

By Senator Rouson

16-01141A-26

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A bill to be entitled
An act relating to public records; amending s.
119.011, F.S.; revising the definition of the term
"actual cost of duplication"; amending s. 119.07,
F.S.; providing that it is a violation of specified
provisions to fail to acknowledge a public records
request promptly and in good faith; requiring
custodians of public records to perform specified
actions within a specified timeframe; prohibiting an
agency from imposing costs or fees if the custodian of
public records fails to take such actions within the
required timeframe; requiring custodians of public
records to state in writing certain justifications and
citations; prohibiting an agency from asserting that a
record was exempt or confidential and exempt under
specified circumstances; providing that an agency may
not assert certain justifications under specified
circumstances; deleting provisions authorizing a fee
for accessing a public record electronically under a
contractual agreement; prohibiting agencies from
charging for specified public records requests;
defining the term "any electronic medium stored,
maintained, or used by an agency"; requiring agencies
to provide requested public records in specified
formats; authorizing agencies to charge a fee for such
provision; providing for the reduction or waiver of
fees under specified conditions; requiring that such
reductions and waivers be applied uniformly;
prohibiting an agency from charging for a certain

16-01141A-26

2026770__

timeframe under specified conditions; requiring that a written, detailed cost estimate be provided upon request to persons seeking to inspect or copy a public record; providing that an agency is not authorized to charge fees for redaction of certain records; requiring an agency subject to ch. 119, F.S., to provide an electronic option for payment of fees associated with a public records request; amending s. 119.10, F.S.; providing that violations of any law providing access to public records are violations of specified provisions; providing a civil penalty for persons who violate provisions related to accessing public records; providing criminal penalties for persons outside this state who knowingly violate specified provisions; requiring courts to assess specified penalties if the court makes certain determinations; amending s. 119.12, F.S.; requiring that the court assess against agencies certain costs and fees and award such costs and fees to the complainant; requiring that certain fees be assessed against an agency under certain conditions; authorizing agency reimbursement of attorney fees and costs under specified conditions; amending s. 119.15, F.S.; requiring that certain provisions authorizing a public records exemption be repealed after a specified timeframe unless the Legislature reenacts the exemption; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

16-01141A-26

2026770__

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

Section 1. Subsection (1) of section 119.011, Florida Statutes, is amended to read:

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

(1) "Actual cost of duplication" means the cost of the material and supplies used to duplicate the public record, ~~but does not include labor cost or overhead cost associated with such duplication.~~ The term includes the cost of agency resources, including the cost of clerical and supervisory assistance and costs incurred for the use of agency information technology associated with such duplication which are incurred by the agency in complying with a request for public records. The cost of clerical or supervisory assistance may not be greater than the base hourly rate of the lowest paid personnel capable of providing such clerical or supervisory assistance. The term does not include overhead costs associated with duplication of a public record.

Section 2. Section 119.07, Florida Statutes, is amended to read:

119.07 Inspection and copying of records; photographing public records; fees; exemptions.—

(1)(a) Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

(b) A custodian of public records or a person having

16-01141A-26

2026770__

88 custody of public records may designate another officer or
89 employee of the agency to permit the inspection and copying of
90 public records, but must disclose the identity of the designee
91 to the person requesting to inspect or copy public records.

92 (c)1. A custodian of public records and his or her designee
93 must acknowledge requests to inspect or copy records promptly
94 and respond to such requests in good faith. A good faith
95 response includes making reasonable efforts to determine from
96 other officers or employees within the agency whether such a
97 record exists and, if so, the location at which the record can
98 be accessed. Failure to acknowledge a public records request
99 promptly and in good faith is a violation of this chapter.

100 2.a. No later than 3 business days after receiving a public
101 records request, a custodian of public records or his or her
102 designee must:

103 (I) Provide the requested records;

104 (II) Provide the requester a good faith estimate of a
105 reasonable amount of time in which the custodian will provide
106 the records, along with a good faith estimate of costs, if any,
107 that will be assessed for complying with the request; or

108 (III) Deny the request and cite the statutory exemption
109 authorizing the denial as provided in paragraphs (e) and (f).

110 b. If the custodian of public records or his or her
111 designee fails to take any of the actions described in sub-
112 subparagraph a. within 3 business days after receiving the
113 public records request, the agency may not impose costs or fees
114 for providing the requested public records.

115 c. Notwithstanding sub-subparagraph a., there is no
116 presumption in any civil action brought to enforce a requester's

16-01141A-26

2026770__

117 right to public records that a request was not unlawfully
118 delayed because an agency complied with sub-subparagraph a.

119 (d) A person who has custody of a public record who asserts
120 that an exemption applies to a part of such record shall redact
121 that portion of the record to which an exemption has been
122 asserted and validly applies, and such person shall produce the
123 remainder of such record for inspection and copying.

124 (e) If the person who has custody of a public record
125 contends that all or part of the record is exempt from
126 inspection and copying, he or she must ~~shall~~ state the basis of
127 the exemption that he or she contends is applicable to the
128 record, including the statutory citation to an exemption created
129 or afforded by statute.

130 (f) If requested by the person seeking to inspect or copy
131 the record, the custodian of public records must ~~shall~~ state in
132 writing and with particularity:

133 1. The reasons that justify taking more than 15 days to
134 provide the requested records; or

135 2. The reasons for the conclusion that the record is exempt
136 or confidential, including all statutory citations relied upon
137 in determining that the record is exempt or confidential.

138 (g)1. In any civil action in which an exemption to this
139 section is asserted, if the exemption is alleged to exist under
140 or by virtue of s. 119.071(1)(d) or (f), (2)(d), (e), or (f), or
141 (4)(c), the public record or part thereof in question must ~~shall~~
142 be submitted to the court for an inspection in camera. If an
143 exemption is alleged to exist under or by virtue of s.
144 119.071(2)(c), an inspection in camera is discretionary with the
145 court. If the court finds that the asserted exemption is not

16-01141A-26

2026770__

applicable, it must ~~shall~~ order the public record or part thereof in question to be immediately produced for inspection or copying as requested by the person seeking such access.

2. In any civil action brought by a requester to enforce the right to inspect public records, an agency may not assert any exemption or justification for not providing the public records sought which it has not previously raised before the civil action was filed to justify the agency's nondisclosure or delay in providing the public records sought.

3. In any civil action brought by a requester alleging that an agency unlawfully delayed providing public records, a public records request backlog or other unfulfilled public records requests at the agency may not, in whole or in part, be deemed a justification for the alleged delay.

(h) Even if an assertion is made by the custodian of public records that a requested record is not a public record subject to public inspection or copying under this subsection, the requested record must ~~shall, nevertheless,~~ not be disposed of for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian of public records by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian of public records may not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.

(i) The absence of a civil action instituted for the purpose stated in paragraph (g) does not relieve the custodian of public records of the duty to maintain the record as a public

16-01141A-26

2026770__

record if the record is in fact a public record subject to public inspection and copying under this subsection and does not otherwise excuse or exonerate the custodian of public records from any unauthorized or unlawful disposition of such record.

(2) (a) As an additional means of inspecting or copying public records, a custodian of public records may provide access to public records by remote electronic means, provided exempt or confidential information is not disclosed.

(b) The custodian of public records shall provide safeguards to protect the contents of public records from unauthorized remote electronic access or alteration and to prevent the disclosure or modification of those portions of public records which are exempt or confidential from subsection (1) or s. 24, Art. I of the State Constitution.

~~(c) Unless otherwise required by law, the custodian of public records may charge a fee for remote electronic access, granted under a contractual arrangement with a user, which fee may include the direct and indirect costs of providing such access. Fees for remote electronic access provided to the general public shall be in accordance with the provisions of this section.~~

(3) (a) Any person shall have the right of access to public records for the purpose of making photographs of the record while such record is in the possession, custody, and control of the custodian of public records.

(b) This subsection applies to the making of photographs in the conventional sense by use of a camera device to capture images of public records but excludes the duplication of microfilm in the possession of the clerk of the circuit court

16-01141A-26

2026770__

where a copy of the microfilm may be made available by the clerk.

(c) Photographing public records shall be done under the supervision of the custodian of public records, who may adopt and enforce reasonable rules governing the photographing of such records.

(d) Photographing of public records shall be done in the room where the public records are kept. If, in the judgment of the custodian of public records, this is impossible or impracticable, photographing shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, to be determined by the custodian of public records. Where provision of another room or place for photographing is required, the expense of providing the same shall be paid by the person desiring to photograph the public record pursuant to paragraph (4) (h) ~~(4) (e)~~.

(4) The custodian of public records shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law. ~~If a fee is not prescribed by law, the following fees are authorized:~~

(a) If a fee is not prescribed by law, the following fees are authorized:

1. Up to 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 8 1/2 inches;

2. No more than an additional 5 cents for each two-sided copy; and

3. For all other copies, the actual cost of duplication of the public record.

16-01141A-26

2026770__

If the nature or volume of the public records requested to be inspected or copied is such that they require less than 30 minutes to prepare, the agency may not charge the actual cost of duplication or any other costs or fees to the requester.

(b) 1. For the purposes of this paragraph, the term "any electronic medium stored, maintained, or used by an agency" means any electronic format that the agency can reasonably provide as part of the standard operation of its electronic recordkeeping system. If an agency is able to convert the record into the electronic format requested as a step in the process of copying or exporting the requested record, the agency must provide the record in the format requested and may charge a fee authorized by this subsection.

2. For a copy of a public record in any electronic medium stored, maintained, or used by an agency, the agency may charge the actual cost of duplication. However, if the nature or volume of the public records requested to be copied is such that they require less than 30 minutes to prepare, the agency may not charge the actual cost of duplication or any other costs or fees to the requester.

3. An agency may not charge a requester the actual cost of duplication or any other cost or fee for providing any public record that has been previously disclosed pursuant to another public records request made to that agency.

(c) The charge for copies of county maps or aerial photographs supplied by county constitutional officers may also include a reasonable charge for the labor and overhead associated with their duplication.

(d) ~~(e)~~ An agency may charge up to \$1 per copy for a

16-01141A-26

2026770__

certified copy of a public record.

(e) ~~(d)~~ All fees allowed under this subsection may be reduced or waived in full for a public purpose, including public agency program support, nonprofit activities, journalistic activities, and academic or other research. Fee reductions and waivers must be uniformly applied among persons similarly situated. For a public records request meeting the public purposes noted in this paragraph, an agency may not charge the requester any cost or fee for the first 10 hours of time the agency estimates it would take to comply with the request ~~If the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.~~

(f) If requested by the person seeking to inspect or copy the record, the custodian of public records must provide that person a detailed written estimate of all costs associated with the request.

(g) An agency is not authorized to charge a fee for costs associated with redaction of exempt or confidential and exempt information from a public record that has been requested to be inspected or copied.

16-01141A-26

2026770__

291 (h)1.~~(e)1.~~ Where provision of another room or place is
292 necessary to photograph public records, the expense of providing
293 the same must ~~shall~~ be paid by the person desiring to photograph
294 the public records.

295 2. The custodian of public records may charge the person
296 making the photographs for supervision services at a rate of
297 compensation to be agreed upon by the person desiring to make
298 the photographs and the custodian of public records. If they
299 fail to agree as to the appropriate charge, the charge shall be
300 determined by the custodian of public records.

301 (5) An agency shall provide an electronic option for the
302 payment of any fee associated with a request to inspect or copy
303 public records.

304 (6) When ballots are produced under this section for
305 inspection or examination, no persons other than the supervisor
306 of elections or the supervisor's employees shall touch the
307 ballots. If the ballots are being examined before the end of the
308 contest period in s. 102.168, the supervisor of elections must
309 ~~shall~~ make a reasonable effort to notify all candidates by
310 telephone or otherwise of the time and place of the inspection
311 or examination. All such candidates, or their representatives,
312 shall be allowed to be present during the inspection or
313 examination.

314 (7)~~(6)~~ An exemption contained in this chapter or in any
315 other general or special law shall not limit the access of the
316 Auditor General, the Office of Program Policy Analysis and
317 Government Accountability, or any state, county, municipal,
318 university, board of community college, school district, or
319 special district internal auditor to public records when such

16-01141A-26

2026770__

person states in writing that such records are needed for a properly authorized audit, examination, or investigation. Such person shall maintain the exempt or confidential status of that public record and shall be subject to the same penalties as the custodian of that record for public disclosure of such record.

(8)~~(7)~~ An exemption from this section does not imply an exemption from s. 286.011. The exemption from s. 286.011 must be expressly provided.

(9)~~(8)~~ The provisions of this section are not intended to expand or limit the provisions of Rule 3.220, Florida Rules of Criminal Procedure, regarding the right and extent of discovery by the state or by a defendant in a criminal prosecution or in collateral postconviction proceedings. This section may not be used by any inmate as the basis for failing to timely litigate any postconviction action.

(10)~~(9)~~ After receiving a request to inspect or copy a record, an agency may not respond to that request by filing an action for declaratory relief against the requester to determine whether the record is a public record as defined by s. 119.011, or the status of the record as confidential or exempt from the provisions of subsection (1).

Section 3. Section 119.10, Florida Statutes, is amended to read:

119.10 Violation of chapter; penalties.—

(1) A violation of any law that provides access to public records, including those laws that limit public access to such records, is considered a violation of this chapter ~~Any public officer who:~~

~~(a) Violates any provision of this chapter commits a~~

16-01141A-26

2026770__

~~noncriminal infraction, punishable by fine not exceeding \$500.~~

~~(b) Knowingly violates the provisions of s. 119.07(1) is subject to suspension and removal or impeachment and, in addition, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(2) A person who violates this chapter commits a noncriminal infraction, punishable by a fine that may not exceed \$500.

~~(3) A Any person who willfully and knowingly violates+~~
~~(a) any of the provisions of this chapter commits a~~
misdemeanor of the first degree, punishable as provided in s.
775.082 or s. 775.083.

(4) A person outside this state who knowingly violates this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) A court must assess a penalty against the agency equal to twice the amount awarded pursuant to s. 119.12, in addition to a penalty of \$200 for each day the agency unlawfully denied the right to inspect or copy the public records, if the court:

(a) Determines that an agency has:

1. Violated s. 119.07(1); and

2. Shown intentional disregard for the public's constitutional right of access as guaranteed by s. 24(a), Art. I of the State Constitution; or

(b) Finds a pattern of abuse of the requirements of this chapter ~~Section 119.105 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 4. Section 119.12, Florida Statutes, is amended to read:

16-01141A-26

2026770__

119.12 Attorney fees.—

(1) The court must assess against the agency responsible, and award to the complainant the reasonable costs of enforcement, including reasonable attorney fees and those fees incurred litigating the entitlement and amount of fees awarded, if:

(a) A civil action is filed against an agency to enforce the provisions of this chapter or any other law that relates to access to public records, including those laws that limit public access to such records, ~~the court shall assess and award the reasonable costs of enforcement, including reasonable attorney fees, against the responsible agency if the court determines that:~~

~~(a) The agency unlawfully refused to permit a public record to be inspected or copied; and~~

(b) The court determines that such agency violated such law ~~The complainant provided written notice identifying the public record request to the agency's custodian of public records at least 5 business days before filing the civil action, except as provided under subsection (2). The notice period begins on the day the written notice of the request is received by the custodian of public records, excluding Saturday, Sunday, and legal holidays, and runs until 5 business days have elapsed.~~

(2) Fees assessed pursuant to this section may not be assessed on an individual acting on the advice of an agency attorney but must be assessed against the agency.

(3) ~~(2)~~ The complainant is not required to provide written notice of the public record request to the agency's custodian of public records ~~as provided in paragraph (1)(b)~~ if the agency

16-01141A-26

2026770__

407 does not prominently post the contact information for the
408 agency's custodian of public records in the agency's primary
409 administrative building in which public records are routinely
410 created, sent, received, maintained, and requested and on the
411 agency's website, if the agency has a website.

412 (4)~~(3)~~ The court shall determine whether the complainant
413 requested to inspect or copy a public record or participated in
414 the civil action for an improper purpose. If the court
415 determines there was an improper purpose, the court may not
416 assess and award the reasonable costs of enforcement, including
417 reasonable attorney fees, to the complainant, and shall assess
418 and award against the complainant and to the agency the
419 reasonable costs, including reasonable attorney fees, incurred
420 by the agency in responding to the civil action. For purposes of
421 this subsection, the term "improper purpose" means a request to
422 inspect or copy a public record or to participate in the civil
423 action primarily to cause a violation of this chapter or for a
424 frivolous purpose.

425 (5)~~(4)~~ This section does not create a private right of
426 action authorizing the award of monetary damages for a person
427 who brings an action to enforce the provisions of this chapter.
428 Payments by the responsible agency may include only the
429 reasonable costs of enforcement, including reasonable attorney
430 fees, directly attributable to a civil action brought to enforce
431 the provisions of this chapter.

432 (6) If an individual is charged with a violation of this
433 chapter and is subsequently acquitted, the agency is authorized
434 to reimburse the individual for any portion of his or her
435 reasonable attorney fees.

16-01141A-26

2026770__

Section 5. Subsections (3) and (4) of section 119.15, Florida Statutes, are amended to read:

119.15 Legislative review of exemptions from public meeting and public records requirements.—

(3) (a) In the 5th year after enactment of a new exemption or substantial amendment of an existing exemption, the exemption must ~~shall~~ be repealed on October 2 ~~2nd~~ of the 5th year, unless the Legislature acts to reenact the exemption.

(b) In the 10th year after reenactment, the exemption must be repealed on October 2 of the 10th year, unless the Legislature acts to reenact the exemption.

(4) (a) A law that enacts a new exemption or substantially amends an existing exemption must state that the record or meeting is:

1. Exempt from s. 24, Art. I of the State Constitution;
2. Exempt from s. 119.07(1) or s. 286.011; and
3. Repealed at the end of 5 years and that the exemption must be reviewed by the Legislature before the scheduled repeal date, and every 10 years thereafter.

(b) For purposes of this section, an exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records. An exemption is not substantially amended if the amendment narrows the scope of the exemption.

(c) This section is not intended to repeal an exemption that has been amended following legislative review before the scheduled repeal of the exemption if the exemption is not substantially amended as a result of the review.

Section 6. Paragraph (c) of subsection (3) of section

16-01141A-26

2026770__

921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.

16-01141A-26

2026770__

476

319.33 (1) (a)

3rd

Alter or forge any
certificate of title to a
motor vehicle or mobile
home.

477

319.33 (1) (c)

3rd

Procure or pass title on
stolen vehicle.

478

319.33 (4)

3rd

With intent to defraud,
possess, sell, etc., a
blank, forged, or
unlawfully obtained title
or registration.

479

327.35 (2) (b)

3rd

Felony BUI.

480

328.05 (2)

3rd

Possess, sell, or
counterfeit fictitious,
stolen, or fraudulent
titles or bills of sale of
vessels.

481

328.07 (4)

3rd

Manufacture, exchange, or
possess vessel with
counterfeit or wrong ID
number.

482

376.302 (5)

3rd

Fraud related to

16-01141A-26

2026770__

reimbursement for cleanup
expenses under the Inland
Protection Trust Fund.

483

379.2431
(1) (e) 5.

3rd

Taking, disturbing,
mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

484

379.2431
(1) (e) 6.

3rd

Possessing any marine
turtle species or
hatchling, or parts
thereof, or the nest of any
marine turtle species
described in the Marine
Turtle Protection Act.

485

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

486

16-01141A-26

2026770__

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services requiring
licensure, without a
license.

487

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or
failing to report
information.

488

440.1051 (3)

3rd

False report of workers'
compensation fraud or
retaliation for making such
a report.

489

501.001 (2) (b)

2nd

Tampers with a consumer
product or the container
using materially
false/misleading
information.

490

624.401 (4) (a)

3rd

Transacting insurance
without a certificate of
authority.

491

624.401 (4) (b) 1.

3rd

Transacting insurance
without a certificate of
authority; premium

16-01141A-26

2026770__

collected less than
\$20,000.

626.902 (1) (a) &
(b)

3rd

Representing an
unauthorized insurer.

697.08

3rd

Equity skimming.

790.15 (3)

3rd

Person directs another to
discharge firearm from a
vehicle.

794.053

3rd

Lewd or lascivious written
solicitation of a person 16
or 17 years of age by a
person 24 years of age or
older.

800.045 (3)

3rd

Possess, control, or
intentionally view any
photographic material,
motion picture, etc., which
includes a lewd or
lascivious image.

806.10 (1)

3rd

Maliciously injure,
destroy, or interfere with
vehicles or equipment used
in firefighting.

16-01141A-26

2026770__

498

806.10 (2)

3rd

Interferes with or assaults
firefighter in performance
of duty.

499

810.09 (2) (b)

3rd

Trespass on property other
than structure or
conveyance armed with
firearm or dangerous
weapon.

500

810.145 (2) (c)

3rd

Digital voyeurism; 19 years
of age or older.

501

812.014 (2) (c) 2.

3rd

Grand theft; \$5,000 or more
but less than \$10,000.

502

812.0145 (2) (c)

3rd

Theft from person 65 years
of age or older; \$300 or
more but less than \$10,000.

503

812.015 (8) (b)

3rd

Retail theft with intent to
sell; conspires with
others.

504

812.081 (2)

3rd

Theft of a trade secret.

505

815.04 (4) (b)

2nd

Computer offense devised to
defraud or obtain property.

16-01141A-26

2026770__

506

817.034 (4) (a) 3.

3rd

Engages in scheme to
defraud (Florida
Communications Fraud Act),
property valued at less
than \$20,000.

507

817.233

3rd

Burning to defraud insurer.

508

817.234

3rd

(8) (b) & (c)

Unlawful solicitation of
persons involved in motor
vehicle accidents.

509

817.234 (11) (a)

3rd

Insurance fraud; property
value less than \$20,000.

510

817.236

3rd

Filing a false motor
vehicle insurance
application.

511

817.2361

3rd

Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

512

817.413 (2)

3rd

Sale of used goods of
\$1,000 or more as new.

513

817.49 (2) (b) 1.

3rd

Willful making of a false

16-01141A-26

2026770__

report of a crime causing
great bodily harm,
permanent disfigurement, or
permanent disability.

514

831.28 (2) (a)

3rd

Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment
instrument with intent to
defraud.

515

831.29

2nd

Possession of instruments
for counterfeiting driver
licenses or identification
cards.

516

836.13 (2)

3rd

Generating an altered
sexual depiction of an
identifiable person without
consent.

517

836.13 (4)

3rd

Promoting, or possessing
with intent to promote, an
altered sexual depiction of
an identifiable person
without consent.

518

838.021 (3) (b)

3rd

Threatens unlawful harm to

16-01141A-26

2026770__

public servant.

519

847.01385

3rd

Harmful communication to a
minor.

520

860.15(3)

3rd

Overcharging for repairs
and parts.

521

870.01(2)

3rd

Riot.

522

870.01(4)

3rd

Inciting a riot.

523

893.13(1)(a)2.

3rd

Sell, manufacture, or
deliver cannabis (or other
s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3.,
(2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4)
drugs).

524

893.13(1)(d)2.

2nd

Sell, manufacture, or
deliver s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3),
or (4) drugs within 1,000
feet of university.

16-01141A-26

2026770__

525

893.13 (1) (f) 2.

2nd

Sell, manufacture, or
deliver s. 893.03(1) (c),
(2) (c) 1., (2) (c) 2.,
(2) (c) 3., (2) (c) 6.,
(2) (c) 7., (2) (c) 8.,
(2) (c) 9., (2) (c) 10., (3),
or (4) drugs within 1,000
feet of public housing
facility.

526

893.13 (4) (c)

3rd

Use or hire of minor;
deliver to minor other
controlled substances.

527

893.13 (6) (a)

3rd

Possession of any
controlled substance other
than felony possession of
cannabis.

528

893.13 (7) (a) 8.

3rd

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

529

893.13 (7) (a) 9.

3rd

Obtain or attempt to obtain
controlled substance by
fraud, forgery,

16-01141A-26

2026770__

misrepresentation, etc.

530

893.13(7)(a)10.

3rd

Affix false or forged label
to package of controlled
substance.

531

893.13(7)(a)11.

3rd

Furnish false or fraudulent
material information on any
document or record required
by chapter 893.

532

893.13(8)(a)1.

3rd

Knowingly assist a patient,
other person, or owner of
an animal in obtaining a
controlled substance
through deceptive, untrue,
or fraudulent
representations in or
related to the
practitioner's practice.

533

893.13(8)(a)2.

3rd

Employ a trick or scheme in
the practitioner's practice
to assist a patient, other
person, or owner of an
animal in obtaining a
controlled substance.

534

893.13(8)(a)3.

3rd

Knowingly write a

16-01141A-26

2026770__

prescription for a
controlled substance for a
fictitious person.

535

893.13(8)(a)4.

3rd

Write a prescription for a
controlled substance for a
patient, other person, or
an animal if the sole
purpose of writing the
prescription is a monetary
benefit for the
practitioner.

536

918.13(1)

3rd

Tampering with or
fabricating physical
evidence.

537

944.47
(1)(a)1. & 2.

3rd

Introduce contraband to
correctional facility.

538

944.47(1)(c)

2nd

Possess contraband while
upon the grounds of a
correctional institution.

539

985.721

3rd

Escapes from a juvenile
facility (secure detention
or residential commitment
facility).

540

16-01141A-26

2026770__

541

Section 7. This act shall take effect July 1, 2026.