Committee on Criminal Justice

CS/CS/HB 67 — Protection of Specified Personnel

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Gottlieb and others (CS/CS/SB 174 by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senators Polsky and Torres)

The bill amends s. 836.12, F.S., to add justice, judicial assistant, clerk of court, clerk personnel, and a family member of any of these officials or professionals, to the list of persons protected from threats of serious bodily harm or death under s. 836.12(2), F.S. The bill also requires a violation of s. 836.12(2), F.S., to be committed "knowingly and willfully."

The bill creates a new first degree misdemeanor offense in s. 836.12(3), F.S., to prohibit a person from knowingly and willfully harassing a law enforcement officer, a state attorney, an assistant state attorney, a firefighter, a judge, a justice, a judicial assistant, a clerk of court, clerk personnel, or an elected official, with the intent to intimidate or coerce such a person to perform or refrain from performing a lawful duty.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 34-0; House 114-0

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Committee on Criminal Justice

CS/HB 95 — Rights of Law Enforcement Officers and Correctional Officers

by Judiciary Committee and Reps. Duggan, Plasencia, and others (CS/CS/SB 618 by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Yarborough)

The bill addresses a "Brady identification system," which the bill defines in s. 112.531, F.S., as a list or identification, in whatever form, of the name or names of law enforcement officers or correctional officers (officers) about whom a "prosecuting agency" (defined in s. 112.531, F.S.) is in possession of impeachment evidence as defined by decision, statute, or rule. This system is intended to address *Brady v. Maryland*, 373 U.S. 83 (1963), which involves disclosure to the defense of exculpatory evidence, and cases after *Brady*.

The bill amends s. 112.532, F.S., to prohibit the officer's employing agency from discharging or taking any disciplinary action against the officer solely as a result of a prosecuting agency determining that the officer's name and identification should be included in a Brady identification system. However, the employing agency may discharge or take any disciplinary action against the officer based on the underlying actions of the officer which resulted in the officer's name being included in a Brady identification system. If a collective bargaining agreement applies, the actions taken by the officer's employing agency must conform to the rules and procedures adopted by the collective bargaining agreement.

The bill creates s. 112.536, F.S., which specifies that a prosecuting agency is not required to maintain a Brady identification system. A prosecuting agency may determine that its obligations under *Brady* are better fulfilled through any such procedures that agency otherwise chooses to utilize.

The officer's employing agency shall forward all sustained and finalized internal affairs complaints relevant to impeachment to the prosecuting agency in the circuit where the employing agency is located to assist the prosecuting agency in complying with *Brady* obligations. The employing agency must also notify the officer of these complaints.

A prosecuting agency that maintains a Brady identification system must adopt written policies that, at a minimum, require the following rights:

- With some specified exceptions, receiving written notice, by mail or e-mail, to the officer's current or last known employing agency before or contemporaneously with the officer's name and information being included in a Brady identification system.
- Requesting reconsideration of the officer's inclusion in such system and submitting supporting documents and evidence.

The bill contains procedural requirements when an officer is removed from a Brady identification system and authorizes the officer to petition the court for a writ of mandamus to compel the prosecuting agency to comply with requirements of the bill. It also limits the scope of review to the procedural requirements set forth in the bill.

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Finally, the bill specifies that these rights and requirements do not:

- Require a prosecuting agency to give notice to or provide an opportunity for review and input from the officer if the information in a Brady identification system is a criminal conviction that may be used for impeachment or a sustained and finalized internal affairs complaint that may be used for impeachment;
- Limit the duty of a prosecuting agency to produce Brady evidence in all cases as required by law;
- Limit or restrict a prosecuting agency's ability to remove the name and information of an officer from the system if inclusion is no longer proper for identification; or
- Create a private cause of action against a prosecuting agency or its employees, other than the described writ of mandamus.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 93-17

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Committee on Criminal Justice

HB 119 — Visiting County and Municipal Detention Facilities

by Rep. Benjamin and others (CS/SB 1510 by Criminal Justice Committee and Senator Pizzo)

The bill creates s. 951.225, F.S., to authorize the following individuals who are elected or appointed to serve the county or municipality in which the county or municipal detention facility is located, to visit such detention facilities at their pleasure:

- Members of the governing body of the county or municipality.
- Members of the Legislature.
- State court judges.
- The state attorney.
- The public defender.
- The regional counsel.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 110-0

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Committee on Criminal Justice

CS/SB 164 — Controlled Substance Testing

by Rules Committee and Senators Polsky, Berman, and Book

The bill amends. s. 893.145, F.S., the drug paraphernalia statute, to exclude from the definition of "drug paraphernalia" narcotic-drug-testing products that are used solely to determine whether a controlled substance contains fentanyl, fentanyl-related compounds, derivatives, and analogs, and mixtures containing any of these substances. This exclusion does not apply to a narcotic-drug-testing product that can measure or determine the quantity, weight, or potency of a controlled substance.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

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Committee on Criminal Justice

CS/SB 232 — Exploitation of Vulnerable Persons

by Criminal Justice Committee and Senator Garcia

The bill creates s. 817.5695, F.S., which punishes exploitation of a person 65 years of age or older by:

- Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use, through deception or intimidation, the property of a person 65 years of age or older with the intent to temporarily or permanently:
  - Deprive that person of the use, benefit, or possession of the property; or
  - Benefit someone other than the property owner;
- Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use, through deception or intimidation, the property of a person 65 years of age or older through the intentional modification, alteration, or fraudulent creation of a plan of distribution or disbursement expressed in a will, trust instrument, or other testamentary devise of the person 65 years of age or older; or
- Depriving, endeavoring to deprive, or conspiring with another to deprive, with the intent to defraud and by means of bribery or kickbacks, a person 65 years of age or older of his or her intangible right to honest services provided by an individual who has a legal or fiduciary relationship with such person.

The bill defines "bribe," "deception," "endeavor," "fiduciary relationship," "intimidation," "kickback," "obtains or uses," "property," "services," and "value."

The bill specifies the felony degree of violations based on value of property, etc., involved in the exploitation and amends s. 921.0022, F.S., to rank the felonies in the Criminal Punishment Code offense severity level ranking chart. If the funds, assets, or property involved in the exploitation are valued at:

- $50,000 or more, the offender commits a level 7 first degree felony.
- $10,000 or more, but less than $50,000, the offender commits a level 6 second degree felony.
- Less than $10,000, the offender commits a level 4 third degree felony.

It does not constitute a defense to a prosecution for any violation of this section that the accused did not know the victim's age.

In a criminal action resulting from a violation of s. 817.5695, F.S., the state may move the court to advance a trial on the court's docket. The presiding judge, after consideration of the age and health of the victim, may advance the trial on the docket. The motion may be filed and served with the information of charges at any time thereafter.

A person 65 years of age or older who is in imminent danger of being exploited may petition for an injunction for protection under s. 825.1035, F.S., which currently applies to a vulnerable adult in imminent danger of being "exploited" (i.e., subject to exploitation as defined in s. 825.103(1),

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F.S.). A violation of such injunction shall be handled in the same manner, and such violation shall have the same penalties, as provided in s. 825.1036, F.S.

Conforming changes are made to ss. 825.1035 and 825.1036, F.S., to provide additional guidance as used in those sections, and in addition to the definitions provided in ch. 825, F.S., exploitation of a vulnerable adult includes a person 65 years of age or older who is or may be subject to exploitation as described in s. 817.5695, F.S., (exploitation of a person 65 years or older).

Finally, the bill amends s. 775.15, F.S., to provide that if the 5-year time period under s. 775.15(10)(a), F.S., for prosecution of a felony violation of s. 817.5695, F.S., s. 825.102, F.S., (abuse of an elderly person or disabled adult), or s. 825.103, F.S., (exploitation of an elderly person or disabled adult), has expired, a prosecution may nevertheless be commenced for any offense, a material element of which is either fraud or a breach of fiduciary obligation, within 5 years after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is not a party to the offense. This change will provide additional time for prosecution of elder abuse and exploitation.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 38-0; House 115-0

CS/CS/HB 269 — Public Nuisances

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Caruso, Fine, and others (CS/SB 994 by Criminal Justice Committee and Senators Calatayud, Perry, Gruters, Rodriguez, and Avila)

The bill (Chapter 2023-24, L.O.F.) amends s. 403.413, F.S., to provide that it is first degree misdemeanor to intentionally dump litter onto private property for the purpose of intimidating or threatening the owner, resident, or invitee of such property. However, if such litter contains a credible threat, the violation is a third degree felony.

A "credible threat" has the same meaning as in s. 784.048(1), F.S., which defines the term as a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat.

The bill also creates s. 784.0493, F.S., which provides that it is a first degree misdemeanor to willfully and maliciously harass or intimidate another person based on the person's wearing or displaying of any indicia relating to any religious or ethnic heritage. However, if the violator, in the course of committing the violation, makes a credible threat to the person who is the subject of the harassment or intimidation, the violation is a third degree felony. The bill defines the term "harass."

The bill also amends s. 806.13, F.S., to provide that it is a first degree misdemeanor to knowingly and intentionally display or project, using any medium, an image onto a building, structure, or other property without the written consent of the owner of the building, structure, or property. However, if the image contains a credible threat, the violation is a third degree felony. The bill defines the term "image."

The bill also creates s. 810.098, F.S., which provides that it is a first degree misdemeanor for a person, without being authorized, licensed, or invited to willfully enter the campus of a state university or Florida College System institution for the purpose of threatening or intimidating another person, and is warned by the state university or Florida College System institution to depart and refuses to do so. The bill defines the terms "Florida College System institution" and "state university."

The bill also amends s. 871.01(1), F.S., relating to willfully disturbing a school or assembly of people met for worship of God or any other lawful purpose to:

- Require that a violation of s. 871.01(1), F.S., be both willful and malicious;

- Prohibit a person from willfully and maliciously interrupting or disturbing any school or assembly of people met for the worship of God, any assembly met for the purpose of acknowledging the death of an individual, or any other lawful purpose;
- Increase the penalty for a violation of s. 871.01(1), F.S., from a second degree misdemeanor to a first degree misdemeanor; and
- Provide that a violation of s. 871.01(1), F.S., is a third degree felony if the violator in committing the violation makes a credible threat.

Finally, the bill requires that a violation of any provision of the bill that is reclassified under s. 775.085, F.S., be reported as a hate crime for the purposes of the reporting requirements of s. 877.91, F.S.

These provisions became law upon approval by the Governor on May 1, 2023.
Vote: Senate 40-0; House 112-0

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Committee on Criminal Justice

CS/CS/SB 306 — Catalytic Converters

by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senators Boyd, Hooper, and Stewart

The bill creates s. 860.142, F.S., the "Catalytic Converter Antitheft Act." The bill addresses tampering with and theft of a catalytic converter, a device the bill defines as an emission control device that is designed to be installed and operate in a motor vehicle to convert toxic gases and pollutants in the motor vehicle's exhaust system into less toxic substances via chemical reaction.

The bill provides that a person may not knowingly purchase a detached catalytic converter unless he or she is a registered secondary metals recycler.

The bill requires a registered secondary metals recycler who purchases a detached catalytic converter to comply with recordkeeping requirements and other requirements relevant to the recycler. The recycler is subject to first degree misdemeanor, third degree felony, or second degree felony penalties for noncompliance, depending on the requirement or number of violations.

The bill provides that it is a third degree felony for a person to knowingly possess, purchase, sell, or install a:

- Stolen catalytic converter;
- Catalytic converter that has been removed from a stolen motor vehicle;
- New or detached catalytic converter from which the manufacturer's part identification number, aftermarket identification number, or owner-applied number has been removed, altered, or defaced; or
- Detached catalytic converter without proof of ownership, unless the person is a registered secondary metals recycler, a salvage motor vehicle dealer, or meets criteria for exemption.

The bill provides that proof that a person was in possession of two or more detached catalytic converters, unless satisfactorily explained, gives rise to an inference that the person in possession of the catalytic converters knew or should have known that the catalytic converters may have been stolen or fraudulently obtained.

The bill also creates s. 860.142, F.S., which provides that it is a second degree felony for a person to knowingly import, manufacture, purchase for the purpose of reselling or installing, sell, offer for sale, or install, or reinstall in a motor vehicle a counterfeit catalytic converter, fake catalytic converter, or nonfunctional catalytic converter. The bill defines these terms.

The bill also amends s. 538.26, F.S., to prohibit a secondary metals recycler from processing or removing from the recycler's place of business a detached catalytic converter the recycler has purchased for a period of 10 business days after the date of purchase. This prohibition does not

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apply to a purchase from another secondary metals recycler, a salvage motor vehicle dealer, or an exempt person or entity.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 105-2

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Committee on Criminal Justice

CS/HB 319 — Interference With Sporting or Entertainment Events

by Criminal Justice Subcommittee and Rep. Yarkosky and others (CS/SB 764 by Criminal Justice Committee and Senator Simon)

The bill creates s. 871.05, F.S., to prohibit certain conduct at a sporting or entertainment event. The bill defines:

- "Covered event" to mean an athletic competition or practice, including one conducted in a public venue or a live artistic, theatrical, or other entertainment performance event. The duration of such event includes the period from the time when a venue is held open to the public for such an event until the end of the athletic competition or performance event.
- "Covered participant" to mean an umpire, officiating crewmember, player, coach, manager, groundskeeper, or any artistic, theatrical, or other performer or sanctioned participant in the covered event. The term includes event operations and security employees working at a covered event.
- "Restricted area" to mean any area designated for use by players, coaches, officials, performers, or other personnel administering a covered event that is on, or adjacent to, the area or performance.

Specifically, a person may not:

- Intentionally touch or strike a covered participant during a covered event against the will of the covered participant, or intentionally cause bodily harm to a covered participant during a covered event; or
- Willfully enter or remain in a restricted area during a covered event without being authorized, licensed, or invited to enter or remain in such a restricted area.

A person who violates this section commits a first degree misdemeanor, punishable as provided in s. 775.082, F.S., or by a fine of not more than $2,500.

A person who solicits another person to violate this section by offering money or any other thing of value to another to engage in specific conduct that constitutes such a violation, commits a third degree felony.

A person convicted of a violation of this section may not realize any profit or benefit, directly or indirectly, from committing such a violation. Any profit or benefit payable to or accruing to a person convicted of a violation of this section is subject to seizure and forfeiture as provided in the Florida Contraband Forfeiture Act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 109-3.

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Committee on Criminal Justice

CS/HB 329 — Electronic Monitoring of Persons Charged with or Convicted of Offenses Involving Schools or Students

by Criminal Justice Subcommittee and Rep. Maggard and others (CS/SB 496 by Criminal Justice Committee and Senator Burgess)

The bill amends s. 907.041, F.S., to provide that when a person is charged with a specified offense alleged to have been committed at or against a school or against a student while he or she is at school, the court must consider whether the pretrial release conditions of electronic monitoring and a prohibition from being within 1,000 feet of any school are appropriate to protect the community from risk of physical harm to persons.

The bill creates s. 948.301, F.S., to provide that when a person placed on probation or community control for a specified offense alleged to have been committed at or against a school or against a student while he or she is at school, the court must consider whether the conditions of electronic monitoring and a prohibition from being within 1,000 feet of any school are appropriate to protect the community from risk of physical harm to persons. This section applies for any probationer or community controllee whose crime was committed on or after October 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 37-0; House 112-0

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Committee on Criminal Justice

CS/CS/HB 365 — Controlled Substances

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Plakon and others
(CS/CS/CS/SB 280 by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Brodeur)

The bill amends s. 782.04, F.S., to revise the causation requirement for the first degree murder offense relating to death from unlawful distribution by a person 18 years of age of a specified controlled substance or mixture. As revised, the unlawful distribution occurs when the specified controlled substance is proven to have caused, or is proven to have been a substantial factor in producing, the death of the user. The bill defines "substantial factor" as the use of the substance or mixture alone is sufficient to cause death, regardless of whether any other substance or mixture used is also sufficient to cause death. The "substantial factor" test replaces the "proximate cause" test which required that the controlled substance be the proximate cause of the death of the user.

A person commits third degree murder if he or she unlawfully kills a human being, without any design to effect death, while perpetrating or attempting to perpetrate any felony other than a felony listed in s. 782.04(4), F.S. The unlawful distribution offense previously described is listed in this subsection. The bill makes conforming changes to the description of the offense. As such, a person who causes another's death by distributing one of these controlled substances cannot be prosecuted for third degree murder because he or she can already be prosecuted for first degree murder.

The bill creates s. 893.131, F.S., to make it a second degree felony or a first degree felony (second or subsequent offense) for an adult to unlawfully distribute heroin, fentanyl, a specified fentanyl-related substance, an analog of any of these substances, or mixture containing any of these substances or its analog, when such substance or mixture is proven to have caused or been a substantial factor in causing the overdose or serious bodily injury of the user. The bill defines "distribute," "overdose or serious bodily injury," and other relevant terms. The bill also amends s. 932.0022, F.S., to rank the second degree felony in level 6 of the Criminal Punishment Code offense severity ranking chart.

Section 893.131, F.S., also does the following:

- Provides that the administration of medical care by an emergency responder, including, but not limited to, a law enforcement officer, a paramedic, or an emergency medical technician is prima facie evidence that the person receiving medical care experienced an overdose or serious bodily injury.
- Provides that a person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or drug-related overdose and receives medical assistance, or a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or drug-related overdose, is afforded the protections provided under s. 893.21, F.S., which, currently provides that a

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person seeking such medical assistance may not be arrested, charged, prosecuted, or penalized for drug possession or use or possession of drug paraphernalia.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 31-6; House 85-28

Committee on Criminal Justice

CS/CS/SB 376 — Automatic Sealing of Criminal History Records and Making Confidential and Exempt Related Court Records

by Rules Committee; Criminal Justice Committee; and Senators Burgess and Perry

The bill amends s. 943.0595, F.S., to provide that a criminal history record is eligible for automatic sealing when an indictment, information, or other charging document was dismissed *as to all counts*, or a not guilty verdict or judgment of acquittal was rendered *as to all counts*.

Additionally, the bill requires the Florida Department of Law Enforcement, to notify the clerk upon the sealing of a criminal history record. Upon such notification the clerk must automatically keep the related court record in the case giving rise to the department's sealing of the criminal history record confidential and exempt from s. 119.071(1), F.S., and Art. I, s. 24(a), State Constitution.

Making such a criminal history record confidential and exempt has the same effect and the clerk of the court may disclose such a record in the same manner as a record sealed under s. 943.059, F.S.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-1

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Committee on Criminal Justice

CS/SB 384 — Violent Offenses Committed Against Criminal Defense Attorneys

by Criminal Justice Committee and Senators Bradley and Martin

The bill amends s. 775.0823, F.S., to provide for enhanced punishment for certain violent offenses committed against a public defender or a regional counsel acting in his or her capacity as defense counsel or against a court-appointed counsel or a defense attorney in a criminal proceeding acting in his or her capacity as defense counsel.

These professionals are added to a list of criminal justice professionals in s. 775.0823, F.S. The following sentence point multiplier in s. 921.0024(1)(b), F.S., of the Criminal Punishment Code must be applied when the violent offense is committed against a listed criminal justice professional when such offense arises out of or in the scope of the professional's official duties:

- Multiplier of 2.5 for:
  - Attempted first degree murder;
  - Attempted felony murder; and
  - Second degree murder.
- Multiplier of 2.0 for:
  - Attempted second degree murder;
  - Third degree murder;
  - Attempted third degree murder;
  - Manslaughter committed during the commission of a crime; and
  - Kidnapping under s. 787.01, F.S.
- Multiplier of 1.5 for:
  - Aggravated battery under s. 784.045, F.S.; and
  - Aggravated assault under s. 784.021, F.S.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 109-0

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Committee on Criminal Justice

CS/HB 431 — Solicitation of Minors to Commit Lewd or Lascivious Act

by Criminal Justice Subcommittee and Reps. Baker, Daniels, and others (CS/SB 486 by Criminal Justice Committee and Senators Bradley and Martin)

The bill creates s. 794.053, F.S., to provide that a person 24 years of age or older who solicits a person who is 16 or 17 years of age in writing to commit a lewd and lascivious act commits a third degree felony.

The bill amends s. 921.0022, F.S., ranking the offense of lewd or lascivious solicitation on the offense severity ranking chart of the Criminal Punishment Code as a level 3 offense.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 38-0; House 112-0

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Committee on Criminal Justice

CS/CS/SB 450 — Death Penalty

by Rules Committee; Criminal Justice Committee; and Senators Ingoglia and Martin

The bill (Chapter 2023-23, L.O.F.) amends ss. 921.141 and 921.142, F.S., to clarify the judge and the jury's role in the determination of a sentence of life or death.

Specifically, the bill amends ss. 921.141 and 921.142, F.S., by:

- Deleting the current requirement that a jury must unanimously recommend a sentence of death and providing that if at least 8 jurors determine that the defendant should be sentenced to death, the jury's recommendation must be a sentence of death.
- Providing that if fewer than 8 jurors vote to recommend a sentence of death, the jury's sentencing recommendation must be for life without the possibility of parole and the court is bound by that recommendation.
- Providing that if the jury recommends a sentence of death, the court has the discretion to impose the recommended sentence of death, or a sentence of life imprisonment without the possibility of parole.
- Specifying that a sentence of death may only be imposed if the jury unanimously finds at least one aggravating factor beyond a reasonable doubt.
- Indicating that the court must enter a written order whether the sentence is for death or for life without the possibility of parole and the court must include in its written order the reasons for not accepting the jury's recommended sentence, if applicable.

These provisions became law upon approval by the Governor on April 20, 2023.
Vote: Senate 29-10; House 80-30

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Committee on Criminal Justice

CS/HB 537 — Custody and Supervision of Specified Offenders

by Criminal Justice Subcommittee and Rep. Silvers (CS/SB 528 by Criminal Justice Committee and Senators Davis and Book)

The bill amends s. 794.011, F.S., to prohibit basic gain-time for persons convicted of committing or attempting, soliciting, or conspiring to commit a sexual battery on or after July 1, 2023.

The bill amends s. 944.275, F.S., to prohibit incentive gain-time for persons convicted of committing or attempting, soliciting, or conspiring to commit the following offenses committed on or after July 1, 2023:

- Section 782.04(1)(a)2.c., F.S., Unlawful killing of a human being when committed by a person engaged in the perpetration of, or in the attempt to perpetrate sexual battery.
- Section 787.01(3)(a)2. or 3., F.S., Kidnapping of a child under the age of 13, and in the course of committing the offense, commits sexual battery against the child or lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition.
- Section 787.02(3)(a)2. or 3., F.S., False imprisonment of a child under the age of 13, and in the course of committing the offense commits sexual battery against the child or lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition.
- Section 794.011, F.S., Sexual battery, excluding subsection (10).
- Section 800.04, F.S., Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 825.1025, F.S., Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- Section 847.0135(5), F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.

The bill amends s. 948.05, F.S., to prohibit reduction in the term of supervision for probationers or offenders in community control who are placed under supervision for committing or attempting, soliciting, or conspiring to commit a violation of any offense listed in the sexual offender or sexual predator registration statutes, or who qualify as a violent felony offender of special concern.

The bill amends s. 948.30, F.S., requiring a court to impose additional specified terms and conditions of probation or community control in addition to all other conditions imposed for offenders whose crime was committed on or after July 1, 2023, for attempting, soliciting, or conspiring to commit the following sexual offenses:

- Section 787.06(3)(b), (d), (f), or (g), F.S., Human Trafficking.
- Chapter 794, F.S., Sexual Battery.
- Section 800.04, F.S., Lewd or Lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 827.071, F.S., Sexual Performance by a child; Child Pornography.

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- Section 847.0135(5), F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.
- Section 847.0145, F.S., Selling or Buying of Minors.

The bill amends s. 948.30, F.S., requiring a court to impose additional specified terms and conditions of probation and community control for offenders who are placed on sex offender probation for attempting, soliciting, or conspiring to commit the above listed sexual offenses on or after July 1, 2023.

Additionally, the bill requires the court to impose electronic monitoring for offenders who are placed on probation or community control on or after July 1, 2023, for attempting, soliciting, or conspiring to commit certain sexual offenses. The court must order electronic monitoring for the following offenses when the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older:

- Chapter 794, F.S., Sexual Battery.
- Section 800.04(4), (5), or (6), F.S., Lewd or Lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 827.071, F.S., Sexual Performance by a child; Child Pornography.
- Section 847.0145, F.S., Selling or Buying of Minors.

The bill also requires the court to impose a condition prohibiting an offender who is placed on probation or community control for attempting, soliciting, or conspiring to commit certain sexual offenses on or after July 1, 2023, from viewing, accessing, owning, or possessing any obscene pornographic or sexually stimulating material. The court must order such condition for the following offenses:

- Chapter 794, F.S., Sexual Battery.
- Section 800.04, F.S., Lewd or Lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 827.071, F.S., Sexual Performance by a child; Child Pornography.
- Section 847.0135(5), F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.
- Section 847.0145, F.S., Selling or Buying of Minors.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 99-4

Committee on Criminal Justice

CS/HB 543 — Public Safety

by Judiciary Committee and Reps. Brannan, Payne, and others (CS/SB 150 by Fiscal Policy Committee and Senators Collins, Gruters, Martin, and Hooper)

The bill (Chapter 2023-18, L.O.F.) addresses public safety in two ways. First, the bill provides that persons who wish to carry a concealed weapon or concealed firearm, without obtaining and maintaining a concealed weapon or concealed firearm license from the Department of Agriculture and Consumer Services (DACS) may lawfully do so, if they meet certain criteria. Second, the bill amends various sections of law relating to school safety and creates the Florida Safe Schools Canine Program.

Firearms and Concealed Carry

The bill substantially amends s. 790.01, F.S., to provide that a person is *authorized* to carry a concealed weapon or concealed firearm if he or she is licensed, or is not licensed but otherwise satisfies the criteria for receiving and maintaining such a license under s. 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.

The bill further amends s. 790.01, F.S., by providing that in a prosecution for the unlawful carrying of a concealed weapon or concealed firearm, the state bears the burden of proving, as an element of the offense, both that a person is not licensed under s. 790.06, F.S., and that he or she is ineligible to receive and maintain such a license under the criteria listed in s. 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.

The bill creates s. 790.013, F.S., and amends s. 790.06, F.S., to provide the same requirements for the carrying and display of identification for licensed and authorized concealed weapon or concealed firearm carriers. A violation of these provisions is a noncriminal violation, punishable by a $25 fine.

Additionally, s. 790.013, F.S., provides that a person who is authorized to carry a concealed weapon or concealed firearm without a license is subject to s. 790.06(12), F.S., in the same manner as a person who is licensed to carry a concealed weapon or concealed firearm. Section 790.06(12), F.S., provides that a concealed weapon or concealed firearm license does not authorize a person to carry a weapon or firearm in a concealed manner into specified locations.

The bill amends s. 790.053, F.S., the prohibition against openly carrying a firearm, to provide that it is not a violation for a person who is authorized to carry and a person who is licensed to carry a concealed weapon or concealed firearm, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

The bill amends s. 790.115(2), F.S., to provide the same penalty for a person who is authorized to carry and a person who is licensed to carry a concealed weapon or concealed firearm, when such person willfully and knowingly possesses a weapon or firearm at a school-sponsored event

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or on the property of any school, school bus, or school bus stop. The penalty for such violation is a second degree misdemeanor.

Additionally, the bill amends s. 790.015, F.S., to allow a nonresident, who does not have a concealed weapon or concealed firearm license issued by his or her state, to carry concealed in Florida if he or she satisfies specified criteria in s. 790.06, F.S. The bill also removes the provision that limits recognition of other states' concealed weapon or concealed firearm licenses to states that honor Florida-issued licenses.

The bill amends s. 790.25, F.S., to clarify that a person may carry a concealed weapon or concealed firearm on his or her person while in a private conveyance if he or she is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1), F.S.

The bill repeals s. 790.145, F.S., which prohibits possession of a concealed firearm or a destructive device within the premises of a pharmacy.

The bill makes numerous technical and conforming changes to existing statutes relating to carrying a concealed weapon or concealed firearm.

School Safety

Guardians

The bill amends s. 1002.42, F.S., to provide that a private school may partner with a law enforcement agency or a security agency to establish or assign one or more safe-school officers. Safe-school officers are established or assigned for the protection and safety of school personnel, property, students, and visitors of a school. School guardians are considered one type of school-safe officer. A private school that establishes a safe-school officer must comply with the requirements of s. 1006.12, F.S.

Currently, only public and charter schools may establish guardian programs. The bill amends s. 30.15, F.S., to add private schools to the entities that may request the sheriff in the school's county to establish a guardian program for the purpose of training the private school employees. A person who completes the necessary training may serve as a school guardian for a private school only if he or she is appointed by the private school head of school. The name of the guardian program is changed to the Chris Hixson, Coach Aaron Feis, and Coach Scott Beigel Guardian Program.

The bill provides that the training required for the guardian program is a standardized statewide curriculum. A school guardian who has completed the required training program may not be required to attend another sheriff's training program unless there has been at least a one year break in his or her employment as a guardian.

The bill further amends s. 30.15, F.S., to increase the hours of instruction on active shooter or assailant scenarios to sixteen, rather than eight. Additionally, the number of hours of instruction on legal issues is decreased from twelve to four.

Active Assailant Response Policy

The bill creates s. 943.6873, F.S., to direct each law enforcement agency to create and maintain an active assailant response policy.

The Florida Department of Law Enforcement (FDLE) must make the model active assailant response policy developed by the Marjory Stoneman Douglas High School Public Safety Commission available on its website. Each agency must review the model policy and develop a written active assailant response policy that is consistent with the agency's response capabilities and includes response procedures specifying the command protocol and coordination with other law enforcement agencies.

All sworn personnel of each agency must be trained on the agency's existing active assailant response policy, or must be trained within 180 days after enacting a new or revised policy. Sworn personnel must receive at minimum annual training on the policy.

Office of Safe Schools

The bill amends s. 1001.212, F.S., relating to the Office of Safe Schools (OSS). The bill provides that the OSS must develop a statewide behavioral threat management operational process, a Florida-specific behavioral threat assessment instrument, and a threat management portal. Such behavioral threat management operational process must be developed to provide guidance on the process and be designed to identify, assess, manage, and monitor potential and real threats to schools. The behavioral threat assessment instrument must be used to evaluate the behavior of students who may pose a threat to the school, school staff, or other students and to coordinate intervention and services for such students. The threat management portal will be used to facilitate the electronic threat assessment reporting and documentation to evaluate the behavior of students who may pose a threat. Such portal will also be used to coordinate intervention and services for such students. All threat management teams must use the statewide behavioral threat management operational process upon its availability.

The bill amends s. 1003.25, F.S., to specify that records including corresponding documentation and any other information required by the Florida-specific behavioral threat assessment instrument which contains the evaluation, intervention, and management of the threat assessment evaluation and intervention services, must be transferred within 3 school days if a student transfers from school to school.

Additionally, the bill specifies that at least one member of the threat management team must be personally familiar with the individual who is the subject of the threat assessment. If no member of the team has such familiarity, an instructional or administrative personnel who is personally

familiar with the individual who is the subject of the threat assessment must consult with the threat management team but not be a participant in the decision-making process.

The Florida-specific behavioral threat assessment must be used by the threat management team when evaluating the behavior of students. The threat management team must prepare a threat assessment report.

The bill amends s. 1006.13, F.S., to specify that each district school board must adopt a policy of zero tolerance that, in part, identifies acts that are required to be reported under the school environmental safety incident reporting pursuant to s. 1006.07(9), F.S.

Florida Safe Schools Canine Program

The bill creates s. 1006.121, F.S., to direct the Department of Education, through the OSS, to establish the Florida Safe Schools Canine Program. This program may designate a person, school, or business entity as a Florida Safe Schools Canine Partner if the person, school, or business entity provides a monetary or in-kind donation to a law enforcement agency to purchase, train, or care for a firearm detection canine.

The bill provides for funds to be appropriated from the General Revenue Fund to multiple agencies.

These provisions were approved by the Governor and take effect July 1, 2023, unless otherwise provided.
Vote: Senate 27-13; House 76-32

Committee on Criminal Justice

CS/HB 605 — Expunction of Criminal History Records

by Criminal Justice Subcommittee and Reps. Smith, Gottlieb, and others (CS/CS/SB 504 by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senators Rodriguez and Perry)

The bill amends s. 943.0585, F.S., to permit a person who has had one prior expunction granted for an offense that was committed when he or she was a minor to have another eligible record expunged.

The bill provides that if the prior expunction was for an offense in which the minor was charged as an adult, the person is not eligible for a subsequent expunction. The bill also provides that the record is exempt from the 10 year sealing requirement.

Additionally, the bill specifies that a person is not eligible for expunction if the indictment, information, or other charging document in the case giving rise to the criminal history record was dismissed pursuant to s. 916.145, F.S., or s. 985.19, F.S., which provides statutory guidelines for the dismissal of charges when a defendant is adjudicated incompetent to proceed due to mental illness.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 107-2

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Committee on Criminal Justice

CS/HB 667 — Victims of Crime

by Criminal Justice Subcommittee and Reps. Baker, Yarkosky, and others (CS/CS/SB 510 by Rules Committee; Criminal Justice Committee; and Senator Burgess)

The bill amends s. 960.001, F.S., requiring a duty of candor to an alleged victim. The bill requires that each victim must be notified that he or she has the right, if contacted to obtain information relating to a criminal proceeding by an attorney, an investigator, or any other agent acting on behalf of the criminal defendant, to be informed of:

- The person's name and employer; and
- The fact that such person is acting on behalf of the defendant.

The bill amends s. 92.55, F.S., to provide that the court must conduct a hearing to determine whether it is appropriate to take a deposition of a victim of a sexual offense who is under the age of 16. The court must consider specific factors when determining whether the taking of a deposition is appropriate.

The bill provides that if the victim of a sexual offense is under the age of 12, there is a presumption that the taking of the victim's deposition is not appropriate if:

- The state has not filed a notice of intent to seek the death penalty; and
- A forensic interview of the sexual offense victim is available to the defendant.

The bill provides that if the court determines that the taking of the victim's deposition is appropriate, the court may order limitations or other specific conditions including, but not limited to:

- Requiring the defendant to submit questions to the court before the victim's deposition.
- Setting the appropriate place and conditions under which the victim may be deposed.
- Permitting and prohibiting the attendance of any person at the victim's deposition.
- Limiting the duration of the victim's deposition.
- Any other condition the court finds just and appropriate.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 36-4; House 112-0

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Committee on Criminal Justice

CS/SB 676 — Level 2 Background Screenings

by Appropriations Committee and Senator Grall

The bill amends s. 435.04, F.S., to require all employees required by law to be screened under Level 2 screening standards in this section and persons with an affiliation with a qualified entity for whom the qualified entity chooses to conduct screening under s. 943.0542, F.S., to undergo a Level 2 security background investigation as a condition of employment or continued employment. This investigation must include a search of the sexual predator and sexual offender registries of any state in which the current or prospective employee resided during the immediate preceding 5 years. The bill also amends the list of disqualifying offenses to reference aggravated assault, aggravated battery, battery on staff of a detention or commitment facility or on a juvenile probation officer, female genital mutilation, and certain offenses against students by authority figures.

For purposes of background screening, the bill amends s. 435.02, F.S., to provide definitions for "affiliation" and "qualified entity."

The bill amends s. 435.07, F.S., to authorize the head of a qualified entity to grant an exemption to a person otherwise disqualified from employment, subject to the exemption requirements of this section. The bill also specifies when disqualification from affiliation may not be removed. The bill also references a "person with an affiliation" in provisions relevant to the process for seeking an exemption.

The bill amends s. 435.12, F.S. Beginning January 1, 2026, or a later date as determined by the Agency for Health Care Administration (AHCA), the Care Provider Background Screening Clearinghouse (Clearinghouse) must allow results of criminal history checks to be shared among qualified entities participating in the Clearinghouse for screening of care providers and other specified persons. Beginning January 1, 2025, or a later date as determined by the AHCA, the AHCA shall review and determine eligibility for all criminal history checks submitted to the Clearinghouse for the Department of Education (DOE). The Clearinghouse shall share eligibility determinations with the DOE and qualified entities.

Effective January 1, 2026, or a later date as determined by the AHCA, a person with a break in service of more than 90 days from a position for which a background screening is conducted by a qualified entity participating in the Clearinghouse must submit to a national screening if the person returns to a position for which screening is required by such entity.

A qualified entity participating in the Clearinghouse must register with the Clearinghouse and maintain the employment or affiliation status of all persons included in the Clearinghouse. The bill specifies dates for reporting initial status and changes in status. The qualified entity must also register with and initiate all criminal history checks through the Clearinghouse before referring an employee or potential employee or a person with a current or potential affiliation with a qualified entity for electronic fingerprint submission to the Florida Department of Law Enforcement (FDLE).

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The bill updates the schedule for employees of specified educational entities to be rescreened.

The bill amends s. 943.0438, F.S., to revise background screening requirements for athletic coaches to require these individuals, including managers, to increase the level of background screening from a Level 1 to a Level 2 background screening. The bill also removes the 20 hour minimum work requirement. These changes mean that all youth athletic coaches, assistant coaches, managers, and referees must undergo a Level 2 background screening, regardless of hours worked.

Before January 1, 2026, or a later date as determined by the AHCA, an independent sanctioning authority shall disqualify any person from acting as an athletic coach as provided in s. 435.04, F.S., (Level 2 standards). On or after January 1, 2026, or a later date as determined by the AHCA, an independent sanctioning authority shall not allow any person to act as an athletic coach if he or she does not pass the background screening qualifications in s. 435.04, F.S. However, the authority may allow a disqualified person to act as an athletic coach if the person has successfully completed the exemption for disqualification process under s. 435.07, F.S.

The bill amends s. 943.05, F.S., to require the Criminal Justice Information Program to search arrest fingerprint submissions received from qualified entities participating in the Clearinghouse. Additionally, the FDLE must develop a method for identifying or verifying an individual through automated biometrics for federal approval.

The bill amends s. 943.0542, F.S., to require a qualified entity conducting criminal history checks under s. 943. 0542, F.S., to do the following:

- Require such entity to register with the FDLE before submitting a request for screening under this section.
- Before January 1, 2026, or a later date as determined by the AHCA, submit to the FDLE specified information relevant to a request for background screening. Effective January 1, 2026, the qualified entity registers with the AHCA instead of the FDLE.
- Effective January 1, 2026, or a later date as determined by the AHCA, comply with Level 2 screening requirements in s. 435.12, F.S. All fingerprints must be entered into the Clearinghouse.

Through December 31, 2025, or a later date as determined by the AHCA, all of the following occurs:

- The FDLE provides directly to the qualified entity non-exempt state criminal history records. Effective January 1, 2026, or a later date as determined by the AHCA, the Clearinghouse provides such records only if a person who is a subject of a criminal history record challenges the record.
- The FDLE provides national criminal history data to qualified entities for the purpose of screening employees and volunteers as authorized by written waiver required for submission of a request. Effective January 1, 2026, or a later date as determined by the

AHCA, the Clearinghouse provides such record only if the person requests an exemption from such entity under s. 435.07, F.S.

- The qualified entity making the determination regarding a background screening applies the Level 2 background screening criteria under s. 435.04(2), F.S., to the state and national criminal history record information received from the FDLE for those persons subject to screening. Beginning January 1, 2026, or a later date determined by the AHCA, the AHCA determines the eligibility of the employee or volunteer of a qualified entity.
- The qualified entity, provides written notification to a person of his or her right to obtain a copy of any background screening report, including criminal history records, if any, contained in the report, and the right to challenge the accuracy and completeness of information contained in the report and obtain a determination on its validity before a final determination regarding the person is made by the qualified entity reviewing the information. Effective January 1, 2026, or a later date determined the AHCA, the AHCA is responsible for this process.

The bill amends ss. 1012.315 and 1012.467, F.S. Beginning January 1, 2025, or a later date determined by the AHCA, all of the following occurs:

- The AHCA determines the eligibility of employees in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program. A person may not be employed in such position if determined to be ineligible based on a security background investigation under s. 435.04(2), F.S.
- The AHCA conducts background screenings under s. 435.12, F.S., to determine the eligibility of noninstructional contractors who are permitted access to school grounds when students are present.
- Background screenings relevant to school districts sharing criminal history information through secured electronic means are conducted though the Clearinghouse under s. 435.12, F.S.

The changes made to s. 435.12, F.S., in the bill must be implemented by January 1, 2025, or a later date as determined by the AHCA.

The bill provides that, for the 2023-2024 fiscal year, the sums of $400,000 in recurring funds from the Health Care Trust Fund and $4 million in nonrecurring funds from the Health Care Trust Fund are appropriated to the AHCA. The effective date of the appropriations section of the bill is July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024, except where otherwise provided.
Vote: Senate 39-0; House 115-0

Committee on Criminal Justice

SB 736 — Controlled Substances

by Senator Brodeur

The bill amends s. 893.03, F.S., to add several nitazene derivatives, which are synthetic opioids, to the list of Schedule I controlled substances, unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration. A person who unlawfully possesses, purchases, sells, manufactures, delivers, or brings into this state these nitazene derivatives may be subject to criminal penalties under s. 893.13, F.S., or s. 893.135, F.S.

The nitazene derivatives include any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations containing a benzimidazole ring with an ethylamine1 substitution at the 1-position and a benzyl ring substitution at the 2-position structure:

- With or without substitution on the benzimidazole ring with alkyl, alkoxy, carboalkoxy, amino, nitro, or aryl groups, or halogens;
- With or without substitution at the ethylamine amino moiety with alkyl, dialkyl, acetyl, or benzyl groups, whether or not further substituted in the ring system;
- With or without inclusion of the ethylamine amino moiety in a cyclic structure;
- With or without substitution of the benzyl ring; or
- With or without replacement of the benzyl ring with an aromatic ring, including, but not limited to:
    - Butonitazene.
    - Clonitazene.
    - Etodesnitazene.
    - Etonitazene.
    - Flunitazene.
    - Isotodesnitazene.
    - Isotonitazene.
    - Metodesnitazene.
    - Metonitazene.
    - Nitazene.
    - N-Desethyl Etonitazene.
    - N-Desethyl Isotonitazene.
    - N-Piperidino Etonitazene.
    - N-Pyrrolidino Etonitazene.
    - Protonitazene.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 114-0

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Committee on Criminal Justice

HB 825 — Assault or Battery on Hospital Personnel

by Rep. Berfield and others (SB 568 by Senators Rodriguez, Hooper, Torres, and Book)

The bill amends s. 784.07, F.S., to reclassify the degree of the offense whenever a person is charged with knowingly committing an assault or battery upon hospital personnel while the hospital personnel is engaged in the lawful performance of his or her duties. The bill defines "hospital personnel" as a health care practitioner as defined in s. 456.001, F.S., an employee, an agent, or a volunteer who is employed, under contract, or otherwise authorized by a hospital, as defined in s. 395.002, F.S., to perform duties directly associated with the care and treatment rendered by any department of a hospital or with the security thereof.

The offenses are reclassified as follows:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor;
- In the case of battery, from a first degree misdemeanor to a third degree felony;
- In the case of aggravated assault, from a third degree felony to a second degree felony; and
- In the case of aggravated battery, from a second degree felony to a first degree felony.

The reclassification of the offense has the effect of increasing the maximum sentence that may be imposed for the offense and also increasing sentence points under the Criminal Punishment Code, if the offense is a felony.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 38-1; House 109-0

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Committee on Criminal Justice

CS/CS/HB 935 — Chiefs of Police

by Judiciary Committee; Constitutional Rights, Rule of Law and Government Operations Subcommittee; and Reps. Jacques, Giallombardo, and others (CS/SB 998 by Criminal Justice Committee and Senators Burgess and Perry)

The bill creates s. 166.0494, F.S., which prohibits a municipality from terminating a chief of police without providing the chief written notice of his or her termination.

After the chief of police receives written notice of his or her termination, a municipality must allow the chief to appear at the next regularly scheduled public meeting of the governing body of the municipality and allow the chief to provide a full and complete response to his or her termination.

The bill prohibits an employment contract between a municipality and a chief of police from:

- Waiving or modifying any requirements of the bill; or
- Including a nondisclosure clause that prohibits a chief of police from responding to his or her termination at a public meeting.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

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Committee on Criminal Justice

CS/HB 1047 — Offenses Against Certain Animals

by Judiciary Committee and Reps. Killebrew, Smith, and others (SB 1300 by Senators Burton and Book)

The bill amends s. 843.01, F.S., by creating a new subsection (2) which prohibits a person from knowingly and willfully resisting, obstructing, or opposing a police canine or police horse as defined in s. 843.19(1)(a), F.S., working at the direction of or in tandem with any officer or legally authorized person listed in s. 843.01(1), F.S., by offering or doing violence to the police canine or police horse.

The above offense is a third degree felony and is ranked as a Level 2 in the Offense Severity Ranking Chart (OSRC). Additionally, the bill amends the OSRC to reflect that only s. 843.01(1), F.S., is a Level 5 offense.

The bill amends s. 843.19(3), F.S., to increase the penalty for any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine, fire canine, SAR canine, or police horse from a first degree misdemeanor to a third degree felony. The OSRC is amended to rank the offense at a Level 2.

The bill amends s. 843.19(4), F.S., to increase the penalty for a person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while the animal is in the performance of its duties from a second degree misdemeanor to a first degree misdemeanor.

The bill amends the OSRC to increase the ranking for a violation of s. 843.19(2), F.S., which prohibits injuring, disabling, or killing a police canine, fire canine, SAR canine, or police horse. The offense ranking is increased from a Level 3 to a Level 4.

The bill removes the general reference to s. 843.19, F.S., in Level 3 of the OSRC.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 116-0

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Committee on Criminal Justice

CS/HB 1105 — Rapid DNA Grant Program

by Judiciary Committee and Rep. Temple and others (CS/SB 1140 by Appropriations Committee on Criminal and Civil Justice and Senator Ingoglia)

The bill creates s. 943.324, F.S., to establish the Rapid DNA Grant Program within the Florida Department of Law Enforcement (FDLE) to award grants to county jails or sheriffs' offices to procure Rapid DNA machines and other necessary supplies required to rapidly process DNA samples in support of the statewide DNA database under s. 943.325, F.S.

The bill requires the FDLE to annually award funds specifically appropriated for the grant program to county jails and sheriffs' offices. The FDLE may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds. The total amount of grants awarded may not exceed funding appropriated for the grant program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 111-0

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Committee on Criminal Justice

HB 1207 — Operation New Hope

by Rep. Shoaf and others (SB 1198 by Senators Simon and Davis)

The bill authorizes the Department of Corrections, in accordance with s. 944.706, F.S., to contract with Operation New Hope, a nonprofit organization exempt from taxation pursuant to s. 501(c)(3) of the Internal Revenue Code, to provide inmate reentry services, including, but not limited to, counseling, providing information on housing and job placement, money management assistance, and programs that address substance abuse, mental health, and co-occurring conditions.

A contract with Operation New Hope must be authorized by and consistent with funding appropriated in the General Appropriations Act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 115-0

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Committee on Criminal Justice

CS/CS/HB 1297 — Capital Sexual Battery

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Baker and others (CS/CS/SB 1342 by Rules Committee; Criminal Justice Committee; and Senators Martin and Book)

The bill (Chapter 2023-25, L.O.F.) amends s. 794.011, F.S., to authorize a sentence of death for capital sexual battery offenses. Capital sexual battery occurs when an adult commits sexual battery upon a child less than twelve years of age, or who in an attempt to commit the sexual battery injures the sexual organs of the child. Sexual battery upon a child less than twelve years of age, or attempted sexual battery which causes injury to the sexual organs of the child, committed by a person who is in a position of familial or custodial authority is also a capital offense.

The bill creates s. 921.1425, F.S., to require a court to conduct a separate sentencing proceeding to determine whether a defendant convicted of a capital sexual battery offense should be sentenced to death or life imprisonment. Specifically, the bill provides that:

- The jury must unanimously find at least two aggravating factors beyond a reasonable doubt for the defendant to be eligible for a sentence of death. The bill creates aggravating factors and mitigating circumstances that are customized to a capital sexual battery crime, for the jury's consideration in arriving at a sentencing recommendation.
- If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation must be a sentence of death. If fewer than eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court must be a sentence of life imprisonment without the possibility of parole.
- The court has the discretion to enter a death sentence or a sentence of life imprisonment without the possibility of parole if the jury recommends a sentence of death in the capital sexual battery case.
- The prosecutor must present evidence of two or more aggravating factors before victim impact evidence may be introduced and argued by the prosecutor.
- The court must enter a written sentencing order regardless of the sentence imposed by the court. The order must include the reasons for not accepting the jury's recommended sentence, if applicable.
- The State may appeal if the circuit court fails to comply with the new sentencing procedures for capital sexual battery.

The bill provides legislative findings and intent as follows:

- A person who commits a sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age carries a great risk of death and danger to vulnerable members of this state.
- Such crimes destroy the innocence of a young child and violate all standards of decency held by civilized society.

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- *Buford v. State of Florida*, 403 So. 2d 943 (Fla. 1981), was wrongly decided, *Kennedy v. Louisiana*, 554 U.S. 407 (2008), was wrongly decided, and such cases are an egregious infringement of the states' power to punish the most heinous of crimes.
- It is the intent of the Legislature that the procedure set forth in s. 794.011, F.S., shall be followed, and a prosecutor must file a notice, as provided in s. 794.011(2)(a), F.S., if he or she intends to seek the death penalty.

Additionally, the bill amends s. 794.011, F.S., to provide that in capital sexual battery cases, the procedures set forth in s. 921.1425, F.S., must be followed. If the prosecutor intends to seek the death penalty, the prosecutor must give notice to the defendant and file notice with the court and provide a list of the aggravating factors the state intends to prove.

These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 34-5; House 95-14

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Committee on Criminal Justice

CS/HB 1327 — Pub. Rec./Investigative Genetic Genealogy Information and Materials

by Criminal Justice Subcommittee and Rep. Anderson and others (CS/SB 1402 by Governmental Oversight and Accountability Committee and Senator Martin)

The bill provides that investigative genetic genealogy information and materials are made confidential and exempt from public record inspection and copying requirements.

The bill provides that a law enforcement agency may disclose such confidential and exempt information in furtherance of its official duties and responsibilities. Additionally, a law enforcement agency must disclose such confidential and exempt information pursuant to a court order in furtherance of a criminal prosecution.

The exemption must be given retroactive application and must apply to all investigative genetic genealogy materials held by an agency before, on, or after July 1, 2023. Technical terms are defined in the bill.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

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

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-1; House 112-0

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Committee on Criminal Justice

CS/SB 1332 — Missing Persons

by Criminal Justice Committee and Senator Martin

The bill (Chapter 2023-54, L.O.F.) amends s. 937.021, F.S., which requires law enforcement agencies in the state to adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults. The bill requires that the policies include standards for maintaining and clearing computer data of information concerning a missing child or missing adult which is stored in the National Missing and Unidentified Persons System (NamUs), a national information clearinghouse and resource center for missing, unidentified, and unclaimed person cases across the United States. The standards must require, at a minimum, a monthly review of each case and a determination of whether the case should be maintained in NamUs.

The bill also amends s. 937.021, F.S., to do all of the following:

- Prohibit the removal of a missing child or missing adult entry on the NamUs database based solely on the age of the missing child or missing adult.
- Require a law enforcement agency, within 2 hours after receipt of a report of a missing child from a parent or guardian, the Department of Children and Families (DCF), a community-based care provider, or a sheriff's office providing investigative services for the DCF, to transmit that report for inclusion in the NamUs database.
- Require a law enforcement agency, within 2 hours after receipt of a credible police report that an adult is missing, to transmit the report for inclusion in the NamUs database.

Finally, the bill amends s. 937.022, F.S., which pertains to the Missing Endangered Persons Information Clearinghouse (Clearinghouse), to do all of the following:

- Provide that entry of a law enforcement agency's report regarding a missing child or missing adult younger than 26 years of age into the NamUs database is one of the conditions precedent to submitting the report on the missing child or missing adult to the Clearinghouse.
- Require the law enforcement agency having jurisdiction over a case involving a missing endangered person to, upon locating the child or adult, purge information about the case from the NamUs and notify the Clearinghouse.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 40-0; House 117-0

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Committee on Criminal Justice

CS/CS/HB 1359 — Offenses Involving Fentanyl or Fentanyl Analogs

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Abbott and others (CS/CS/CS/SB 1226 by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Burgess)

The bill (Chapter 2023-26, L.O.F.) amends s. 893.13, F.S., to provide that it is a first degree felony with a 3-year mandatory minimum term of imprisonment if:

- A person sells, manufactures, or delivers, or possesses with intent to sell, manufacture, or deliver, fentanyl, a specified fentanyl-related substance, a fentanyl derivative, an analog of any of these substances, or a mixture of any of these substances; and
- The previously described substance or mixture is in a form that resembles, or is mixed, granulated, absorbed, spray dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:
  - Resembles the trade dress of a consumer food product, branded food product, or logo food product;
  - Incorporates an actual or fake registered trademark, service mark, or copyright;
  - Resembles cereal, candy, a vitamin, a gummy, or a chewable product, such as a gum or gelatin-based product; or
  - Contains a cartoon character imprint.

The bill also amends s. 893.135, F.S., the drug trafficking statute, to provide that it is a first degree felony with a mandatory minimum term of 25 years to life imprisonment and a mandatory fine of $1 million for a person 18 years of age or older to:

- Knowingly sell or deliver to a minor at least 4 grams of fentanyl or a previously described substance, analog, or mixture; and
- The substance or mixture is in a form that resembles, or is mixed, granulated, absorbed, spray dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the attributes previously described such as resembling cereal or candy.

These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 37-0; House 115-0

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Committee on Criminal Justice

CS/HB 1375 — Battery by Strangulation

by Criminal Justice Subcommittee and Rep. Baker and others (CS/SB 1334 by Criminal Justice Committee and Senator Martin)

The bill creates s. 784.031, F.S., providing that battery by strangulation is a third degree felony. A person commits battery by strangulation if he or she knowingly and intentionally, against the will of another person, impedes the normal breathing or circulation of the blood of that person, so as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person.

The bill provides an exception for any act of medical diagnosis, treatment, or prescription which is authorized under the laws of this state.

The offense is ranked as a level 4 offense on the offense severity ranking chart of the Criminal Punishment Code.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 111-0

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Committee on Criminal Justice

CS/HB 1465 — Firearm and Destructive Device Offenses

by Judiciary Committee and Reps. Garrison, Snyder, and others (CS/SB 1456 by Fiscal Policy Committee and Senator Avila)

The bill (Chapter 2023-87, L.O.F.) expands the scope of the "10-20-Life" statute (s. 775.087, F.S.) to provide for mandatory minimum terms of imprisonment for firearm-related human trafficking, enhances punishment for theft and repeat theft of a firearm, and enhances the detention assessment process and secure detention period for juveniles who unlawfully possess or use firearms.

The bill amends s. 775.087, F.S., to provide for the following mandatory minimum terms of imprisonment for committing human trafficking while possessing or discharging a firearm or other specified weapon:

- 10 years for possession of a firearm;
- 15 years for possession of a semi-automatic/machine gun;
- 20 years for discharge of a firearm (any type); and
- 25 years to life imprisonment for discharge with great bodily injury or death.

The bill amends s. 921.0022, F.S., to increase the Criminal Punishment Code offense severity level ranking (from level 4 to level 6) for theft of a firearm.

The bill amends ss. 812.014 and 921.0022, F.S., to create a level 7 second degree felony for repeat theft of a firearm.

The bill amends s. 790.22, F.S., to increase from 3 days to 5 days the period of secure detention available for a juvenile who unlawfully possesses a firearm, and also increases the secure detention period from 15 days to 21 days for a repeat violation.

The bill amends s. 985.24, F.S., to require that a juvenile's unlawful use of a firearm be considered in all determinations and court orders regarding the use of detention care.

The bill amends s. 985.245, F.S., to require the juvenile risk assessment instrument take into consideration a juvenile's unlawful use of a firearm.

The bill amends s. 985.25, F.S., to require that a juvenile charged with any offense involving possession or use of a firearm be placed in secure detention until the juvenile's detention hearing.

Finally, the bill amends s. 985.26, F.S., to provide that upon good cause (as specified in the statute) being shown to warrant an extension, a court may extend the length of secure detention care for up to an additional 21 days if a juvenile is charged with any offense involving the possession or use of a firearm.

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These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 39-1; House 96-5

Committee on Criminal Justice

CS/SB 1478 — Criminal Sentencing

by Criminal Justice Committee and Senator Simon

The bill amends s. 921.0024, F.S., to prohibit assessment of community sanction violation points under the Criminal Punishment Code in the following manner:

- If the community sanction violation is resolved through the alternative sanctioning program (ASP) under s. 948.06(9), F.S., no points are assessed.
- If a community sanction violation not resolved through the ASP is before the court, no points are assessed for prior violations that were resolved through the ASP.

The bill amends s. 948.06, F.S., to do all of the following:

- Require a probation officer to proceed with the ASP in lieu of filing an affidavit of violation with the court if the probationer or offender on community control is eligible for the ASP and the violation is a low-risk violation as defined in paragraph (9)(b) of this section, unless directed by the court to submit or file an affidavit of violation as provided in this section.
- If the alleged violation is a low-risk violation, require the court, within 30 days after arrest or after counsel appears for the probationer or offender, whichever occurs later, to give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel.
- Require the court to release the probationer or offender without bail if no hearing is held within 30 days after arrest or after counsel appears for the probationer or offender, whichever occurs later, unless the court finds that a hearing was not held in the applicable timeframe due to circumstances attributable to the probationer or offender. If the probationer or offender is released, the court may impose nonmonetary conditions of release.
- For a first or second low-risk violation within the current term of supervision, require (rather than authorize) the probation officer to offer an eligible probationer one or more specified alternative sanctions.
- If the violation is a low-risk violation, require the court to impose the recommended sanction unless it records a finding of specific, identified risk to public safety, in which case it may direct the Department of Corrections to submit a violation report, affidavit, and warrant to the court.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 40-0; House 116-0

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Committee on Criminal Justice

CS/HB 1577 — Crime Victim Compensation Claims

by Judiciary Committee and Rep. Alvarez and others (CS/SB 1104 by Appropriations Committee on Criminal and Civil Justice and Senator Wright)

The bill amends s. 960.07, F.S., to extend the time a victim may file a claim for compensation under the Florida Crimes Compensation Act. Specifically, the bill provides that upon a showing that a delay in filing a claim occurred because of a delay in the testing of, or delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, a person who is eligible for compensation may receive a waiver from the Department of Legal Affairs of any claim filing deadline.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 111-0

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Committee on Criminal Justice

CS/CS/CS/HB 1595 — Law Enforcement Operations

by State Affairs Committee; Judiciary Committee; Local Administration, Federal Affairs and Special Districts Subcommittee; and Reps. Yarkosky, Fernandez-Barquin, and others
(CS/SB 1588 by Rules Committee and Senator Burgess)

The bill codifies the powers, duties, and obligations of a sheriff and also revises the process of appealing a funding reduction to the operating budget of a municipal law enforcement agency.

The bill amends s. 30.15, F.S., to:

- Require that there be an elected sheriff in each Florida county and prohibit the transfer of the sheriff's duties to another officer or office.
- Specify that a sheriff has exclusive policing jurisdiction in the unincorporated areas of each county, unless otherwise authorized under state law.
- Prohibit a county's board of county commissioners, or any other county legislative body, from maintaining or establishing a police department or other policing entity in the unincorporated areas of any county.
- Prohibit a county from contracting with or engaging in any manner with an incorporated city's or district's police department to provide any services provided by the sheriff.

The bill also creates s. 125.01015, F.S., to:

- Impose duties on each board of county commissioners to ensure the successful transfer of the exclusive policing responsibility and authority to the sheriff, including, but not limited to, developing and approving a budget, conducting an inventory and audit of all assets (and their associated liabilities), and providing funding for staff, office space, necessary insurance, bank and other accounts, and required surety bonds.
- For a specified period, require a board of county commissioners to provide the sheriff-elect taking office with and require the sheriff-elect to use, not less than the substantially and materially same support services, facilities, office space, and information technology infrastructure provided to county offices or departments performing the duties to be performed by the sheriff-elect upon taking office in the 1-year period before he or she takes office.
- Define "support services."
- Require the county and the sheriff to execute an interlocal agreement addressing the aforementioned requirements and other expenditures.
- Impose duties on a sheriff-elect after the election is certified and before taking office, including, but not limited to, staffing and hiring, establishing bank and other accounts, obtaining all necessary insurance or establishing self-insurance, evaluating the budget and transfer of equipment, and notifying the board of county commissioners of any funding deficiencies.
- Authorize a sheriff-elect to appeal by petition to the Administration Commission unresolved funding deficiencies.

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- Require a sheriff, upon taking office, to take receipt or possession of unexecuted writs and court processes, forfeited contraband property, and other specified property, records, and materials.
- Require a sheriff, upon taking office, to assume a contract made between the county and a municipality for the county to provide police services to the municipality.
- Provide a severability clause relevant to the aforementioned duties or requirements imposed on a board of county commissioners and the sheriff.

The bill also amends s. 166.241, F.S., to revise the process of appealing a funding reduction to the operating budget of a municipal law enforcement agency. The bill:

- Authorizes the state attorney for the judicial circuit in which a municipality is located or a member of the governing body to file a petition with the Division of Administrative Hearings to request a hearing to challenge a reduction in the municipal law enforcement agency's proposed operating budget that is more than 5 percent compared to the current fiscal year's approved operating budget.
- Specifies procedures for the administrative hearing and issuance of a final order.
- Provides a non-exclusive list of information the petitioner and affected municipality may present at the administrative hearing.
- Provides that within 15 days after the hearing, the administrative law judge must issue a final order either approving or rejecting the proposed operating budget for the municipal law enforcement agency by determining whether the proposed reduction will impair the law enforcement agency's overall ability to ensure public safety.
- Specifies findings to be made by the administrative law judge.
- Provides that the administrative law judge's final order is appealable pursuant to s. 120.68, F.S., and requires that any such judicial review be sought in the First District Court of Appeal.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 99-7

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Committee on Criminal Justice

CS/CS/HB 1627 — Pretrial Release and Detention

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Garrison and others
(CS/SB 1534 by Fiscal Policy Committee and Senators Martin and Powell)

The bill (Chapter 2023-27, L.O.F.) amends s. 903.011, F.S., to:

- Specify that only a judge may set, reduce, or otherwise alter a defendant's bail.
- Require the Florida Supreme Court (FSC) to adopt a uniform statewide bond schedule by January 1, 2024.
- Permit the chief judge of a judicial circuit to petition the FSC for approval of a local bond schedule that sets a lower bond amount than that required by the uniform statewide bond schedule.
- Provide that the chief judge of a judicial circuit may establish a local bond schedule that increases the monetary bond applicable to an offense that is included in the uniform bond schedule.
- Provide circumstances in which a person may not be released before a first appearance hearing.

The bill amends s. 903.047, F.S., to provide that a court must consider the criteria in s. 903.046(2), F.S., when determining whether to impose nonmonetary conditions in addition to or in lieu of monetary bond, and provides a non-exclusive list of nonmonetary conditions that may be imposed.

The bill amends s. 903.0471, F.S., to authorize the court to revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant violated any condition of pretrial release in a material respect.

The bill amends s. 907.041, F.S., to:

- Revise the term "dangerous crime" to include DUI manslaughter and BUI manslaughter and trafficking in fentanyl, a specified fentanyl-related substance, a fentanyl derivative, or an analog or mixture of any of these substances, extortion, and written threats to kill.
- Provide that a person arrested for a dangerous crime may not be granted nonmonetary pretrial release at first appearance if the court has determined there is probable cause to believe the person has committed the offense.
- Provide that if a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court determines there is probable cause to believe the defendant committed the offense, the state attorney, or the court on its own motion shall motion for pretrial detention.
- Provide that if the court finds a substantial probability that the defendant committed the offense and, based on the defendant's past and present patterns of behavior, consideration of the criteria in s. 903.046, F.S., and any other relevant facts, that no conditions of release or bail will reasonably protect the community from risk of physical harm, ensure the presence of the defendant at trial, or assure the integrity of the judicial process, the court must order pretrial detention.

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- Provide that when a person charged with a crime for which pretrial detention could be ordered is arrested, the arresting agency may detain the defendant prior to his or her first appearance.
- Provide that if a motion for pretrial detention is required, the pretrial detention hearing must be held within 5 days after the defendant's first appearance hearing or, if there is no first appearance hearing, within 5 days after the defendant's arraignment.
- Require that if a defendant is released on bail pending a pretrial detention hearing and the defendant uses a surety bond to meet the monetary component, the court must inform the defendant that he or she will not be entitled to a return of the premium on such surety bond.
- Provide that the rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of evidence at the detention hearing.
- Provide that a party may motion for a pretrial detention order to be reconsidered at any time before a defendant's trial if the judge finds that information exists that was not known to the party moving for reconsideration at the time of the pretrial detention hearing.

These provisions were approved by the Governor and take effect January 1, 2024.
Vote: Senate 36-3; House 83-19

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Committee on Criminal Justice

CS/SB 7014 — Juvenile Justice

by Appropriations Committee and Criminal Justice Committee

The bill (Chapter 2023-59, L.O.F.) creates s. 985.619, F.S., to establish the Florida Scholars Academy within the Department of Juvenile Justice (DJJ) developing a single-uniform education system that the DJJ will oversee and provide educational opportunities to students in the DJJ residential commitment programs.

The bill provides that:

- Each residential program site established, authorized, or designated by the DJJ shall be considered a campus of the Florida Scholars Academy.
- The DJJ shall enter into a contractual agreement with an education service provider to operate, provide, or supplement full-time instruction and instructional support services for students to earn a high school diploma or high school equivalency diploma, enroll in a degree program at a Florida college or university, and earn industry-recognized credentials of value.
- The superintendent of the Florida Scholars Academy shall be approved by the Secretary of the DJJ and is responsible for the management and day-to-day operation of the Florida Scholars Academy.
- The Florida Scholars Academy shall be governed by a board of trustees comprised of the Secretary of the DJJ, and four board members appointed by the Governor. The bill outlines the powers and duties of the board.
- Subject to appropriation, funding may be provided for the operational and instructional services for students enrolled in the Florida Scholars Academy. The Florida Scholars Academy may receive all federal funds for which it is eligible.
- The Secretary shall prepare and submit a legislative budget request on behalf of the Florida Scholars Academy as part of the DJJ's legislative budget request. The request of funds may be for operation and fixed capital outlay, in accordance with ch. 216, F.S.
- The credit of the state may not be pledged under any circumstances on behalf of the Florida Scholars Academy.
- The Florida Scholars Academy shall have an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under ch. 473, F.S.

The bill amends s. 20.316, F.S., to provide that the Secretary of Juvenile Justice must oversee the establishment of the Florida Scholars Academy pursuant to s. 985.619, F.S. Additionally, the Secretary must identify the need for and recommend the funding and implementation of career and technical education programs and services.

The bill amends s. 1000.04, F.S., providing that the Florida Scholars Academy is a component of the delivery of public education within Florida's Early Learning-20 education system.

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The bill provides that a recurring sum of $12 million is appropriated from the General Revenue Fund to the DJJ for the Florida Scholars Academy.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 39-0; House 118-0

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Committee on Criminal Justice

CS/CS/SB 7016 — Department of Corrections

by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; and Criminal Justice Committee

The bill amends s. 944.35, F.S., to provide criminal penalties for any volunteer in or employee of a contractor or subcontractor of the Department of Corrections (DOC) or a private corrections facility who engages in sexual misconduct with an inmate or offender supervised by the DOC. A person who commits this offense commits a third degree felony. The bill defines "volunteer" to mean a person registered with the DOC or a private correctional facility who is engaged in specific voluntary service activities on an ongoing or continual basis.

The bill provides the following exceptions for:

- Any employee, volunteer, contractor or subcontractor, of the department or private correctional facility who is legally married to an inmate or offender under supervision.
- Any employee, volunteer, or employee of a contractor or subcontractor who has no knowledge, and would have no reason to believe, that the person with whom the employee, volunteer, or employee of a contractor or subcontractor has engaged in sexual misconduct is an inmate or offender under supervision.

The bill transfers all power, duties, functions, records, personnel, associated administrative support positions, property, administrative authority, and administrative rules relating to private correctional facilities by a type two transfer, as defined in s. 20.06(2), F.S., from the Department of Management Services (DMS) to the DOC.

The bill provides that the type two transfer shall not affect any existing agreements, bonds, certificates, or other instruments of indebtedness entered into by the DMS and provides provisions related to such undertakings by the DMS.

The bill amends s. 287.042, F.S., to remove the ability of the DMS to enter into contracts for the designing, financing, acquiring, leasing, constructing, or operating of private correctional facilities.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 40-0; House 116-0

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Committee on Criminal Justice

SB 7018 — Inmate Welfare Trust Fund

by Criminal Justice Committee

The bill amends s. 945.215, F.S., to provide that proceeds from additional funding sources must be deposited into the State-Operated Institutions Inmate Welfare Trust Fund or the General Revenue Fund. These additional funding sources include:

- Copayments made by inmates for nonemergency visits to a health care provider;
- Any proceeds obtained through the collection of damages; and
- Cost of incarceration liens.

Additionally, the bill increases the maximum amount of funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund from $2.5 million to $32 million.

The bill also authorizes the Department of Corrections (DOC) to expend funds from the Trust Fund to be used at correctional facilities to include fixed capital outlay for educational facilities. Additionally, the DOC is authorized to expend such funds to be used for environmental health upgrades to facilities, including fixed capital outlay for repairs and maintenance that would improve environmental conditions of the correctional facilities.

The bill removes the $100 cap on the weekly amount that inmates can spend for personal use on canteen and vending machine items.

The bill amends s. 945.6037, F.S., to provide that the proceeds of each nonemergency healthcare visit copayment must be deposited into the State-Operated Institutions Inmate Welfare Trust Fund or into the General Revenue Fund.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 112-0

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Committee on Criminal Justice

HB 7025 — Pub. Rec./Safe School Officers

by Judiciary Committee and Rep. Brannan and others (SB 152 by Senator Collins)

The bill (Chapter 2023-19, L.O.F.) provides that any information that may identify whether a particular individual has been assigned as a safe-school officer pursuant to s. 1006.12, F.S., at a private school and that is held by a law enforcement agency is made exempt from s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution.

This exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 29-11; House 107-1

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Committee on Criminal Justice

HB 7031 — OGSR/Address of a Victim of an Incident of Mass Violence

by Ethics, Elections and Open Government Subcommittee and Rep. Porras and others (SB 7012 by Criminal Justice Committee)

The bill (Chapter 2023-107, L.O.F.) saves from repeal the public records exemption for the address of a victim of an incident of mass violence. The exemption makes the records exempt from public records inspection and copying requirements. The term "victim" means a person killed or injured during an incident of mass violence, not including the perpetrator. An "incident of mass violence" means an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate act of violence of another.

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. The exemption contained in s. 119.071(2)(o), F.S., is scheduled to repeal on October 2, 2023. The bill removes the scheduled repeal to continue the exempt status of the information.

These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 38-0; House 113-0

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