s. 27.52, that the state has filed a notice of intent to seek
 37 the death penalty, and that it can no longer provide
 38 representation due to a conflict of interest or a lack of
 39 qualifications. Upon receiving the notice, the court is
 40 authorized to appoint an office of criminal conflict and civil
 41 regional counsel from another region to represent the defendant
 42 provided that their designated counsel is qualified to provide
 43 competent representation in death penalty cases. These
 44 provisions are effective notwithstanding ss. 27.40 and 27.5305,
 45 which authorize the appointment of a private attorney to
 46 represent the defendant.

47 (b) Subject to legislative appropriation, the office of
 48 criminal conflict and civil regional counsel appointed from
 49 another region under paragraph (a) shall provide documentation
 50 for all due process costs and services of representation to the
 51 Justice Administrative Commission for reimbursement.

52 (c) Biannually, by February 1 and August 1, each regional
 53 office of the office of criminal conflict and civil regional
 54 counsel which accepts an appointment under paragraph (a) in a
 55 case involving a person determined to be indigent under s. 27.52
 56 in which the state has filed a notice of intent to seek the
 57 death penalty shall submit a report to the commission. For each
 58 case, the report must contain all of the following information:

Page 2 of 4

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

590-01893-26

2026762c1

59 1. The office of criminal conflict and civil regional
60 counsel appointed and the date of appointment, including the
61 name of counsel assigned.
62 2. The length of time the capital case has been pending.
63 3. The date the state filed a notice of intent to seek the
64 death penalty.
65 4. The number of victims.
66 5. The status of any ongoing discovery, including any
67 discovery deadline set by the court.
68 6. The number of outstanding motions.
69 7. Whether there is a mitigation specialist, and, if so,
70 the date of his or her employment, as well as any mitigation
71 work product.
72 (d) If the office of criminal conflict and civil regional
73 counsel from another region cannot accept an appointment under
74 paragraph (a) because of a conflict of interest or a lack of
75 qualified attorneys, private counsel must be appointed.
76 Section 2. Paragraph (a) of subsection (2) of section
77 744.331, Florida Statutes, is amended to read:
78 744.331 Procedures to determine incapacity.—
79 (2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.—
80 (a) When a court appoints an attorney for an alleged
81 incapacitated person, the court must appoint the office of
82 criminal conflict and civil regional counsel or a private
83 attorney as prescribed in s. 27.511(7) ~~s. 27.511(6)~~. A private
84 attorney must be one who is included in the attorney registry
85 compiled pursuant to s. 27.40. Appointments of private attorneys
86 must be made on a rotating basis, taking into consideration
87 conflicts arising under this chapter.

Page 3 of 4

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

590-01893-26

2026762c1

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

Page 4 of 4

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



659714

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

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

Senate Amendment (with title amendment)

Delete line 46

and insert:

represent the defendant. When evaluating a case for referral and
appointment to an office of criminal conflict and civil regional
counsel under this section, the court shall consider judicial
economy and geographic proximity.

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



659714

11 And the title is amended as follows:

12 Delete line 11

13 and insert:

14 construction; requiring the court to consider judicial
15 economy and geographic proximity when making certain
16 appointments; requiring such appointed counsel to

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 762

INTRODUCER: Judiciary Committee and Senator Martin

SUBJECT: Offices of Criminal Conflict and Civil Regional Counsel

DATE: February 24, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 762 authorizes a court to appoint a different Office of Criminal Conflict and Civil Regional Counsel, in lieu of private counsel, to represent an indigent defendant in a death penalty case if certain conditions are met. Before this appointment may occur, the primary office must provide written notice to the court stating that: the client is indigent, the state has filed a notice that it intends to seek the death penalty, and legal representation may no longer be provided by the office due to a conflict of interest or a lack of qualified attorneys. The court is authorized to make the appointment if the designated counsel is qualified to provide competent representation in a death penalty case.

The office that is appointed to represent the defendant must submit documentation for all due process costs and services of representation to the Judicial Administrative Commission and file reports containing specified information relating to the case.

If another regional office is unable to accept an appointment because of a conflict of interest or a lack of qualified death penalty attorneys, private counsel must be appointed to represent the client.

The bill may decrease state expenditures for private court-appointed counsel in death penalty cases. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Overview

Under current law, if an indigent defendant in a death penalty case cannot be represented by a public defender due to a conflict of interest, the case is assigned to an Office of Criminal Conflict and Civil Regional Counsel in that same region. If that office is unable to accept the case, the case is assigned to a private court-appointed attorney. The costs of representation by a private court-appointed attorney are significantly higher than the costs of representation by attorneys within the offices of the public defender or regional counsel.

The Office of Criminal Conflict and Civil Regional Counsel

The Legislature created the Office of Criminal Conflict and Civil Regional Counsel in 2007. When creating the office, the Legislature stated that its purpose was to provide representation for people entitled to court-appointed counsel “in a fiscally sound manner, while safeguarding constitutional principles.”¹ Five regional offices were established in the state based on the geographic boundaries established for the five District Courts of Appeal that existed at that time.²

The Office primarily represents indigent people³ who are charged with crimes that public defenders are not able to represent because of a legal conflict of interest among the clients.⁴ A conflict of interest occurs when two or more defendants are being represented by one office and the interest of one defendant is adverse or hostile to the interest of another defendant such that the office cannot, in good faith, represent both defendants.⁵

Each of the five district offices is led by a regional counsel who is appointed to a 4-year term. The regional counsel is chosen by the Governor from a list of names submitted by the Supreme Court Nominating Commission and is subject to Senate confirmation.⁶

For administrative purposes, each office is assigned to the Justice Administrative Commission. The Commission is charged with providing administrative support and service as requested by each office, within the Commission’s available resources.⁷

If a public defender’s office and a regional counsel’s office cannot represent an indigent client due to a conflict of interest, the court will appoint an attorney in private practice from a registry of qualified attorneys.⁸

¹ Section 27.511(1), F.S.

² Chapter 2007-62, s. 1, Laws of Fla. and s. 27.511(1), F.S. A sixth regional office has not been created although a Sixth District Court of Appeals was created in 2022. See ch. 2022-163, s. 2, 8, and 9, Laws of Fla.

³ To determine whether a person is “indigent” to qualify for the appointment of a public defender, he or she must fill out an application with the clerk of court and meet the criteria set forth in s. 27.52, F.S.

⁴ Section 27.511(5) and (6)(a), F.S.

⁵ See s. 27.511(5), F.S.

⁶ Section 27.511(3)(a), F.S.

⁷ Section 27.511(2), F.S.

⁸ Sections 27.40(1), (2), and (3), and 27.5303(1), F.S.

The Justice Administrative Commission

The Justice Administrative Commission (JAC) is a state agency that was created in 1965 to provide administrative services for judicial-related offices. Currently, the JAC provides administrative services to all state attorney and public defender offices, each Office of Criminal Conflict and Civil Regional Counsel, the Capital Collateral Regional Counsel, and the Statewide Guardian ad Litem Office. The JAC primarily provides accounting, budgeting, financial, and human resource services to these entities. In addition, the JAC reviews the billing records of private attorneys who are appointed by the court to represent indigent clients.⁹

Cost Data for Court-Appointed Attorneys in Capital First Degree Murder Cases

According to payment data supplied by the JAC, the total amount of funds expended over the last 6 years for private court-appointed counsel in these cases is \$49,315,531.89.¹⁰ The chart below shows the annual due process costs¹¹ and attorney fees.

Fiscal Year	Due Process	Attorney Fees	Annual Total
2019-20	\$4,059,331.44	\$7,876,301.53	\$11,935,632.97
2020-21	\$2,189,866.79	\$3,629,874.60	\$5,819,741.39
2021-22	\$2,481,876.64	\$3,897,727.77	\$6,379,604.41
2022-23	\$3,192,762.32	\$4,815,264.00	\$8,008,026.32
2023-24	\$3,354,407.70	\$6,355,549.85	\$9,709,957.55
2024-25	\$3,137,753.35	\$4,324,815.90	\$7,462,569.25
Totals	\$18,415,998.24	\$30,899,533.65	\$49,315,531.89

Minimum Standards for an Attorney to Defend a Death Penalty Case

To ensure that a defendant has competent representation in a death penalty case, The Florida Supreme Court has established minimum standards that an attorney must meet. Each judicial circuit must keep a list of qualified conflict counsel in each of three categories: lead trial counsel, trial co-counsel, and appellate counsel.¹²

To qualify as lead trial counsel, the attorney should have at least five years of litigation experience in criminal law and have served as lead counsel in no fewer than nine state or federal jury trials of serious and complex cases which were tried to completion. He or she should have served as lead defense counsel or co-counsel in at least two state or federal death penalty cases that were tried to completion. Additionally, of the nine jury trials that were tried to completion,

⁹ See Justice Administrative Commission at <https://www.justiceadmin.org/> (last visited Feb. 22, 2026).

¹⁰ Email from Cris Martinez, General Counsel for the Justice Administrative Commission (Jan. 8, 2025) (on file with the Judiciary Committee). These figures also include cases where the death penalty had not been waived by the time the court-appointed attorney was appointed.

¹¹ Due process costs for indigent clients include the costs for: court reporting and transcription; copying and transcribing depositions; foreign language interpreters and translators, if needed; witnesses and expert witnesses; mental health professionals; reasonable transportation services; some travel expenses; library and electronic legal research services; and reasonable pretrial consultant fees and costs. See s. 29.006, F.S.

¹² Fla. R. Crim. P. 3.112, available at https://www-media.floridabar.org/uploads/2026/01/2026_07-JAN-Criminal-Procedure-Rules-1-1-2026.pdf (last visited Feb. 22, 2026).

the attorney should have served as lead counsel in at least three cases in which the charge was murder, or alternatively, of the nine jury trials, at least one was a murder trial, and an additional five were felony jury trials. Additional requirements that lead and co-counsel should have, including continuing legal requirements, for private attorneys in capital cases are set forth in Rule 3.112 of the Florida Rules of Criminal Procedure.¹³

III. Effect of Proposed Changes:

The bill authorizes a court to appoint a different Office of Criminal Conflict and Civil Regional Counsel, in lieu of private counsel, to represent an indigent defendant in a death penalty case once certain conditions are met. This appointment may occur at any time during representation after the office provides written notice to the court that:

- The defendant is indigent;
- The state has filed a notice of intent to seek the death penalty; and
- Legal counsel in the first regional office has determined it can no longer represent the person because of a conflict of interest or a lack of qualifications.

The court is authorized to make the appointment provided that the designated counsel is qualified to provide competent representation in a death penalty case.

For clarification, this process does not transfer venue of the case from one circuit to another. Rather, it simply authorizes a different Office of Criminal Conflict and Civil Regional Counsel to handle the case.

Reporting Requirements

The regional office that is appointed to represent a defendant who was previously represented by another regional office must document all due process costs and services for representation to the JAC to receive reimbursement. Payment is subject to legislative appropriation.

By February 1 and August 1 of each year, the regional office that accepts an appointment to represent an indigent person in which the state has filed a notice that it intends to seek the death penalty must submit a report to the JAC that includes all of the following:

- The names of the regional office and the counsel appointed with the date of the appointment.
- The amount of time the case has been pending.
- The date the state filed a notice of intent to seek the death penalty.
- The number of victims in the case.
- The status of ongoing discovery, if any, including any discovery deadline set by the court.
- The number of outstanding motions.
- Whether the case involves a mitigation specialist and if so, the date of his or her employment and any mitigation work product.

¹³ *Id.*

When Another Regional Office Cannot Accept an Appointment

If the office from another region cannot accept an appointment to represent the defendant due to a conflict of interest or due to a lack of qualified attorneys, private counsel must then be appointed. The bill takes effect 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:

If a court appoints another regional office to represent a client, this eliminates the need for a private court-appointed attorney to handle the case. As such, the number of private attorneys receiving fees from these cases would be reduced as would their income from these cases.

Currently, the Legislature authorizes a flat fee of \$25,000 for the lead counsel and \$25,000 for the co-counsel in first degree murder cases.¹⁴ The lead counsel and co-counsel may petition the court for an award of extraordinary fees in an evidentiary hearing. Because of the complexity and duration of indigent death-penalty cases, the

¹⁴ Chapter 2025-198, s.148, Laws of Fla. and Justice Administrative Commission, Forms and Rates, July 1, 2024 through June 30, 2026, available at [https://www.justiceadmin.org/court_app_counsel/CAC%20Flat%20Fee%20Rates%20\(7%201%2025\)Updated070825.pdf](https://www.justiceadmin.org/court_app_counsel/CAC%20Flat%20Fee%20Rates%20(7%201%2025)Updated070825.pdf) (last visited Feb. 22, 2026).

request for extraordinary fees is generally granted and the total fees paid are much higher than the flat fee.

C. **Government Sector Impact:**

In most cases, the cost of appointing a regional office to a death penalty case will be significantly less than the cost of representation by private court-appointed counsel, particularly with respect to attorneys' fees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 27.511 and 744.331.

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 Judiciary on January 12, 2026:

The committee substitute differs from the underlying bill by deleting the requirement that the JAC submit reports to the Legislature and by deleting the program's expiration date of July 1, 2027. The language authorizing the appointment of counsel in another region, paragraph (6)(a), is edited for clarity and the committee substitute replaces the reference to the chief judge with references to the court.

B. **Amendments:**

None.

By the Committee on Commerce and Tourism; and Senator Yarborough

577-02279-26

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1 A bill to be entitled
 2 An act relating to statewide data sharing of
 3 secondhand dealer and pawnbroker transactions;
 4 amending ss. 538.04, 538.19, 538.32, and 539.001,
 5 F.S.; revising the recordkeeping, transaction, and
 6 reporting requirements of certain secondhand dealers
 7 and pawnbrokers to be shared with the Department of
 8 Law Enforcement for the purpose of statewide data
 9 sharing of such records, transactions, and reports;
 10 providing an effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Subsections (1), (6), and (8) of section 538.04,
 15 Florida Statutes, are amended to read:
 16 538.04 Recordkeeping requirements; penalties.—
 17 (1) A secondhand dealer shall complete a secondhand dealers
 18 transaction form at the time of the actual transaction. A
 19 secondhand dealer shall maintain a copy of a completed
 20 transaction form on the registered premises for at least 1 year
 21 after the date of the transaction. However, the secondhand
 22 dealer shall maintain a copy of the transaction form for not
 23 less than 3 years. Unless other arrangements are agreed upon by
 24 the secondhand dealer and the appropriate law enforcement
 25 official, the secondhand dealer shall, within 24 hours after
 26 acquiring any secondhand goods, deliver to such official and the
 27 Department of Law Enforcement a record of the transaction on a
 28 form approved by the Department of Law Enforcement for the
 29 purpose of statewide data sharing. Such record must ~~shall~~

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30 contain all of the following:
 31 (a) The time, date, and place of the transaction.
 32 (b) A complete and accurate description of the goods
 33 acquired, including the following information, if applicable:
 34 1. Brand name.
 35 2. Model number.
 36 3. Manufacturer's serial number.
 37 4. Size.
 38 5. Color, as apparent to the untrained eye.
 39 6. Precious metal type, weight, and content if known.
 40 7. Gemstone description, including the number of stones, if
 41 applicable.
 42 8. In the case of firearms, the type of action, caliber or
 43 gauge, number of barrels, barrel length, and finish.
 44 9. Any other unique identifying marks, numbers, or letters.
 45 (c) Digital photographs of the goods, clearly showing the
 46 items required to be included on the record as provided in
 47 paragraph (b).
 48 (d) A description of the person from whom the goods were
 49 acquired, including:
 50 1. Full name, current residential address, workplace, and
 51 home and work phone numbers.
 52 2. Height, weight, date of birth, race, gender, hair color,
 53 eye color, and any other identifying marks.
 54 3. The right thumbprint, free of smudges and smears, of the
 55 person from whom the goods were acquired.
 56 (e) Any other information required by the form approved by
 57 the Department of Law Enforcement.
 58 (6) If the appropriate law enforcement official supplies a

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59 secondhand dealer with appropriate software and the secondhand
 60 dealer has computer capability, the secondhand dealer must
 61 electronically transmit secondhand dealer transactions required
 62 by this section to such official and the Department of Law
 63 Enforcement for the purpose of statewide data sharing. If a
 64 secondhand dealer does not have computer capability, the
 65 appropriate law enforcement official may provide the secondhand
 66 dealer with a computer and all equipment necessary to
 67 electronically transmit secondhand dealer transactions. The
 68 appropriate law enforcement official shall retain ownership of
 69 the computer, unless otherwise agreed upon, and the secondhand
 70 dealer shall maintain the computer in good working order, except
 71 for ordinary wear. A secondhand dealer who transmits secondhand
 72 dealer transactions electronically is not required to also
 73 deliver the original or paper copies of the secondhand
 74 transaction forms to the appropriate law enforcement official or
 75 the Department of Law Enforcement for the purpose of statewide
 76 data sharing. However, such official may, for purposes of a
 77 criminal investigation, request the secondhand dealer to deliver
 78 the original transaction form that was electronically
 79 transmitted. The secondhand dealer shall deliver the form to the
 80 appropriate law enforcement official and the Department of Law
 81 Enforcement within 24 hours after receipt of the request.

82 (8) When secondhand goods are purchased by means of an
 83 automated kiosk, the serial number reported pursuant to this
 84 section may be the International Mobile Station Equipment
 85 Identity (IMEI), the mobile equipment identifier (MEID), or
 86 another unique identifying number assigned to the device by the
 87 manufacturer. If the IMEI, MEID, or other unique identifying

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88 number is not available at the time of receipt or purchase, the
 89 report filed pursuant to this section must be updated with the
 90 IMEI, MEID, or other unique identifying number as soon as
 91 possible, but no later than 10 business days after the date of
 92 acquisition. If such identifying numbers are not available at
 93 the time of the transaction, the business ~~must shall~~ assign
 94 another unique identifier to the item which directly associates
 95 the item to the transaction that it was purchased in. Upon
 96 entering or updating any information on the transaction form, a
 97 law enforcement official, as designated by the sheriff or the
 98 chief of police of the jurisdiction in which the item was
 99 purchased, must be timely notified in writing or by electronic
 100 means, as required by the sheriff or chief of police of the
 101 jurisdiction. If, upon receiving the device and correcting the
 102 missing information, the company finds that the item was
 103 misappropriated or stolen, the appropriate law enforcement
 104 official and the Department of Law Enforcement must be notified.
 105 The holding requirements of ss. 538.06 and 538.09(3) do not
 106 begin until all required reports are complete and submitted to
 107 the appropriate law enforcement official and the Department of
 108 Law Enforcement for the purpose of statewide data sharing.

109 Section 2. Subsection (1) of section 538.19, Florida
 110 Statutes, is amended to read:

111 538.19 Records required; limitation of liability.-

112 (1) A secondary metals recycler shall maintain a legible
 113 paper record of all purchase transactions to which such
 114 secondary metals recycler is a party. A secondary metals
 115 recycler shall also maintain a legible electronic record, in the
 116 English language, of all such purchase transactions. The

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117 appropriate law enforcement official may provide data
 118 specifications regarding the electronic record format, but such
 119 format must be approved by the Department of Law Enforcement. An
 120 electronic record of a purchase transaction shall be
 121 electronically transmitted to the appropriate law enforcement
 122 official and the Department of Law Enforcement for the purpose
 123 of statewide data sharing no later than 10 a.m. of the business
 124 day following the date of the purchase transaction. The record
 125 transmitted to the appropriate law enforcement official and the
 126 Department of Law Enforcement must not contain the price paid
 127 for the items. A secondary metals recycler who transmits such
 128 records electronically is not required to also deliver the
 129 original or paper copies of the transaction forms to the
 130 appropriate law enforcement official or the Department of Law
 131 Enforcement for the purpose of statewide data sharing. However,
 132 such official may, for purposes of a criminal investigation,
 133 request the secondary metals recycler to make available the
 134 original transaction form that was electronically transmitted.
 135 This original transaction form must include the price paid for
 136 the items. The secondary metals recycler shall make the form
 137 available to the appropriate law enforcement official within 24
 138 hours after receipt of the request.

139 Section 3. Subsections (3), (4), and (6) and paragraph (d)
 140 of subsection (7) of section 538.32, Florida Statutes, are
 141 amended to read:

142 538.32 Registration, transaction, and recordkeeping
 143 requirements; penalties.—

144 (3) For every transaction, the secondhand dealer shall ~~must~~
 145 keep a record of the following:

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146 (a) A complete and accurate description of the seller's
 147 goods, including:

148 1. Precious metal type, or, if jewelry, the type of
 149 jewelry.

150 2. Any other unique identifying marks, numbers, or letters.
 151 The description must be in an electronic format agreed upon by
 152 the dealer and the appropriate law enforcement agency.

153 (b) The date that the seller's goods were received by the
 154 mail-in secondhand precious metals dealer.

155
 156 This information must be provided to the appropriate law
 157 enforcement agency and the Department of Law Enforcement for the
 158 purpose of statewide data sharing within 24 hours after entering
 159 into the contract unless other arrangements are made between the
 160 business and the law enforcement agency.

161 (4) For every transaction, pictures of the secondhand goods
 162 which are the subject of the transaction must be available
 163 online for electronic viewing, via a website accessible by
 164 username and password only, by a law enforcement agency and the
 165 Department of Law Enforcement at no charge. In addition, the
 166 electronic files must be searchable by a law enforcement agency
 167 for queries concerning property descriptions, secondhand dealer
 168 transaction information, and the seller's personal
 169 identification, including address, state of residence, and zip
 170 code.

171 (6) The mail-in secondhand precious metals dealer shall
 172 ~~must~~ provide the appropriate law enforcement agency and the
 173 Department of Law Enforcement for the purpose of statewide data
 174 sharing with an electronic copy of the name, address, phone

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175 number, driver license number, or government-issued
 176 identification number, and issuing state of the person from whom
 177 the dealer purchased or acquired the precious metals or jewelry.

178 (7)

179 (d) Within 24 hours after the expiration of the 30-day hold
 180 period for the property, the secondhand dealer shall ~~must~~ notify
 181 the appropriate law enforcement agency and the Department of Law
 182 Enforcement of the abandonment of the property by electronic
 183 transmission or by sending a copy of the completed form
 184 authorized by chapter 717 to the Department of Financial
 185 Services, Division of Unclaimed Property.

186 Section 4. Paragraphs (a) and (b) of subsection (9) of
 187 section 539.001, Florida Statutes, are amended to read:

188 539.001 The Florida Pawnbroking Act.—

189 (9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

190 (a) A pawnbroker shall ~~must~~ maintain a copy of each
 191 completed pawnbroker transaction form on the pawnshop premises
 192 for at least 1 year after the date of the transaction. On or
 193 before the end of each business day, the pawnbroker shall ~~must~~
 194 deliver to the appropriate law enforcement official and the
 195 Department of Law Enforcement for the purpose of statewide data
 196 sharing the original printed pawnbroker transaction forms or
 197 printed copies of the digital pawnbroker transaction forms for
 198 each of the transactions occurring during the previous business
 199 day, unless other arrangements have been agreed upon between the
 200 pawnbroker and the appropriate law enforcement official. If an
 201 original printed transaction form is lost or destroyed by the
 202 appropriate law enforcement official, a copy may be used by the
 203 pawnbroker as evidence in court. When an electronic image of a

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204 pledgor or seller identification is accepted for a transaction,
 205 the pawnbroker must maintain the electronic image in order to
 206 meet the same recordkeeping requirements as for the original
 207 printed transaction form. If a criminal investigation occurs,
 208 the pawnbroker must ~~shall~~, upon request, provide a clear and
 209 legible copy of the image to the appropriate law enforcement
 210 official.

211 (b) If the appropriate law enforcement agency supplies the
 212 appropriate software and the pawnbroker presently has the
 213 computer ability, pawn transactions must ~~shall~~ be electronically
 214 transferred to the appropriate law enforcement official and the
 215 Department of Law Enforcement for the purpose of statewide data
 216 sharing. If a pawnbroker does not presently have the computer
 217 ability, the appropriate law enforcement agency may provide the
 218 pawnbroker with a computer and all necessary equipment for the
 219 purpose of electronically transferring pawn transactions. The
 220 appropriate law enforcement agency retains ~~shall retain~~
 221 ownership of the computer, unless otherwise agreed upon. The
 222 pawnbroker shall maintain the computer in good working order,
 223 ordinary wear and tear excepted. In the event the pawnbroker
 224 transfers pawn transactions electronically, the pawnbroker is
 225 not required to also deliver to the appropriate law enforcement
 226 official or the Department of Law Enforcement the original or
 227 copies of the pawnbroker transaction forms. The appropriate law
 228 enforcement official may, for the purposes of a criminal
 229 investigation, request that the pawnbroker produce an original
 230 of a printed transaction form that has been electronically
 231 transferred. The pawnbroker shall deliver this form to the
 232 appropriate law enforcement official within 24 hours of the

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233 request.

234 Section 5. This act shall take effect July 1, 2026.



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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Criminal and Civil Justice
(Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present paragraph (k) of subsection (1) of
section 538.03, Florida Statutes, is redesignated as paragraph
(1), and a new paragraph (k) is added to that subsection, to
read:

538.03 Definitions; applicability.—

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



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11 (k) "Statewide data sharing system" means the system
12 available to all law enforcement agencies in this state,
13 exclusively accessible through agreements with such law
14 enforcement agencies, for the purpose of conducting queries of
15 shared pawn data at no cost to the user. All pawn data shared
16 with the statewide data sharing system must comply with s.
17 790.335.

18 Section 2. Subsection (6) of section 538.04, Florida
19 Statutes, is amended to read:

20 538.04 Recordkeeping requirements; penalties.—

21 (6) If the appropriate law enforcement official supplies a
22 secondhand dealer with appropriate software and the secondhand
23 dealer has computer capability, the secondhand dealer must
24 electronically transmit secondhand dealer transactions required
25 by this section to such official for inclusion in the statewide
26 data sharing system. If a secondhand dealer does not have
27 computer capability, the appropriate law enforcement official
28 may provide the secondhand dealer with a computer and all
29 equipment necessary to electronically transmit secondhand dealer
30 transactions. The appropriate law enforcement official shall
31 retain ownership of the computer, unless otherwise agreed upon,
32 and the secondhand dealer shall maintain the computer in good
33 working order, except for ordinary wear. A secondhand dealer who
34 transmits secondhand dealer transactions electronically is not
35 required to also deliver the original or paper copies of the
36 secondhand transaction forms to the appropriate law enforcement
37 official. However, such official may, for purposes of a criminal
38 investigation, request the secondhand dealer to deliver the
39 original transaction form that was electronically transmitted.



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40 The secondhand dealer shall deliver the form to the appropriate
41 law enforcement official within 24 hours after receipt of the
42 request.

43 Section 3. Subsection (1) of section 538.19, Florida
44 Statutes, is amended to read:

45 538.19 Records required; limitation of liability.—

46 (1) A secondary metals recycler shall maintain a legible
47 paper record of all purchase transactions to which such
48 secondary metals recycler is a party. A secondary metals
49 recycler shall also maintain a legible electronic record, in the
50 English language, of all such purchase transactions. The
51 appropriate law enforcement official may provide data
52 specifications regarding the electronic record format, but such
53 format must be approved by the Department of Law Enforcement. An
54 electronic record of a purchase transaction shall be
55 electronically transmitted to the appropriate law enforcement
56 official for inclusion in the statewide data sharing system no
57 later than 10 a.m. of the business day following the date of the
58 purchase transaction. The record transmitted to the appropriate
59 law enforcement official must not contain the price paid for the
60 items. A secondary metals recycler who transmits such records
61 electronically is not required to also deliver the original or
62 paper copies of the transaction forms to the appropriate law
63 enforcement official. However, such official may, for purposes
64 of a criminal investigation, request the secondary metals
65 recycler to make available the original transaction form that
66 was electronically transmitted. This original transaction form
67 must include the price paid for the items. The secondary metals
68 recycler shall make the form available to the appropriate law



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69 enforcement official within 24 hours after receipt of the
70 request.

71 Section 4. Subsections (3) and (6) of section 538.32,
72 Florida Statutes, are amended to read:

73 538.32 Registration, transaction, and recordkeeping
74 requirements; penalties.—

75 (3) For every transaction, the secondhand dealer shall ~~must~~
76 keep a record of the following:

77 (a) A complete and accurate description of the seller's
78 goods, including:

79 1. Precious metal type, or, if jewelry, the type of
80 jewelry.

81 2. Any other unique identifying marks, numbers, or letters.
82 The description must be in an electronic format agreed upon by
83 the dealer and the appropriate law enforcement agency.

84 (b) The date that the seller's goods were received by the
85 mail-in secondhand precious metals dealer.

86
87 This information must be provided to the appropriate law
88 enforcement agency for inclusion in the statewide data sharing
89 system within 24 hours after entering into the contract unless
90 other arrangements are made between the business and the law
91 enforcement agency.

92 (6) The mail-in secondhand precious metals dealer shall
93 ~~must~~ provide the appropriate law enforcement agency with an
94 electronic copy of the name, address, phone number, driver
95 license number, or government-issued identification number, and
96 issuing state of the person from whom the dealer purchased or
97 acquired the precious metals or jewelry for inclusion in the



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98 statewide data sharing system.

99 Section 5. Paragraphs (a) and (b) of subsection (9) of
100 section 539.001, Florida Statutes, are amended to read:

101 539.001 The Florida Pawnbroking Act.—

102 (9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

103 (a) A pawnbroker shall ~~must~~ maintain a copy of each
104 completed pawnbroker transaction form on the pawnshop premises
105 for at least 1 year after the date of the transaction. On or
106 before the end of each business day, the pawnbroker shall ~~must~~
107 deliver to the appropriate law enforcement official, for
108 inclusion in the statewide data sharing system, the original
109 printed pawnbroker transaction forms or printed copies of the
110 digital pawnbroker transaction forms for each of the
111 transactions occurring during the previous business day, unless
112 other arrangements have been agreed upon between the pawnbroker
113 and the appropriate law enforcement official. If an original
114 printed transaction form is lost or destroyed by the appropriate
115 law enforcement official, a copy may be used by the pawnbroker
116 as evidence in court. When an electronic image of a pledgor or
117 seller identification is accepted for a transaction, the
118 pawnbroker must maintain the electronic image in order to meet
119 the same recordkeeping requirements as for the original printed
120 transaction form. If a criminal investigation occurs, the
121 pawnbroker must ~~shall~~, upon request, provide a clear and legible
122 copy of the image to the appropriate law enforcement official.

123 (b) If the appropriate law enforcement agency supplies the
124 appropriate software and the pawnbroker presently has the
125 computer ability, pawn transactions must ~~shall~~ be electronically
126 transferred to the appropriate law enforcement official for



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127 inclusion in the statewide data sharing system. If a pawnbroker
128 does not presently have the computer ability, the appropriate
129 law enforcement agency may provide the pawnbroker with a
130 computer and all necessary equipment for the purpose of
131 electronically transferring pawn transactions. The appropriate
132 law enforcement agency retains ~~shall retain~~ ownership of the
133 computer, unless otherwise agreed upon. The pawnbroker shall
134 maintain the computer in good working order, ordinary wear and
135 tear excepted. In the event the pawnbroker transfers pawn
136 transactions electronically, the pawnbroker is not required to
137 also deliver to the appropriate law enforcement official the
138 original or copies of the pawnbroker transaction forms. The
139 appropriate law enforcement official may, for the purposes of a
140 criminal investigation, request that the pawnbroker produce an
141 original of a printed transaction form that has been
142 electronically transferred. The pawnbroker shall deliver this
143 form to the appropriate law enforcement official within 24 hours
144 of the request.

145 Section 6. This act shall take effect July 1, 2027.

146
147 ===== T I T L E A M E N D M E N T =====

148 And the title is amended as follows:

149 Delete everything before the enacting clause
150 and insert:

151 A bill to be entitled
152 An act relating to statewide data sharing of
153 secondhand dealer and pawnbroker transactions;
154 amending s. 538.03, F.S.; defining the term "statewide
155 data sharing system"; amending ss. 538.04, 538.19,



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156 538.32, and 539.001, F.S.; revising the recordkeeping,
157 transaction, and reporting requirements of certain
158 secondhand dealers and pawnbrokers regarding
159 transaction information to be shared with law
160 enforcement agencies for inclusion in the statewide
161 data sharing system; providing an effective date.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1582

INTRODUCER: Commerce and Tourism Committee and Senator Yarborough

SUBJECT: Statewide Data Sharing of Secondhand Dealer and Pawnbroker Transactions

DATE: February 11, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1582 requires all secondhand dealers, secondary metals recyclers, mail-in secondhand precious metals dealers, and pawnbrokers to provide certain recordkeeping and transaction information to the Florida Department of Law Enforcement (FDLE) for the purpose of statewide data sharing.

Currently, this information is provided only to local law enforcement agencies, in part to assist them in recovering stolen property and solving other theft-related crimes.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Secondhand Dealers

Chapter 538, F.S., regulates secondhand dealers and secondary metal recyclers in the trade of secondhand goods. The purpose of such regulations is to assist law enforcement in recovering stolen property and in solving other theft-related crimes.¹

A secondhand dealer is defined as any person, corporation, or other business organization or entity that is not a secondary metals recycler and is engaged in purchasing, consigning, or trading secondhand goods. The term also includes a secondhand dealer engaged in purchasing secondhand goods through an automated kiosk.²

Secondhand goods are previously owned or used personal property purchased, consigned, or traded as used property.³ The term also includes gift certificates and credit memos⁴ that are purchased, consigned, or traded by a secondhand dealer. Secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry; gold, silver, platinum, palladium, or rhodium bullion that has been assayed and is properly marked as to its weight and fineness; cardio and strength training or conditioning equipment designed primarily for indoor use, and secondhand sports equipment that is not permanently labeled with a serial number.⁵

A secondhand dealer must annually register their business with the Department of Revenue (DOR).⁶

Secondhand Dealer Transaction Forms and Reporting Requirements

Upon each acquisition of secondhand goods, a secondhand dealer must complete a transaction form that details the goods purchased and the seller's identity. The secondhand dealer must retain this document for at least 3 years and forward a copy to the appropriate law enforcement agency within 24 hours of acquiring the secondhand goods.⁷ In addition to the descriptive statements of the secondhand goods and the seller's identity, the transaction record must also include:

- A statement of the date, time, and place of the transaction;

¹ See ss. 538.04, 538.06, F.S. (identifying recordkeeping requirements and holding periods in connection with secondhand goods); see also Jarret C. Oeltjen, *Florida Pawnbroking: An Industry in Transition*, 23 FLA. ST. U. L. REV. 995, 1013 (Spring 1996) (noting that “[t]he main impetus behind [ch. 538, F.S.] was to confront the problem of property theft and drug-related crimes by facilitating recovery of stolen goods and apprehending those criminals who may turn to secondhand dealers for cash”).

² Section 538.03(1)(h), F.S.

³ Section 538.03(1)(i), F.S.

⁴ Section 501.95, F.S., defines “credit memo” as a certificate, card, stored value card, or similar instrument issued in exchange for returned merchandise when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction.

⁵ Section 538.03(1)(i), F.S.

⁶ See generally s. 538.09, F.S. (providing for registration).

⁷ Section 538.04(1), F.S.

- A summary of the goods acquired, including brand name, model number, serial number, and other unique identifiers;
- Digital photographs of the goods acquired in the report that is submitted to law enforcement; and
- A description of the person from whom the goods were acquired, including his or her right thumbprint, name, and address, and a physical description.⁸

If an appropriate law enforcement official provides a secondhand dealer with appropriate software and the secondhand dealer has the capability to use it, the secondhand dealer must electronically transmit the required transaction records.⁹ Additionally, if a secondhand dealer lacks computer capability, the appropriate law enforcement official may provide a computer and all necessary equipment to electronically transmit transactions.¹⁰

Secondhand dealers must hold all secondhand goods for at least 15 days after acquiring the property. However, secondhand dealers are required to hold a precious metal,¹¹ gemstone, jewelry; antique furnishings, fixtures, or decorative objects; or an item of art as defined in s. 686.501, F.S.,¹² for 30 days after they acquire the property.¹³ Additionally, a secondhand good must be held for 30 days if the secondhand dealer uses an automated kiosk.¹⁴

Penalties

If a law enforcement officer has probable cause to believe that the goods held by a secondhand dealer are stolen, the officer may place a 90-day written hold order on those goods.¹⁵ This prevents the secondhand dealer from selling the goods and preserves them for use as evidence in a criminal trial. Additionally, it allows the goods to be returned to their rightful owner.

Law enforcement agencies with jurisdiction enforce compliance with registration, record-keeping, holding periods, and inspection requirements.¹⁶ A person who knowingly violates the

⁸ *Id.*

⁹ Section 538.04(6), F.S.

¹⁰ *Id.*

¹¹ Section 538.03(1)(f), F.S., defines “precious metals” as any item containing any gold, silver, or platinum, or any combination thereof, excluding any chemical or any automotive, photographic, electrical, medical, or dental materials or electronic parts.

¹² Section 686.501(1), F.S., defines “art” as a painting, sculpture, drawing, work of graphic art, pottery, weaving, batik, macramé, quilt, print, photograph, or craft work executed in materials including, but not limited to, clay, textile, paper, fiber, wood, tile, metal, plastic, or glass. The term includes a rare map which is offered as a limited edition or a map 80 years old or older; or a rare document or rare print which includes, a print, engraving, etching, woodcut, lithograph, or serigraph which is offered as a limited edition, or one 80 years old or older.

¹³ Section 538.06(1), F.S.

¹⁴ *Id.* An “automated kiosk” is an interactive device that is permanently installed within a secure retail space and that has the following technological functions: remotely monitored by a live representative during all business hours; verification of a seller’s identity by government-issued photographic identification card; automated reading and recording of item serial numbers; ability to compare item serial numbers against databases of stolen items; secure storage of goods accepted by the kiosk; and capture and storage of images during the transaction. Section 538.03(1)(c), F.S.

¹⁵ Section 538.06(3), F.S.

¹⁶ Section 538.05, F.S.

requirements governing secondhand dealers in ch. 538, F.S., commits a first degree misdemeanor and is subject to a fine not to exceed \$10,000.¹⁷

Secondary Metals Recyclers and Mail-in Secondhand Precious Metals Dealers

A secondary metals recycler means any person who:

- Is engaged, from a fixed location, in the business of purchase transactions or gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose, or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value; or
- Has facilities for performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof.¹⁸

A mail-in secondhand precious metals dealer means any person or entity that:

- Conducts business within Florida and contracts with others to buy precious metals or jewelry through an Internet website, the United States mail, or telemarketing; or
- Conducts business within Florida and regularly engages in the business of purchasing jewelry or precious metals through the mail or Internet-based transactions.¹⁹

Secondary Metals Recyclers and Mail-in Secondhand Precious Metals Dealers Transaction Forms and Reporting Requirements

A secondary metals recycler must maintain both a legible paper and electronic record of all purchase transactions to which such secondary metals recycler is a party.²⁰ The appropriate law enforcement official may provide data specifications regarding the electronic record format, but such format must be approved by the FDLE. The transaction record must include all of the following:

- The time, date, and place of the transaction.
- A complete and accurate description of the goods acquired.
- Digital photographs of the goods.
- A description of the person from whom the goods were acquired.

Any other information required by the FDLE.²¹

An electronic record of the purchase transaction must be transmitted to the appropriate law enforcement official no later than 10 a.m. on the business day following the transaction.²²

¹⁷ Section 538.07(1), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

¹⁸ Section 538.18(11), F.S.

¹⁹ Section 538.31(1), F.S.

²⁰ Section 538.19(1), F.S.

²¹ Section 538.19(2), F.S.

²² Section 538.19(1), F.S.

Mail-in secondhand precious metals dealers must register with the DOR and keep a record of every transaction that includes the following:

- A complete and accurate description of the seller's goods, including:
 - precious metal type, or the type of jewelry.
 - Any other unique identifying marks, numbers, or letters. The description must be in an electronic format agreed upon by the dealer and the appropriate law enforcement agency.
- The date that the seller's goods were received by the mail-in secondhand precious metals dealer.²³

The mail-in secondhand precious metals dealer must maintain records for 2 years, and all transaction records must be in a form that is easily retrievable upon request by a law enforcement agency.²⁴

Penalties

A secondary metals recycler who knowingly and intentionally engages in a pattern of failing to keep records or violates provisions relating to hold notices or the right to inspect regulated metals commits a third degree felony.²⁵

Any mail-in secondhand precious metals dealer who does not register with the DOR or fails to comply with recordkeeping requirements commits a third degree felony.²⁶ If a corporation is convicted or found guilty of, or pleads nolo contendere to, an offense, the corporation is prohibited from operating for 1 year as a mail-in secondhand precious metals dealer within the state.²⁷

Pawnbrokers

Pawnbrokers²⁸ must apply for and obtain an annual license from the Department of Agriculture and Consumer Services (DACS).²⁹ To be eligible for the license, each pawnshop must maintain a net worth of at least \$50,000 or file security in the form of a surety bond, letter of credit, or certificate of deposit of \$10,000 for each license.³⁰ The DACS is authorized to impose penalties

²³ Section 538.32(3), F.S.

²⁴ Section 538.32(5), F.S.

²⁵ Section 538.23(1), F.S. A third degree felony is punishable by up to 5 years in prison and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²⁶ Section 538.36(1), F.S. A third degree felony is punishable by up to 5 years in prison and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²⁷ Section 538.36(1), F.S.

²⁸ A "pawnbroker" is a person who is engaged in the business of making pawns; who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. Pawnbrokers may also engage in purchasing goods which includes consignment and trade. Section 539.001(1)(i), F.S. A "pawn" is any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on certain terms and conditions. Section 539.001(1)(h), F.S.

²⁹ Section 539.001(3), F.S.

³⁰ Section 539.001(4), F.S.

of up to \$5,000 for noncompliance with the law.³¹ As of October 5, 2025, there are 1,138 active pawn shop licensees statewide.³²

Pawnbroker Transaction Forms

At the time a pawnbroker enters into any pawn or purchase transaction, the pawnbroker is required to complete a pawnbroker transaction form.³³ The form must include an indication of whether the transaction is a pawn or a purchase, and the seller must also sign the form.³⁴

A pawnbroker is required to maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least 1 year after the date of the transaction.³⁵ On or before the end of each business day, the pawnbroker must deliver the original printed pawnbroker transaction forms, or printed copies of the digital pawnbroker transaction forms, for each transaction occurring during the previous business day to the appropriate law enforcement official.³⁶ Additionally, an electronic image accepted for a transaction must be maintained electronically to meet the same recordkeeping requirements as the original printed transaction form.³⁷

In lieu of physically delivering the original pawnbroker transaction forms, a local law enforcement agency may supply software to a pawnbroker so the pawnbroker may electronically transfer the transaction forms to the law enforcement agency. If a pawnbroker does not have a computer to use the software, the law enforcement agency may provide one to the pawnbroker. The law enforcement agency retains ownership of the computer unless otherwise agreed upon. The pawnbroker must maintain the computer in good working order, ordinary wear and tear excepted.³⁸

Penalties

A person who willfully makes a false entry on a transaction form or any other record required under chapter 539, F.S., commits a first degree misdemeanor.³⁹ Clerical or recordkeeping errors on a document or required record do not constitute a willful violation.

Upon request, the FDLE must supply the agency with any arrest and conviction records in its possession of an individual applying for or holding a license.⁴⁰

³¹ Fla. Admin. Code R. 5J-13.004 (2016).

³² Florida Department of Law Enforcement, *Statewide Pawn Database Feasibility Study* (Nov. 4, 2025), p.7. On file with the Senate Commerce and Tourism Committee.

³³ Section 539.001(8)(a), F.S.

³⁴ *Id.*

³⁵ Section 539.001(9)(a), F.S.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Section 539.001(9)(b), F.S.

³⁹ Section 539.001(17), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

⁴⁰ Section 539.001(19), F.S.

Any person who traffics in, or endeavors to traffic in, property that he or she knows or should know was stolen is guilty of a second degree felony.⁴¹

Feasibility Study

In 2025, the FDLE was directed to conduct a feasibility study to evaluate the viability of establishing a statewide pawn database.⁴² The study examined the feasibility of providing a free system to Florida law enforcement agencies that would allow them to access, update, and share pawn data in real time. The study recommended outsourcing pawn data collection through a single vendor, allowing the FDLE to control the system design and maintain a single database of all pawn records.⁴³

III. Effect of Proposed Changes:

Section 1 amends s. 538.04, F.S., to require secondhand dealers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

Section 2 amends s. 538.19, F.S., to require secondary metals recyclers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

Section 3 amends s. 538.32, F.S., to require mail-in secondhand precious metals dealers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

Section 4 amends s. 539.001, F.S., to require pawnbrokers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

Section 5 provides that the bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴¹ Section 812.019(1), F.S. A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

⁴² Ch. 2025-43, Laws of Fla.

⁴³ Florida Department of Law Enforcement, *Statewide Pawn Database Feasibility Study* (Nov. 4, 2025), p.43. On file with the Senate Commerce and Tourism Committee.

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 amends substantially amends the following sections of the Florida Statutes: 538.04, 538.19, 538.32, and 539.001.

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 Commerce and Tourism Committee on January 28, 2026:

The amendment removes the obligation for the FDLE to create a statewide database for collecting pawn data from secondhand dealers, secondary metals recyclers, and pawnbrokers. Instead, the amendment requires these entities, which are already required to provide specific information to local law enforcement agencies, to also share that data with the FDLE for statewide data sharing.

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 the Committee on Judiciary; and Senator Grall

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1 A bill to be entitled
 2 An act relating to ideologies inconsistent with
 3 American principles; creating s. 2.05, F.S.; defining
 4 the terms "religious law" and "foreign law";
 5 prohibiting the application of certain law in
 6 adjudicatory proceedings in a manner that violates a
 7 constitutional right; providing applicability;
 8 amending s. 775.30, F.S.; defining the term "domestic
 9 terrorist organization"; amending s. 775.32, F.S.;
 10 defining the term "domestic terrorist organization";
 11 amending s. 775.33, F.S.; defining the term "domestic
 12 terrorist organization"; providing that a person who
 13 knowingly provides or attempts or conspires to provide
 14 material support or resources to a domestic terrorist
 15 organization commits a specified felony; providing
 16 criminal penalties; providing, for purposes of
 17 prosecution under specified provisions, that a person
 18 is deemed to commit such felony if certain conditions
 19 are met; amending s. 775.34, F.S.; defining the terms
 20 "designated foreign terrorist organization" and
 21 "domestic terrorist organization"; providing that a
 22 person who willfully becomes a member of a domestic
 23 terrorist organization and serves under the direction
 24 or control of such organization with a specified
 25 intent commits a specified felony; providing criminal
 26 penalties; amending s. 874.03, F.S.; revising the
 27 definition of the term "terrorist organization" to
 28 include a foreign terrorist organization and a
 29 domestic terrorist organization; creating s.

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30 943.03102, F.S.; authorizing the Chief of Domestic
 31 Security to designate an organization a foreign
 32 terrorist organization or a domestic terrorist
 33 organization if certain criteria are met; requiring
 34 the Chief of Domestic Security to maintain a list of
 35 such organizations; requiring the Chief of Domestic
 36 Security to review each designation within a specified
 37 timeframe; requiring the Chief of Domestic Security to
 38 provide specified written notice to the Governor and
 39 Cabinet within a certain timeframe before making a
 40 designation; authorizing the Governor and Cabinet to
 41 approve or reject the designation by a majority vote;
 42 requiring the Chief of Domestic Security to publish
 43 such designation in the Florida Administrative
 44 Register within a specified timeframe after approval
 45 of the designation by the Governor and Cabinet;
 46 authorizing a designated organization to seek judicial
 47 review within a specified timeframe in a specified
 48 court; authorizing the enhancement of certain
 49 penalties; authorizing a designated organization to
 50 petition for removal of such designation in certain
 51 circumstances; authorizing the Governor and Cabinet,
 52 by a majority vote, to remove such designation;
 53 prohibiting state agencies, political subdivisions,
 54 and public school districts from expending certain
 55 public funds to support an organization designated as
 56 a foreign terrorist organization or a domestic
 57 terrorist organization; requiring the Department of
 58 Law Enforcement to adopt rules; amending s. 1002.421,

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59 F.S.; revising eligibility and obligations of private
 60 schools that participate in the state school choice
 61 scholarship program; amending s. 1004.06, F.S.;
 62 prohibiting certain institutions from expending public
 63 funds to promote, support, or maintain programs or
 64 campus activities that advocate for foreign terrorist
 65 organizations or domestic terrorist organizations;
 66 authorizing the State Board of Education or the Board
 67 of Governors, as applicable, to withhold specified
 68 funding from certain institutions; amending s.
 69 1006.61, F.S.; requiring public postsecondary
 70 educational institutions to report specified
 71 information relating to certain students in certain
 72 circumstances; authorizing immediate expulsion of such
 73 student from the institution under certain
 74 circumstances; defining the terms "domestic terrorist
 75 organization" and "foreign terrorist organization";
 76 reordering and amending s. 1009.01, F.S.; defining the
 77 terms "domestic terrorist organization" and "foreign
 78 terrorist organization"; amending ss. 1009.23 and
 79 1009.24, F.S.; requiring that certain students of
 80 Florida College System institutions and state
 81 universities, respectively, be immediately expelled
 82 and assessed a certain out-of-state fee; amending s.
 83 1009.26, F.S.; providing that certain students of
 84 school districts and Florida College System
 85 institutions are ineligible for specified fee waivers;
 86 creating s. 1009.8963, F.S.; prohibiting students who
 87 have been determined to have promoted designated

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88 foreign terrorist organizations or domestic terrorist
 89 organizations from being awarded certain public
 90 institution funds; providing an effective date.
 91
 92 Be It Enacted by the Legislature of the State of Florida:
 93
 94 Section 1. Section 2.05, Florida Statutes, is created to
 95 read:
 96 2.05 Application of religious or foreign law.-
 97 (1) For purposes of this section, the term:
 98 (a) "Foreign law" means a legal code or formal system of
 99 law of a foreign country or nation, or of an international
 100 organization.
 101 (b) "Religious law" means a legal code or formal system of
 102 law associated with a religion and based on the sacred texts or
 103 traditions of such religion. The term includes Sharia law.
 104 (2) Notwithstanding subsection (1), the terms "religious
 105 law" and "foreign law" do not include any of the following:
 106 (a) The natural law or natural rights, as such law or
 107 rights are understood within the legal tradition of this state
 108 or the United States.
 109 (b) A provision of the United States Constitution or a
 110 constitution of any one of the several states.
 111 (c) A provision of domestic federal or state law.
 112 (d) The common law, including the common law as described
 113 in s. 2.01.
 114 (e) A provision of law of a Native American tribe within a
 115 state or territory of the United States.
 116 (3) A court, an administrative law judge, a hearing

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117 officer, an agency, or an arbitration panel or tribunal may not
 118 enforce a provision of religious law or foreign law against a
 119 person if such application would violate a constitutional right
 120 of such person under the United States Constitution or the State
 121 Constitution.

122 (4) This section does not apply to adjudication of
 123 ecclesiastical matters of a religious organization, including
 124 the selection, appointment, discipline, or removal of clergy or
 125 interpretation of doctrine.

126 Section 2. Subsections (1) and (3) of section 775.30,
 127 Florida Statutes, are amended to read:

128 775.30 Terrorism; defined; penalties.—

129 (1) As used in this chapter and the Florida Criminal Code,
 130 the term:

131 (a) terms "Terrorism" or "terrorist activity" means mean an
 132 activity that:

133 1.(a) Involves:

134 a.1- A violent act or an act dangerous to human life which
 135 is a violation of the criminal laws of this state or of the
 136 United States; or

137 b.2- A violation of s. 815.06; and

138 2.(b) Is intended to:

139 a.1- Intimidate, injure, or coerce a civilian population;

140 b.2- Influence the policy of a government by intimidation
 141 or coercion; or

142 c.3- Affect the conduct of government through destruction
 143 of property, assassination, murder, kidnapping, or aircraft
 144 piracy.

145 (b) "Domestic terrorist organization" means an organization

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146 designated as a domestic terrorist organization by the Chief of
 147 Domestic Security under s. 943.03102.

148 (3) A person who ~~violates~~ commits a violation of subsection
 149 (2), ~~resulting which results~~ in death or serious bodily injury,
 150 commits a life felony, punishable as provided in s. 775.082, s.
 151 775.083, or s. 775.084. As used in this subsection, the term
 152 "serious bodily injury" means an injury to a person which
 153 creates a substantial risk of death, serious personal
 154 disfigurement, or protracted loss or impairment of the function
 155 of a bodily member or an organ.

156 Section 3. Present paragraphs (c), (d), and (e) of
 157 subsection (1) of section 775.32, Florida Statutes, are
 158 redesignated as paragraphs (d), (e), and (f), respectively, a
 159 new paragraph (c) is added to that subsection, and subsections
 160 (2), (3), and (4) of that section are amended, to read:

161 775.32 Use of military-type training provided by a
 162 ~~designated foreign terrorist organizations~~ organization.—

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

164 (c) "Domestic terrorist organization" means an organization
 165 designated as a domestic terrorist organization by the Chief of
 166 Domestic Security under s. 943.03102.

167 (2) A person who has received military-type training from a
 168 designated foreign terrorist organization or domestic terrorist
 169 organization may not use, attempt to use, or conspire to use
 170 such military-type training with the intent to unlawfully harm
 171 another person or damage a critical infrastructure facility.

172 (3) A person who ~~violates~~ commits a violation of subsection
 173 (2) commits a felony of the second degree, punishable as
 174 provided in s. 775.082, s. 775.083, or s. 775.084.

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175 (4) A person who violates ~~commits a violation of~~ subsection
176 (2), ~~resulting which results~~ in the death of, or serious bodily
177 injury to, a person, commits a felony of the first degree,
178 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

179 Section 4. Present paragraphs (b) through (e) of subsection
180 (1) of section 775.33, Florida Statutes, are redesignated as
181 paragraphs (c) through (f), respectively, a new paragraph (b) is
182 added to that subsection, and subsections (3) and (5) of that
183 section are amended, to read:

184 775.33 Providing material support or resources for
185 terrorism or to terrorist organizations.—

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

187 (b) “Domestic terrorist organization” means an organization
188 designated as a domestic terrorist organization by the Chief of
189 Domestic Security under s. 943.03102.

190 (3) A person who knowingly provides material support or
191 resources to a designated foreign terrorist organization or
192 domestic terrorist organization, or attempts or conspires to do
193 so, commits a felony of the first degree, punishable as provided
194 in s. 775.082, s. 775.083, or s. 775.084. To violate this
195 subsection, a person must have knowledge that the organization
196 is a designated foreign terrorist organization or domestic
197 terrorist organization or that the organization has engaged in
198 or engages in terrorism or terrorist activity.

199 (5) (a) For purposes of prosecution under subsection (2) or
200 subsection (3), a person is deemed to provide material support
201 or resources by providing personnel if the person knowingly
202 provides, attempts to provide, or conspires to provide himself
203 or herself or another person to:

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204 1. Work under the direction and control of a designated
205 foreign terrorist organization or domestic terrorist
206 organization, or a person engaged in, or intending to engage in,
207 an act of terrorism; or

208 2. Organize, manage, supervise, or otherwise direct the
209 operations of a designated foreign terrorist organization or
210 domestic terrorist organization, or a person engaged in, or
211 intending to engage in, an act of terrorism.

212 (b) An individual who acts entirely independently of the
213 designated foreign terrorist organization or domestic terrorist
214 organization, or the person engaged in, or intending to engage
215 in, an act of terrorism, to advance the organization’s or
216 person’s goals or objectives is not working under the direction
217 and control of the designated foreign terrorist organization or
218 domestic terrorist organization, or person engaged in, or
219 intending to engage in, an act of terrorism.

220 Section 5. Section 775.34, Florida Statutes, is amended to
221 read:

222 775.34 Membership in a designated foreign terrorist
223 organization.—

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

225 (a) “Designated foreign terrorist organization” has the
226 same meaning as provided in s. 775.32.

227 (b) “Domestic terrorist organization” has the same meaning
228 as in s. 943.03102.

229 (2) A person who willfully becomes a member of a designated
230 foreign terrorist organization or domestic terrorist
231 organization and serves under the direction or control of that
232 organization with the intent to further the illegal acts of the

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233 organization commits a felony of the second degree, punishable
 234 as provided in s. 775.082, s. 775.083, or s. 775.084. ~~As used in~~
 235 ~~this section, the term "Designated foreign terrorist~~
 236 ~~organization" has the same meaning as provided in s. 775.32.~~

237 Section 6. Subsection (7) of section 874.03, Florida
 238 Statutes, is amended to read:

239 874.03 Definitions.—As used in this chapter:

240 (7) "Terrorist organization" means any organized group
 241 engaged in or organized for the purpose of engaging in terrorism
 242 as defined in s. 775.30. The term includes a foreign terrorist
 243 organization and a domestic terrorist organization, as
 244 designated by the Chief of Domestic Security under s. 943.03102.
 245 This definition does not shall not be construed to prevent
 246 prosecution under this chapter of individuals acting alone.

247 Section 7. Section 943.03102, Florida Statutes, is created
 248 to read:

249 943.03102 Designation of terrorist organizations.—

250 (1) (a) In order to ensure the safety of this state and the
 251 safety of the residents of this state, the Chief of Domestic
 252 Security may designate an organization:

253 1. A domestic terrorist organization if the Chief of
 254 Domestic Security finds that the organization meets the
 255 following criteria:

256 a. The organization is based or operates in this state or
 257 in the United States.

258 b. The organization engages in terrorist activities that:

259 (I) Involve acts dangerous to human life which violate
 260 state or federal law; and

261 (II) Are intended to:

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262 (A) Intimidate or coerce a civilian population;

263 (B) Influence the policy of a government by intimidation or
 264 coercion; or

265 (C) Affect the conduct of a government by mass destruction,
 266 assassination, or kidnapping.

267 c. The terrorist activity of the organization is an ongoing
 268 threat to the security of this state or the United States.

269 2. A foreign terrorist organization if the Chief of
 270 Domestic Security finds that the organization meets the
 271 following criteria:

272 a. The organization is designated as a foreign terrorist
 273 organization by the United States Secretary of State pursuant to
 274 s. 219 of the Immigration and Nationality Act.

275 b. The terrorist activity of the organization is an ongoing
 276 threat to the security of this state or the United States.

277 (b) The Chief of Domestic Security shall maintain a list of
 278 organizations that he or she designates as domestic terrorist
 279 organizations or foreign terrorist organizations.

280 (c) At least once every 5 years, the Chief of Domestic
 281 Security shall review each designation made under paragraph (a)
 282 which labels an organization a domestic terrorist organization
 283 or a foreign terrorist organization.

284 (2) (a) At least 7 days before making a designation under
 285 subsection (1), the Chief of Domestic Security shall provide
 286 written notice to the Governor and Cabinet of his or her intent
 287 to designate an organization as a foreign terrorist organization
 288 or a domestic terrorist organization, which notice must be
 289 accompanied by written findings regarding the basis for such
 290 designation.

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291 (b) Upon receipt of written notice made pursuant to
 292 paragraph (a), the Governor and Cabinet may, by a majority vote,
 293 approve or reject a designation made by the Chief of Domestic
 294 Security under subsection (1).

295 (c) Within 7 days after approval by the Governor and
 296 Cabinet of a designation made by the Chief of Domestic Security
 297 under subsection (1), the Chief of Domestic Security shall
 298 publish the designation in the Florida Administrative Register.

299 (d) Within 30 days after publication of a designation in
 300 the Florida Administrative Register, the organization designated
 301 as a foreign terrorist organization or a domestic terrorist
 302 organization, or any member of such organizations, may challenge
 303 such designation in the Circuit Court of the Second Judicial
 304 Circuit in and for Leon County.

305 (e) Any criminal penalty imposed against a terrorist
 306 organization may be enhanced as provided by law.

307 (3) (a) An organization designated as a domestic terrorist
 308 organization or a foreign terrorist organization may petition
 309 the department, at any time, for the removal of such
 310 designation.

311 (b) At any time, the Governor and Cabinet may, by a
 312 majority vote, remove a designation made by the Chief of
 313 Domestic Security under subsection (1).

314 (4) A state agency, political subdivision, or public school
 315 district authorized to expend state-appropriated funds or levy
 316 ad valorem taxes may not expend such funds or taxes to support
 317 an organization, or a member of an organization, designated as a
 318 domestic terrorist organization or a foreign terrorist
 319 organization.

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320 (5) The department shall adopt rules to implement this
 321 section.

322 Section 8. Paragraph (t) is added to subsection (1) of
 323 section 1002.421, Florida Statutes, to read:

324 1002.421 State school choice scholarship program
 325 accountability and oversight.—

326 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 327 school participating in an educational scholarship program
 328 established pursuant to this chapter must be a private school as
 329 defined in s. 1002.01 in this state, be registered, and be in
 330 compliance with all requirements of this section in addition to
 331 private school requirements outlined in s. 1002.42, specific
 332 requirements identified within respective scholarship program
 333 laws, and other provisions of Florida law that apply to private
 334 schools, and must:

335 (t) Prohibit:

336 1. Employment of, or contracting with;

337 2. Ownership or operation by; or

338 3. Acceptance of funds from a person or an entity that is
 339 affiliated with or in any way controlled by:

340 a. A designated foreign terrorist organization, as defined
 341 in s. 775.32(1), or a member of such an organization;

342 b. A criminal gang or a criminal gang member as defined in
 343 s. 874.03;

344 c. A terrorist organization as defined in s. 874.03;

345 d. A transnational crime organization, as defined in s.
 346 874.03, or a member of such an organization;

347 e. A domestic terrorist organization as defined in s.

348 775.32;

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349 f. A person or an entity that has:

350 (I) Provided material support or resources, as defined in
 351 s. 775.33(1), to; or

352 (II) Received such support or resources from a designated
 353 foreign terrorist organization or a domestic terrorist
 354 organization, as defined in s. 775.32, or a criminal gang,
 355 terrorist organization, or transnational crime organization, as
 356 defined in s. 874.03; or

357 g. A person or an entity that has demonstrated a pattern or
 358 practice of supporting or advocating for terrorism as defined in
 359 s. 775.30(1).

360

The department shall suspend the payment of funds to a private
 school that knowingly fails to comply with this subsection, and
 shall prohibit the school from enrolling new scholarship
 students, for 1 fiscal year and until the school complies. If a
 private school fails to meet the requirements of this subsection
 or has consecutive years of material exceptions listed in the
 report required under paragraph (q), the commissioner may
 determine that the private school is ineligible to participate
 in a scholarship program.

370 Section 9. Subsection (2) of section 1004.06, Florida
 371 Statutes, is amended to read:

372 1004.06 Prohibited expenditures.—

373 (2) (a) A Florida College System institution or state
 374 university, Florida College System institution direct-support
 375 organization, or state university direct-support organization
 376 may not expend any state or federal funds to promote, support,
 377 or maintain any programs or campus activities that:

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378 1.(a) Violate s. 1000.05; ~~or~~

379 2.(b) Advocate for diversity, equity, and inclusion, or
 380 promote or engage in political or social activism, as defined by
 381 rules of the State Board of Education and regulations of the
 382 Board of Governors; or

383 3. Advocate for a foreign terrorist organization or a
 384 domestic terrorist organization as designated by the Chief of
 385 Domestic Security under s. 943.03102.

386 (b) The State Board of Education or the Board of Governors,
 387 as applicable, may withhold performance-based funding of a
 388 Florida College System institution or state university that
 389 violates subparagraph (a)3.

390 (c) Student fees to support student-led organizations are
 391 allowed ~~permitted~~ notwithstanding any speech or expressive
 392 activity by such organizations which would otherwise violate
 393 this subsection, provided that the public funds must be
 394 allocated to student-led organizations pursuant to written
 395 policies or regulations of each Florida College System
 396 institution or state university, as applicable. Use of
 397 institution facilities by student-led organizations is allowed
 398 ~~permitted~~ notwithstanding any speech or expressive activity by
 399 such organizations which would otherwise violate this
 400 subsection, provided that such use must be granted to student-
 401 led organizations pursuant to written policies or regulations of
 402 each Florida College System institution or state university, as
 403 applicable.

404 Section 10. Section 1006.61, Florida Statutes, is amended
 405 to read:

406 1006.61 Participation by students in disruptive activities,

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407 and promotion of foreign terrorist organizations, at public
408 postsecondary educational institution; penalties.—

409 (1) Any person who accepts the privilege extended by the
410 laws of this state of attendance at any public postsecondary
411 educational institution shall, by attending such institution, be
412 deemed to have given his or her consent to the policies of that
413 institution, the State Board of Education, and the Board of
414 Governors regarding the State University System, and the laws of
415 this state. Such policies shall include prohibition against
416 disruptive activities at public postsecondary educational
417 institutions.

418 (2) After it has been determined that a student of a state
419 institution of higher learning has participated in disruptive
420 activities, such student may be immediately expelled from the
421 institution for a minimum of 2 years.

422 (3) (a) Pursuant to 8 C.F.R. s. 214.3(g)(2), a public
423 postsecondary educational institution must report information
424 relating to the current status of a student attending the
425 institution on a student visa if the student has been determined
426 to have promoted a designated foreign terrorist organization or
427 domestic terrorist organization.

428 (b) If a student of public postsecondary educational
429 institution has been determined to have promoted a designated
430 foreign terrorist organization or domestic terrorist
431 organization, such student will be immediately expelled from the
432 institution.

433 (c) As used in this subsection, the terms "domestic
434 terrorist organization" and "foreign terrorist organization"
435 mean an organization so designated by the Chief of Domestic

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436 Security under s. 943.03102.

437 Section 11. Section 1009.01, Florida Statutes, is reordered
438 and amended to read:

439 1009.01 Definitions.—the term:

440 (1) "Domestic terrorist organization" means an organization
441 so designated by the Chief of Domestic Security under s.
442 943.03102.

443 (2) "Foreign terrorist organization" means an organization
444 so designated by the Chief of Domestic Security under s.
445 943.03102.

446 (3) "Out-of-state fee" means the additional fee for
447 instruction charged by a public postsecondary educational
448 institution in this state to a student who does not qualify for
449 the in-state tuition rate pursuant to s. 1009.21. A charge for
450 any other purpose may not be included in this fee.

451 (4) ~~(1)~~ "Tuition" means the basic fee charged to a student
452 for instruction provided by a public postsecondary educational
453 institution in this state. A charge for any other purpose may
454 shall not be included in within this fee.

455 ~~(2)~~ "Out-of-state fee" means the additional fee for
456 instruction provided by a public postsecondary educational
457 institution in this state, which fee is charged to a student who
458 does not qualify for the in-state tuition rate pursuant to s.
459 1009.21. A charge for any other purpose shall not be included
460 within this fee.

461 (5) ~~(3)~~ "Tuition differential" means the supplemental fee
462 charged to a student by a public university in this state
463 pursuant to s. 1009.24(16).

464 Section 12. Present subsection (22) of section 1009.23,

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465 Florida Statutes, is redesignated as subsection (23), and a new
466 subsection (22) is added to that section, to read:

467 1009.23 Florida College System institution student fees.-

468 (22) A student who has been determined to have promoted a
469 designated foreign terrorist organization or domestic terrorist
470 organization during any term of enrollment must be immediately
471 expelled from the institution and assessed the out-of-state fee
472 established in subsection (3).

473 Section 13. Subsection (22) is added to section 1009.24,
474 Florida Statutes, to read:

475 1009.24 State university student fees.-

476 (22) A student who has been determined to have promoted a
477 designated foreign terrorist organization or domestic terrorist
478 organization during any term of enrollment must be immediately
479 expelled from the institution and assessed the out-of-state fee
480 established in subsection (4).

481 Section 14. Subsection (22) is added to section 1009.26,
482 Florida Statutes, to read:

483 1009.26 Fee waivers.-

484 (22) A student who has been determined to have promoted a
485 designated foreign terrorist organization or domestic terrorist
486 organization during any term of enrollment is ineligible for any
487 fee waiver under this section.

488 Section 15. Section 1009.8963, Florida Statutes, is created
489 to read:

490 1009.8963 Prohibition on awarding of scholarships, grants,
491 and other aid.-A student who has been determined to have
492 promoted a designated foreign terrorist organization or domestic
493 terrorist organization during any term of enrollment may not be

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494 awarded any institutional or state grants, financial aid,
495 scholarships, or tuition assistance under this chapter.

496 Section 16. This act shall take effect July 1, 2026.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1632

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Ideologies Inconsistent with American Principles

DATE: February 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1632 protects the state from ideologies inconsistent with American principals. The bill seeks to protect those principles by:

- Prohibiting a court or tribunal from enforcing a provision of religious law or foreign law against any person if such application would violate a constitutional right of such person under the United States Constitution or the State Constitution;
- Providing that a domestic terrorist organization is subject to the same laws and restrictions that currently apply to a foreign terrorist organization;
- Providing that the current criminal penalty for joining a foreign terrorist organization applies to the act of joining, supporting or assisting a domestic terrorist organization;
- Allowing the Chief of Domestic Security (within FDLE), with the approval of the Governor and Cabinet, to designate a qualifying organization to be a domestic terrorist organization or a foreign terrorist organization;
- Prohibiting the state and its subdivisions from expending any monies to support a terrorist organization;
- Providing that a private school accepting vouchers may not contract with, and the school may not be owned or operated by a person affiliated with, a terrorist organization or criminal organization;
- Providing that a state university or college may not advocate for a terrorist organization, and that the state may withhold performance-based funding as a penalty for such advocacy; and

- Requiring a college or university to report to the U.S. Department of Homeland Security if a student is promoting terrorism. The student must be expelled, and the student loses the benefit of in-state tuition, fee waiver, scholarship, financial aid, and tuition assistance.

The bill is estimated to have a positive indeterminate prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2026.

II. Present Situation:

American Principles – In General

This bill seeks to promote American principles and protect those principles from the people who would advocate against them in a harmful manner. American principles are not defined or listed in one source, and the details of those principles is a discussion far beyond the scope of this analysis. One might say that American principles are found in our laws, our interpretation of those laws, and the collective morality of our people. The first broad statement of American principles was in the Declaration of Independence, which provides in part:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.¹

The United States Constitution starts with a similar statement expressing American principles:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.²

Foreign Laws in the Court System

It may seem odd to learn that a Florida court may refer to and even enforce a foreign civil law. It is, however, so common that law students take a course entitled “Conflict of Laws” that teaches the concepts of how to apply foreign law.³ The term “foreign law” is somewhat confusing, in that technically the law of another state in the union is also considered a foreign law.

For instance, if an automobile accident occurred in Thomasville, Georgia, a lawsuit regarding that accident would normally be filed in Georgia. If, however, the at-fault driver lives in

¹ United States of America, *Declaration of Independence*, July 4, 1776.

² United States of America, *Constitution – Preamble*, September 17, 1887.

³ See, e.g., FSU College of Law, *Conflict of Laws*. “This course examines the legal problems that arise when an occurrence or a case cuts across state or national boundaries: jurisdiction of courts, enforceability of foreign judgments, and choice of applicable law. The focus is on the policies, the rules of law, and the constitutional requirements in private interstate law.”
Published at <https://law.fsu.edu/courses/conflict-laws>.

Tallahassee, the laws regarding jurisdiction of a court provide that a plaintiff can elect to file the lawsuit where the accident occurred or where the defendant resides. If the plaintiff elects to sue the defendant in Leon County court, the Leon County court may use conflict of laws principles that provide that the law of a foreign state, Georgia, determines the applicable traffic laws and fault for the accident.

Florida courts honor the concept of “comity,” which is the principle that “the courts of one state or jurisdiction will give effect to the laws and judicial decisions of another state, not as a matter of obligation, but out of deference and respect.”⁴ “[T]he rules of comity may not be departed from, unless in certain cases for the purpose of necessary protection of our own citizens, or of enforcing some paramount rule of public policy.”⁵ The concept is found in the United States Constitution, which provides: “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.”⁶

Most cases in the courts are not decided under the foreign law of another nation, they are decided by local, state and federal laws that conform to the constitutions of the United States and Florida. The law of a foreign country’s jurisdiction or system may, however, be recognized in Florida in a variety of circumstances.

The statutes provide that a “court may take judicial notice of . . . laws of foreign nations and of an organization of nations.”⁷ However, even if recognized, the laws of foreign nations are not necessarily enforced unless there is a reason to do so, usually by prior agreement of the parties. Where the parties have used their freedom to enter into a contract and to include in that contract an agreement to use a foreign law, one may argue that this still follows American principles.

If an agreement includes a choice of law clause providing that it will be governed and construed in accordance with the laws of another nation, the choice of law clause may be enforceable, even if the law to be applied is different than Florida law.⁸ For instance, Florida courts may enforce a prenuptial contract according to the law of the place where it was entered into unless enforcement would be contrary to public policy or unconstitutional.⁹ In *Akileh v. Elchahal*,¹⁰ the court enforced the parties’ Islamic ante-nuptial agreement, arguably a religious arrangement, since it complied with Florida contract law and the court found nothing in the contract unconscionable. However, if a foreign law frustrates the public policy of this state or is not established with specificity as a matter of fact,¹¹ it will not be enforced. On the other hand, where the husband sought to enforce a Danish prenuptial agreement which left nothing to the wife in

⁴ *Hopkins v. Lockheed Aircraft Corp.*, 201 So. 2d 743 (Fla. 1967).

⁵ *State Farm Mut. Auto. Ins. Co., v. Roach*, 945 So. 2d 1160, 1164 (Fla. 2006).

⁶ U.S. CONST., art. IV, s. 1 (capitalization in original).

⁷ Section 90.202, F.S.

⁸ *McNamara v. McNamara*, 40 So.3d 78, 80 (Fla. 5th DCA 2010).

⁹ *Gessler v. Gessler*, 273 F.2d 302 (5th Cir. 1959).

¹⁰ 666 So.2d 246 (Fla. 2d DCA 1996).

¹¹ See *Courtlandt Corp. v. Whitmer*, 121 So.2d 57 (Fla. 2d DCA 1960); cf. *Hieber v. Hieber*, 151 So.2d 646 (Fla. 3d DCA 1963) (law of foreign state).

the event of divorce, the court refused because “to do so would bring harm to a Florida citizen or would frustrate an established public policy of this state.”¹²

Florida courts may also defer to ecclesiastical law. The First Amendment prevents courts from resolving internal church disputes that would require adjudication of questions of religious doctrine. . . . It is not within the judicial function and judicial competence of civil courts to determine which of two competing interpretations of scripture are correct. Instead, civil courts must defer to the interpretations of religious doctrine made by the highest ecclesiastical tribunal. Thus, the First Amendment provides churches with the power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.¹³

Current Florida statutes address these issues. Law in the family law context includes the “Uniform Premarital Agreement Act,” which provides that premarital agreements, including their choice of law provisions, are generally enforceable.¹⁴ Court orders from a support or dissolution of marriage proceeding in another jurisdiction are generally valid and enforceable in Florida courts pursuant to the Uniform Interstate Family Support Act.¹⁵ A request to apply the law of a foreign country to a family law case in Florida is void if the foreign law contravenes the strong public policy of this state or if the law is unjust or unreasonable.¹⁶

In the general civil law, a Florida court may recognize a legitimate money judgment from another country and may enforce collection of the judgment. The Uniform Out-of-Country Foreign Money-Judgment Recognition Act governs the registration and enforcement of a civil judgment entered by a court in a foreign country that the judgment creditor is trying to enforce against a Florida resident or against Florida property.¹⁷

The Act provides that an out-of-country foreign judgment is not conclusive if:

- The judgment was rendered under a system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
- The foreign court did not have personal jurisdiction over the defendant; or
- The foreign court did not have jurisdiction over the subject matter.¹⁸

An out-of-country foreign judgment need not be recognized if:

- The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him or her to defend;
- The judgment was obtained by fraud;
- The cause of action or claim for relief on which the judgment is based is repugnant to the public policy of this state;
- The judgment conflicts with another final and conclusive order;

¹² *Gustafson v. Jensen*, 515 So.2d 1298 (Fla. 3d DCA 1987).

¹³ *Malicki v. Doe*, 814 So. 2d 347, 355–56 (Fla. 2002) (internal quotes and citations omitted).

¹⁴ See s. 61.079, F.S.

¹⁵ Section 88.6041, F.S. See generally ch. 88, F.S.; *Keeton v. Keeton*, 807 So.2d 186 (Fla. 1st DCA 2002) (holding that property settlement agreement was enforceable in Florida with Kentucky law controlling), and *Blitz v. Florida Dept. of Revenue ex rel. Maxwell*, 898 So.2d 121, 125 (Fla. 4th DCA 2005).

¹⁶ Section 61.0401, F.S.

¹⁷ Section 55.601-.607, F.S.

¹⁸ Section 55.605(1), F.S.

- The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or
- In the case of jurisdiction based only on personal service:
 - The foreign court was a seriously inconvenient forum for the trial of the action;
 - The foreign jurisdiction where judgment was rendered would not give recognition to a similar judgment rendered in this state;
 - The cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States unless the court sitting in this state before which the matter is brought first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press in that case as would be provided by the United States Constitution and the State Constitution;
 - The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or
 - The specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.¹⁹

Terrorism – In General

Acts of terrorism are currently prohibited by numerous federal and state laws. At its most basic level, a terrorist uses violence, whether actual or threatened, in an attempt to change society and government to conform to the terrorist's ideals of how society and government should operate. The terrorist intends to interfere with the American principles of freedom, principles such as the freedom to live, the freedom to be protected from harm, the freedom to travel, the freedom to associate with others, the freedom to speak out for peaceful change, and the freedom to quietly live pursuant to our own beliefs so long as we do not harm others.

The state criminal code definition of terrorism is the commission of a criminal act that is violent or dangerous to human life and that is intended to intimidate, injure or coerce the civilian population, or to influence or coerce a government, or otherwise affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.²⁰

Terrorism – Recruitment and Promotion in the Education System

“The long-term survival of terrorist organizations relies on their ability to attract new members and maintain an ongoing terrorist recruitment cycle. The numbers of terrorist organization members may decrease due to counterterrorism operations or defections, forcing the leaders of those groups to seek new members. Preventing terrorist recruitment is one of the most effective and least lethal methods of countering terrorism, and yet it is often overlooked by those combating terrorism.”²¹

“Young people are a vital source of support for many terrorist groups, with roles ranging from cooks to armed fighters. But the ways young people are recruited vary widely across contexts. In

¹⁹ Section 55.605(2), F.S.

²⁰ Section 775.30, F.S.

²¹ Yayla, *Prevention of Recruitment to Terrorism*, ch. 13 of Handbook of Terrorism Prevention and Preparedness, International Centre for Counter-Terrorism, <https://icct.nl/handbook-terrorism-prevention-and-preparedness>.

many cases, young people join terrorist groups because they are duped, trafficked, kidnapped, or forcibly recruited. Others join terrorist groups voluntarily owing to the appeal of a group-based identity; perceptions of exclusion, grievances, or cultural threats; the promise of economic stability; prospects of fame, glory, or respect; and personal connections, including family and friendship networks.”²²

College campuses are often targeted by terrorist organizations for recruitment activities. For instance, the “influence of Hamas and its associated networks on US campuses represents a strategic adaptation that exploits academic freedom and civil liberties to further its extremist agenda.”²³

In the current state fiscal year, the Legislature appropriated \$31.5 billion to education, representing 27.4% of the total expenditures.²⁴ Nearly half of the state’s general revenue funding is used for education.²⁵

Chief of Domestic Security

The executive director of the Department of Law Enforcement, or a member of the department designated by the executive director, is the Chief of Domestic Security.²⁶ Current duties of the Chief of Domestic Security include:

- Coordinating the efforts of the department in the ongoing assessment of this state's vulnerability to, and ability to detect, prevent, prepare for, respond to, and recover from, acts of terrorism within or affecting this state and immigration enforcement incidents within or affecting this state.
- Prepare recommendations for the Governor, the President of the Senate, and the Speaker of the House of Representatives, which are based upon ongoing assessments to limit the vulnerability of the state to terrorism and immigration enforcement incidents.
- Coordinate the collection of proposals to limit the vulnerability of the state to terrorism and immigration enforcement incidents.

III. Effect of Proposed Changes:

Limiting How a Court may Apply Foreign Laws

The bill creates s. 2.05, F.S., to address the application of religious law or foreign law. The bill applies to all areas in which a court might refer to religious law or foreign law and to all judicial officers and others who make legal decisions. It provides that a court, an administrative law judge, a hearing officer, an agency, or an arbitration panel or tribunal may not enforce a provision of religious law or foreign law against a person if such application would violate a constitutional right of such person under the United States Constitution or the State Constitution.

²² Darden, *Tackling Terrorists’ Exploitation of Youth*, p.1 (2019), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/report/tackling-terrorists-exploitation-of-youth/Tackling-Terrorists-Exploitation-of-Youth.pdf>.

²³ George Washington University, *Hamas’s Influence on US Campuses: A Study of Networks, Strategies, and Ideological Advocacy*, p. 21 (2024), https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2024-11/Pamphlet_compressed.pdf.

²⁴ The Florida Legislature, *Fiscal Analysis in Brief, 2025 Legislative Session*, p. 2.

²⁵ *Id.* at 5. Actual GR funding is \$22,780.6 billion or 45.3%.

²⁶ Section 943.0311(1), F.S.

The specific circumstances for the enforcement of a foreign law or religious law that might violate a person's constitutional rights seem most likely to arise from a contractual choice of law clause.

The bill defines the following terms:

- “Foreign law” to mean a legal code or formal system of law of a foreign country or nation, or of an international organization.
- “Religious law” to mean a legal code or formal system of law associated with a religion and based on the sacred texts or traditions of such religion. The term includes Sharia law.

There are exceptions to the terms “religious law” and “foreign law” which have the effect that the following laws are not regulated or limited by this bill:

- The natural law or natural rights, as such law or rights are understood within the legal tradition of this state or the United States.
- A provision of the United States Constitution or a constitution of any one of the several states.
- A provision of domestic federal or state law.
- The common law, including the common law as described in s. 2.01, F.S.
- A provision of law of a Native American tribe within a state or territory of the United States.

The bill also creates an exception to provide that the statute does not apply to adjudication of ecclesiastical matters of a religious organization, including the selection, appointment, discipline, or removal of clergy or an interpretation of doctrine.

Expanding the Scope of Terrorism-Related Criminal Offenses

The bill expands numerous felony offenses related to terrorism by a foreign terrorist organization to also make unlawful the same act if the offense is committed in relation to a domestic terrorist organization. A “domestic terrorist organization” means an organization designated as a domestic terrorist organization by the Chief of Domestic Security under s. 943.03102, F.S. The expanded offenses are:

- The current second degree felony offense for using terrorist training provided by a foreign terrorist organization with the intent to harm, and the related first degree felony if the act results in serious bodily injury or death to a person, in s. 775.32, F.S., is amended to also criminalize that same conduct if related to a domestic terrorist organization. The same penalties apply.
- The current first degree felony offense for providing material support or resources to a foreign terrorist organization in s. 775.33, F.S., is amended to also criminalize providing support to a domestic terrorist organization. The same penalties apply.
- The current second degree felony applicable where a person willfully becomes a member of a foreign terrorist organization with the intent to engage in terrorism, in s. 775.34, F.S., is amended to also criminalize the act of willfully joining a domestic terrorist organization with the intent to engage in terrorism. The same penalties apply.

The bill also clarifies the criminal laws on gangs at ch. 874, F.S., to change references to terrorism to instead reference foreign or domestic terrorism.

Designation as a Terrorist Organization

The bill creates s. 943.03102, F.S., regarding designation of a terrorist organization, removal of the designation, and the effect of designation.

The Chief of Domestic Security may designate an organization as a domestic terrorist organization, with the approval of the Governor and Cabinet, if the Chief finds that the organization meets the following criteria:

- The organization is based in or operates in this state or in the United States.
- The organization engages in terrorist activities that:
 - Involve acts dangerous to human life which violate state or federal law; and
 - Are intended to:
 - Intimidate or coerce a civilian population;
 - Influence the policy of a government by intimidation or coercion; or
 - Affect the conduct of a government by mass destruction, assassination, or kidnapping.
- The terrorist activity of the organization is an ongoing threat to the security of this state or the United States.

The Chief of Domestic Security may designate an organization as a foreign terrorist organization if the Chief finds that the organization meets the following criteria:

- The organization is designated as a foreign terrorist organization by the United States Secretary of State pursuant to s. 219 of the Immigration and Nationality Act.
- The terrorist activity of the organization is an ongoing threat to the security of this state or the United States.

The bill requires the Chief of Domestic Security to maintain a list of organizations that have been designated as a domestic terrorist organization or a foreign terrorist organization. At least once every 5 years, the Chief of Domestic Security must review each designation that has labeled an organization a domestic terrorist organization or a foreign terrorist organization.

Prior to making an initial designation, the Chief of Domestic Security must provide to the Governor and Cabinet written notice at least 7 days prior to the designation of his or her intent to designate an organization as a foreign terrorist organization or a domestic terrorist organization. The notice must be accompanied by written findings regarding the basis for such designation. The Governor and Cabinet may, by a majority vote, approve or reject a designation.

Within 7 days after approval by the Governor and Cabinet of a designation made by the Chief of Domestic Security, the Chief must publish the designation in the Florida Administrative Register. Within 30 days after publication of a designation in the Florida Administrative Register, the organization designated as a foreign terrorist organization or a domestic terrorist organization, or any member of the designated organization, may challenge the designation in the Circuit Court of the Second Judicial Circuit in and for Leon County.

An organization designated as a domestic terrorist organization or a foreign terrorist organization may petition the Department of Law Enforcement, at any time, for the removal of such

designation. At any time, the Governor and Cabinet may, by a majority vote, remove a designation.

In addition to the other effects upon an organization that is designated, the bill provides that a state agency, political subdivision, or public school district authorized to expend state-appropriated funds or levy ad valorem taxes may not expend such funds or taxes to support an organization, or a member of an organization, designated as a domestic terrorist organization or a foreign terrorist organization.

The bill directs the Department of Law Enforcement to adopt rules to implement the designation of an organization.

Addressing Terrorism Links to Educational Institutions

Private Schools Accepting School Choice Vouchers

The bill amends s. 1002.421, F.S., to add an additional requirement that a private school must meet in order to qualify to participate in the school choice scholarship program. A private school participating in an educational scholarship program must prohibit employment of, contracting with, ownership or operation by, or acceptance of funds from a person or an entity that is affiliated with or in any way controlled by:

- A designated foreign terrorist organization, or a member of such an organization;
- A criminal gang or a criminal gang member;
- A terrorist organization;
- A transnational crime organization or a member of such an organization;
- A domestic terrorist organization;
- A person or an entity that has provided material support or resources to, or received such support or resources from, a designated foreign terrorist organization, a domestic terrorist organization, a criminal gang, a terrorist organization, or a transnational crime organization;
- or
- A person or an entity that has demonstrated a pattern or practice of supporting or advocating for terrorism.

Universities and Colleges

The bill amends s. 1004.06, F.S., to add that a Florida College System institution, state university, Florida College System institution direct-support organization, or state university direct-support organization may not expend any state or federal funds to promote, support, or maintain any programs or campus activities that advocate for a foreign terrorist organization or a domestic terrorist organization. The State Board of Education or the Board of Governors, as applicable, may withhold performance-based funding of a Florida College System institution or state university that violates this restriction.

Postsecondary Students Found to be Promoting Terrorism

The bill requires that a postsecondary educational institution take the following actions upon finding that a student attending the institution pursuant to a student visa has promoted a foreign or domestic terrorist organization:

- Report the status of the student to the Department of Homeland Security;
- Immediately expel the student;
- Assess the student the out-of-state tuition fee;
- Disqualify the student from receiving any form of fee waiver; and
- Disqualify the student from receiving any form of grant, financial aid, scholarship or tuition assistance.

The bill is effective 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:

The bill does not define what it means to “promote” terrorism so it is possible that this bill may implicate First Amendment principles. On the other hand, the courts have allowed prosecution of individuals associated with a known terrorist organization who were providing training in nonviolent advocacy.²⁷

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A person promoting terrorism might incur significant costs and loss of income due to this bill. A postsecondary student promoting terrorism could lose scholarships, grants, and the like while incurring fees that will be owed to the institution.

²⁷ *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010) (ruling that individuals advocating for a designated foreign terrorist organization were providing material support to a terrorist organization and were not protected by the First Amendment).

C. Government Sector Impact:

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

Per DOC, in FY 24-25, there were no new commitments to prison for the felonies impacted by the expanded statutory language under this bill. The magnitude of the impact on the prison population from the addition of domestic terrorist organization is not known, nor is it known how the labeling of such groups by the Chief of Domestic Security would influence the number of offenders associated with domestic and foreign terrorist organizations potentially being incarcerated.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.30, 775.32, 775.33, 775.34, 874.03, 1002.421, 1004.06, 1006.61, 1009.01, 1009.23, 1009.24, and 1009.26.

This bill creates the following sections of the Florida Statutes: 2.05, 943.03102, and 1009.8963.

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

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

CS by Judiciary on February 3, 2026:

The committee substitute changes the definition of a terrorist organization by changing an “or” to “and” to limit the scope of the definition, thereby reflecting the historical and traditional definition of terrorist; replaces references to the “Cabinet” with references to the “Governor and Cabinet,” thereby referring to the traditional voting body (and reflecting that technically the Governor is not a member of Cabinet); and corrects a cross-reference.

²⁸ Office of Economic and Demographic Research, *CS/SB 1632 – Ideologies Inconsistent with American Principles* (on file with the Senate Appropriations Committee on Criminal and Civil Justice).

B. Amendments:

None.

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

By the Committee on Judiciary; and Senator Grall

590-02463-26

20261634c1

1 A bill to be entitled
 2 An act relating to public records and meetings;
 3 amending s. 943.03102, F.S.; providing an exemption
 4 from public records requirements for certain
 5 information held by the Chief of Domestic Security and
 6 any information in a certain notification which would
 7 reveal information critical to state or national
 8 security; providing an exemption from public meetings
 9 requirements for portions of meetings which would
 10 reveal such exempt information; providing for future
 11 legislative review and repeal of the exemptions;
 12 providing a statement of public necessity; providing a
 13 contingent effective date.

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

16 Section 1. Paragraph (a) of subsection (2) of section
 17 943.03102, Florida Statutes, as created by SB 1632, 2026 Regular
 18 Session, is amended to read:

19 943.03102 Designation of terrorist organizations.—

20 (2)(a)1. At least 7 days before making a designation under
 21 subsection (1), the Chief of Domestic Security shall provide
 22 written notice to the Governor and Cabinet of his or her intent
 23 to designate an organization as a foreign terrorist organization
 24 or a domestic terrorist organization, which notice must be
 25 accompanied by written findings regarding the basis for such
 26 designation.

27 2.a. Any information held by the Chief of Domestic Security
 28 and any information in the notification by the Chief of Domestic
 29

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30 Security to the Governor and Cabinet which would reveal
 31 information critical to state or national security is exempt
 32 from s. 119.07(1) and s. 24(a), Art. I of the State
 33 Constitution.
 34 b. Any portion of a meeting which would reveal information
 35 made exempt under sub-subparagraph a. is exempt from s. 286.011
 36 and s. 24(b), Art. I of the State Constitution.
 37 c. This subparagraph is subject to the Open Government
 38 Sunset Review Act in accordance with s. 119.15 and shall stand
 39 repealed on October 2, 2031, unless reviewed and saved from
 40 repeal through reenactment by the Legislature.
 41 Section 2. (1) The Legislature finds that it is a public
 42 necessity that any information held by the Chief of Domestic
 43 Security and any information in the notification of the intent
 44 to designate an organization as a domestic terrorist
 45 organization or a foreign terrorist organization by the Chief of
 46 Domestic Security to the Governor and Cabinet which would reveal
 47 information critical to state or national security be made
 48 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
 49 Article I of the State Constitution. Such information is
 50 critical for the security interests of this state and of the
 51 United States, and the release of such information could
 52 endanger or do irreparable harm to the interests of this state
 53 and of the United States.
 54 (2) Further, the Legislature finds that it is a public
 55 necessity that any portion of a meeting which would reveal such
 56 information be made exempt from s. 286.011, Florida Statutes,
 57 and s. 24(b), Article I of the State Constitution for the same
 58 reasons.

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20261634c1

59 (3) Consequently, the Legislature finds that it is a public
60 necessity to exempt such information from public records and
61 public meetings requirements to safeguard information critical
62 to state or national security and to safeguard the interests of
63 this state and of the United States.

64 Section 3. This act shall take effect on the same date that
65 SB 1632 or similar legislation takes effect, if such legislation
66 is adopted in the same legislative session or an extension
67 thereof and becomes a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1634

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Public Records and Meetings/Chief of Domestic Security

DATE: February 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1634 creates public records and public meeting exceptions related the designation of certain organizations as a domestic terrorist organization or a foreign terrorist organization as provided in CS/SB 1632.

The bill protects from public disclosure records which would reveal information critical to state or national security. The bill also creates a public meetings exemption to provide that any portion of a meeting which would reveal information critical to state or national security is exempt.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records and public meeting exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill provides the effective date is the same date that SB 1632, or similar legislation, if adopted, takes effect.

II. Present Situation:

Chief of Domestic Security

The executive director of the Department of Law Enforcement, or a member of the department designated by the executive director, is the Chief of Domestic Security.¹ Current duties of the Chief of Domestic Security include:

- Coordinating the efforts of the department in the ongoing assessment of this state's vulnerability to, and ability to detect, prevent, prepare for, respond to, and recover from, acts of terrorism within or affecting this state and immigration enforcement incidents within or affecting this state.
- Preparing recommendations for the Governor, the President of the Senate, and the Speaker of the House of Representatives, which are based upon ongoing assessments to limit the vulnerability of the state to terrorism and immigration enforcement incidents.
- Coordinating the collection of proposals to limit the vulnerability of the state to terrorism and immigration enforcement incidents.

CS/SB 1632, the linked substantive bill, adds new duties relating to terrorist organizations. The bill requires the Chief to recommend to the Governor and Cabinet that certain organizations be designated as a domestic terrorist organization or a foreign terrorist organization. The Chief must also maintain current lists, periodically review the designations, and administer appeals of a decision to designate an organization.

Access to Public Records – Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.² The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.³

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.⁴ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁵ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

¹ Section 943.0311(1), F.S.

² FLA. CONST. art. I, s. 24(a).

³ *Id.*

⁴ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).

⁵ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁶

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

⁶ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.¹⁶ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁷ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts or special districts.¹⁸

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., known as the “Government in the Sunshine Law,”¹⁹ or the “Sunshine Law,”²⁰ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.²¹ The board or commission must provide the public reasonable notice of such meetings.²² Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.²³ Minutes of a public meeting must be promptly recorded and open to public inspection.²⁴ Failure to abide by open meetings requirements will invalidate any resolution, rule

¹² See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ FLA. CONST., art. I, s. 24(b).

¹⁷ *Id.*

¹⁸ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

¹⁹ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

²⁰ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

²¹ Section 286.011(1)-(2), F.S.

²² *Id.*

²³ Section 286.011(6), F.S.

²⁴ Section 286.011(2), F.S.

or formal action adopted at a meeting.²⁵ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁶

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of each house of the Legislature.²⁷ The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.²⁸ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.²⁹

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act³⁰ (the Act), prescribe a legislative review process for newly created or substantially amended³¹ public records or open meetings exemptions, with specified exceptions.³² The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.³³

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³⁴ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;³⁵
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁶ or

²⁵ Section 286.011(1), F.S.

²⁶ Section 286.011(3), F.S.

²⁷ FLA. CONST., art. I, s. 24(c).

²⁸ *Id.*

²⁹ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

³⁰ Section 119.15, F.S.

³¹ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

³² Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

³³ Section 119.15(3), F.S.

³⁴ Section 119.15(6)(b), F.S.

³⁵ Section 119.15(6)(b)1., F.S.

³⁶ Section 119.15(6)(b)2., F.S.

- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁷

The Act also requires specified questions to be considered during the review process. In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁸ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.³⁹

III. Effect of Proposed Changes:

CS/SB 1634 amends s. 943.03102, F.S. (which is created in CS/SB 1632), to create a public records exemption for any information held by the Chief of Domestic Security and any information in the notification by the Chief of Domestic Security to the Governor and Cabinet which would reveal information critical to state or national security.

The bill also creates a public meetings exemption to provide that any portion of a meeting which would reveal information made exempt because it is part of the notification and is critical to state or national security is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and reenacted by the Legislature.

The bill contains the Legislative findings justifying the necessity for these exemptions.

The bill takes effect the same date that SB 1632 or similar legislation takes effect, if adopted and becomes a law (SB 1632 takes effect upon becoming a law).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an

³⁷ Section 119.15(6)(b)3., F.S.

³⁸ See generally s. 119.15, F.S.

³⁹ Section 119.15(7), F.S.

exemption to the public records or open meetings requirements. This bill creates public records exemptions and a public meeting exemption; therefore, it requires a two-thirds vote.

Public Necessity Statement

Article I, section 24(a) of the State Constitution and Article I, section 24(b) of the State Constitution require a bill creating or expanding an exemption to the public records or open meetings requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemptions.

Breadth of Exemption

Article I, section 24(c), of the State Constitution requires exemptions to the public records and open meetings requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the bill is to protect information critical to state or national security. The bill does not appear to be broader than necessary to accomplish its purpose.

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:

A companion bill CS/SB 1632 creates section 943.03102 of the Florida Statutes. This bill substantially amends that section to include public records and public meetings exemptions.

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

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

CS by Judiciary on February 3, 2026:

The amendment made technical changes to replace references to the “Cabinet” with the “Governor and Cabinet” and to replace blanks with references to the linked substantive bill CS/SB 1632.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Martin

591-02208-26

20261742c1

A bill to be entitled

An act relating to indecent exposure of sexual organs to minors; repealing s. 800.02, F.S., relating to unnatural and lascivious acts; creating s. 800.035, F.S.; prohibiting a person from intentionally exposing or exhibiting his or her sexual organs in a lewd or lascivious manner for a specified purpose while viewing a person who is younger than 16 years of age or performing specified sexual acts for a specified purpose while viewing a person who is younger than 16 years of age; defining the term "viewing"; providing a criminal penalty; providing exceptions; amending ss. 914.16 and 933.18, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

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

800.035 Indecent exposure of sexual organs to a minor.—

(1) A person may not:

(a) Intentionally expose his or her sexual organs in a lewd or lascivious manner while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification; or

(b) Intentionally perform any sexual act that does not involve actual physical or sexual contact with the minor, including, but not limited to, sadomasochistic abuse, sexual

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bestiality, masturbation, or the simulation of any act involving sexual activity, while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification.

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

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

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

(a) A mother who is breastfeeding her baby.

(b) An individual who is nude in a place provided or set apart for that purpose.

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

914.16 Child abuse and sexual abuse of victims under age 16 or who have an intellectual disability; limits on interviews.—
The chief judge of each judicial circuit, after consultation with the state attorney and the public defender for the judicial circuit, the appropriate chief law enforcement officer, and any other person deemed appropriate by the chief judge, shall order reasonable limits on the number of interviews which a victim of

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59 a violation of s. 794.011, s. 800.04, s. 827.03, or s.
60 847.0135(5) who is under 16 years of age or a victim of a
61 violation of s. 794.011, ~~s. 800.02~~, s. 800.03, or s. 825.102 who
62 has an intellectual disability as defined in s. 393.063 must
63 submit to for law enforcement or discovery purposes. To the
64 extent possible, the order must protect the victim from the
65 psychological damage of repeated interrogations while preserving
66 the rights of the public, the victim, and the person charged
67 with the violation.

68 Section 4. Paragraph (b) of subsection (7) of section
69 933.18, Florida Statutes, is amended to read:

70 933.18 When warrant may be issued for search of private
71 dwelling.-No search warrant shall issue under this chapter or
72 under any other law of this state to search any private dwelling
73 occupied as such unless:

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

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

78

79 If, during a search pursuant to a warrant issued under this
80 section, a child is discovered and appears to be in imminent
81 danger, the law enforcement officer conducting such search may
82 remove the child from the private dwelling and take the child
83 into protective custody pursuant to chapter 39. The term
84 "private dwelling" shall be construed to include the room or
85 rooms used and occupied, not transiently but solely as a
86 residence, in an apartment house, hotel, boardinghouse, or
87 lodginghouse. No warrant shall be issued for the search of any

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88 private dwelling under any of the conditions hereinabove
89 mentioned except on sworn proof by affidavit of some creditable
90 witness that he or she has reason to believe that one of said
91 conditions exists, which affidavit shall set forth the facts on
92 which such reason for belief is based.

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

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457242

LEGISLATIVE ACTION

Senate

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. .
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House

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

Senate Amendment (with title amendment)

Delete lines 21 - 48

and insert:

800.035 Indecent exposure of sexual organs while observing
a child.-

(1) As used in this section, the term "observing" means
intentionally viewing another person under circumstances in
which the offender is reasonably capable of being seen by the
person being viewed.



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11 (2) A person commits the offense of indecent exposure while
12 observing a child if that person, while observing a child under
13 16 years of age, for the purpose of his or her own sexual
14 arousal or gratification:

15 (a) Intentionally exposes a sexual organ in a lewd or
16 lascivious manner; or

17 (b) Intentionally performs any sexual act that does not
18 involve actual physical or sexual contact with the child,
19 including, but not limited to, sadomasochistic abuse, sexual
20 bestiality, masturbation, or the simulation of any act involving
21 sexual activity.

22 (3) A person who violates subsection (2) commits a felony
23 of the third degree, punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084.

25 (4) It is not a defense under this section that the person
26 being observed was not aware of any specific conduct on the part
27 of the offender or did not see the offender's sexual organs.

28 (5) A person does not commit the offense of indecent
29 exposure of sexual organs while observing a child if the person
30 is either of the following:

31 (a) A mother who is breastfeeding her baby.

32 (b) An individual who is merely nude in a place provided or
33 set

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete lines 3 - 12

38 and insert:

39 while observing a child; repealing s. 800.02, F.S.,



457242

40 relating to unnatural and lascivious acts; creating s.
41 800.035, F.S.; defining the term "observing";
42 prohibiting a person from, for a specified purpose,
43 intentionally exposing his or her sexual organs in a
44 lewd or lascivious manner or intentionally performing
45 specified sexual acts while observing a child under 16
46 years of age; providing criminal penalties; specifying
47 what does not constitute a defense to committing such
48 offense; providing exceptions; amending ss.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1742

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Indecent Exposure of Sexual Organs to Minors

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1742 creates s. 800.035, F.S., establishing the crime of indecent exposure of sexual organs to a minor. A person may not:

- Intentionally expose his or her sexual organ in a lewd or lascivious manner while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification; or
- Intentionally perform any sexual act that does not involve actual physical or sexual contact with the minor, including, but not limited to, sadomasochistic abuse, sexual bestiality, masturbation, or the simulation of any act involving sexual activity, while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification.

A person who commits the offense of indecent exposure of sexual organs to a minor commits a third degree felony.¹

The bill repeals s. 800.02, F.S., relating to unnatural and lascivious acts.

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

¹ A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a fine up to \$5,000, as provided in ss. 775.082, 775.083, or 775.084, F.S.

The bill takes effect on October 1, 2026.

II. Present Situation:

Lewd or Lascivious Offenses

Florida law contains various sections of law relating to lewd or lascivious offenses. This includes, in part, prohibitions on lewd or lascivious exhibition in the presence of a minor.

Lewd or Lascivious Conduct

Section 800.04(6), F.S., provides that a person who commits lewd or lascivious conduct, if he or she:

- Intentionally touches a person under 16 years of age in a lewd or lascivious manner;² or
- Solicits a person under 16 years to commit a lewd or lascivious act.³

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

Lewd or Lascivious Exhibition

Section 800.04(7), F.S., provides that a person commits Lewd or Lascivious Exhibition if he or she, in the presence of a victim who is less than 16:

- Intentionally masturbates;
- Intentionally exposes the genitals in a lewd or lascivious manner; or
- Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity.

An offender 18 years of age or older who commits a lewd or lascivious exhibition⁶ commits a second degree felony.⁷

An offender less than 18 years of age who commits a lewd or lascivious exhibition⁸ commits a third degree felony.⁹

² Section (6)(a)1., F.S.

³ Section (6)(a)2., F.S.

⁴ Section (6)(b), F.S.

⁵ Section (6)(c), F.S.

⁶ Section 800.04(7)(b), F.S.

⁷ A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

⁸ Section 800.03, F.S.

⁹ A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a fine up to \$5,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

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

Exposure of Sexual Organs

Publicly exposing sexual organs may be criminal behavior. The criminal act of exposure of sexual organs occurs when a person:

- Exposes or exhibits his or her sexual organs in public, or on the private premises of another, or so near thereto as to be seen from the private premises, in a vulgar or indecent manner; or
- Is naked in public in a vulgar or indecent manner.¹¹

Exposure of sexual organs is a first degree misdemeanor.¹² However, a second or subsequent violation is a third degree felony.

Courts have consistently held that being naked alone is not sufficient to violate s. 800.03, F.S. To trigger a violation, there must also be a “lascivious” exhibition of the sexual organs.¹³

Unnatural and lascivious act

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

III. Effect of Proposed Changes:

CS/SB 1742 creates s. 800.035, F.S., establishing the crime of indecent exposure of sexual of sexual organs. A person may not:

- Intentionally expose his or her sexual organ in a lewd or lascivious manner while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification; or
- Intentionally perform any sexual act that does not involve actual physical or sexual contact with the minor, including, but not limited to, sadomasochistic abuse, sexual bestiality, masturbation, or the simulation of any act involving sexual activity, while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification.

“Viewing” means that the offender knows that a person younger than 16 years of age is present, and the offender is reasonably capable of being seen by such person. The term does not require such person to be aware of any specific organs to a minor.

¹⁰ Section 800.04(8), F.S.

¹¹ Section 800.03, F.S.

¹² A first degree misdemeanor is punishable by a term of imprisonment not to exceed one year and a fine up to \$1,000, as provided in ss. 775.082 or 775.083, F.S.

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

¹⁴ Section 800.02, F.S.

¹⁵ A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a \$500 fine, as provided in ss. 775.082 and 775.083, F.S.

The bill provides exceptions to the crime of indecent exposure of sexual organs to a if the person is either:

- A mother who is breastfeeding her baby.
- An individual who is merely nude in a place provided or set apart for the purpose.

The bill repeals s 800.02, F.S., relating to unnatural and lascivious acts.

This bill takes effect on October 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. 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

indeterminate impact on Department of Corrections prison beds. The EDR provides the following additional information regarding its estimate:

- Per FDLE, in Fiscal Year (FY) 2024-2025, there were 28 arrests, with 8 guilty/convicted charges and two adjudication withheld charges for the current second degree misdemeanor under s. 800.02, F.S. Current language under s. 800.04(7), F.S. has a Level 5, second degree felony for someone older than 18 years of age committing lewd or lascivious exhibition in front of a victim less than 16 years of age, and a Level 4, third degree felony for when that person is less than 18 years of age. Per FDLE, there were 215 arrests under s. 800.04(7), F.S., with 64 guilty/convicted charges and three adjudication withheld charges. Per DOC, in FY 2024-2025, there were 34 new commitments to prison for such acts. The new language expands on similar acts, creating a situation where it “does not require such person to be aware of any specific conduct or to see the offender’s sexual organs.” It is not known how many additional offenders there would be under this new language.
- Per DOC, in FY 2024-2025, the incarceration rate for a Level 1, third degree felony was 9.7 percent.¹⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 800.035 of the Florida Statutes.

This bill repeals section 800.04 of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on January 26, 2026:

The committee substitute:

- Creates a third degree felony for indecent exposure to a minor which prohibits lewd or sexual acts while viewing a child, for the purpose of attaining sexual arousal or gratification.
- Repeals unnatural and lascivious acts statute.

- B. **Amendments:**

None.

¹⁶ Office of Economic and Demographic Research, *SB 1742 – Indecent Exposure of Sexual Organs to Minors*, (on file with the Senate Appropriations Committee on Criminal and Civil Justice)

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

By Senator Martin

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1 A bill to be entitled
 2 An act relating to criminal sexual conduct; amending
 3 s. 775.0847, F.S.; revising the circumstances under
 4 which the violation of specified provisions must be
 5 reclassified to the next higher degree; providing for
 6 reclassification of such violations and mandatory
 7 minimum terms of imprisonment; amending s. 794.0116,
 8 F.S.; increasing the mandatory minimum terms of
 9 imprisonment for persons who commit a violation of
 10 specified provisions and have a certain prior
 11 conviction; amending s. 827.071, F.S.; revising the
 12 definition of the term "child" or "minor"; increasing
 13 criminal penalties and providing a mandatory minimum
 14 term of imprisonment for persons who commit the
 15 offense of use of a child in a sexual performance;
 16 providing criminal penalties and a mandatory minimum
 17 term of imprisonment for persons who commit the
 18 offense of aggravated use of a child in a sexual
 19 performance; providing a mandatory minimum term of
 20 imprisonment for persons who commit the offense of
 21 promoting a sexual performance by a child; increasing
 22 criminal penalties for persons who knowingly solicit,
 23 possess, control, or intentionally view any
 24 photographic material, motion picture, or other
 25 specified representations that include child
 26 pornography; amending s. 827.072, F.S.; increasing
 27 criminal penalties and providing a mandatory minimum
 28 term of imprisonment for persons who intentionally
 29 create generated child pornography; amending s.

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30 828.126, F.S.; increasing criminal penalties for
 31 specified offenses relating to sexual activities
 32 involving animals; making technical changes; requiring
 33 a court to issue a specified order that must be
 34 effective for a minimum of 5 years, rather than
 35 authorizing the court to issue such order to be
 36 effective for up to 5 years, after the date of a
 37 specified conviction; amending s. 847.011, F.S.;
 38 providing applicability; amending s. 847.0137, F.S.;
 39 defining terms; providing criminal penalties and a
 40 mandatory minimum term of imprisonment for persons who
 41 knew or reasonably should have known that they were
 42 transmitting or taking other actions to make
 43 accessible child pornography or generated child
 44 pornography; increasing criminal penalties and
 45 providing a mandatory minimum term of imprisonment for
 46 persons who knew or reasonably should have known that
 47 they were transmitting child pornography or generated
 48 child pornography; specifying circumstances under
 49 which persons may not be subject to prosecution;
 50 amending ss. 775.15, 794.0115, and 921.0022, F.S.;
 51 conforming cross-references; conforming provisions to
 52 changes made by the act; providing an effective date.
 53
 54 Be It Enacted by the Legislature of the State of Florida:
 55
 56 Section 1. Subsections (2) and (3) of section 775.0847,
 57 Florida Statutes, are amended to read:
 58 775.0847 Possession or promotion of certain images of child

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59 pornography; reclassification.-
 60 (2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or
 61 s. 847.0138 ~~must shall~~ be reclassified to the next higher degree
 62 as provided in subsection (3) if:
 63 (a) The offender possesses 20 ~~10~~ or more images of any form
 64 of child pornography regardless of content; ~~or and~~
 65 (b) The content of at least one image contains one or more
 66 of the following:
 67 1. A prepubescent child ~~who is younger than the age of 5.~~
 68 2. Sadomasochistic abuse involving a child.
 69 3. Sexual battery involving a child.
 70 4. Sexual bestiality involving a child.
 71 ~~5. Any motion picture, film, video, or computer-generated~~
 72 ~~motion picture, film, or video involving a child, regardless of~~
 73 ~~length and regardless of whether the motion picture, film,~~
 74 ~~video, or computer-generated motion picture, film, or video~~
 75 ~~contains sound.~~
 76 (3) (a) In the case of a felony of the third degree, the
 77 offense is reclassified to a felony of the second degree, and
 78 the offender must be sentenced to a mandatory minimum term of
 79 imprisonment of 5 years.
 80 (b) In the case of a felony of the second degree, the
 81 offense is reclassified to a felony of the first degree, and the
 82 offender must be sentenced to a mandatory minimum term of
 83 imprisonment of 15 years.
 84 (c) In the case of a felony of the first degree, the
 85 offense is reclassified to a life felony, and the offender must
 86 be sentenced to a mandatory minimum term of imprisonment of 25
 87 years.

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88
 89 For purposes of sentencing under chapter 921 and determining
 90 incentive gain-time eligibility under chapter 944, a felony
 91 offense that is reclassified under this section is ranked one
 92 level above the ranking under s. 921.0022 or s. 921.0023 of the
 93 offense committed.
 94 Section 2. Subsection (1) of section 794.0116, Florida
 95 Statutes, is amended to read:
 96 794.0116 Sexual offenses by persons previously convicted of
 97 sexual offenses.-
 98 (1) A person who was previously convicted of or had
 99 adjudication withheld for an offense specified in s.
 100 943.0435(1)(h)1.a. and commits a violation of s. 800.04(5); s.
 101 825.1025(3); s. 827.071(2), (3), (4), or (5)(a); s. 847.0135; s.
 102 847.0137; or s. 847.0145 ~~must shall~~ be sentenced to a mandatory
 103 minimum term of imprisonment as follows:
 104
 105 Statute Mandatory Minimum
 106 (a) 800.04(5) 15 ~~10~~ years
 107 (b) 825.1025(3) 10 years
 108 (c) 827.071(2) 25 ~~20~~ years
 109 (d) 827.071(3) 20 years
 110 (e) 827.071(4) 15 years

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(f) 827.071(5)(a) 10 years

111 (g) 847.0135 10 years

112 (h) 847.0137 10 years

113 (i) 847.0145 25 ~~20~~ years

114 Section 3. Paragraph (a) of subsection (1), subsections (2)

115 and (3), and paragraph (a) of subsection (5) of section 827.071,

116 Florida Statutes, are amended, and paragraphs (b) through (n) of

117 subsection (1) of that section are republished, to read:

118 827.071 Sexual performance by a child; child pornography;

119 penalties.-

120 (1) As used in this section, the following definitions

121 shall apply:

122 (a) "Child" or "minor" means a any person, whose identity

123 is known and who is or unknown, younger than 18 years of age, or

124 whose identity is unknown and who appears to be under 18 years

125 of age.

126 (b) "Child pornography" means:

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

128 or

129 2. Any image that has been created, altered, adapted, or

130 modified by electronic, mechanical, or other means, to portray

131 an identifiable minor engaged in sexual conduct.

132 (c) "Deviate sexual intercourse" means sexual conduct

133 between persons not married to each other consisting of contact

134 between the penis and the anus, the mouth and the penis, or the

135

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136 mouth and the vulva.

137 (d) "Female genitals" includes the labia minora, labia

138 majora, clitoris, vulva, hymen, and vagina.

139 (e) "Identifiable minor" means a person:

140 1. Who was a minor at the time the image was created,

141 altered, adapted, or modified, or whose image as a minor was

142 used in the creating, altering, adapting, or modifying of the

143 image; and

144 2. Who is recognizable as an actual person by the person's

145 face, likeness, or other distinguishing characteristic, such as

146 a unique birthmark, or other recognizable feature.

147

148 The term may not be construed to require proof of the actual

149 identity of the identifiable minor.

150 (f) "Intentionally view" means to deliberately,

151 purposefully, and voluntarily view. Proof of intentional viewing

152 requires establishing more than a single image, motion picture,

153 exhibition, show, image, data, computer depiction,

154 representation, or other presentation over any period of time.

155 (g) "Performance" means any play, motion picture,

156 photograph, or dance or any other visual representation

157 exhibited before an audience.

158 (h) "Promote" means to procure, manufacture, issue, sell,

159 give, provide, lend, mail, deliver, transfer, transmit,

160 transmute, publish, distribute, circulate, disseminate, present,

161 exhibit, send, post, share, or advertise or to offer or agree to

162 do the same.

163 (i) "Sadomasochistic abuse" means flagellation or torture

164 by or upon a person, or the condition of being fettered, bound,

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

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

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

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

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

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

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194 c. The minor is depicted in an unnatural pose, or in
195 inappropriate attire, considering the age of the minor;

196 d. The image suggests sexual coyness or a willingness to
197 engage in sexual conduct; or

198 e. The image is intended or designed to elicit a sexual
199 response in the viewer.

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

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

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

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

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223 years.

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

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

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

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

253 827.072 Generated child pornography.-

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

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

261 (2)

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

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

269 828.126 Sexual activities involving animals.-

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

274 (a) Contact between the sex organ or anus of one and the
 275 mouth, sex organ, or anus of the other;

276 (b) The fondling of the sex organ or anus of an animal; or

277 (c) The insertion, however slight, of any part of the body
 278 of a person or any object into the vaginal or anal opening of an
 279 animal, or the insertion of any part of the body of an animal
 280 into the vaginal or anal opening of a person.

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281 (2) A person may not~~+~~
 282 ~~(a)~~ knowingly engage in any sexual contact with an animal.
 283 A person who violates this subsection commits a felony of the
 284 second degree, punishable as provided in s. 775.082, s. 775.083,
 285 or s. 775.084.~~+~~
 286 ~~(3)(b)~~ A person may not knowingly cause, aid, or abet
 287 another person to engage in any sexual contact with an animal. A
 288 person who violates this subsection commits a felony of the
 289 second degree, punishable as provided in s. 775.082, s. 775.083,
 290 or s. 775.084.~~+~~
 291 ~~(4)(e)~~ A person may not knowingly permit any sexual contact
 292 with an animal to be conducted on any premises under his or her
 293 charge or control. A person who violates this subsection commits
 294 a felony of the third degree, punishable as provided in s.
 295 775.082, s. 775.083, or s. 775.084.~~+~~
 296 ~~(5)(d)~~ A person may not knowingly organize, promote,
 297 conduct, aid, abet, participate in as an observer, or advertise,
 298 offer, solicit, or accept an offer of an animal for the purpose
 299 of sexual contact with such animal, or perform any service in
 300 the furtherance of an act involving any sexual contact with an
 301 animal. A person who violates this subsection commits a felony
 302 of the third degree, punishable as provided in s. 775.082, s.
 303 775.083, or s. 775.084.~~+~~~~or~~
 304 ~~(6)(e)~~ A person may not knowingly film, distribute, or
 305 possess any pornographic image or video of a person and an
 306 animal engaged in any of the activities prohibited by this
 307 section. A person who violates this subsection commits a felony
 308 of the third degree, punishable as provided in s. 775.082, s.
 309 775.083, or s. 775.084

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310 ~~(3)~~ ~~A person who violates this section commits a felony of~~
 311 ~~the third degree, punishable as provided in s. 775.082, s.~~
 312 ~~775.083, or s. 775.084.~~
 313 ~~(7)(4)~~ In addition to other penalties prescribed by law,
 314 the court shall issue an order prohibiting a person convicted
 315 under this section from harboring, owning, possessing, or
 316 exercising control over any animal; from residing in any
 317 household in which animals are present; and from engaging in an
 318 occupation, whether paid or unpaid, or participating in a
 319 volunteer position at any establishment at which animals are
 320 present. The order must ~~may~~ be effective for a minimum of ~~up to~~
 321 5 years after the date of the conviction, regardless of whether
 322 adjudication is withheld.
 323 ~~(8)(5)~~ This section does not apply to accepted animal
 324 husbandry practices, including, but not limited to, bona fide
 325 agricultural purposes, assistance with the birthing process or
 326 artificial insemination of an animal for reproductive purposes,
 327 accepted conformation judging practices, or accepted veterinary
 328 medical practices.
 329 Section 6. Subsection (12) is added to section 847.011,
 330 Florida Statutes, to read:
 331 847.011 Prohibition of certain acts in connection with
 332 obscene, lewd, etc., materials; penalty.-
 333 (12) This section does not apply to a person charged solely
 334 under a section relating to child pornography, including, but
 335 not limited to, s. 827.071, s. 827.072, s. 847.0135, s.
 336 847.0137, or s. 847.0138.
 337 Section 7. Section 847.0137, Florida Statutes, is amended
 338 to read:

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339 847.0137 Transmission of child pornography or generated
 340 child pornography by electronic device or equipment prohibited;
 341 penalties.-

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

343 (a) "Access credential" means any password, username,
 344 token, unique link, URL, hyperlink, or other data that allows or
 345 facilitates access to files or data stored in cloud storage.

346 (b) "Cloud storage" means any remote, networked, or third-
 347 party-provided storage service that allows a user to store,
 348 host, or share digital files or data and to access those files
 349 or data through the Internet or other network, whether by direct
 350 file transfer, URL, hyperlink, shareable link, access token,
 351 credentials, or other means.

352 (c) "Link" means any URL, hyperlink, short link, shareable
 353 link, magnet link, or other string, token, or data that, when
 354 used, directs or grants access to content stored remotely,
 355 including cloud storage.

356 (d) "Transmit" means the act of sending and causing to be
 357 delivered, including the act of providing access for receiving
 358 and causing to be delivered, any image, information, or data
 359 over or through any medium, including the Internet or an
 360 interconnected network, by use of any electronic equipment or
 361 other device.

362 (2) A person who knew or reasonably should have known that
 363 he or she was transmitting, distributing, posting, sharing,
 364 providing, publishing, or making accessible by any means,
 365 including by sending, posting, uploading, or otherwise providing
 366 a link, an access credential, or information that grants access
 367 to cloud storage that the person knows contains child

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368 pornography or generated child pornography, and who knowingly
 369 causes another person to view or obtain such images, or
 370 otherwise facilitates access to such material, commits a felony
 371 of the second degree, punishable as provided in ss. 775.082,
 372 775.083, or 775.084, and must be sentenced to a mandatory
 373 minimum term of imprisonment of 5 years.

374 (3) Notwithstanding ss. 847.012 and 847.0133, a ~~any~~ person
 375 in this state who knew or reasonably should have known that he
 376 or she was transmitting child pornography, as defined in s.
 377 847.001 or generated child pornography as defined in s. 827.072,
 378 to another person in this state or in another jurisdiction
 379 commits a felony of the ~~second~~ third degree, punishable as
 380 provided in s. 775.082, s. 775.083, or s. 775.084, and must be
 381 sentenced to a mandatory minimum term of imprisonment of 5
 382 years.

383 (4)(3) Notwithstanding ss. 847.012 and 847.0133, a ~~any~~
 384 person in any jurisdiction other than this state who knew or
 385 reasonably should have known that he or she was transmitting
 386 child pornography, as defined in s. 847.001 or generated child
 387 pornography as defined in s. 827.072, to any person in this
 388 state commits a felony of the second ~~third~~ degree, punishable as
 389 provided in s. 775.082, s. 775.083, or s. 775.084, and must be
 390 sentenced to a mandatory minimum term of imprisonment of 5
 391 years.

392 (5) A person who, in good faith, provides a link, access
 393 credential, or other information to a law enforcement agency,
 394 prosecuting authority, or authorized forensic examiner for the
 395 purpose of reporting suspected child pornography, cooperating
 396 with an investigation, preserving evidence, or seeking lawful

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397 removal of content may not be subject to prosecution under this
 398 section for that disclosure.

399 ~~(6)(4)~~ This section may ~~shall~~ not be construed to preclude
 400 prosecution of a person in this state or another jurisdiction
 401 for a violation of any law of this state, including a law
 402 providing for greater penalties than prescribed in this section,
 403 for the transmission of child pornography~~7~~, as defined in s.
 404 847.001~~7~~, to any person in this state.

405 ~~(7)(5)~~ A person is subject to prosecution in this state
 406 pursuant to chapter 910 for any act or conduct proscribed by
 407 this section, including a person in a jurisdiction other than
 408 this state, if the act or conduct violates subsection (4) ~~(3)~~.
 409

410 The provisions of this section do not apply to subscription-
 411 based transmissions such as list servers.

412 Section 8. Subsection (21) of section 775.15, Florida
 413 Statutes, is amended to read:
 414 775.15 Time limitations; general time limitations;
 415 exceptions.—

416 (21) In addition to the time periods prescribed in this
 417 section, a prosecution for any offense under s. 827.071(2)(a) or
 418 (3) ~~s. 827.071(2) or (3)~~, if the offender was 18 years of age or
 419 older at the time of the offense, may be commenced at any time.
 420 This subsection applies to any offense that is not otherwise
 421 barred from prosecution on or before July 1, 2022.

422 Section 9. Subsection (2) of section 794.0115, Florida
 423 Statutes, is amended to read:
 424 794.0115 Dangerous sexual felony offender; mandatory
 425 sentencing.—

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426 (2) A ~~Any~~ person ~~who is~~ convicted of a violation of s.
 427 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 428 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2)(a) ~~or~~
 429 ~~827.071(2)~~, (3), or (4); or s. 847.0145; or of any similar
 430 offense under a former designation, which offense the person
 431 committed when he or she was 18 years of age or older, and the
 432 person:

433 (a) Caused serious personal injury to the victim as a
 434 result of the commission of the offense;

435 (b) Used or threatened to use a deadly weapon during the
 436 commission of the offense;

437 (c) Victimized more than one person during the course of
 438 the criminal episode applicable to the offense;

439 (d) Committed the offense while under the jurisdiction of a
 440 court for a felony offense under the laws of this state, for an
 441 offense that is a felony in another jurisdiction, or for an
 442 offense that would be a felony if that offense were committed in
 443 this state; or

444 (e) Has previously been convicted of a violation of s.
 445 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 446 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2)(a) ~~or~~
 447 ~~827.071(2)~~, (3), or (4); s. 847.0145; of any offense under a
 448 former statutory designation which is similar in elements to an
 449 offense described in this paragraph; or of any offense that is a
 450 felony in another jurisdiction, or would be a felony if that
 451 offense were committed in this state, and which is similar in
 452 elements to an offense described in this paragraph,
 453
 454 is a dangerous sexual felony offender, who must be sentenced to

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455 a mandatory minimum term of 25 years imprisonment up to, and
 456 including, life imprisonment. If the offense described in this
 457 subsection was committed on or after October 1, 2014, a person
 458 who qualifies as a dangerous sexual felony offender pursuant to
 459 this subsection must be sentenced to a mandatory minimum term of
 460 50 years imprisonment up to, and including, life imprisonment.

461 Section 10. Paragraphs (e), (f), and (g) of subsection (3)
 462 of section 921.0022, Florida Statutes, are amended to read:

463 921.0022 Criminal Punishment Code; offense severity ranking
 464 chart.—

465 (3) OFFENSE SEVERITY RANKING CHART
 466 (e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and

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470 lights activated.

471 316.80(2) 2nd Unlawful conveyance of fuel; obtaining fuel fraudulently.

472 322.34(6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

473 327.30(5)(a)2. 3rd Vessel accidents involving personal injuries other than serious bodily injury; leaving scene.

474 365.172(14)(b)2. 2nd Misuse of emergency communications system resulting in death.

379.365(2)(c)1. 3rd Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or

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				aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
475	379.367(4)	3rd		Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
476	379.407(5)(b)3.	3rd		Possession of 100 or more undersized spiny lobsters.
477				

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

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	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	

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			conduct; offender less than 18 years of age.	
490	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.	
491	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	
492	810.145(4)	3rd	Commercial digital voyeurism dissemination.	
493	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.	
494	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.	
495	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.	
496	812.0145(2)(b)	2nd	Theft from person 65 years of age or older;	

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				\$10,000 or more but less than \$50,000.
497	812.015 (8) (a) & (c)-(e)	3rd		Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
498	812.015(8) (f)	3rd		Retail theft; multiple thefts within specified period.
499	812.015(8) (g)	3rd		Retail theft; committed with specified number of other persons.
500	812.019(1)	2nd		Stolen property; dealing in or trafficking in.
501	812.081(3)	2nd		Trafficking in trade secrets.
502	812.131(2) (b)	3rd		Robbery by sudden snatching.
503	812.16(2)	3rd		Owning, operating, or conducting a chop shop.
504	817.034(4) (a)2.	2nd		Communications fraud,

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				value \$20,000 to \$50,000.
505	817.234(11) (b)	2nd		Insurance fraud; property value \$20,000 or more but less than \$100,000.
506	817.2341(1), (2) (a) & (3) (a)	3rd		Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
507	817.568(2) (b)	2nd		Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
508				

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509	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.	
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.	
510	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	
511	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	
512	836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.	
513				

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	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.	
514	843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.	
515	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.	
516	847.0137 <u>(3) & (4)</u> (2) & (3)	<u>2nd</u> 3rd	Transmission of <u>child pornography</u> <u>or generated child pornography</u> by electronic device or equipment.	
517	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.	
518	874.05(1)(b)	2nd	Encouraging or recruiting another to	

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519

join a criminal gang;
second or subsequent
offense.

874.05(2)(a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

520

893.13(1)(a)1.

2nd

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs).

521

893.13(1)(c)2.

2nd

Sell, manufacture, or
deliver cannabis (or
other s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) drugs)
within 1,000 feet of a
child care facility,
school, or state,
county, or municipal
park or publicly owned

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522

recreational facility or
community center.

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs) within 1,000 feet
of university.

523

893.13(1)(e)2.

2nd

Sell, manufacture, or
deliver cannabis or
other drug prohibited
under s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

524

893.13(1)(f)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), or

Line	Bill Number	Section	Degree	Description
	33-01480-26			20261750__ (2) (a), (2) (b), or (2) (c) 5. drugs) within 1,000 feet of public housing facility.
525	893.13(4)(b)	2nd		Use or hire of minor; deliver to minor other controlled substance.
526	893.1351(1)	3rd		Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
527				
528	(f) LEVEL 6			
529	Florida	Felony		
530	Statute	Degree		Description
	316.027(2)(b)	2nd		Leaving the scene of a crash involving serious bodily injury.
531	316.193(2)(b)	3rd		Felony DUI, 4th or subsequent conviction.
532	316.1935(4)(a)	2nd		Aggravated fleeing or eluding.
533				

Line	Bill Number	Section	Degree	Description
	33-01480-26			20261750__
	327.30(5)(a)3.	2nd		Vessel accidents involving serious bodily injury; leaving scene.
534	400.9935(4)(c)	2nd		Operating a clinic, or offering services requiring licensure, without a license.
535	499.0051(2)	2nd		Knowing forgery of transaction history, transaction information, or transaction statement.
536	499.0051(3)	2nd		Knowing purchase or receipt of prescription drug from unauthorized person.
537	499.0051(4)	2nd		Knowing sale or transfer of prescription drug to unauthorized person.
538	775.0875(1)	3rd		Taking firearm from law enforcement officer.
539	784.021(1)(a)	3rd		Aggravated assault; deadly weapon without

	33-01480-26		20261750__	
			intent to kill.	
540	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	
541	784.041	3rd	Felony battery; domestic battery by strangulation.	
542	784.048(3)	3rd	Aggravated stalking; credible threat.	
543	784.048(5)	3rd	Aggravated stalking of person under 16.	
544	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	
545	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.	
546	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	
547	784.081(2)	2nd	Aggravated assault on specified official or	

	33-01480-26		20261750__	
			employee.	
548	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	
549	784.083(2)	2nd	Aggravated assault on code inspector.	
550	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	
551	787.025(2)(a)	3rd	Luring or enticing a child.	
552	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.	
553	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	
554	790.164(1)	2nd	False report concerning bomb, explosive, weapon	

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			of mass destruction, act	
			of arson or violence to	
			state property, or use	
			of firearms in violent	
			manner.	
555	790.19	2nd	Shooting or throwing	
			deadly missiles into	
			dwellings, vessels, or	
			vehicles.	
556	794.011(8)(a)	3rd	Solicitation of minor to	
			participate in sexual	
			activity by custodial	
			adult.	
557	794.05(1)	2nd	Unlawful sexual activity	
			with specified minor.	
558	800.04(5)(d)	3rd	Lewd or lascivious	
			molestation; victim 12	
			years of age or older	
			but less than 16 years	
			of age; offender less	
			than 18 years.	
559	800.04(6)(b)	2nd	Lewd or lascivious	
			conduct; offender 18	
			years of age or older.	

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560	806.031(2)	2nd	Arson resulting in great	
			bodily harm to	
			firefighter or any other	
			person.	
561	810.02(3)(c)	2nd	Burglary of occupied	
			structure; unarmed; no	
			assault or battery.	
562	810.145(8)(b)	2nd	Digital voyeurism;	
			certain minor victims;	
			2nd or subsequent	
			offense.	
563	812.014(2)(b)1.	2nd	Property stolen \$20,000	
			or more, but less than	
			\$100,000, grand theft in	
			2nd degree.	
564	812.014(2)(c)5.	3rd	Grand theft; third	
			degree; firearm.	
565	812.014(6)	2nd	Theft; property stolen	
			\$3,000 or more;	
			coordination of others.	
566	812.015(9)(a)	2nd	Retail theft; property	
			stolen \$750 or more;	

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			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				

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580	827.03(2)(c)	3rd	Abuse of a child.
581	827.03(2)(d)	3rd	Neglect of a child.
	<u>827.071(5)(a)</u> 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			

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

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fabricating physical
evidence relating to a
capital felony.

593

944.35(3)(a)2.

3rd

Committing malicious
battery upon or
inflicting cruel or
inhuman treatment on an
inmate or offender on
community supervision,
resulting in great
bodily harm.

594

944.40

2nd

Escapes.

595

944.46

3rd

Harboring, concealing,
aiding escaped
prisoners.

596

944.47(1)(a)5.

2nd

Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

597

951.22(1)(i)

3rd

Firearm or weapon
introduced into county
detention facility.

598

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599 (g) LEVEL 7

600

Florida
Statute

Felony
Degree

Description

601

316.027(2)(c)

1st

Accident involving death,
failure to stop; leaving
scene.

602

316.193(3)(c)2.

3rd

DUI resulting in serious
bodily injury.

603

316.1935(3)(b)

1st

Causing serious bodily
injury or death to
another person; driving
at high speed or with
wanton disregard for
safety while fleeing or
attempting to elude law
enforcement officer who
is in a patrol vehicle
with siren and lights
activated.

604

327.35(3)(a)3.b.

3rd

Vessel BUI resulting in
serious bodily injury.

605

402.319(2)

2nd

Misrepresentation and
negligence or intentional

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				act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
606	409.920	3rd		Medicaid provider fraud; \$10,000 or less.
	(2) (b) 1.a.			
607	409.920	2nd		Medicaid provider fraud; more than \$10,000, but less than \$50,000.
	(2) (b) 1.b.			
608	456.065(2)	3rd		Practicing a health care profession without a license.
609	456.065(2)	2nd		Practicing a health care profession without a license which results in serious bodily injury.
610	458.327(1)	3rd		Practicing medicine without a license.
611	459.013(1)	3rd		Practicing osteopathic medicine without a license.
612	460.411(1)	3rd		Practicing chiropractic

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				medicine without a license.
613	461.012(1)	3rd		Practicing podiatric medicine without a license.
614	462.17	3rd		Practicing naturopathy without a license.
615	463.015(1)	3rd		Practicing optometry without a license.
616	464.016(1)	3rd		Practicing nursing without a license.
617	465.015(2)	3rd		Practicing pharmacy without a license.
618	466.026(1)	3rd		Practicing dentistry or dental hygiene without a license.
619	467.201	3rd		Practicing midwifery without a license.
620	468.366	3rd		Delivering respiratory care services without a license.

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621	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
622	483.901(7)	3rd	Practicing medical physics without a license.
623	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
624	484.053	3rd	Dispensing hearing aids without a license.
625	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
626	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money

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			services business.
627	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
628	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
629	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
630	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
631	775.21(10)(g)	3rd	Failure to report or providing false information about a

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			sexual predator; harbor	
			or conceal a sexual	
			predator.	
632	782.051(3)	2nd	Attempted felony murder	
			of a person by a person	
			other than the	
			perpetrator or the	
			perpetrator of an	
			attempted felony.	
633	782.07(1)	2nd	Killing of a human being	
			by the act, procurement,	
			or culpable negligence of	
			another (manslaughter).	
634	782.071	2nd	Killing of a human being	
			or unborn child by the	
			operation of a motor	
			vehicle in a reckless	
			manner (vehicular	
			homicide).	
635	782.072	2nd	Killing of a human being	
			by the operation of a	
			vessel in a reckless	
			manner (vessel homicide).	
636	784.045(1)(a)1.	2nd	Aggravated battery;	

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			intentionally causing	
			great bodily harm or	
			disfigurement.	
637	784.045(1)(a)2.	2nd	Aggravated battery; using	
			deadly weapon.	
638	784.045(1)(b)	2nd	Aggravated battery;	
			perpetrator aware victim	
			pregnant.	
639	784.048(4)	3rd	Aggravated stalking;	
			violation of injunction	
			or court order.	
640	784.048(7)	3rd	Aggravated stalking;	
			violation of court order.	
641	784.07(2)(d)	1st	Aggravated battery on law	
			enforcement officer.	
642	784.074(1)(a)	1st	Aggravated battery on	
			sexually violent	
			predators facility staff.	
643	784.08(2)(a)	1st	Aggravated battery on a	
			person 65 years of age or	
			older.	
644				

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	784.081(1)	1st	Aggravated battery on specified official or employee.
645			
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
646			
	784.083(1)	1st	Aggravated battery on code inspector.
647			
	787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
648			
	787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
649			
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
650			
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to

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			within the state.
651			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
652			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
653			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
654			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
655			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
656			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass

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				destruction while committing or attempting to commit a felony.
657	790.23	1st,PBL		Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
658	794.08(4)	3rd		Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
659	796.05(1)	1st		Live on earnings of a prostitute; 2nd offense.
660	796.05(1)	1st		Live on earnings of a prostitute; 3rd and subsequent offense.
661	800.04(5)(c)1.	2nd		Lewd or lascivious molestation; victim younger than 12 years of age; offender younger

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				than 18 years of age.
662	800.04(5)(c)2.	2nd		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
663	800.04(5)(e)	1st		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
664	806.01(2)	2nd		Maliciously damage structure by fire or explosive.
665	810.02(3)(a)	2nd		Burglary of occupied dwelling; unarmed; no assault or battery.
666	810.02(3)(b)	2nd		Burglary of unoccupied dwelling; unarmed; no assault or battery.

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667	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
668	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
669	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
670	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
671	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
672	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment

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			from authorized emergency vehicle.
673	812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
674	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
675	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
676	812.131(2)(a)	2nd	Robbery by sudden snatching.
677	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
678	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
679			

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680	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
681	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
682	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
683	817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
684	817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
	817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to

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685			defraud.
686	817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
687	817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
688	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
689	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.
690	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
	827.04(3)	3rd	Impregnation of a child

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				under 16 years of age by person 21 years of age or older.
691	<u>827.071(2)(a)</u>	<u>1st</u> 2nd		Use of or induce a child in a sexual performance, or promote or direct such performance.
	827.071(2) & (3)			
692	<u>827.071(3)</u>	<u>2nd</u>		<u>Promoting a sexual performance by a child.</u>
693	827.071(4)	2nd		Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
694	837.05(2)	3rd		Giving false information about alleged capital felony to a law enforcement officer.
695	838.015	2nd		Bribery.
696	838.016	2nd		Unlawful compensation or reward for official behavior.
697				

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	838.021(3)(a)	2nd		Unlawful harm to a public servant.
698	838.22	2nd		Bid tampering.
699	843.0855(2)	3rd		Impersonation of a public officer or employee.
700	843.0855(3)	3rd		Unlawful simulation of legal process.
701	843.0855(4)	3rd		Intimidation of a public officer or employee.
702	847.0135(3)	3rd		Solicitation of a child, via a computer service, to commit an unlawful sex act.
703	847.0135(4)	2nd		Traveling to meet a minor to commit an unlawful sex act.
704	872.06	2nd		Abuse of a dead human body.
705	874.05(2)(b)	1st		Encouraging or recruiting person under 13 to join a criminal gang; second or

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706 subsequent offense.

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

707 893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

708 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000

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feet of property used for religious services or a specified business site.

709 893.13(4)(a) 1st Use or hire of minor; deliver to minor other controlled substance.

710 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

711 893.135 (1)(b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

712 893.135 (1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

713 893.135 (1)(c)2.a. 1st Trafficking in hydrocodone, 28 grams or more, less than 50 grams.

714 893.135 (1)(c)2.b. 1st Trafficking in hydrocodone, 50 grams or more, less than 100 grams.

715

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	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.a.		7 grams or more, less
716			than 14 grams.
	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.b.		14 grams or more, less
717			than 25 grams.
	893.135	1st	Trafficking in fentanyl,
	(1) (c) 4.b. (I)		4 grams or more, less
718			than 14 grams.
	893.135	1st	Trafficking in
	(1) (d) 1.a.		phencyclidine, 28 grams
719			or more, less than 200
	893.135 (1) (e) 1.	1st	grams.
			Trafficking in
	893.135 (1) (f) 1.	1st	methaqualone, 200 grams
720			or more, less than 5
			kilograms.
721			Trafficking in
	893.135	1st	amphetamine, 14 grams or
	(1) (g) 1.a.		more, less than 28 grams.
			Trafficking in
	893.135	1st	flunitrazepam, 4 grams or
	(1) (g) 1.a.		more, less than 14 grams.

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

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				or more, less than 100 grams.
728	893.1351(2)	2nd		Possession of place for trafficking in or manufacturing of controlled substance.
729	896.101(5)(a)	3rd		Money laundering, financial transactions exceeding \$300 but less than \$20,000.
730	896.104(4)(a)1.	3rd		Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
731	943.0435(4)(c)	2nd		Sexual offender vacating permanent residence; failure to comply with reporting requirements.
732	943.0435(8)	2nd		Sexual offender; remains in state after indicating intent to leave; failure

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				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.

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;

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



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 775.0847, Florida
Statutes, is amended, and subsection (3) of that section is
republished, to read:

775.0847 Possession or promotion of certain images of child
pornography; reclassification.—

(2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or



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11 s. 847.0138 shall be reclassified to the next higher degree as
12 provided in subsection (3) if:

13 (a) The offender possesses 10 or more images of any form of
14 child pornography regardless of content; and

15 (b) The content of at least one image contains one or more
16 of the following:

- 17 1. A child who is younger than the age of 12 ~~5~~.
- 18 2. Sadomasochistic abuse involving a child.
- 19 3. Sexual battery involving a child.
- 20 4. Sexual bestiality involving a child.
- 21 5. Any motion picture, film, video, or computer-generated
22 motion picture, film, or video involving a child, regardless of
23 length and regardless of whether the motion picture, film,
24 video, or computer-generated motion picture, film, or video
25 contains sound.

26 (3)(a) In the case of a felony of the third degree, the
27 offense is reclassified to a felony of the second degree.

28 (b) In the case of a felony of the second degree, the
29 offense is reclassified to a felony of the first degree.

30
31 For purposes of sentencing under chapter 921 and determining
32 incentive gain-time eligibility under chapter 944, a felony
33 offense that is reclassified under this section is ranked one
34 level above the ranking under s. 921.0022 or s. 921.0023 of the
35 offense committed.

36 Section 2. Subsection (1) of section 794.0116, Florida
37 Statutes, is amended to read:

38 794.0116 Sexual offenses by persons previously convicted of
39 sexual offenses.—



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40 (1) A person who was previously convicted of or had
41 adjudication withheld for an offense specified in s.
42 943.0435(1)(h)1.a. and commits a violation of s. 800.04(5); s.
43 825.1025(3); s. 827.071(2), (3), (4), or (5)(a); s. 847.0135; s.
44 847.0137; or s. 847.0145 shall be sentenced to a mandatory
45 minimum term of imprisonment as follows:

46

	Statute	Mandatory Minimum
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47

(a)	800.04(5)	<u>15</u> 10 years
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48

(b)	825.1025(3)	10 years
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49

(c)	827.071(2)	<u>30</u> 20 years
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50

(d)	827.071(3)	20 years
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51

(e)	827.071(4)	15 years
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52

(f)	827.071(5)(a)	10 years
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53

(g)	847.0135	10 years
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54

(h)	847.0137	10 years
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55

(i)	847.0145	<u>30</u> 20 years
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56

57

58 Section 3. Subsections (2) and (3) and paragraph (a) of



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59 subsection (5) of section 827.071, Florida Statutes, are
60 amended, and subsection (7) is added to that section, to read:

61 827.071 Sexual performance by a child; child pornography;
62 penalties.—

63 (2) (a) A person is guilty of the use of a child in a sexual
64 performance if, knowing the character and content thereof, he or
65 she employs, authorizes, or induces a child to engage in a
66 sexual performance or, being a parent, legal guardian, or
67 custodian of such child, consents to the participation by such
68 child in a sexual performance. A person who violates this
69 subsection commits a felony of the first ~~second~~ degree,
70 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
71 Except as provided in subsection (7), a person 18 years of age
72 or older at the time of the offense who is convicted of a
73 violation of this paragraph must be sentenced to a mandatory
74 minimum term of imprisonment of 15 years.

75 (b) A person is guilty of aggravated use of a child in a
76 sexual performance if, knowing the character and content
77 thereof, he or she employs, authorizes, or induces a child
78 younger than 12 years of age to engage in a sexual performance.
79 A person who violates this paragraph commits a life felony,
80 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
81 A person 18 years of age or older at the time of the offense who
82 is convicted of a violation of this paragraph must be sentenced
83 to a mandatory minimum term of imprisonment of 25 years.

84 (3) A person is guilty of promoting a sexual performance by
85 a child when, knowing the character and content thereof, he or
86 she produces, directs, or promotes any performance which
87 includes sexual conduct by a child. A person who violates this



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88 subsection commits a felony of the second degree, punishable as
89 provided in s. 775.082, s. 775.083, or s. 775.084. Except as
90 provided in subsection (7), a person 18 years of age or older at
91 the time of the offense who is convicted of a violation of this
92 subsection must be sentenced to a mandatory minimum term of
93 imprisonment of 5 years.

94 (5) (a) It is unlawful for any person to knowingly solicit,
95 possess, control, or intentionally view a photograph, motion
96 picture, exhibition, show, representation, image, data, computer
97 depiction, or other presentation which, in whole or in part, he
98 or she knows to include child pornography. The solicitation,
99 possession, control, or intentional viewing of each such
100 photograph, motion picture, exhibition, show, image, data,
101 computer depiction, representation, or presentation is a
102 separate offense. If such photograph, motion picture,
103 exhibition, show, representation, image, data, computer
104 depiction, or other presentation includes child pornography
105 depicting more than one child, then each such child in each such
106 photograph, motion picture, exhibition, show, representation,
107 image, data, computer depiction, or other presentation that is
108 knowingly solicited, possessed, controlled, or intentionally
109 viewed is a separate offense. A person who violates this
110 paragraph commits a felony of the second ~~third~~ degree,
111 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

112 (7) A court is not required to impose a mandatory minimum
113 term of imprisonment for a violation of this section if the
114 court makes the following written findings related to the sexual
115 performance that forms the basis of the violation:

116 (a) The child depicted in the sexual performance was 14



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117 years of age or older at the time the sexual performance was
118 created;

119 (b) The sexual performance was created with the depicted
120 child's permission;

121 (c) The offender was not more than 4 years older than the
122 depicted child at the time the sexual performance was created;
123 and

124 (d) The offender did not promote the sexual performance to
125 any third party.

126 Section 4. Section 827.072, Florida Statutes, is amended to
127 read:

128 827.072 Generated child pornography.—

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

130 (a) "Generated child pornography" means any image that has
131 been created, altered, adapted, or modified by electronic,
132 mechanical, or other computer-generated means to portray a
133 fictitious person, who a reasonable person would regard as being
134 a real person younger than 18 years of age, engaged in sexual
135 conduct.

136 (b) "Intentionally view" has the same meaning as in s.
137 827.071.

138 (c) "Sexual conduct" has the same meaning as in s. 827.071.

139 (d) "Transmit" has the same meaning as in s. 847.0137.

140 (2)(a) It is unlawful for a person to knowingly possess or
141 control or intentionally view a photograph, a motion picture, a
142 representation, an image, a data file, a computer depiction, or
143 any other presentation which, in whole or in part, he or she
144 knows includes generated child pornography. The possession,
145 control, or intentional viewing of each such photograph, motion



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146 picture, representation, image, data file, computer depiction,
147 or other presentation is a separate offense. A person who
148 violates this paragraph commits a felony of the third degree,
149 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

150 (b)1. Notwithstanding ss. 847.012 and 847.0133, any person
151 in this state who knew or reasonably should have known that he
152 or she was transmitting generated child pornography to another
153 person in this state or in another jurisdiction commits a felony
154 of the second degree, punishable as provided in s. 775.082, s.
155 775.083, or s. 775.084.

156 2. Notwithstanding ss. 847.012 and 847.0133, any person in
157 any jurisdiction other than this state who knew or reasonably
158 should have known that he or she was transmitting generated
159 child pornography to any person in this state commits a felony
160 of the second degree, punishable as provided in s. 775.082, s.
161 775.083, or s. 775.084.

162 3. A person is subject to prosecution in this state
163 pursuant to chapter 910 for any act or conduct proscribed by
164 this paragraph, including a person in a jurisdiction other than
165 this state, if the act or conduct violates subparagraph 2.

166 (c) A person who intentionally creates generated child
167 pornography commits a felony of the second ~~third~~ degree,
168 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

169 (d)~~(e)~~ Paragraph (a) does not apply to any material
170 possessed, controlled, or intentionally viewed as part of a law
171 enforcement investigation.

172 Section 5. Section 828.126, Florida Statutes, is amended to
173 read:

174 828.126 Sexual activities involving animals.-



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175 (1) As used in this section, the term "sexual contact with
176 an animal" means any act committed between a person and an
177 animal for the purpose of sexual gratification, abuse, or
178 financial gain which involves:

179 (a) Contact between the sex organ or anus of one and the
180 mouth, sex organ, or anus of the other;

181 (b) The fondling of the sex organ or anus of an animal; or

182 (c) The insertion, however slight, of any part of the body
183 of a person or any object into the vaginal or anal opening of an
184 animal, or the insertion of any part of the body of an animal
185 into the vaginal or anal opening of a person.

186 (2) A person may not÷

187 ~~(a)~~ knowingly engage in any sexual contact with an animal.
188 A person who violates this subsection commits a felony of the
189 second degree, punishable as provided in s. 775.082, s. 775.083,
190 or s. 775.084.÷

191 ~~(3)(b)~~ A person may not knowingly cause, aid, or abet
192 another person to engage in any sexual contact with an animal. A
193 person who violates this subsection commits a felony of the
194 second degree, punishable as provided in s. 775.082, s. 775.083,
195 or s. 775.084.÷

196 ~~(4)(e)~~ A person may not knowingly permit any sexual contact
197 with an animal to be conducted on any premises under his or her
198 charge or control. A person who violates this subsection commits
199 a felony of the third degree, punishable as provided in s.
200 775.082, s. 775.083, or s. 775.084.÷

201 ~~(5)(d)~~ A person may not knowingly organize, promote,
202 conduct, aid, abet, participate in as an observer, or advertise,
203 offer, solicit, or accept an offer of an animal for the purpose



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204 of sexual contact with such animal, or perform any service in
205 the furtherance of an act involving any sexual contact with an
206 animal. A person who violates this subsection commits a felony
207 of the third degree, punishable as provided in s. 775.082, s.
208 775.083, or s. 775.084.~~or~~

209 ~~(6)(e)~~ A person may not knowingly film, distribute, or
210 possess any pornographic image or video of a person and an
211 animal engaged in any of the activities prohibited by this
212 section.

213 ~~(3)~~ A person who violates this subsection ~~section~~ commits a
214 felony of the third degree, punishable as provided in s.
215 775.082, s. 775.083, or s. 775.084.

216 ~~(7)(4)~~ In addition to other penalties prescribed by law,
217 the court shall issue an order prohibiting a person convicted
218 under this section from harboring, owning, possessing, or
219 exercising control over any animal; from residing in any
220 household in which animals are present; and from engaging in an
221 occupation, whether paid or unpaid, or participating in a
222 volunteer position at any establishment at which animals are
223 present. The order shall ~~may~~ be effective for at least ~~up to~~ 5
224 years after the date of the conviction, regardless of whether
225 adjudication is withheld.

226 ~~(8)(5)~~ This section does not apply to accepted animal
227 husbandry practices, including, but not limited to, bona fide
228 agricultural purposes, assistance with the birthing process or
229 artificial insemination of an animal for reproductive purposes,
230 accepted conformation judging practices, or accepted veterinary
231 medical practices.

232 Section 6. Subsection (12) is added to section 847.011,



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233 Florida Statutes, and subsections (1) through (11) of that
234 section are republished, to read:

235 847.011 Prohibition of certain acts in connection with
236 obscene, lewd, etc., materials; penalty.—

237 (1)(a) Except as provided in paragraph (c), any person who
238 knowingly sells, lends, gives away, distributes, transmits,
239 shows, or transmutes, or offers to sell, lend, give away,
240 distribute, transmit, show, or transmute, or has in his or her
241 possession, custody, or control with intent to sell, lend, give
242 away, distribute, transmit, show, transmute, or advertise in any
243 manner, any obscene book, magazine, periodical, pamphlet,
244 newspaper, comic book, story paper, written or printed story or
245 article, writing, paper, card, picture, drawing, photograph,
246 motion picture film, figure, image, phonograph record, or wire
247 or tape or other recording, or any written, printed, or recorded
248 matter of any such character which may or may not require
249 mechanical or other means to be transmuted into auditory,
250 visual, or sensory representations of such character, or any
251 article or instrument for obscene use, or purporting to be for
252 obscene use or purpose; or who knowingly designs, copies, draws,
253 photographs, poses for, writes, prints, publishes, or in any
254 manner whatsoever manufactures or prepares any such material,
255 matter, article, or thing of any such character; or who
256 knowingly writes, prints, publishes, or utters, or causes to be
257 written, printed, published, or uttered, any advertisement or
258 notice of any kind, giving information, directly or indirectly,
259 stating, or purporting to state, where, how, of whom, or by what
260 means any, or what purports to be any, such material, matter,
261 article, or thing of any such character can be purchased,



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262 obtained, or had; or who in any manner knowingly hires, employs,
263 uses, or permits any person knowingly to do or assist in doing
264 any act or thing mentioned above, commits a misdemeanor of the
265 first degree, punishable as provided in s. 775.082 or s.
266 775.083. A person who, after having been convicted of a
267 violation of this subsection, thereafter violates any of its
268 provisions, commits a felony of the third degree, punishable as
269 provided in s. 775.082, s. 775.083, or s. 775.084.

270 (b) The knowing possession by any person of three or more
271 identical or similar materials, matters, articles, or things
272 coming within the provisions of paragraph (a) is prima facie
273 evidence of the violation of the paragraph.

274 (c) A person who commits a violation of paragraph (a) or
275 subsection (2) which is based on materials that depict a minor
276 engaged in any act or conduct that is harmful to minors commits
277 a felony of the third degree, punishable as provided in s.
278 775.082, s. 775.083, or s. 775.084.

279 (d) A person's ignorance of a minor's age, a minor's
280 misrepresentation of his or her age, a bona fide belief of a
281 minor's age, or a minor's consent may not be raised as a defense
282 in a prosecution for one or more violations of paragraph (a) or
283 subsection (2).

284 (2) Except as provided in paragraph (1)(c), a person who
285 knowingly has in his or her possession, custody, or control any
286 obscene book, magazine, periodical, pamphlet, newspaper, comic
287 book, story paper, written or printed story or article, writing,
288 paper, card, picture, drawing, photograph, motion picture film,
289 film, any sticker, decal, emblem or other device attached to a
290 motor vehicle containing obscene descriptions, photographs, or



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291 depictions, any figure, image, phonograph record, or wire or
292 tape or other recording, or any written, printed, or recorded
293 matter of any such character which may or may not require
294 mechanical or other means to be transmuted into auditory,
295 visual, or sensory representations of such character, or any
296 article or instrument for obscene use, or purporting to be for
297 obscene use or purpose, without intent to sell, lend, give away,
298 distribute, transmit, show, transmute, or advertise the same,
299 commits a misdemeanor of the second degree, punishable as
300 provided in s. 775.082 or s. 775.083. A person who, after having
301 been convicted of violating this subsection, thereafter violates
302 any of its provisions commits a misdemeanor of the first degree,
303 punishable as provided in s. 775.082 or s. 775.083. In any
304 prosecution for such possession, it is not necessary to allege
305 or prove the absence of such intent.

306 (3) No person shall as a condition to a sale, allocation,
307 consignment, or delivery for resale of any paper, magazine,
308 book, periodical, or publication require that the purchaser or
309 consignee receive for resale any other article, paper, magazine,
310 book, periodical, or publication reasonably believed by the
311 purchaser or consignee to be obscene, and no person shall deny
312 or threaten to deny or revoke any franchise or impose or
313 threaten to impose any penalty, financial or otherwise, by
314 reason of the failure of any person to accept any such article,
315 paper, magazine, book, periodical, or publication, or by reason
316 of the return thereof. Whoever violates this subsection is
317 guilty of a felony of the third degree, punishable as provided
318 in s. 775.082, s. 775.083, or s. 775.084.

319 (4) Any person who knowingly promotes, conducts, performs,



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320 or participates in an obscene show, exhibition, or performance
321 by live persons or a live person before an audience is guilty of
322 a misdemeanor of the first degree, punishable as provided in s.
323 775.082 or s. 775.083. Any person who, after having been
324 convicted of violating this subsection, thereafter violates any
325 of its provisions and is convicted thereof is guilty of a felony
326 of the third degree, punishable as provided in s. 775.082, s.
327 775.083, or s. 775.084.

328 (5)(a)1. A person may not knowingly sell, lend, give away,
329 distribute, transmit, show, or transmute; offer to sell, lend,
330 give away, distribute, transmit, show, or transmute; have in his
331 or her possession, custody, or control with the intent to sell,
332 lend, give away, distribute, transmit, show, or transmute; or
333 advertise in any manner an obscene, child-like sex doll.

334 2.a. Except as provided in sub-subparagraph b., a person
335 who violates this paragraph commits a felony of the third
336 degree, punishable as provided in s. 775.082, s. 775.083, or s.
337 775.084.

338 b. A person who is convicted of violating this paragraph a
339 second or subsequent time commits a felony of the second degree,
340 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

341 (b)1. Except as provided in subparagraph 2., a person who
342 knowingly has in his or her possession, custody, or control an
343 obscene, child-like sex doll commits a misdemeanor of the first
344 degree, punishable as provided in s. 775.082 or s. 775.083.

345 2. A person who is convicted of violating this paragraph a
346 second or subsequent time commits a felony of the third degree,
347 punishable as provided in s. 775.082 or s. 775.083.

348 (c)1. A law enforcement officer may arrest without a



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349 warrant any person who he or she has probable cause to believe
350 has violated paragraph (b).

351 2. Upon proper affidavits being made, a search warrant may
352 be issued to further investigate a violation of paragraph (b),
353 including to search a private dwelling.

354 (6) Every act, thing, or transaction forbidden by this
355 section shall constitute a separate offense and shall be
356 punishable as such.

357 (7) Proof that a defendant knowingly committed any act or
358 engaged in any conduct referred to in this section may be made
359 by showing that at the time such act was committed or conduct
360 engaged in the defendant had actual knowledge of the contents or
361 character of the material, matter, article, or thing possessed
362 or otherwise dealt with, by showing facts and circumstances from
363 which it may fairly be inferred that he or she had such
364 knowledge, or by showing that he or she had knowledge of such
365 facts and circumstances as would put a person of ordinary
366 intelligence and caution on inquiry as to such contents or
367 character.

368 (8) There shall be no right of property in any of the
369 materials, matters, articles, or things possessed or otherwise
370 dealt with in violation of this section; and, upon the seizure
371 of any such material, matter, article, or thing by any
372 authorized law enforcement officer, the same shall be held by
373 the arresting agency. When the same is no longer required as
374 evidence, the prosecuting officer or any claimant may move the
375 court in writing for the disposition of the same and, after
376 notice and hearing, the court, if it finds the same to have been
377 possessed or otherwise dealt with in violation of this section,



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378 shall order the sheriff to destroy the same in the presence of
379 the clerk; otherwise, the court shall order the same returned to
380 the claimant if the claimant shows that he or she is entitled to
381 possession. If destruction is ordered, the sheriff and clerk
382 shall file a certificate of compliance.

383 (9) (a) The circuit court has jurisdiction to enjoin a
384 threatened violation of this section upon complaint filed by the
385 state attorney or attorney for a municipality in the name of the
386 state upon the relation of such state attorney or attorney for a
387 municipality.

388 (b) After the filing of such a complaint, the judge to whom
389 it is presented may grant an order restraining the person
390 complained of until final hearing or further order of the court.
391 Whenever the relator state attorney or attorney for a
392 municipality requests a judge of such court to set a hearing
393 upon an application for such a restraining order, such judge
394 shall set such hearing for a time within 3 days after the making
395 of such request. No such order shall be made unless such judge
396 is satisfied that sufficient notice of the application therefor
397 has been given to the party restrained of the time when and
398 place where the application for such restraining order is to be
399 made; however, such notice shall be dispensed with when it is
400 manifest to such judge, from the sworn allegations of the
401 complaint or the affidavit of the plaintiff or other competent
402 person, that the apprehended violation will be committed if an
403 immediate remedy is not afforded.

404 (c) The person sought to be enjoined shall be entitled to a
405 trial of the issues within 1 day after joinder of issue, and a
406 decision shall be rendered by the court within 2 days of the



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407 conclusion of the trial.

408 (d) In any action brought as provided in this subsection,
409 no bond or undertaking shall be required of the state attorney
410 or the municipality or its attorney before the issuance of a
411 restraining order provided for by paragraph (b), and there shall
412 be no liability on the part of the state or the state attorney
413 or the municipality or its attorney for costs or for damages
414 sustained by reason of such restraining order in any case where
415 a final decree is rendered in favor of the person sought to be
416 enjoined.

417 (e) Every person who has possession, custody, or control
418 of, or otherwise deals with, any of the materials, matters,
419 articles, or things described in this section, after the service
420 upon him or her of a summons and complaint in an action for
421 injunction brought under this subsection, is chargeable with
422 knowledge of the contents and character thereof.

423 (10) The several sheriffs and state attorneys shall
424 vigorously enforce this section within their respective
425 jurisdictions.

426 (11) This section shall not apply to the exhibition of
427 motion picture films permitted by s. 847.013.

428 (12) Prosecution of a person for an offense under this
429 section does not preclude prosecution of that person in this
430 state for a violation of any other law of this state, including
431 a law providing for greater penalties than prescribed in this
432 section or any other crime punishing the sexual performance or
433 the sexual exploitation of children.

434 Section 7. Section 847.0137, Florida Statutes, is amended
435 to read:



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436 847.0137 Transmission of pornography by electronic device
437 or equipment prohibited; penalties.—

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

439 (a) "Access credential" means any password, username,
440 token, unique link, uniform resource locator (URL), hyperlink,
441 or other data that enables a user to access a digital file or
442 other data in cloud storage.

443 (b) "Child pornography" has the same meaning as in s.
444 847.001.

445 (c) "Cloud storage" means any remote, networked, or third-
446 party provided storage service that enables a user to store,
447 host, or share a digital file or other data and to access such a
448 digital file or other data via the Internet or other network,
449 whether by direct file transfer, access credential, link, or
450 other similar means.

451 (d) "Link" means any uniform resource locator (URL),
452 hyperlink, short link, shareable link, magnet link, or other
453 string, token, or data that, when used, directs or grants a user
454 access to a digital file or other data that is stored remotely,
455 including in cloud storage.

456 (e) "Transmit" means the act of sending and causing to be
457 delivered, including the act of providing access for receiving
458 and causing to be delivered, any image, information, or data
459 over or through any medium, including the Internet or an
460 interconnected network, by use of any electronic equipment or
461 other device. The term also includes the act of providing access
462 to any image, information, or data in cloud storage by sharing,
463 publishing, or otherwise making available a link, access
464 credential, or other similar means by which another person may



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465 access, view, or obtain such image, information, or data.

466 (2) Notwithstanding ss. 847.012 and 847.0133, any person in
467 this state who knew or reasonably should have known that he or
468 she was transmitting child pornography, ~~as defined in s.~~
469 ~~847.001,~~ to another person in this state or in another
470 jurisdiction commits a felony of the second ~~third~~ degree,
471 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
472 Except as provided in subsection (7), a person 18 years of age
473 or older at the time of the offense who is convicted of a
474 violation of this subsection must be sentenced to a mandatory
475 minimum term of imprisonment of 5 years.

476 (3) Notwithstanding ss. 847.012 and 847.0133, any person in
477 any jurisdiction other than this state who knew or reasonably
478 should have known that he or she was transmitting child
479 pornography, ~~as defined in s. 847.001,~~ to any person in this
480 state commits a felony of the second ~~third~~ degree, punishable as
481 provided in s. 775.082, s. 775.083, or s. 775.084. Except as
482 provided in subsection (7), a person 18 years of age or older at
483 the time of the offense who is convicted of a violation of this
484 subsection must be sentenced to a mandatory minimum term of
485 imprisonment of 5 years.

486 (4) A person may not be prosecuted under this section for
487 providing a link, access credential, or other information, in
488 good faith, to a law enforcement agency, prosecuting authority,
489 or authorized forensic examiner for the purpose of reporting
490 suspected child pornography, cooperating with an investigation,
491 preserving evidence, or seeking lawful removal of content.

492 (5)-(4) This section shall not be construed to preclude
493 prosecution of a person in this state or another jurisdiction



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494 for a violation of any law of this state, including a law
495 providing for greater penalties than prescribed in this section,
496 for the transmission of child pornography, as defined in s.
497 847.001, to any person in this state.

498 (6) ~~(5)~~ A person is subject to prosecution in this state
499 pursuant to chapter 910 for any act or conduct proscribed by
500 this section, including a person in a jurisdiction other than
501 this state, if the act or conduct violates subsection (4) ~~(3)~~.

502 (7) A court is not required to impose a mandatory minimum
503 term of imprisonment for a violation of this section if the
504 court makes the following written findings related to the image
505 that forms the basis of the violation:

506 (a) The child depicted in the image was 14 years of age or
507 older at the time the image was created;

508 (b) The image was created with the depicted child's
509 permission;

510 (c) The offender was not more than 4 years older than the
511 depicted child at the time the image was created; and

512 (d) The offender did not transmit the image to any third
513 party.

514
515 The provisions of this section do not apply to subscription-
516 based transmissions such as list servers.

517 Section 8. Paragraphs (e), (f), and (g) of subsection (3)
518 of section 921.0022, Florida Statutes, are amended to read:

519 921.0022 Criminal Punishment Code; offense severity ranking
520 chart.—

521 (3) OFFENSE SEVERITY RANKING CHART

522 (e) LEVEL 5



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523

Florida Statute	Felony Degree	Description
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524

316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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525

316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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526

316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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527

322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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528

327.30(5)(a)2.	3rd	Vessel accidents involving personal injuries other than serious bodily injury; leaving scene.
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529



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533	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
534	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
535	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
536	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
537	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
538	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
539	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
540	790.162	2nd	Threat to throw or discharge



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destructive device.

541

790.163(1) 2nd False report of bomb,
explosive, weapon of mass
destruction, or use of firearms
in violent manner.

542

790.221(1) 2nd Possession of short-barreled
shotgun or machine gun.

543

790.23 2nd Felons in possession of
firearms, ammunition, or
electronic weapons or devices.

544

796.05(1) 2nd Live on earnings of a
prostitute; 1st offense.

545

800.04(6)(c) 3rd Lewd or lascivious conduct;
offender less than 18 years of
age.

546

800.04(7)(b) 2nd Lewd or lascivious exhibition;
offender 18 years of age or
older.

547

806.111(1) 3rd Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.



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548	810.145 (4)	3rd	Commercial digital voyeurism dissemination.
549	810.145 (7) (a)	2nd	Digital voyeurism; 2nd or subsequent offense.
550	810.145 (8) (a)	2nd	Digital voyeurism; certain minor victims.
551	812.014 (2) (d) 3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
552	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
553	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
554	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
555	812.015 (8) (g)	3rd	Retail theft; committed with specified number of other persons.



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556	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
557	812.081 (3)	2nd	Trafficking in trade secrets.
558	812.131 (2) (b)	3rd	Robbery by sudden snatching.
559	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
560	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
561	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
562	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.
563	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or



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amount of injury or fraud,
\$5,000 or more or use of
personal identification
information of 10 or more
persons.

564

817.611(2)(a) 2nd Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

565

817.625(2)(b) 2nd Second or subsequent fraudulent
use of scanning device,
skimming device, or reencoder.

566

825.1025(4) 3rd Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

567

828.12(2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

568

836.14(4) 2nd Person who willfully promotes
for financial gain a sexually
explicit image of an
identifiable person without
consent.

569



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- 570 839.13(2)(b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
- 571 843.01(1) 3rd Resist officer with violence to person; resist arrest with violence.
- 572 847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.
- 573 ~~847.0137~~ 3rd ~~Transmission of pornography by~~
~~(2) & (3)~~ ~~electronic device or equipment.~~
- 574 847.0138 3rd Transmission of material
(2) & (3) harmful to minors to a minor by electronic device or equipment.
- 575 874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
- 874.05(2)(a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.



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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.

580

893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
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581

893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
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582

893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
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583

584

585 (f) LEVEL 6

586

Florida	Felony	Description
Statute	Degree	



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587	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
588	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
589	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
590	327.30 (5) (a) 3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
591	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
592	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
593	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
594	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to



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unauthorized person.

595

775.0875(1) 3rd Taking firearm from law
enforcement officer.

596

784.021(1)(a) 3rd Aggravated assault; deadly
weapon without intent to kill.

597

784.021(1)(b) 3rd Aggravated assault; intent to
commit felony.

598

784.041 3rd Felony battery; domestic
battery by strangulation.

599

784.048(3) 3rd Aggravated stalking; credible
threat.

600

784.048(5) 3rd Aggravated stalking of person
under 16.

601

784.07(2)(c) 2nd Aggravated assault on law
enforcement officer.

602

784.074(1)(b) 2nd Aggravated assault on sexually
violent predators facility
staff.

603

784.08(2)(b) 2nd Aggravated assault on a person
65 years of age or older.



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604	784.081 (2)	2nd	Aggravated assault on specified official or employee.
605	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
606	784.083 (2)	2nd	Aggravated assault on code inspector.
607	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
608	787.025 (2) (a)	3rd	Luring or enticing a child.
609	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
610	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
611	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or



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619	810.145 (8) (b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
620	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
621	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
622	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
623	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
624	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
625	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
626	812.015 (9) (e)	2nd	Retail theft; committed with



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specified number of other
persons and use of social media
platform.

627

812.13(2)(c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

628

817.4821(5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

629

817.49(2)(b)2. 2nd Willful making of a false
report of a crime resulting in
death.

630

817.505(4)(b) 2nd Patient brokering; 10 or more
patients.

631

817.5695(3)(b) 2nd Exploitation of person 65 years
of age or older, value \$10,000
or more, but less than \$50,000.

632

825.102(1) 3rd Abuse of an elderly person or
disabled adult.

633

825.102(3)(c) 3rd Neglect of an elderly person or
disabled adult.

634

825.1025(3) 3rd Lewd or lascivious molestation



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of an elderly person or
disabled adult.

635

825.103(3)(c) 3rd Exploiting an elderly person or
disabled adult and property is
valued at less than \$10,000.

636

827.03(2)(c) 3rd Abuse of a child.

637

827.03(2)(d) 3rd Neglect of a child.

638

827.071(5) 2nd Possess, control, or
~~3rd~~ intentionally view any
photographic material, motion
picture, etc., which includes
child pornography.

639

828.126 3rd Sexual activities involving
(4), (5) & (6) animals.

~~828.126(3)~~

640

836.05 2nd Threats; extortion.

641

836.10 2nd Written or electronic threats
to kill, do bodily injury, or
conduct a mass shooting or an
act of terrorism.

642

843.12 3rd Aids or assists person to



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capital felony.

650

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.

651

944.40 2nd Escapes.

652

944.46 3rd Harboring, concealing, aiding escaped prisoners.

653

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

654

951.22(1)(i) 3rd Firearm or weapon introduced into county detention facility.

655

656

657 (g) LEVEL 7

658

Florida Statute	Felony Degree	Description
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659

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
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814272

660	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
661	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.
662	327.35 (3) (a) 3.b.	3rd	Vessel BUI resulting in serious bodily injury.
663	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
664	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
665	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
666			



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667	456.065 (2)	3rd	Practicing a health care profession without a license.
668	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
669	458.327 (1)	3rd	Practicing medicine without a license.
670	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
671	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
672	461.012 (1)	3rd	Practicing podiatric medicine without a license.
673	462.17	3rd	Practicing naturopathy without a license.
674	463.015 (1)	3rd	Practicing optometry without a license.
675	464.016 (1)	3rd	Practicing nursing without a license.



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676	465.015 (2)	3rd	Practicing pharmacy without a license.
677	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
678	467.201	3rd	Practicing midwifery without a license.
679	468.366	3rd	Delivering respiratory care services without a license.
680	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
681	483.901 (7)	3rd	Practicing medical physics without a license.
682	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
683	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and



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there were five or more
victims.

684

560.123(8)(b)1. 3rd Failure to report currency or
payment instruments exceeding
\$300 but less than \$20,000 by a
money services business.

685

560.125(5)(a) 3rd Money services business by
unauthorized person, currency
or payment instruments
exceeding \$300 but less than
\$20,000.

686

655.50(10)(b)1. 3rd Failure to report financial
transactions exceeding \$300 but
less than \$20,000 by financial
institution.

687

775.21(10)(a) 3rd Sexual predator; failure to
register; failure to renew
driver license or
identification card; other
registration violations.

688

775.21(10)(b) 3rd Sexual predator working where
children regularly congregate.

689

775.21(10)(g) 3rd Failure to report or providing



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false information about a
sexual predator; harbor or
conceal a sexual predator.

690

782.051(3)

2nd

Attempted felony murder of a
person by a person other than
the perpetrator or the
perpetrator of an attempted
felony.

691

782.07(1)

2nd

Killing of a human being by the
act, procurement, or culpable
negligence of another
(manslaughter).

692

782.071

2nd

Killing of a human being or
unborn child by the operation
of a motor vehicle in a
reckless manner (vehicular
homicide).

693

782.072

2nd

Killing of a human being by the
operation of a vessel in a
reckless manner (vessel
homicide).

694

784.045(1)(a)1.

2nd

Aggravated battery;
intentionally causing great
bodily harm or disfigurement.



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695	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
696	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
697	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
698	784.048 (7)	3rd	Aggravated stalking; violation of court order.
699	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
700	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
701	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
702	784.081 (1)	1st	Aggravated battery on specified official or employee.
703	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.



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704	784.083(1)	1st	Aggravated battery on code inspector.
705	787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
706	787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
707	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
708	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 within the state.
709	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
710	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
711	790.165(2)	2nd	Manufacture, sell, possess, or



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prostitute; 2nd offense.

718

796.05(1) 1st Live on earnings of a prostitute; 3rd and subsequent offense.

719

800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.

720

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.

721

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.

722

806.01(2) 2nd Maliciously damage structure by fire or explosive.

723

810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.



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724	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
725	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
726	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
727	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.
728	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
729	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
730	812.014 (2) (b) 4.	2nd	Property stolen, law



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enforcement equipment from
authorized emergency vehicle.

731

812.014(2)(g) 2nd Grand theft; second degree;
firearm with previous
conviction of s.
812.014(2)(c)5.

732

812.0145(2)(a) 1st Theft from person 65 years of
age or older; \$50,000 or more.

733

812.019(2) 1st Stolen property; initiates,
organizes, plans, etc., the
theft of property and traffics
in stolen property.

734

812.131(2)(a) 2nd Robbery by sudden snatching.

735

812.133(2)(b) 1st Carjacking; no firearm, deadly
weapon, or other weapon.

736

817.034(4)(a)1. 1st Communications fraud, value
greater than \$50,000.

737

817.234(8)(a) 2nd Solicitation of motor vehicle
accident victims with intent to
defraud.

738

817.234(9) 2nd Organizing, planning, or



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participating in an intentional
motor vehicle collision.

739

817.234(11)(c) 1st Insurance fraud; property value
\$100,000 or more.

740

817.2341 1st Making false entries of
(2)(b) & material fact or false
(3)(b) statements regarding property
values relating to the solvency
of an insuring entity which are
a significant cause of the
insolvency of that entity.

741

817.418(2)(a) 3rd Offering for sale or
advertising personal protective
equipment with intent to
defraud.

742

817.504(1)(a) 3rd Offering or advertising a
vaccine with intent to defraud.

743

817.535(2)(a) 3rd Filing false lien or other
unauthorized document.

744

817.611(2)(b) 2nd Traffic in or possess 15 to 49
counterfeit credit cards or
related documents.

745



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746	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
747	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.
748	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
749	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
750	827.071 (3) 827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or Promote or direct <u>sexual</u> such performance <u>by a child</u> .
751	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
	<u>828.126</u>	<u>2nd</u>	<u>Sexual activities involving</u>



814272

(2) & (3)

animals.

752

837.05(2) 3rd Giving false information about
alleged capital felony to a law
enforcement officer.

753

838.015 2nd Bribery.

754

838.016 2nd Unlawful compensation or reward
for official behavior.

755

838.021(3)(a) 2nd Unlawful harm to a public
servant.

756

838.22 2nd Bid tampering.

757

843.0855(2) 3rd Impersonation of a public
officer or employee.

758

843.0855(3) 3rd Unlawful simulation of legal
process.

759

843.0855(4) 3rd Intimidation of a public
officer or employee.

760

847.0135(3) 3rd Solicitation of a child, via a
computer service, to commit an
unlawful sex act.

761



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- 762 847.0135(4) 2nd Traveling to meet a minor to
commit an unlawful sex act.
- 763 872.06 2nd Abuse of a dead human body.
- 764 874.05(2)(b) 1st Encouraging or recruiting
person under 13 to join a
criminal gang; second or
subsequent offense.
- 765 874.10 1st,PBL Knowingly initiates, organizes,
plans, finances, directs,
manages, or supervises criminal
gang-related activity.
- 766 893.13(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.
- 893.13(1)(e)1. 1st Sell, manufacture, or deliver
cocaine or other drug



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prohibited under s.

893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.,
within 1,000 feet of property
used for religious services or
a specified business site.

767

893.13(4)(a) 1st Use or hire of minor; deliver
to minor other controlled
substance.

768

893.135(1)(a)1. 1st Trafficking in cannabis, more
than 25 lbs., less than 2,000
lbs.

769

893.135 1st Trafficking in cocaine, more
(1)(b)1.a. than 28 grams, less than 200
grams.

770

893.135 1st Trafficking in illegal drugs,
(1)(c)1.a. more than 4 grams, less than 14
grams.

771

893.135 1st Trafficking in hydrocodone, 28
(1)(c)2.a. grams or more, less than 50
grams.

772

893.135 1st Trafficking in hydrocodone, 50
(1)(c)2.b. grams or more, less than 100



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780	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
781	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
782	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
783	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
784	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
785	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
786	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.



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787	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
788	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
789	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
790	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
791	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
792	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.



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793

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

794

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

795

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

796

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

797

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

798

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.



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799

985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

800

985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

801

802

803 Section 9. This act shall take effect July 1, 2026.

804

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

806 And the title is amended as follows:

807 Delete everything before the enacting clause

808 and insert:

809 A bill to be entitled

810 An act relating to sexual offenses; amending s.

811 775.0847, F.S.; revising a criteria related to the

812 reclassification of specified offenses; amending s.

813 794.0116, F.S.; revising mandatory minimum sentences

814 for certain sexual offenses by persons previously

815 convicted of sexual offenses; amending s. 827.071,

816 F.S.; increasing the criminal penalties for a person

817 who is guilty of the use of a child in a sexual

818 performance under certain circumstances; requiring



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819 mandatory minimum sentences for certain offenses when
820 committed by specified offenders; prohibiting a person
821 from employing, authorizing, or inducing a child
822 younger than 12 years of age to engage in a sexual
823 performance; providing criminal penalties; requiring a
824 mandatory minimum sentence for a person who is guilty
825 of promoting a sexual performance by a child under
826 certain circumstances; increasing the criminal
827 penalties for knowingly soliciting, possessing,
828 controlling, or intentionally viewing certain
829 materials that include child pornography; providing
830 applicability of specified mandatory minimum
831 sentences; amending s. 827.072, F.S.; defining the
832 term "transmit"; providing criminal penalties for a
833 person transmitting child pornography to another
834 person; providing criminal penalties; increasing the
835 criminal penalties for intentionally creating
836 generated child pornography; amending s. 828.126,
837 F.S.; revising criminal penalties for certain sexual
838 activities involving animals; requiring a certain
839 court order to be effective for a certain number of
840 years; amending s. 847.011, F.S.; providing that
841 prosecution of a person for certain acts in connection
842 with obscene, lewd, etc., materials does not preclude
843 prosecution of that person for other specified
844 offenses; amending s. 847.0137, F.S.; defining terms;
845 increasing the criminal penalties for transmitting
846 child pornography; requiring mandatory minimum
847 sentences for certain offenses when committed by



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848 specified offenders; prohibiting prosecution under
849 certain circumstances; providing applicability of
850 specified mandatory minimum sentences; amending s.
851 921.0022, F.S.; ranking offenses on the offense
852 severity ranking chart of the Criminal Punishment
853 Code; providing an effective date.

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 1750

INTRODUCER: Senator Martin

SUBJECT: Criminal Sexual Conduct

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Favorable</u>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1750 amends multiple Florida laws 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 may have a positive significant fiscal impact on the Department of Corrections. 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 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 five.
 - Sadoomasochistic 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 the 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 “sadoomasochistic 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 *twenty*, rather than *ten* 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 five.
 - 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 five 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 five 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 five years after the date of the conviction. Current law provides that such an order is effective for up to five 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 Art. VII, s. 18 of the State Constitution.

⁸⁴ Section 828.126(2), (3), F.S.

⁸⁵ Section 828.126(4), (5), (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 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 an overall positive significant impact on Department of Corrections (DOC) prison beds (an increase of 25 or more beds). The EDR provides the following additional information regarding its estimate:

- Amending s. 775.847, F.S., regarding reclassifying a violation of s. 827.071, F.S., s. 847.0135, F.S., s. 847.0137, F.S., or s. 847.0138, F.S., to the next higher degree, increasing the ten or more images of any form of child pornography regardless of content to 20 or more images, as well as deleting the “and” after this number of images and adding “or” for the list of specific content for these images may have a positive indeterminate impact on the DOC prison beds.
- Amending s. 794.0116, F.S., changing specific mandatory minimums for certain sexual offenses committed by those persons previously convicted of a list of prior

sexual offenses would not have an impact on DOC prison beds within the forecast window.

- Amending s. 827.071, F.S., by changing the definition of “child” and providing felony increases and the addition of mandatory minimum sentences may have a positive significant impact on DOC prison beds (an increase of 25 or more beds).
- Amending s. 827.072, F.S., to increase a third degree felony to a second degree felony for a person who intentionally creates generated child pornography and adding a minimum mandatory sentence of five years may have a positive insignificant impact on DOC prison beds (an increase of ten or fewer beds).
- Amending s. 828.126, F.S., to remove the third degree felony for multiple different acts involving sexual activities with animals and creating felonies for each specific act as well as increasing the penalties for other related acts may have a positive insignificant impact on DOC prison beds (an increase of ten or fewer beds).
- Amending s. 847.0137, F.S., increasing penalties and providing five year minimum mandatory sentences regarding the transmitting, distributing, posting, sharing, and granting access to cloud storage by a person who knew or reasonably should have known contains child pornography or generated child pornography may have a positive indeterminate impact on DOC prison beds.⁸⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.0847, 794.0116, 827.071, 827.072, 828.126, 847.011, 847.0137, 775.15, 794.0115, and 921.0022.

This bill repeals section 800.02 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.

⁸⁷ Office of Economic and Demographic Research, *SB 1750 Criminal Sexual Conduct* (on file with the Senate Appropriations Committee on Criminal and Civil Justice)

By Senator Yarborough

4-02252-26

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A bill to be entitled

An act relating to public records; amending s. 539.003, F.S.; expanding the exemption from public records requirements for records relating to pawnbroker transactions to include those records delivered to the Department of Law Enforcement; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 539.003, Florida Statutes, is amended to read:

539.003 Confidentiality.—

(1) All records relating to pawnbroker transactions delivered to appropriate law enforcement officials and the Department of Law Enforcement pursuant to s. 539.001 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for official law enforcement purposes. This section does not prohibit the disclosure by the appropriate law enforcement officials or the Department of Law Enforcement of the name and address of the pawnbroker, the name and address of the conveying customer, or a description of pawned property to the alleged owner of pawned property.

(2) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal

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through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the records relating to pawnbroker transactions which are delivered to the Department of Law Enforcement be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Such records contain sensitive personal identifying information from pawn transactions, such as the pledgor's or seller's name, address, telephone number, birth date, physical description, and right thumbprint. Access to such sensitive information would expose pledgors and sellers to increased risks of identity theft. The Legislature finds that expanding the public records exemption to include records of pawnbroker transactions delivered to the Department of Law Enforcement helps ensure uniformity with the current exemption when such records are delivered to other law enforcement officials and protects the effective administration of statewide data sharing of secondhand dealer transactions. The Legislature further finds that the harm that may result from the release of such personal identifying information outweighs any public benefit that may be derived from the disclosure of the information.

Section 3. This act shall take effect on the same date that SB 1582 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

Page 2 of 2

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1792

INTRODUCER: Senator Yarborough

SUBJECT: Public Records/Pawnbroker Transactions

DATE: February 11, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kolich	Harkness	ACJ	Pre-meeting
2.			FP	

I. Summary:

SB 1792, which is linked to SB 1582, creates a public records exemption for all records relating to pawnbroker transactions delivered to the Department of Law Enforcement. The exemption does not prohibit the Department of Law Enforcement from releasing the name and address of the pawnbroker, the name and address of the conveying customer, or a description of pawned property to the alleged owner of the pawn property.

The bill provides that this information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and saved from repeal by the Legislature.

The bill contains a statement of public necessity, as required by the Florida Constitution.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill provides the effective date is the same date that SB 1582, or similar legislation, if adopted, takes effect. CS/SB 1582 provides an effective date of July 1, 2026.

II. Present Situation:

A Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business

¹ FLA. CONST., art. I, s. 24(a).

of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person who acts on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that:

It is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted. Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.⁶

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Public Records Act contains general exemptions that apply across agencies. Agency or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program. Only the Legislature may create an exemption to public records

² *Id.*

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

requirements.¹⁰ An exemption must be created by general law and must specifically state the public necessity which justifies the exemption.¹¹ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill that enacts an exemption may not contain other substantive provisions¹² and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹⁴ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁵ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁶

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁷ with specified exceptions.¹⁸ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁹ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption, and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *Id.*

¹² The bill may, however, contain multiple exemptions that relate to one subject.

¹³ FLA. CONST., art. I, s. 24(c).

¹⁴ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁵ *Id.*

¹⁶ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or

- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

Pawnbroker Transaction Forms

When a pawnbroker enters into any pawn or purchase transaction, the pawnbroker must complete a pawnbroker transaction form, indicating whether the transaction is a pawn or a purchase. The pledgor²⁷ or seller must sign the completed form. The pawnbroker must record the following identifying information on the front of the form, which must be typed or written indelibly and legibly in English:

- The name and address of the pawnshop.
- A complete and accurate description of the pledged goods or purchased goods including certain identifying information.
- The name, address, home, telephone number, place of employment, date of birth, physical description, and right thumbprint of the pledgor or seller.
- The date and time of the transaction.
- The type of identification accepted from the pledgor or seller, including the issuing agency and the identification number.
- In the case of a pawn:
 - The amount of money advanced, which must be designated as the amount financed.
 - The maturity date of the pawn, which must be 30 days after the date of the pawn.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specific questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ FLA. CONST. art. I, s. 24(c).

²⁶ Section 119.15(7), F.S.

²⁷ A "pledgor" is the person who delivers pledged goods into the possession of a pawnbroker in connection with a pawn. Section 539.001(2)(p), F.S.

- The default date of the pawn and the amount due on the default date.
- The total pawn service charge payable on the maturity date, which must be designated as the finance charge.
- The amount financed plus the finance charge that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments.
- The annual percentage rate.
- The front or back of the pawnbroker transaction form must include certain information specific to pawns.
- In the case of a purchase, the amount of money paid for the goods or the monetary value assigned to the goods in connection with the transaction.
- A statement that the pledgor or seller of the item represents and warrants that it is not stolen, that it has no liens or encumbrances against it, and that the pledgor or seller is the rightful owner of the goods and has the right to enter into the transaction.²⁸

Pawnbroker Transaction Form Recordkeeping

A pawnbroker must provide a pledgor or seller with a copy of a pawnbroker transaction form at the time of the pawn or sale.²⁹ Pawnbroker transaction forms must be kept on the pawnshop's premises for at least one year after the transaction's date.³⁰

Before the end of each business day, a pawnbroker must deliver the original pawnbroker transaction forms to the appropriate official³¹ for the local law enforcement agency for all of the transactions during the previous business day unless other arrangements have been agreed upon by the pawnbroker and the appropriate law enforcement agency.³²

In lieu of physically delivering the original pawnbroker transaction forms, a local law enforcement agency may supply software to a pawnbroker so the pawnbroker may electronically transfer the transaction forms to the law enforcement agency. If a pawnbroker does not have a computer to use such software, the law enforcement agency may provide a computer to the pawnbroker.³³

All records relating to pawnbroker transactions delivered to appropriate law enforcement officials pursuant to s. 539.001, F.S., are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution and may be used only for official law enforcement purposes. Law enforcement officials are not prohibited from disclosing the name and address of the pawnbroker, the name and address of the conveying customer, or a description of pawned property to the alleged owner of pawned property.³⁴

²⁸ Section 539.001(8)(b), F.S.

²⁹ Section 539.001(8), F.S.

³⁰ Section 539.001(9), F.S.

³¹ The appropriate law enforcement official is the sheriff of the county in which a pawnshop is located or, in case of a pawnshop located within a municipality, the police chief of the municipality in which the pawnshop is located. Any sheriff or police chief may designate any law enforcement officer working within the county or municipality as the appropriate law enforcement official. Section 539.001(1)(b), F.S.

³² *Id.*

³³ *Id.*

³⁴ Section 539.003, F.S.

III. Effect of Proposed Changes:

CS/SB 1582 amends ss. 538.04, 538.19, 538.32, and 539.001, F.S., to require all secondhand dealers, secondary metals recyclers, mail-in secondhand precious metals dealers, and pawnbrokers to provide certain recordkeeping and transaction information to the Florida Department of Law Enforcement (FDLE) for the purpose of statewide data sharing.

Section 1 of this bill provides that all records relating to pawnbroker transactions delivered to the Department of Law Enforcement are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The exemption does not prohibit the Department of Law Enforcement from releasing the name and address of the pawnbroker, the name and address of the conveying customer, or a description of pawned property to the alleged owner of the pawn property.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and saved from repeal by the Legislature.

Section 2 provides a public necessity statement, which is required by the Florida Constitution. The bill states that the public records exemption is necessary because the records contain sensitive personal identifying information from pawn transactions. Access to such sensitive information would expose pledgors and sellers to increased risks of identity theft.

Section 3 provides that the bill takes effect on the same date that SB 1582 or similar legislation takes effect, if adopted in the same legislative session or an extension thereof and becomes a law. SB 1582 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records or open meetings requirements. This bill creates a public records exemption; therefore, it requires a two-thirds vote.

Public Necessity Statement

Article I, section 24(a) of the State Constitution and Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records or open meetings requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill includes a public necessity statement for the exemptions. The bill states that the public records exemption is necessary because the records contain sensitive personal identifying information from pawn transactions. Access to such sensitive information would expose pledgors and sellers to increased risks of identity theft.

Breadth of Exemption

Article I, section 24(c), of the State Constitution requires exemptions to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the bill is to protect the personal identifying information from pawn transactions. The exemption does not appear to be broader than necessary to accomplish its purpose.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 539.003 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.
