

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/CS/SB 1444

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee;
and Senator Collins

SUBJECT: Criminal Justice

DATE: April 17, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1444 amends current law regarding criminal justice. Specifically, the bill:

- Amends s. 112.1815, F.S., to specify that amputee first responders may continue to serve if they meet certification requirements without accommodation;
- Creates s. 112.195, F.S., to create honorary medal programs to be named the Florida Medal of Valor and Florida Blue/Red Heart Medal;
- Creates s. 316.2675, F.S., to prohibit the use of devices that can shut off or prevent a vehicle's engine from starting and provides exceptions;
- Amends s. 500.92, F.S., to add kratom products that are adulterated with synthesized or semi-synthesized kratom alkaloids or constituents or contain certain levels in the alkaloid fraction to the list of prohibited products for sale to a person younger 21 years of age;
- Amends s. 775.0823, F.S., regarding violent offenses against justice system personnel, to add a minimum mandatory sentence of 25 years for first degree attempted murder;¹
- Amends s. 790.051, F.S., to add correctional probation officers to the list of law enforcement officers who are exempt from licensing requirements for concealed carry, when acting in the scope of employment;
- Amends s. 790.052, F.S., to add judges, state attorneys and assistant state attorneys to the list of positions that have the right to carry concealed firearms during off-duty hours and utilize

¹ Section 782.04, F.S.

their weapons in a manner which is reasonably expected of on-duty officers in similar situations;

- Amends s. 817.49, F.S., regarding false reports of the commission of crimes to encourage each state attorney to adopt a pro-prosecution policy for the false reporting of crimes;
- Amends s. 790.06, F.S., to specify that a judge cannot prevent a person who is otherwise authorized to carry a concealed weapon or concealed firearm in a courthouse, from carrying such a concealed weapon or firearm in any other area of the courthouse other than his or her courtroom;
- Amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device, or render such radio, recording device or restraint useless;
- Amends s. 914.25, F.S., to add battery by strangulation, human smuggling, human trafficking or any other felony that involves the use or threat of physical force or violence against any individual to the definition of “serious felony offense”;
- Amends s. 937.021, F.S., to revise procedures for handling missing persons reports by revising the review and reporting requirements;
- Amends s. 937.022, F.S., to remove reference to the National Missing and Unidentified Persons System;
- Creates s. 943.0413, F.S., to establish the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement;
- Amends s. 943.0595, F.S., to eliminate certain circumstances where criminal histories are automatically sealed and provides that prosecutors may access sealed records for specific purposes;
- Amends s. 951.27, F.S., to require procedures for blood testing include circumstances that warrant immediate blood testing of arrestees upon booking and require that the results be provided to any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from the arrestee; and
- Amends ss. 921.0022, 397.417, 420.06241, and 435.04, F.S., respectively, to make conforming changes.

Additionally, the bill may have a positive insignificant prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025, except as otherwise expressly provided in this act.

II. Present Situation:

Criminal Justice Standards and Training Commission (CJSTC or commission)

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that ensures that Florida’s criminal justice officers are ethical, qualified, and well-trained. The commission is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and

certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.²

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. All full-time, part-time, or auxiliary officers shall successfully complete at least 40 hours of in-service training or Advanced, Specialized, or Career Development Training courses every four years.³ The certification of any officer who fails to meet the mandatory retraining requirement shall become inactive.⁴

First Responders

A “first responder” is a law enforcement officer, a correctional officer, a correctional probation officer, a firefighter, or an emergency medical technician or paramedic, employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Licensing Exemptions and Carry Requirements

Law enforcement officers are exempt from the licensing and penal provisions of ch. 790, F.S., when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.⁵

Currently, all persons holding active certifications from the Criminal Justice Standards and Training Commission as law enforcement officers or correctional officers as defined in s. 943.10(1), (2), (6), (7), (8), or (9), F.S., shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations.⁶

Blood Testing of Inmates

Section 951.27, F.S., provides that each county and municipal detention facility must have a written procedure to establish the conditions under which an inmate will be tested for infectious disease.⁷

Except as otherwise provided, the results of such blood tests are confidential and exempt. Results may be provided to employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such

² Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, available at <https://www.fdle.state.fl.us/CJSTC/Overview.aspx> (last visited March 18, 2025).

³ Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Mandatory Retraining Requirements*, available at <https://www.fdle.state.fl.us/CJSTC/Officer-Requirements/Mandatory-Retraining> (last visited March 18, 2025).

⁴ Section 943.1395(4), F.S.

⁵ Section 790.051, F.S.

⁶ Section 790.052(1)(a), F.S.

⁷ Section 951.27(1), F.S.

information. Also, one such exception to this exemption is that a victim, or the victim's parent or legal guardian, may request the results of any human immunodeficiency virus test performed on an inmate who has been arrested for a sexual offense involving oral, anal, or female genital penetration by, or union with, the sexual organ of another.

False Reports of Commissions of Crimes

Intentionally giving false information to a law enforcement officer is another form of false reporting. For instance, on January 31, 2025, a woman reported being battered by two neighbors, whom she alleged pushed, grabbed, and shoved her. Upon investigating the matter further and finding through interviews and surveillance that the incident never occurred, detectives charged the woman with filing a false report to law enforcement.⁸

Pursuant to 817.49, F.S., a person who willfully imparts, conveys, or causes to be imparted or conveyed to a law enforcement officer or employee of a public safety agency false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, when no such crime has actually been committed, commits a first degree misdemeanor. If a false report of a crime results in a response by a federal, state, district, municipal, or other public safety agency and the response results in:

- Great bodily harm, permanent disfigurement, or permanent disability to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a third degree felony.⁹
- Death to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a second degree felony.¹⁰

Federal Provisions

Under Title 18 U.S.C. 1038, also known as the false information and hoaxes law, it is illegal for a person to engage in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that it relates to certain criminal chapters of law such as crimes or threats involving biological or chemical weapons, crimes or threats involving guns, bombs, or explosives; or crimes affecting infrastructure.¹¹

A person who commits an offense under this federal law shall:

- Be fined or imprisoned for not more than five years, or both;
- If serious bodily injury results, be fined or imprisoned not more than 20 years, or both; and
- If death results, be fined or imprisoned for any number of years up to life, or both.

A person who commits this offense is also liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for such expenses. The

⁸ Gulf Coast News, *Naples Woman Accused of Making False Reports to Police*, (February 11, 2025), available at: <https://www.gulfcoastnewsnow.com/article/naples-florida-woman-false-police-report/63757347> (last visited March 28, 2025).

⁹ Sections 775.082, 775.083, or 775.084, F.S.

¹⁰ Sections 775.082, 775.083, or 775.084, F.S.

¹¹ 18 U.S.C.A. § 1038

court, in imposing a sentence, must order the defendant to reimburse any state or local government, or private not-for-profit organization that provides fire and rescue service, incurring expenses in any emergency or investigative response.

Motor Vehicle Kill Switch

A kill switch is an anti-theft device that interrupts the flow of electricity to critical vehicle components, such as the ignition system or fuel pump.¹² When the switch is in the “off” or “kill” position, it interrupts the electrical or fuel supply to the engine, effectively preventing it from starting or running.¹³ There are several types of kill switches including ignition wire kill switch, fuse box kill switch, remote controlled car battery switch, car battery disconnect switch, and fuel line shut off valves.¹⁴

Missing Persons Reports

Current law requires all law enforcement agencies to adopt written policies for investigating missing child and adult reports.¹⁵ These policies must ensure timely and thorough investigations and outline procedures for handling such cases, including accepting reports, managing investigations, and maintaining records stored in the Florida Crime Information Center¹⁶ (FCIC), the National Crime Information Center (NCIC),¹⁷ and the National Missing and Unidentified Persons System (NamUs).¹⁸ Agencies must review these cases at least monthly and determine whether to maintain them in the database.¹⁹

Agencies must accept missing child and adult reports in the jurisdiction where the person was last seen.²⁰ Once a report is filed, law enforcement must notify other relevant agencies and input the information into the state and national databases within two hours.²¹

¹² Motor Hills, *How to Choose and Install the Best Car Theft Protection Kill Switches*, available at <https://motorhills.com/how-to-choose-and-install-the-best-car-theft-protection-kill-switches/> (last visited March 28, 2025).

¹³ Electronics Hub, *Car Kill Switches: Types, Installation & All You Need to Know*, available at <https://www.electronicshub.org/types-of-kill-switches/> (last visited March 28, 2025).

¹⁴ Dash Cam Guide, *5 Best Ways to Install a Kill Switch in Your Car*, available at <https://dashcameras.net/car-kill-switch/> (last visited March 28, 2025).

¹⁵ Section 937.021(1), F.S.

¹⁶ U.S. Department of Justice Office of Justice Programs, *Florida Crime Information Center Virtual Library*, available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/florida-crime-information-center> (last visited April 15, 2025).

¹⁷ Federal Bureau of Investigation, *Privacy Impact Assessment: National Crime Information Center (NCIC)*, available at <https://www.fbi.gov/file-repository/pias/pia-ncic-020723.pdf/view> (last visited April 15, 2025).

¹⁸ National Missing and Unidentified Persons System, *What is NamUs?*, <https://namus.nij.ojp.gov/what-namus> (last visited April 15, 2025).

¹⁹ Section 937.021(1)(c), F.S.

²⁰ Section 937.021(3), F.S.

²¹ Section 937.021(4), F.S.

Criminal Punishment Code and Sentencing

The Criminal Punishment Code²² (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).²³ The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.²⁴

Offense Severity Ranking Chart

Section 921.0022(1) and (2), F.S., provides the offense severity ranking chart that must be used with the Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The chart has 10 offense levels, ranked from least severe to most severe.

Section 921.0023, F.S., provides that until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level is within the following parameters:

- A third degree felony is within offense level 1;
- A second degree felony is within offense level 4;
- A first degree felony is within offense level 7;
- A first degree punishable by life felony is within offense level 9; and
- A life felony is within offense level 10.

Points are assigned and accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates. Points may also be added or multiplied for other factors such as victim injury or the commission of certain offenses. The lowest permissible sentence is any non-state prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.²⁵ Absent mitigation,²⁶ the

²² Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

²³ Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.

²⁴ Section 775.082, F.S. Fines may also be imposed, and those fines escalate based on the degree of the offense. section 775.083, F.S., provides the following maximum fines; \$500 for a second degree misdemeanor; \$1,000 for a first degree misdemeanor; \$5,000 for a third degree felony; and \$10,000 for a second degree felony and a first degree felony.

²⁵ Section 921.0024, F.S., unless otherwise noted, information on the Code is from this source.

²⁶ The court may "mitigate" or "depart downward" from the scored lowest permissible sentence, if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.

permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.²⁷

Mandatory Minimum Sentencing

Mandatory minimum sentencing in Florida began in the 1980's and is designed to ensure consistent and severe penalties for specific crimes. Sentencing offenders to mandatory minimum terms of imprisonment prevents the use of early release mechanisms and ensures that offenders serve most or all of their court-imposed sentences.²⁸ These laws require judges to impose a predetermined minimum sentence for certain offenses, regardless of the circumstances surrounding the crime or the individual's background. Generally, mandatory minimum sentences often apply to specific crimes like drug offenses, firearm violations, and repeat offenses.

Violent Offenses Committed Against Specified Justice System Personnel

Currently, s. 775.0823, F.S. provides for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer,²⁹ state attorney,³⁰ assistant state attorney³¹, public defender³² regional counsel³³ court-appointed counsel appointed or defense attorney in a criminal proceeding; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the duties. The penalty for murder in the first degree,³⁴ if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

Florida Kratom Consumer Protection Act of 2023

In 2023, the Legislature enacted the Florida Kratom Consumer Protection Act,³⁵ which made it unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person under 21 years of age. The Florida Department of Agriculture and Consumer Services (FDACS) adopted rules to implement the act.³⁶

Kratom is a tropical tree native to Southeast Asia that contains mitragynine and 7-hydroxymitragynine in its leaves, which are two major psychoactive ingredients.³⁷ The leaves are crushed and then smoked, brewed with tea, or placed into gel capsules.³⁸

²⁷ If the scored lowest permissible sentence exceeds the maximum penalty in s. 775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment. Section 921.0024(2), F.S.

²⁸ U.S. Department of Justice, Office of Justice Programs, *Mandatory Minimum Sentencing in Florida: Past Trends and Future Implications*, available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/mandatory-minimum-sentencing-florida-past-trends-and-future> (last visited on March 28, 2025).

²⁹ Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.

³⁰ Section 27.01, F.S.

³¹ Section 27.181, F.S.

³² Section 27.50, F.S.

³³ Section 27.511(3), F.S.

³⁴ Section 782.04(1), F.S.

³⁵ Section 500.92, F.S.

³⁶ Fla. Admin. Code R. 5K-4.030.

³⁷ Drug Enforcement Administration, *Kratom*, available at https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf (last visited April 16, 2025).

³⁸ *Id.*

Consumption of kratom leaves can produce stimulant and sedative effects, and may also lead to psychotic symptoms.³⁹ The toxicity of kratom remains a topic of discussion, as well as its potential to cause herb-drug interactions and even be involved in fatalities.⁴⁰

In May of 2022 the Florida Department of Law Enforcement published its 2021 Interim Report, which found a 36% rise in kratom-involved deaths over the first half of 2021.

Currently, kratom is not listed as a controlled substance under federal law or Florida law.

Automatic Sealing

Some criminal history records are automatically sealed by the FDLE, and do not require a court to order such sealing. Section 943.0595, F.S., provides that the FDLE must automatically seal a criminal history record that does not result from an indictment, information, or other charging document for a forcible felony or for an offense that would designate a person as a sexual offender, if:

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
- An indictment, information, or other charging document was filed in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court of competent jurisdiction.⁴¹
- A not guilty verdict was rendered by a judge or jury.⁴²
- A judgement of acquittal was rendered by the jury.⁴³

The clerk of court must transmit a certified copy of the disposition of the criminal history record that is eligible for automatic sealing to the FDLE. The FDLE must seal the criminal history record upon receipt of the certified copy.⁴⁴ There is no limitation on the number of records that a person may have automatically sealed.⁴⁵

Automatic sealing of a criminal history record does not require sealing by the court or other criminal justice agencies, or that such record be surrendered to the court. The record must continue to be maintained by the FDLE and other criminal justice agencies.⁴⁶

³⁹ *Id.*

⁴⁰ *Id.*; see also Florida Department of Law Enforcement, Drugs Identified in Deceased Persons by Florida Medical Examiners (May 2022), available at <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2021-Interim-Drug-Report-FINAL.aspx> (last visited April 16, 2025).

⁴¹ A person is not eligible for automatic sealing if the dismissal was pursuant to ss. 916.145 or 985.19, F.S.

⁴² A person is not eligible for automatic sealing if the defendant was found not guilty by reason of insanity.

⁴³ Section 943.0595(2)(a), F.S.

⁴⁴ Section 943.0595(3), F.S.

⁴⁵ Section 943.0595(2)(b), F.S.

⁴⁶ Section 943.0595(3), F.S.

Critical Infrastructure Mapping

The United States depends on the reliable function of critical infrastructure. Cybersecurity threats exploit the increased complexity and connectivity of critical infrastructure systems, placing the Nation's security, economy, and public safety and health at risk.⁴⁷

"Critical infrastructure" is defined in the U.S. Patriot Act of 2001 to mean "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters."⁴⁸ The critical infrastructure community includes public and private owners and operators, and other entities with a role in securing the Nation's infrastructure.

"Critical infrastructure" is addressed in several sections of Florida law, including in s. 119.0725, F.S., which defines it as existing and proposed information technology and operational technology systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.⁴⁹

"Critical infrastructure facility" is also defined in Florida Statute and is defined in s. 330.41, F.S., as if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders. In part, facilities include:

- An electrical power generation or transmission facility, substation, switching station, or electrical control center.
- A chemical or rubber manufacturing or storage facility.
- A mining facility.
- A natural or liquid gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
- A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
- A state or county correctional institution.

III. Effect of Proposed Changes:

The bill amends various laws regarding the criminal justice system.

Section 1 amends s. 112.1815, F.S., to specify that amputee first responders may continue to serve if they meet certification requirements without an accommodation.

⁴⁷ Framework for Improving Critical Infrastructure Cybersecurity, (NIST CSF), National Institute of Standards and Technology, April 16, 2018, <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.04162018.pdf> (last visited on April 1, 2025).

⁴⁸ 42 U.S.C. § 5195c(e).

⁴⁹ Section 119.0725(1)(b), F.S.

Section 2 creates s. 112.195, F.S., relating to two state honorary medals: the Florida Medal of Valor for first responders, and related personnel, who go above and beyond to save lives, and the Florida Blue/Red Heart Medal for law enforcement, correctional, and correctional probation officers and firefighters injured in the line of duty. These awards, administered by FDLE and authorized to be presented by the Governor or his or her designee, require a nomination by a state resident or employing agency. Recipients will be selected by a five-member board, with members serving two-year terms. Three members will be appointed by the Governor, and one each appointed by the President of the Senate and Speaker of the House of Representatives. At least three board members must be active or former law enforcement officers or firefighters.

Section 3 creates s. 316.2675, F.S., relating to motor vehicle kill switches, to prohibit the use of devices that can be remotely activated to disable a vehicle's engine or prevent a vehicle's engine from starting. This does not apply to the owner of the vehicle; law enforcement officers performing their duties to prevent felonies; any person acting on behalf of subscriptions or memberships. Persons who utilize such devices in violation of this section are subject to second degree misdemeanor penalties.⁵⁰

Section 4 amends s. 775.0823, F.S., regarding violent offenses against justice system personnel to add a minimum mandatory sentence of 25 years for first degree attempted murder.⁵¹

Section 5 amends s. 790.051, F.S., to add correctional probation officers to the list of law enforcement officers who are exempt from licensing requirements for concealed carry, when acting in the scope of employment.

Section 6 amends s. 790.052, F.S., adding judges, state attorneys and assistant state attorneys to the list of persons who have the right to carry concealed firearms during off-duty hours and utilize their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

Section 7 amends s. 817.49, F.S., regarding false reports of the commission of crimes to encourage each state attorney to adopt a pro-prosecution policy for the false reporting of crimes.

Section 8 amends s. 790.06, F.S., to specify that judge cannot prevent a person, who is otherwise authorized to carry a concealed weapon or concealed firearm in a courthouse, from carrying such a concealed weapon or firearm in any other area of the courthouse other than his or her courtroom.

Section 9 amends s. 937.021, F.S., to revise procedures for handling missing persons reports by changing the required review of cases from monthly to annually in the National Missing and Unidentified Persons System (NamUs). It also extends the reporting deadline, requiring that missing persons reports be submitted to NamUs within 90 days of being filed, rather than within two hours. The current review and reporting timeframes relating to the Florida Crime Information Center and National Crime Information Center remain unchanged.

⁵⁰ A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. ss.775.082 and 775.083, F.S.

⁵¹ Section 782.04, F.S.

Section 10 amends s. 937.022, F.S., to remove reference to the National Missing and Unidentified Persons System.

Section 11 amends s. 500.92, F.S., to add kratom products that are adulterated with synthesized or semi-synthesized kratom alkaloids or constituents or contains certain levels in the alkaloid fraction to the list of prohibited products for sale to a person younger 21 years of age. A violation is a first degree misdemeanor.

Section 12 amends s. 951.27, F.S., to require procedures for blood testing include circumstances that warrant immediate blood testing of arrestees upon booking and must require that the results be provided to any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from the arrestee. The bill provides that any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from an arrestee to notice the facility within 24 hours after the exposure. If incapacitated, the agency must make such notice. Notice invokes immediate testing of the arrestee.

Section 14 amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device, or render such radio, recording device or restraint useless.

Section 18 amends s. 914.25, F.S., to add battery by strangulation, human smuggling, human trafficking or any other felony that involves the use or threat of physical force or violence against any individual to the definition of the term “serious felony offense.”

Section 21 amends s. 943.0595, F.S., effective July 1, 2025, to eliminate certain circumstances where criminal histories are automatically sealed and provides that prosecutors may access sealed records for specific purposes, such as determining plea offers, accessing evidence for prosecution, or assessing eligibility for diversion programs. Circumstances eliminated in the bill include:

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record; and
- An indictment, information, or other charging document was filed or issued in the case giving rise to the criminal history record but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court as to all counts.

Section 22 creates s. 943.0413, F.S., effective July 1, 2025, to establish the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement to support the ongoing assessment of the state’s vulnerability to, and ability to recover from, acts of terrorism. The bill specifies that each map created using funds received from the grant program must be created in an electronic or digital format and must be provided to all local, state, and federal responding agencies upon request.

Sections 13, 15, 16 and 17 amend ss. 921.0022, 397.417, 420.06241, and 435.04, F.S., respectively, to make conforming changes.

Sections 19 and 20 reenact ss. 914.27 and 943.031, F.S., respectively, to incorporate the changes made by the act to s. 914.25, F.S.

Section 23 provides that the bill takes effect on October 1, 2025, except as otherwise expressly provided in this act (sections 21 and 22, relating to the automatic sealing of criminal history records and the Critical Infrastructure Mapping Grant Program, respectively, are effective July 1, 2025).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

- Per the DOC, in FY 23-24, there were three new commitments to prison for attempted murder of a police officer, correctional officer, or correctional probation officer under s. 782.065, F.S. Since these numbers do not include other justice system personnel, there are other statutes where these attempted murders would likely be included. There were 29 new commitments for attempted felony murder under s. 782.051, F.S. Also, there were 370 new commitments for 1st degree premeditated murder or attempted murder under s. 782.04, F.S. As described, the data under s. 782.04, F.S., includes both actual murder and attempted murder, so these numbers would likely be lower if only premeditated murder was included. Furthermore, it is not known how many of the other court system personnel are included in these numbers. Additionally, there were two new commitments to prison in the same time period for manslaughter of those officers listed under s. 782.07, F.S., which includes other positions, such as firefighters. The sentence lengths for both were roughly fifteen years.
- Per the DOC, in FY 23-24, there were 2,520 new commitments to prison for weapons offenses. It is not known how many of these involved offenses committed by the officials described above, though their potential offenses would likely be for carrying a concealed firearm, where there were 79 new commitments.
- Per the FDLE, in FY 23-24, there were 67 arrests for misdemeanor false reports of commission of crimes, with 31 guilty/convicted charges and 8 adjudication withheld charges.
- Per the DOC, in FY 23-24, there were no new commitments to prison for willful making of a false report causing great bodily harm, permanent disfigurement, or permanent disability or new commitments for making a false report resulting in death. Per the DOC, in FY 23-24, the incarceration rate for a Level 1, 3rd degree felony was 9.7 percent. The incarceration rate for a Level 3, 2nd degree felony was 20 percent, and the incarceration rate for a Level 6, 1st degree felony was 44.4 percent.⁵²

VI. Technical Deficiencies:

The bill adds judges, state attorneys and assistant state attorneys to the list of persons who have the right to carry concealed firearms during off duty hours and utilize their weapon in a manner reasonably expected of on duty officers. This section of law provides this right to persons who have CJSTC training. Judges, state attorneys and assistant state attorneys do not have CJSTC training.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.1815, 112.195, 500.92, 775.0823, 790.051, 790.052, 790.06, 817.49, 843.025, 914.25, 937.021, 937.022, 951.27, 921.0022, and 943.0595.

⁵² Office of Economic and Demographic Research, *SB 1444 Criminal Justice*, (on file with the Senate Committee on Criminal Justice)

This bill creates the following sections of the Florida Statutes: 316.2675 and 943.0413.

This bill reenacts the following section of the Florida Statutes: 914.27 and 943.031.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 15, 2025:

The committee substitute:

- Amends s. 112.1815, F.S., to specify that amputee first responders may continue to serve if they meet certification requirements without accommodation.
- Creates s. 112.195, F.S., to create honorary medal programs to be named the Florida Medal of Valor and Florida Blue/Red Heart Medal.
- Amends s. 500.92, F.S., to add certain kratom products that are adulterated with synthesized or semi-synthesized kratom alkaloids or constituents or contain certain levels in the alkaloid fraction to the list of prohibited products for sale to a person younger 21 years of age. A violation is a first degree misdemeanor.
- Amends s. 817.49, F.S., regarding false reports of the commission of crimes to encourage each state attorney to adopt a pro-prosecution policy for the false reporting of crimes.
- Amends s. 790.06, F.S., to specify that judge cannot prevent a person who is otherwise authorized to carry a concealed weapon or concealed firearm in a courthouse, from carrying such a concealed weapon or firearm in any other area of the courthouse other than his or her courtroom.
- Amends s. 937.021, F.S., to revise procedures for handling missing persons reports by revising the review and reporting requirements.
- Amends s. 937.022, F.S., to remove reference to the National Missing and Unidentified Persons System.
- Removes provisions allowing the Florida Highway Patrol to retain reimbursement funds paid by patrol officers.
- Removes provisions allowing certified law enforcement officers who are not actively employed by a law enforcement agency to retain their certification by complying with certification requirements.
- Removes provision regarding the use of artificial intelligence for specified purposes in conjunction with data and first responder body cameras.
- Removes the increased penalties for making a false report of a crime and providing policies concerning enforcement.

CS by Criminal Justice on April 1, 2025:

The amendment:

- Creates exceptions to the crime of using a vehicle kill switch.
- Removes provisions requiring a life sentence for manslaughter if the victim is a law enforcement officer.

- Provides that Artificial Intelligence may be used, however information obtained through such use must be subject to human oversight and may not be the sole basis for an arrest.
- Amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device.
- Creates the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement.
- Adds battery by strangulation, human smuggling, human trafficking or any other felony that involves the use or threat of physical force or violence against any individual to the definition of “serious felony offense,” in s. 914.25, F.S.
- Amends s. 943.0595, F.S., to eliminate certain circumstances where criminal histories are automatically sealed and provides that prosecutors may access sealed records for specific purposes, such as determining plea offers, accessing evidence for prosecution, or assessing eligibility for diversion programs.

B. Amendments:

None.