Committee on Criminal Justice

SB 184 — Impeding, Threatening, or Harassing First Responders

by Senators Avila and Hooper

The bill provides that it is a second degree misdemeanor for any person, after receiving a verbal warning not to approach from a person he or she knows or reasonably should know is a first responder, who is engaged in the lawful performance of a legal duty, to violate such warning and approach or remain within 25 feet of the first responder, with the intent to:

- Impede or interfere with the first responder's ability to perform such duty;
- Threaten the first responder with physical harm; or
- Harass the first responder.

The bill defines "first responder" as a law enforcement officer, correctional probation officer, firefighter, or an emergency medical care provider. The bill defines "harass" to mean to willfully engage in a course of conduct directed at a first responder which intentionally causes substantial emotional distress in that first responder and serves no legitimate purpose.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect January 1, 2025.
Vote: Senate 39-1; House 85-27

Committee on Criminal Justice

CS/CS/CS/HB 275 — Offenses Involving Critical Infrastructure

by Judiciary Committee; Energy, Communications & Cybersecurity Subcommittee; Criminal Justice Subcommittee; and Rep. Canady and others (CS/CS/CS/SB 340 by Fiscal Policy Committee; Regulated Industries Committee; Criminal Justice Committee; and Senator Yarborough)

The bill creates s. 812.141, F.S., relating to offenses involving critical infrastructure. The bill creates new felony offenses and provides for civil remedies if a person is found to have improperly tampered with critical infrastructure.

The bill defines "critical infrastructure" to mean any linear asset or any specified entities for which the owner or operator thereof has employed measures designed to exclude unauthorized persons, including, but not limited to, fences, barriers, guard posts, or signs prohibiting trespass.

"Improperly tampers" means to cause, or attempt to cause, significant damage to, or a significant interruption or impairment of a function of, critical infrastructure without permission or authority to do so.

A person commits a second degree felony if he or she knowingly and intentionally improperly tampers with critical infrastructure which results in:

- Damage to such critical infrastructure that is $200 or more; or
- The interruption or impairment of the function of such critical infrastructure which costs $200 or more in labor and supplies to restore.

The bill provides that a person who is found in a civil action to have improperly tampered with critical infrastructure based on a conviction of the above described crime is liable to the owner or operator of the critical infrastructure.

A person commits a third degree felony crime of trespass if he or she, without being authorized, licensed, or invited, willfully enters upon or remains upon critical infrastructure as to which notice against entering or remaining in is given.

A person commits a third degree felony if he or she willfully, knowingly, and without authorization gains access to a computer, computer system, computer network, or electronic device owned, operated, or used by any critical infrastructure entity, while knowing that such access is unauthorized.

A person commits a second degree felony if he or she willfully, knowingly, and without authorization physically tampers with, inserts a computer contaminant into, or otherwise transmits commands or electronic communications to a computer, computer system, computer network, or electronic device that causes a disruption in any service delivered by any critical infrastructure.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 39-0; House 110-5

Committee on Criminal Justice

CS/HB 305 — Offenses Involving Children

by Criminal Justice Subcommittee and Rep. Baker and others (CS/CS/SB 312 by Judiciary Committee; Criminal Justice Committee; and Senators Collins and Hooper)

The bill amends s. 90.803, F.S., to increase the age for the child hearsay exception from 16 years of age to 17 years of age. The hearsay rule is a rule of evidence which prohibits the admission of out-of-court statements that are offered to prove the truth of the matter asserted as evidence in judicial proceedings.

Under the child hearsay exception in current law, an out-of-court statement made by a child victim with a physical, mental, emotional, or developmental age of 16 or less describing any act of child abuse or neglect, any act of sexual abuse against a child, the offense of child abuse, the offense of aggravated child abuse, or any offense involving an unlawful sexual act, contact, intrusion, or penetration performed in the presence of, with, by, or on the declarant child, not otherwise admissible, is admissible in evidence in any civil or criminal proceeding if:

- The court finds in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient safeguards of reliability; and
- The child either testifies, or is unavailable as a witness and there is other corroborative evidence of abuse or offense.

The bill amends s. 775.21, F.S., requiring a person convicted of a human trafficking offense, where the victim is a minor under s. 787.06(3)(f) and (g), F.S., to be designated a sexual predator on a first offense. The bill provides that any violation of s. 787.06(3)(f) and (g), F.S., will require registration as a sexual predator if the offender has a previous qualifying offense.

Under current law, s. 787.06(3)(f) and (g), F.S., which generally relate to human trafficking for commercial sexual activity, do not require an offender to be designated as a sexual predator based solely on a single conviction. Both s. 787.06(3)(f) and (g), F.S., require an offender to have a specified prior sexual offense conviction before he or she is required to be designated as a sexual predator upon such a conviction.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 38-0; House 115-0

Committee on Criminal Justice

HB 533 — DNA Samples from Inmates

by Rep. Fabricio and others (SB 524 by Senator Ingoglia)

The bill requires that each inmate in the custody of the Department of Corrections who has not previously provided a DNA sample pursuant to s. 943.325, F.S., provide a DNA sample to the Florida Department of Law Enforcement (FDLE) by September 30, 2024. The FDLE is required to collect and process the samples pursuant to s. 943.325, F.S.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 115-0

Committee on Criminal Justice

CS/HB 549 — Theft

by Criminal Justice Subcommittee and Rep. Rommel and others (CS/SB 1222 by Criminal Justice Committee and Senators Trumbull and Perry)

The bill amends s. 812.04, F.S., to lower the threshold value for third degree felony theft from a dwelling or unenclosed curtilage of a dwelling from $100 or more, but less than $750, to $40 or more, but less than $750. This crime retains a level 2 ranking in the offense severity ranking chart.

The bill creates new crimes relating to taking property from a person's home or porch. Specifically, if the property is taken from a dwelling or from the unenclosed curtilage of a dwelling, it is a:

- Third degree felony, if the property stolen is valued at $750 or more. This crime is ranked as a level 4 in the offense severity ranking chart.
- Second degree felony, if the property stolen is taken from more than 20 dwellings or from the unenclosed curtilage of more than 20 dwellings, or any combination thereof. This crime is ranked as a level 5 in the offense severity ranking chart.
- First degree misdemeanor, if the property stolen is valued at less than $40.
    - A person who commits the above misdemeanor offense and who has previously been convicted of any theft commits a third degree felony. This crime is ranked as a level 2 in the offense severity ranking chart.
    - A person who commits the above misdemeanor offense and has previously been convicted two or more times of any theft commits a third degree felony. This crime is ranked as a level 4 in the offense severity ranking chart.

The bill amends s. 812.015, F.S., to provide that it is a third degree felony for a person to commit retail theft if the person acts in concert with five or more other persons within one or more establishments for the purpose of overwhelming the response of a merchant, merchant's employee, or law enforcement officer in order to carry out the offense or avoid detection or apprehension for the offense. This crime is listed as a level 5 in the offense severity ranking chart.

Commission of the offense described above is a second degree felony if the person solicits the participation of another person in the offense through the use of a social media platform. This crime is listed as a level 6 in the offense severity ranking chart.

The bill provides it is a first degree felony, if a person commits retail theft under s. 812.015(8) or (9), F.S., and:

- Has two or more previous convictions of violations of either or both of those subsections; or
- Possesses a firearm during the commission of such offense. This crime is listed as a level 8 in the offense severity ranking chart.

Additionally, the bill increases the time-period in which the number of retail thefts, specified value of property stolen, or specified number of items stolen, is aggregated. This time-period is increased from 30 days to 120 days.

Additionally, the bill lowers the number of retail thefts from five to three in the 120 day period, to constitute a third degree felony of retail theft.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 36-3; House 83-27

Committee on Criminal Justice

HB 601 — Law Enforcement and Correctional Officers

by Rep. Duggan and others (CS/SB 576 by Community Affairs Committee and Senator Ingoglia)

The bill amends s. 112.533, F.S., to provide that it is the intent of the Legislature to make the process for receiving, processing, and investigation of complaints against law enforcement or correctional officers, and the rights and privileges while under investigation, apply uniformly throughout the state and political subdivisions.

The bill specifies that a political subdivision may not adopt or attempt to enforce any ordinance relating to either:

- The receipt, processing, or investigation by any political subdivision of this state of complaints of misconduct by law enforcement or correctional officers.
- Civilian oversight of law enforcement agencies' investigations of complaints of misconduct by law enforcement or correctional officers.

Any civilian oversight that is operating in violation of the above provisions would be prohibited from operating in such manner after the July 1, 2024, effective date. The bill does not change the process for misconduct investigations for employing agencies, the Criminal Justice Standards and Training Commission, or any criminal investigations based on misconduct by law enforcement officers, correctional officers, or correctional probation officers.

The bill provides a $5,000 increase to the base salary for each sheriff.

The bill provides that a county sheriff or chief of a municipal police department may establish a civilian oversight board to review the policies and procedures of his or her office and its subdivisions. Boards must be composed of at least three and up to seven members appointed by the county sheriff or chief of a municipal police department, one of which shall be a retired law enforcement officer.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 32-0; House 81-28

Committee on Criminal Justice

CS/SB 678 — Forensic Investigative Genetic Genealogy Grant Program

by Criminal Justice Committee and Senator Bradley

The bill creates the Forensic Investigative Genetic Genealogy Grant Program within the Florida Department of Law Enforcement (FDLE). The purpose of the program is to award grants to statewide and local law enforcement agencies and medical examiner's offices to support local agencies in the processing of DNA samples.

The FDLE must annually award to law enforcement agencies and medical examiner's offices funds specially appropriated for the grant program to cover expenses related to using forensic investigative genetic genealogy methods to generate investigative leads for criminal investigations of violent crimes and aid in identifying unidentified human remains.

The term "forensic investigative genetic genealogy" means the combined application of laboratory testing, genetic genealogy, and law enforcement investigative methods to develop investigative leads in unsolved violent crimes and provide investigative leads as to the identity of unidentified human remains. Such methods must be in accordance with department rule and compatible with multiple genealogical databases that are available for law enforcement use. Grant funding is intended for developing genealogy DNA profiles consisting of 100,000 or more markers.

Grants may be used in accordance with FDLE rule to:

- Analyze DNA samples collected under applicable legal authority using forensic genetic genealogy methods for solving violent crimes.
- Analyze unidentified human remains.

Grant recipients must provide a report to the FDLE executive director no later than one year after receiving the funding. The report must include:

- The amount of annual funding received;
- The number and type of cases pursued using forensic genetic genealogy methods;
- The type of forensic investigative genetic genealogy methods used, including the name of the laboratory to which such testing is outsourced, if any, and the identity of the entity conducting any genetic genealogical research;
- The result of the testing, such as decedent identification, perpetrator identification, or no identification; and
- The amount of time it took to make an identification or to determine no identification could be made.

The FDLE may adopt rules to implement and administer the grant program, and to establish the process for the allocation of funds. For Fiscal Year 2024-2025, the sum of $500,000 in nonrecurring funds is appropriated from the General Revenue Fund to the FDLE for the Forensic Investigative Genetic Genealogy Grant Program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 40-0; House 113-0

Committee on Criminal Justice

CS/CS/CS/SB 718 — Exposures of First Responders to Fentanyl and Fentanyl Analogs

by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senators Collins and Hooper

The bill creates s. 893.132, F.S., relating to dangerous fentanyl exposure of first responders resulting in overdose or serious bodily injury. First responder means an emergency medical technician, a paramedic, a firefighter, a correctional officer, a correctional probation officer, and a state or local law enforcement officer, who is acting in his or her official capacity.

The bill provides that a person 18 years of age or older who, in the course of unlawfully possessing dangerous fentanyl or fentanyl analogs, recklessly exposes a first responder to such substance that results in an overdose or serious bodily injury of the first responder, commits a second degree felony.

Dangerous fentanyl or fentanyl analogs means any controlled substance described in s. 893.135(1)(c)4.a.(I)-(VII), F.S.

The bill amends s. 893.21, F.S., to provide immunity from arrest and prosecution for a person who acting in good faith, seeks medical assistance because he or she, or another person is experiencing an alcohol or drug related overdose.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 30-0; House 100-12

Committee on Criminal Justice

CS/SB 758 — Tracking Devices and Applications

by Judiciary Committee and Senator Martin

The bill amends s. 934.425, F.S., to prohibit a person from knowingly:

- Placing a tracking device or tracking application on another person's property without that person's consent; or
- Using a tracking device or tracking application to determine the location or movement of another person or another person's property without that person's consent.

The bill expands the scope of prohibited conduct to capture those persons who do not install a tracking device or tracking application on another person's property themselves, but who place or use such a device or application to determine the location or movement of another person or another person's property without that person's consent.

The bill increases the penalty for a violation of this section from a second degree misdemeanor to a third degree felony.

The bill expands the exceptions in s. 934.425, F.S., to include an exception for placement or use of a tracking device or tracking application, under certain circumstances, by:

- Law enforcement officers, or any local, state, federal, or military law enforcement agency;
- A parent or legal guardian of a minor;
- A caregiver of an elderly person or disabled adult; and
- An owner or lessee of a motor vehicle.

The bill amends s. 493.6118, F.S., to provide that use of a tracking device or tracking application is grounds for which disciplinary action may be taken by the Department of Agriculture and Consumer Services against any licensee, agency, or applicant regulated by ch. 493, F.S., or any unlicensed person engaged in activities regulated by ch. 493, F.S.

Chapter 493, F.S., relates to private investigative, private security, and repossession services.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 37-0; House 113-0

Committee on Criminal Justice

CS/CS/CS/SB 764 — Retention of Sexual Offense Evidence

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

The bill amends s. 943.326(3), F.S., to specify parameters for the storage of sexual assault evidence kits (SAKs). Kits that are collected from an alleged victim of a sexual offense who does not report the sexual offense to law enforcement during the forensic physical examination and does not request to have the evidence tested, must be retained for a minimum of 50 years.

The bill requires that:

- The medical facility or certified rape crisis center that collected the kit must transfer the SAK to the Florida Department of Law Enforcement (FDLE) within 30 days after the collection date; and
- The FDLE must store the evidence anonymously, in a secure environmentally safe manner, and with a documented chain of custody.

If at any time following the initial retention of a SAK an alleged victim reports the crime to law enforcement or requests testing of the evidence, and if the applicable time limitation under s. 775.15, F.S., has not expired and a criminal prosecution may still be commenced, the previously collected SAK evidence will be retained in the same manner as if the victim initially reported the offense or requested testing at the time of collection. However, if a criminal case may not be commenced because the applicable time limitation under s. 775.15, F.S., has expired, the kit must be maintained in a secure, environmentally safe manner until the department has approved its destruction.

The bill provides that a SAK, or other DNA evidence if a kit is not collected, that is collected from an alleged victim who reports a sexual offense to law enforcement or who makes a request, or on whose behalf a request is made, for testing, must be retained in a secure, environmentally safe manner until the prosecuting agency has approved its destruction.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 40-0; House 112-1

Committee on Criminal Justice

CS/HB 801 — Alzheimer's Disease and Related Dementia Training for Law Enforcement Officers

by Criminal Justice Subcommittee and Rep. Buchanan and others (CS/CS/SB 208 by Fiscal Policy Committee; Criminal Justice Committee; and Senators Burgess and Perry)

This bill creates s. 943.17299, F.S., to establish a continued employment training component related to Alzheimer's disease and related forms of dementia. The Florida Department of Law Enforcement, in consultation with the Department of Elder Affairs, must establish an online training. Such training must include, but is not limited to instruction on interacting with persons with Alzheimer's disease or a related form of dementia, including:

- Instruction on techniques for recognizing behavioral symptoms and characteristics;
- Effective communication;
- Employing the use of alternatives to physical restraints; and
- Identifying signs of abuse, neglect, or exploitation.

Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer, correctional officer, or correctional probation officer.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 40-0; House 117-0

Committee on Criminal Justice

CS/CS/SB 808 — Treatment by a Medical Specialist

by Appropriations Committee; Criminal Justice Committee; and Senators DiCeglie, Stewart, Osgood, Powell, Polsky, and Hooper

The bill amends s. 112.18, F.S., to authorize firefighters, law enforcement officers, correctional officers, and correctional probation officers to receive medical treatment for a compensable presumptive condition by his or her selected medical specialist. Under the bill, compensable presumptive conditions include tuberculosis, heart disease, or hypertension.

"Medical specialist" is defined as a physician licensed under ch. 458, F.S., or ch. 459, F.S., who has board certification in a medical specialty inclusive of care and treatment of tuberculosis, heart disease, or hypertension.

Written notice of the selection of a medical specialist must be given to a person's workers' compensation carrier, self-insured employer, or third-party administrator before he or she begins treatment, except in emergency situations. The bill creates an exception applicable to the usual provider selection process provided under the workers' compensation law.

The bill requires the firefighter's or officer's workers' compensation carrier, self-insured employer, or third-party administrator to authorize the selected medical specialist or authorize an alternative medical specialist with the same or greater qualifications and schedule an appointment within 5 business days after receipt of the written notice and schedule the appointment for treatment to be held within 30 days after receipt of the written notice. If after 5 days, an alternative medical specialist is not authorized, the selected medical specialist is authorized.

The continuing care and treatment must be reasonable, necessary, and related to tuberculosis, heart disease, or hypertension and be reimbursed at no more than 200 percent of the Medicare rate for a selected medical specialist.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 38-0; House 112-0

Committee on Criminal Justice

CS/CS/SB 1036 — Reclassification of Criminal Penalties

by Fiscal Policy Committee; Criminal Justice Committee; and Senator Ingoglia

The bill creates two new sections of law relating to the reclassification of criminal offenses under certain circumstances.

The bill creates s. 775.0848, F.S., reclassifying felony offenses to the next higher degree in cases when:

- A person has been previously convicted of a crime relating to reentry of removed aliens pursuant to 8 U.S.C. s. 1326; and
- That person commits a felony offense after the federal conviction relating to the reentry.

The bill also creates s. 908.12, F.S., providing for reclassifications of criminal offenses to the next higher degree when a defendant is convicted of committing a misdemeanor or felony for the purpose of benefiting, promoting, or furthering the interests of a transnational crime organization.

"Transnational crime organization" is defined by the bill as an organization that routinely facilitates the international trafficking of drugs, humans, or weapons or the international smuggling of humans.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 32-0; House 83-30

Committee on Criminal Justice

HB 1131 — Online Sting Operations Grant Program

by Rep. Temple and others (SB 1190 by Senator Ingoglia)

The bill creates s. 943.0411, F.S., establishing the Online Sting Operations Grant Program within the Florida Department of Law Enforcement (FDLE). The purpose of the program is to award grants to local law enforcement agencies to support their creation of sting operations to target individuals online who prey upon children or attempt to do so.

The FDLE must annually award to local law enforcement agencies any funds specifically appropriated for the grant program to cover expenses related to computers, electronics, software, and other related necessary supplies.

Grants must be provided to local law enforcement agencies if funds are appropriated for that purpose. The total amount of grants awarded may not exceed funding appropriated for the grant program.

The bill authorizes the FDLE to establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 39-0; House 116-0

Committee on Criminal Justice

CS/CS/HB 1171 — Schemes to Defraud

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Steele and others
(SB 1220 by Senator Martin)

The bill amends s. 817.034, F.S., to reclassify the penalty for committing specified offenses of schemes to defraud. A scheme to defraud is a systematic, ongoing course of conduct with intent to defraud one or more persons, or with intent to obtain property from one or more persons by false or fraudulent pretenses, representations, *endorsements of nonconsenting parties*, or promises or willful misrepresentations of a future act. The penalty for committing the offense of scheme to defraud against a person 65 years of age or older, against a minor, or against a person with a mental or physical disability, is as follows:

- A first degree misdemeanor is reclassified to a third degree felony;
- A third degree felony is reclassified to a second degree felony;
- A second degree felony is reclassified to a first degree felony; and
- A first degree felony is reclassified to a life felony.

The bill adds "endorsements of nonconsenting parties" to the definition of "scheme to defraud."

The bill provides that a person whose image or likeness is used without his or her consent in a scheme to defraud may file a civil action in a court of competent jurisdiction to recover damages caused by the use of his or her image or likeness. The civil remedies in the bill are in addition to and not in limitation of the remedies available under common law or any other law.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 39-0; House 104-8

Committee on Criminal Justice

CS/CS/HB 1181 — Juvenile Justice

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Jacques and others
(CS/CS/SB 1274 by Fiscal Policy Committee; Criminal Justice Committee; and Senator Martin)

This bill makes multiple changes throughout ch. 985, F.S., to revise provisions relating to citation programs, secure detention, probation, conditional release, and contraband. Sections relating to firearm offenses committed by minors are amended throughout ch. 790, F.S., and ch. 985, F.S. Additionally, the bill amends s. 1002.221, F.S., to provide that education records may be used for proceedings initiated under ch. 984, F.S., and ch. 985, F.S.

Prearrest and Postarrest Programs

The bill amends s. 985.12, F.S., relating to civil citation programs, to rename civil citation programs as prearrest delinquency citation programs, prohibit such programs for firearm related offenses, and provide such programs must specify classes established for the program.

Additionally, a law enforcement agency, in cooperation with the state attorney, may establish a postarrest diversion program. Under current law, a school district or a law enforcement agency may establish a prearrest or post arrest diversion program.

The bill revises reporting requirements for law enforcement agencies and the Florida Department of Juvenile Justice (DJJ). Each law enforcement agency must submit specified information to the DJJ for every minor who is charged for the first-time with a misdemeanor, and who was referred to the DJJ.

Additionally, the DJJ must publish quarterly reports on its website and distribute the reports to the Governor, President of the Senate, and Speaker of the House of Representatives listing the entities that use prearrest delinquency citations for less than 70 percent of first-time misdemeanor offenses.

Firearm and Other Serious Offenses

The bill amends s. 790.22, F.S., to permit a minor charged with possession of a firearm by a minor to complete paid work in lieu of community service ordered as part of his or her sentence. A minor who commits a third or subsequent offense must be adjudicated delinquent and sentenced to a residential program.

A withhold of adjudication of delinquency must be considered a prior offense for the purpose of determining a second, third, or subsequent offense of possession of a firearm by a minor.

The bill provides a court may commit a child who commits a misdemeanor offense of possession of a firearm by a minor to a residential facility.

An officer may make a warrantless arrest for the misdemeanor crime of possession of a firearm by a minor, under s. 901.15, F.S.

Any child adjudicated by the court and committed for any offense or attempted offense involving a firearm must be placed on conditional release for at least 1 year after release from the residential commitment program. Such terms of conditional release must include electronic monitoring for the initial six months under terms and conditions set by the DJJ.

For a firearm offense, other than minor possession of a firearm under s. 790.22(3), F.S., or for an offense that is committed while the minor is in possession of a firearm, the court must order 30 days of secure detention, 100 hours of community service, and 1 year probation. The court may impose restrictions on the minor's driver license.

The court may, upon finding a compelling circumstance, direct the Florida Department of Highway Safety and Motor Vehicles to make an exception to issue the minor a license for driving privileges restricted to business or employment purposes only.

The DJJ shall establish a class focused on the risk and consequences of youthful firearm offending and shall provide the class to any youth adjudicated or who had adjudication withheld for any offense involving the use or possession of a firearm.

Secure Detention

The bill amends s. 985.25, F.S., requiring youths arrested for violating the terms of his or her electronic monitoring supervision or his or her supervised release be placed in secure detention until a detention hearing.

A child on probation for an underlying felony firearm offense who is taken into custody under s. 985.101, F.S., for violating conditions of probation not involving a new law violation shall be held in secure detention to allow the state attorney to review the violation. If the state attorney notifies the court that commitment will be sought, the child must remain in secure detention pending proceedings until the 21 day period of secure detention has expired. The state attorney may motion that the child be held an additional 21 days.

The bill specifies the court has the authority to depart from the detention risk assessment instrument and order continued detention: if the court makes certain findings, or the court finds probable cause that the minor committed a specified offense. For a child who has committed a specified offense, there is a presumption that the child presents a risk to public safety and danger to the community and must be held in secure detention, unless the court makes certain findings. Written notice of release must be given to the victim, the arresting agency, and the law enforcement agency with primary jurisdiction over the minor's residence.

If an adjudicatory hearing has not been held after 60 days, the court must prioritize the efficient disposition of cases and hold a review hearing within each successive 7 day review period.

The bill amends s. 985.26, F.S., to provide the court may order a child to be held in secure detention beyond 21 days based on the nature of the charge under specified circumstances, including if the child is held for specified offenses.

Probation

The bill amends multiple sections throughout ch. 985, F.S., to remove reference to post commitment probation. Under the bill, a child must be placed on conditional release following commitment to a DJJ program, or may be directly released from such program.

Upon receiving notice of a violation of probation from the DJJ, the state attorney must file the violation within 5 days or provide in writing to the DJJ and the court a reason as to why he or she is not filing. Additionally, the DJJ may place a youth on electronic monitoring for a violation of probation if it determines doing so will preserve and protect public safety.

The bill provides that a probation program must include an alternative consequences component and such an alternative consequence component must be aligned with the DJJ's graduated response matrix as described in s. 985.438, F.S.

Section 985.438, F.S., is created and requires the DJJ to create and administer a statewide graduated response matrix to hold youths accountable to the term of their court ordered probation and the terms of their conditional release. The graduated response matrix shall outline sanctions for youth based on their risk to reoffend.

Conditional Release

The bill requires conditional release after commitment unless the youth is directly released. Specified conditions of conditional release must be placed on the minor. A youth who violates the terms of his or her conditional release shall be assessed using the graduated response matrix as described in s. 985.438, F.S. A youth who fails to move into compliance shall be recommitted to a residential facility.

Contraband

The bill adds currency or coin, and cigarettes or tobacco products to the list of contraband, and provides it is a second degree felony to introduce contraband into a DJJ facility. The DJJ staff may utilize canine units on the grounds of a juvenile detention facility or commitment program to locate and seize contraband and ensure security within such a facility or program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 39-0; House 84-25

Committee on Criminal Justice

CS/CS/HB 1235 — Sexual Predators and Sexual Offenders

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Baker and others
(CS/SB 1230 by Appropriations Committee on Criminal and Civil Justice and Senator Bradley)

The bill amends both s. 775.21, F.S., (sexual predators), and s. 943.0435, F.S., (sexual offenders), to:

- Remove references to "a sanction" in the definition of the terms conviction and convicted.
- Specify that certain sexual predators and sexual offenders must provide the registration number for a vessel, live-aboard vessel, or houseboat.
- Authorize sexual predators and sexual offenders to report to the Florida Department of Law Enforcement (FDLE) or through the FDLE's online system within a specified timeframe after changes to vehicle information.
- Require sexual predators and sexual offenders to register all changes in vehicles owned.
- Require that a sexual predator or sexual offender report in person to the sheriff's office in the county of current residence at least 48 hours before the date the person intends to leave this state to establish residence in another state or jurisdiction, or at least 21 days before the intended travel date for any travel outside the United States. Any travel not known at least 48 hours before the person intends to establish a residence in another state or jurisdiction or 21 days before departure for travel outside the United States must be reported to the sheriff's office as soon as possible before departure.
- Specify that the FDLE must notify the intended country of travel of such travel.
- Establish that transient check-in information shall be gathered by each sheriff's office in a manner set forth by the FDLE, rather than each sheriff's office determining how to conduct check-ins. The sheriff's office must electronically submit to the FDLE such information within 2 business days after the sexual predator or sexual offender provides it to the sheriff's office.
- Require sexual predators and sexual offenders to respond to any address verification correspondence from the FDLE or from county or local law enforcement agencies within three weeks after the date of the correspondence, rather than only from the FDLE.
- Specify that each instance of failure to register or report changes to the required information specified constitutes a separate offense.

Section 775.21, F.S., defines the types of residences of a sexual predator or sexual offender by the number of days that he or she is present at the location. However, s. 775.21, F.S., did not define how "a day" is calculated. The bill amends the terms "permanent residence," "temporary residence," and "transient residence" to specify that the first day a person lives, remains, or is located in a place is excluded from the calculation and each subsequent day is counted.

The bill further amends s. 775.21, F.S., to specify that certain sexual predators must meet criteria provided in s. 943.0435, F.S., to qualify for removal of certain registration requirements.

The bill amends s. 943.0435, F.S., to require the FDLE be notified of a petition by a sexual offender for relief of his or her registration requirements and permits the FDLE to present evidence at a hearing for such relief. Certain eligible offenders must show that they do not meet any other qualifying criteria that would require him or her to register as a sexual offender.

The bill amends s. 943.0435, F.S., to:

- Require the local jail to register sexual offenders in their custody within certain time frames; and
- Require jail custodians to take digital photographs of sexual offenders in their custody, provide those photographs to the FDLE, and notify the FDLE if the sexual offender escapes or dies.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 35-0; House 116-0

Committee on Criminal Justice

CS/CS/HB 1241 — Probation and Community Control Violations

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Snyder and others
(CS/SB 1154 by Criminal Justice Committee and Senator Simon)

The bill amends s. 948.06, F.S., to revise provisions related to probation and the alternative sanctioning program. The bill requires a court to modify or continue, rather than revoke probation, if a probationer meets specified criteria. The bill includes as part of that criteria that the probationer has not been found in violation on *two or more separate occasions*. A court may modify probation and include up to 90 days jail for a first violation and up to 120 days for a second violation, as a condition of probation.

If the violation is a low risk violation, the court must hold a hearing on a violation of probation within 30 days after arrest, and give the probationer an opportunity to be fully heard on his or her behalf in person or by counsel. If the hearing is not held within 30 days, the court must release the probationer without bail unless the court finds that the hearing was not held in the applicable time frame due to circumstances attributable to the probationer. If released, the court may impose nonmonetary conditions of release.

The bill amends s. 921.0024, F.S., to provide that if a community sanction violation is resolved through the alternative sanctioning program, no sentencing points are assessed. Sentencing points are assessed on the Criminal Punishment Code Worksheet for various factors including, but not limited to, a person's: primary offense; additional offenses; prior record; legal status; and community sanction violations. If a community sanction violation that has not been resolved through the alternative sanctioning program is before the court, no points are assessed for prior violations that were resolved through the alternative sanctioning program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 39-0; House 111-0

Committee on Criminal Justice

CS/HB 1281 — Interception and Disclosure of Oral Communications

by Criminal Justice Subcommittee and Reps. Persons-Mulicka, Joseph, and others (SB 1618 by Senator Martin)

The bill creates a new exception to the prohibition located in s. 934.03(1), F.S., against a person intentionally intercepting, endeavoring to intercept, or procuring any other person to intercept or endeavor to intercept any wire, oral, or electronic communication.

The exception allows a parent or legal guardian of a child who is younger than 18 years of age to intercept and record an oral communication if the child is a party to the communication and the parent or guardian has reasonable grounds to believe that recording the communication will capture a statement by another party to the communication that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child.

A recording authorized by the bill which captures a statement by a party that the party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against a child:

- Must be provided to a law enforcement agency; and
- May be used for the purpose of evidencing the intent to commit or the commission of a crime specified in the bill against a child.

A parent or legal guardian who makes a recording authorized by the bill may not share or disseminate the recording with any person or entity other than a law enforcement agency.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 112-0

Committee on Criminal Justice

CS/SB 1286 — Return of Weapons and Arms Following an Arrest

by Criminal Justice Committee and Senator Collins

The bill amends s. 790.08, F.S., to require a law enforcement agency to return any weapons, electric weapons or devices, or firearms that are taken from a person following an arrest, but that are not seized as evidence or subject to forfeiture under the Florida Contraband Forfeiture Act, within 30 days after such request is made if he or she meets all of the following criteria:

- He or she has been released from detention;
- He or she provides a form of government-issued photographic identification; and
- If requesting the return of a firearm, a completed criminal history background check confirms that he or she is not prohibited from possessing a firearm under state or federal law, including not having any prohibition arising from an injunction, a risk protection order, or any other court order prohibiting the person from possessing a firearm.

The sheriff or chief of police may develop reasonable procedures to ensure the timely return of weapons, electric weapons or devises, or arms. The sheriff or chief of police may not require a court order to release such weapons, electric weapons or devices, or arms that are not seized as evidence in a criminal proceeding unless there are competing claims of ownership of such weapons, etc.

Additionally, the bill amends s. 933.14, F.S., to delete a provision requiring an order of a trial court judge to return a pistol or firearm to its owner if such pistol or firearm was taken by an officer upon a view by the officer of a breach of the peace.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 32-8; House 110-1

Committee on Criminal Justice

CS/CS/HB 1337 — Department of Corrections

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Stark, Jacques, and others (CS/SB 1278 by Appropriations Committee on Criminal and Civil Justice and Senator Martin)

The bill amends s. 944.31, F.S., to authorize the Office of the Inspector General law enforcement officers to conduct any criminal investigations involving matters over which the Department of Corrections (DOC) has jurisdiction at a contractor-operated correctional facility. Such law enforcement officers may arrest, with or without a warrant, any prisoner, visitor, or staff member, including a contract employee, subcontractor, or volunteer of any state correctional institution and private correctional facilities, for any violation of criminal laws of the state involving matters over which the DOC has jurisdiction.

The bill amends s. 957.04, F.S., to broaden methods of solicitation of contracts for the operation of contractor-operated correctional facilities to include competitive solicitation as provided in ch. 287, F.S. The bill specifies that contracts entered into under ch. 957, F.S., are not exempt from the requirements of ch. 287, F.S. However, if there is a conflict, the provisions of ch. 957, F.S., control.

Contracts entered into under this chapter for the operation of contractor-operated correctional facilities are not considered to be an "outsource" as defined in s. 287.012, F.S.

The bill makes additional changes relating to competitive solicitation by:

- Amending s. 957.07, F.S., to eliminate the Prison Per Diem Workgroup and allow for the DOC's procurement process to include competitive solicitation.
- Amending s. 957.12, F.S., to clarify that a bidder or potential bidder may have written contact with the procurement office. Additionally, language is removed that permits contact in a noticed meeting.
- Removing language in multiple sections of law relating to *request for proposals* and replaces it with *competitive solicitation.*

Additionally, the bill amends s. 957.15, F.S., to remove language prohibiting the DOC from having authority over funds appropriated for the operation, maintenance, and lease purchase of contractor-operated correctional facilities.

The term *private* correctional facility is replaced with *contractor-operated* correctional facility throughout the Florida Statutes.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 39-0; House 110-0

Committee on Criminal Justice

CS/CS/HB 1389 — Digital Voyeurism

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Cassel, Cross, and others (CS/CS/SB 1604 by Fiscal Policy Committee; Criminal Justice Committee; and Senator Book)

The bill amends s. 810.145, F.S., renaming the offense of "video voyeurism" to "digital voyeurism."

The bill adds "exploiting," to the specified purposes a person must have to commit digital voyeurism. A person commits the offense of digital voyeurism if he or she, for the purpose of *exploiting* another person, intentionally uses or installs an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy.

The bill provides that a person who is under 19 years of age and who commits the offense of digital voyeurism commits a first degree misdemeanor.

A person who is 19 years of age or older who commits the offense of digital voyeurism commits a third degree felony.

In addition to disseminating an image, a person may commit the crime of digital voyeurism dissemination or commercial digital voyeurism dissemination if he or she disseminates, distributes, or transfers *a recording* to another person for specified purposes, if that recording was created by digital voyeurism.

A person of any age who commits the offense of digital voyeurism dissemination or commercial digital voyeurism dissemination commits a third degree felony.

The bill provides that if a person who is 19 years of age or older is convicted of committing any violation of s. 810.145, F.S., relating to digital voyeurism and is a family or household member of the victim, or holds a position of authority or trust with the victim, the court shall reclassify the felony to the next higher degree as follows:

- A felony of the third degree is reclassified as a felony of the second degree.
- A felony of the second degree is reclassified as a felony of the first degree.

Each instance of secretly viewing a person in violation of subsection (2), or broadcasting, recording, disseminating, distributing, or transferring of an image or recording made in violation of subsection (2) is a separate offense for which a separate penalty is authorized.

The bill defines "position of authority or trust," to mean a position occupied by a person 18 years of age or older who is a relative, caregiver, coach, employer, or other person who, by reason of his or her relationship with the victim, is able to exercise undue influence over him or her or exploit his or her trust.

Additionally, the bill revises the definition of the term "broadcast," to include a visual recording.

The term "family or household member," has the same meaning as in s. 741.28, F.S.

For purposes of sentencing under ch. 921, F.S., and incentive gain-time eligibility under ch. 944, F.S., a felony that is reclassified is ranked one level above the ranking in s. 921.0022, F.S. The bill ranks the offenses on the offense severity ranking chart as follows:

- Section 810.145(2)(c), F.S., Digital voyeurism; 19 years of age or older, is ranked as a Level 3.
- Section 810.145(3)(b), F.S., Digital voyeurism dissemination, is ranked as a Level 4.
- Section 810.145(4)(c), F.S., Commercial digital voyeurism dissemination, is ranked as a Level 5.
- Section 810.145(7)(a), F.S., Digital voyeurism; 2nd or subsequent offense, is ranked as a Level 5.
- Section 810.145(8)(a), F.S., Digital voyeurism; certain minor victims, is ranked as a Level 5.
- Section 810.145(8)(b), F.S., Digital voyeurism; certain minor victims; 2nd or subsequent offense, is ranked as a Level 6.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 35-0; House 116-0

Committee on Criminal Justice

CS/HB 1425 — Juvenile Justice

by Judiciary Committee and Rep. Yarkosky (CS/CS/SB 1352 by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; and Senator Bradley)

The bill makes changes throughout the Florida Statutes, including throughout ch. 985, F.S., to revise provisions relating to juvenile justice. Specifically the bill:

- Amends s. 985.03, F.S., to remove "minimum-risk nonresidential" as a restrictiveness level for committed youth, and change the term "nonsecure residential" to "moderate-risk." References to juvenile correctional facilities and juvenile prisons are removed from the definition of "maximum-risk residential." The bill makes corresponding changes throughout multiple sections of law.
- Amends s. 381.887, F.S., to add personnel of the Department of Juvenile Justice (DJJ) and any contracted provider with direct contact with youth to the list of personnel that are offered immunity from civil and criminal liability as a result of administering an emergency opioid antagonist.
- Amends ss. 985.02, 985.03, 985.126, 985.17, and 985.601, F.S., to replace the terms gender and gender-specific, with sex and sex-specific, respectively.
- Amends s. 985.115, F.S., to provide that a juvenile assessment center may not be considered a facility that can receive a child who: is suffering from a serious physical condition that requires a medical diagnosis or treatment; is mentally ill as defined in s. 394.463(1), F.S.; or is intoxicated and has threatened or attempted physical harm to him or herself or another.
- Amends s. 985.26, F.S., to provide that transitions from secure detention care and supervised release detention care be initiated upon the court's own motion, or upon a motion of the child or of the state, and after considering any information provided by the department regarding the child's adjustment to detention supervision.

Education

Additionally, the bill makes changes necessary for the operation of the Florida Scholars Academy and the education of children within the DJJ. The bill amends s. 1003.01, F.S., to include the Florida Scholars Academy in the definition of "juvenile justice education programs or schools," and amends s. 985.619, F.S., to permit the Florida Scholars Academy board of trustees to review and approve an annual academic calendar to provide educational services to youth.

The bill amends s. 985.601, F.S., to authorize the department to use state or federal funds to purchase and distribute promotional and educational materials that are consistent with the dignity and integrity of the state for the following purposes:

- Educating children and families about the juvenile justice continuum, including local prevention programs or community services available for participation or enrollment.

- Staff recruitment at job fairs, career fairs, community events, the Institute for Commercialization of Florida Technology, community college campuses, or state university campuses.
- Educating children and families on children-specific public safety issues, including, but not limited to, safe storage of adult-owned firearms, consequences of child firearm offenses, human trafficking, or drug and alcohol abuse.

The bill amends s. 1003.51, F.S., to revise requirements for the State Board of Education rules. Such rules must articulate expectations for effective education programs for students in the DJJ, and must establish policies and standards for certain education programs. The bill revises the requirements for such rules by:

- Removing the requirement that the rules provide assessment procedures for prevention, day treatment, and residential programs.
- Requiring the rules to provide recommended instructional programs, using course delivery models aligned to the state academic standards.
- Requiring the rules provide accountability measures and school improvement requirements as public alternative schools for juvenile justice education programs.
- Removing the requirement that the rules provide a series of graduated sanctions for district school boards whose educational programs in the DJJ programs are considered to be unsatisfactory.

The Department of Education (DOE) in partnership with the DJJ, the district school boards, and providers must develop and implement requirements for contracts and cooperative agreements. The bill adds the following to the list of minimum contract requirements:

- Accountability requirements and corrective action plans, if needed; and
- Administration of the federal Strengthening Career and Technical Education for the 21st Century Act.

Additionally, the bill requires the DOE, in partnership with the DJJ and the district school board to maintain specified records, including a Section 504 plan, or behavioral plan, if applicable.

The bill removes accountability measures, and requires the DOE to issue an alternative school improvement rating for prevention and day treatment prevention juvenile justice education programs.

The bill amends s. 1003.52, F.S., to remove reference to residential programs, and provide that the section applies only to detention, prevention, or day treatment. Additionally, the bill removes the requirement that the Coordinators for Juvenile Justice Education Programs report on the departments' participation in implementing a joint accountability, program performance, and program improvement process.

The bill removes provisions relating to career and professional education (CAPE) and provisions related to requiring residential juvenile justice education programs to provide certain CAPE courses. The bill replaces references to CAPE with career and technical education. The bill

requires each district school board to select appropriate academic and career assessments to be administered at the time of program entry and exit for the purpose of developing goals for education transition plans, progress monitoring plans, individual education plans, and federal reporting.

The bill requires each district school board to negotiate a cooperative agreement with the department on the delivery of education services to students in such programs. The bill adds that such agreement must include:

- Strategies for correcting any deficiencies found through the alternative school improvement rating and student performance measures; and
- Career and academic assessments selected by the district.

The bill removes provisions requiring the DOE, in consultation with the DJJ, to adopt rules and collect data and report on certain programs. The bill removes a provision requiring that specified entities jointly develop a multiagency plan for CAPE.

The bill amends s. 1001.42, F.S., to make conforming changes by removing the requirement that the DJJ report on the elements specified in s. 1003.52(17), F.S.

Juvenile Justice Advisory Boards

The bill amends s. 985.664, F.S., to remove current language relating to juvenile justice circuit advisory boards' duties, responsibilities, reporting, and other requirements. The bill requires that each judicial circuit in this state have a juvenile justice circuit advisory board, that must work with the chief probation officer of the circuit, to use data to inform policy and practice which improves the juvenile justice continuum.

The minimum number of members that sit on the board is lowered from 16 to 14, and each member must be approved by the chief probation officer of the circuit, rather than the Secretary of the DJJ. The bill decreases the maximum number of board members who may be representatives from the community from 5 to 3.

Additionally, the chief probation officer in each circuit must serve as the chair of the board for that circuit.

The bill amends s. 790.22, F.S., to remove the provision permitting the juvenile justice circuit advisory board to establish certain community service programs and provides the DJJ must establish such programs.

The bill removes reference to the juvenile justice circuit advisory board in ss. 938.17, 948.51, and 985.668, F.S. The bill further amends s. 985.668, F.S., to provide that the chief probation officer must submit specified proposals to the secretary of the DJJ.

The bill amends s. 985.676, F.S., to revise the required contents of a grant proposal that applicants must submit to be considered for funding from an annual community juvenile justice partnership grant. The bill requires the department to consider the recommendations of community stakeholders, rather than the juvenile justice circuit advisor board, as to certain priorities. The bill removes the juvenile justice circuit advisory board from the entities to which each awarded grantee is required to submit an annual evaluation report.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 35-0; House 115-1

Committee on Criminal Justice

SB 1512 — Controlled Substances

by Senator Brodeur

The bill amends s. 893.13, F.S., to add tianeptine to the list of Schedule I controlled substances. Schedule I substances have a high potential for abuse and no currently accepted medical use in treatment in the United States.

"Tianeptine" is an antidepressant agent with a novel neurochemical profile. It increases serotonin (5-hydroxytryptamine; 5-HT) uptake in the brain (in contrast with most antidepressant agents) and reduces stress-induced atrophy of neuronal dendrites.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 39-0; House 112-0

Committee on Criminal Justice

CS/HB 1545 — Child Exploitation Offenses

by Criminal Justice Subcommittee and Reps. Baker, Yarkosky, and others (CS/CS/SB 1656 by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; and Senator Martin)

The bill creates s. 847.01385, F.S., creating the offense of Harmful Communication to a Minor. An adult who engages in a pattern of communication to a minor that includes explicit and detailed verbal descriptions or narrative accounts of sexual activity, sexual conduct, or sexual excitement and that is harmful to minors commits a third degree felony.

A person's ignorance of a minor's age, a minor's misrepresentation of his or her age, a bona fide belief of a minor's age, or a minor's consent may not be raised as a defense in a prosecution for a violation of this section.

The bill ranks the offense as a Level 3 in the offense severity ranking chart.

The bill amends s. 921.0022, F.S., increasing ranking levels of specified child exploitation offenses on the offense severity ranking chart of the Criminal Punishment Code. Specifically:

- The third degree felony of harmful communication to a minor is ranked as a Level 3 in the offense severity ranking chart.
- The second degree felony of possessing with intent to promote any photographic material, motion picture, etc., which includes child pornography is ranked as a Level 7 in the offense severity ranking chart (previously ranked as a Level 5).
- The third degree felony of possession, control, or intentionally viewing any photographic material, motion picture, etc., which includes child pornography is ranked as a Level 6 in the offense severity ranking chart (previously ranked as a Level 5).
- The second degree felony of using or inducing a child in a sexual performance, or promoting or directing such performance is ranked as a Level 7 in the offense severity ranking chart (previously ranked as a Level 6).

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 40-0; House 100-11

Committee on Criminal Justice

CS/HB 1653 — Duties and Prohibited Acts Associated with Death

by Criminal Justice Subcommittee and Rep. Giallombardo and others (CS/SB 768 by Health Policy Committee and Senator Stewart)

The bill amends s. 406.12, F.S., to specify that a person who becomes aware of the death of any person occurring under the circumstances described in s. 406.11, F.S., must immediately report such death and circumstances to the district medical examiner or a *law enforcement agency having jurisdiction over the location*.

Section 406.11, F.S., requires a medical examiner to make or perform an examination, investigation, and autopsy as he or she deems necessary or as requested by the state attorney in the following circumstances when any person dies in this state:

- Of criminal violence;
- By accident;
- By suicide;
- Suddenly, when in apparent good health;
- Unattended by a practicing physician or other recognized practitioner;
- In any prison or penal institution;
- In police custody;
- In any suspicious or unusual circumstance;
- By criminal abortion;
- By poison;
- By disease constituting a threat to public health; and
- By disease, injury, or toxic agent resulting from employment.

A person who knowingly fails or refuses to report such death and circumstances, or refuses to make available prior medical or other information pertinent to the death investigation, commits a first degree misdemeanor.

The bill increases the criminal penalty from a first degree misdemeanor to a third degree felony for any person who, with the intent to conceal such death or to alter the evidence or circumstances surrounding such death:

- Commits the crime described above; or
- Without an order from the office of the district medical examiner, willfully touches, removes, or disturbs the body, clothing, or any article upon or near the body.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 40-0; House 112-0