



Justice Appropriations Subcommittee

**Wednesday, January 24, 2024
11:00 AM – 1:00 PM
17 HOB (Morris Hall)**

MEETING PACKET

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Justice Appropriations Subcommittee

Start Date and Time: Wednesday, January 24, 2024 11:00 am
End Date and Time: Wednesday, January 24, 2024 01:00 pm
Location: Morris Hall (17 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

CS/HB 231 Exposures of First Responders to Fentanyl and Fentanyl Analogs by Criminal Justice Subcommittee, Baker
HB 533 DNA Samples from Inmates by Fabricio
CS/HB 549 Theft by Criminal Justice Subcommittee, Rommel
HB 937 Purple Alert by Casello
HB 1131 Online Sting Operations Grant Program by Temple

Consideration of the following proposed committee bill(s):

PCB JUA 24-01 -- Judges

Chair's Budget Proposal for FY 2024-2025

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at www.myfloridahouse.gov.

NOTICE FINALIZED on 01/22/2024 3:32PM by RSD

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB JUA 24-01 Judges
SPONSOR(S): Justice Appropriations Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|--------|---------|--|
| Orig. Comm.: Justice Appropriations Subcommittee | | Smith | Keith |

SUMMARY ANALYSIS

The bill conforms current law to the proposed Fiscal Year 2024-2025 House of Representatives' General Appropriations Act, which includes \$2,574,402 in General Revenue funding, and authorizes fourteen full-time equivalent positions with associated salary rate of 1,527,297, for the newly established judgeships and associated judicial assistant staffing.

The Supreme Court of Florida issued Order No. SC2023-1586, dated November 30, 2023, certifying the need for one new circuit court judgeship in the Twentieth Judicial Circuit, two new county court judgeships in Hillsborough County, and three new county court judgeships in Orange County.

Article V, section 9 of the Florida Constitution states that the Legislature may reject the recommendations or implement the recommendations of the Supreme Court in whole or in part.

The bill amends ss. 26.031 and 34.022, F.S., to establish one new circuit court judgeship in the Twentieth Judicial Circuit, two new county court judgeships in Hillsborough County, and three new county court judgeships in Orange County.

The effective date of the bill is July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Article V, section 9 of the Florida Constitution states:

Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists.

To determine a need for trial court judgeships, the Office of State Courts Administrator (OSCA) relies on an analysis of weighted caseload filings per judge. In 1999, at the request of the Legislature, OSCA contracted with the National Center for State Courts (NCSC) to develop and validate a Delphi-based Weighted Caseload System.¹

The weighted caseload system assigns a time value to cases by their case type, based on the various kinds and complexity of the cases that are filed. The case type time value, or case weight, establishes an approximate workload value per case filing by case type, which is used to determine the number of judges required to handle these cases. The weighted caseload system is revised periodically to account for changes in procedure and case complexity. The system was updated by OSCA and NCSC in 2007, and most recently in 2016.

The Supreme Court issued Order No. SC2023-1586, dated November 30, 2023, in regard to the certification of need for additional judges. In the certification, the Court recommended one new circuit court judgeship in the Twentieth Judicial Circuit, two new county court judgeships in Hillsborough County, and three new county court judgeships in Orange County.

Article V, section 11 of the Florida Constitution requires the Governor to fill judicial office vacancies by appointment from a list of candidates nominated by a judicial nominating commission², for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment.

¹ National Center for State Courts, *Florida Judicial Workload Assessment Final Report*, Office of the State Courts Administrator (May 16, 2016), <http://www.flcourts.org/core/fileparse.php/558/urlt/Final-Florida-Judicial-Workload-Assessment-Final-report.pdf> (last visited Jan. 9, 2024.)

² Article V, section 20, subsection (5) of the Florida Constitution states that each judicial nomination commission shall be composed of nine members. Three members must be appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, district or circuit. Three electors must reside in the territorial jurisdiction of the court or circuit appointed by the governor. And three of the electors must reside in the territorial jurisdiction of the court or circuit and who are not members of the bar of Florida, selected and appointed by a majority vote of the other six members of the commission.

Effect of the Bill

The bill establishes one new circuit court judgeship in the Twentieth Judicial Circuit, two new county court judgeships in Hillsborough County, and three new county court judgeships in Orange County.

B. SECTION DIRECTORY:

Section 1. Amends s. 26.031, F.S., related to judicial circuits; number of judges.

Section 2. Amends s. 34.022, F.S., related to number of county court judges for each county.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill conforms current law to the proposed Fiscal Year 2024-2025 House of Representatives' General Appropriations Act, which includes \$2,574,402 in General Revenue funding, and authorizes fourteen full-time equivalent positions with associated salary rate of 1,527,297, for the newly established judgeships and associated judicial assistant staffing.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The cost of county judges and judicial assistants are paid for by the state. Under s. 29.008, F.S., counties are responsible for facilities, security, communications and information technology costs for county courts. The bill could result in additional costs in these areas, to the extent that county courts will be receiving additional judges and associated staff, however, any additional costs associated with the newly established positions can likely be absorbed within existing resources.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have

to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to judges; amending ss. 26.031 and
3 34.022, F.S.; revising the number of circuit court
4 judges and county court judges, respectively;
5 providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Subsection (20) of section 26.031, Florida
10 Statutes, is amended to read:

11 26.031 Judicial circuits; number of judges.—The number of
12 circuit judges in each circuit shall be as follows:

| | |
|---------------------|-------------------------|
| JUDICIAL CIRCUIT | TOTAL |
| (20) Twentieth..... | <u>32</u> 31 |

15 Section 2. Subsections (28) and (48) of section 34.022,
16 Florida Statutes, are amended to read:

17 34.022 Number of county court judges for each county.—The
18 number of county court judges in each county shall be as
19 follows:

| | |
|------------------------|-------------------------|
| COUNTY | TOTAL |
| (28) Hillsborough..... | <u>25</u> 23 |
| (48) Orange..... | <u>22</u> 19 |

23 Section 3. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 231 Exposures of First Responders to Fentanyl and Fentanyl Analogs
SPONSOR(S): Criminal Justice Subcommittee, Baker
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|------------------|---------|--|
| 1) Criminal Justice Subcommittee | 14 Y, 3 N, As CS | Padgett | Hall |
| 2) Justice Appropriations Subcommittee | | Saag | Keith |
| 3) Judiciary Committee | | | |

SUMMARY ANALYSIS

Fentanyl is a synthetic opioid analgesic that is approximately 50 to 100 times more potent than morphine. When prescribed by a physician, fentanyl is typically used to treat patients with severe pain or to manage pain after surgery and is administered via injection, transdermal patch, or in lozenges. Although prescription fentanyl can be misused, most overdoses and related deaths have been linked to illicitly manufactured fentanyl, including fentanyl analogs.

With the increase in the illicit use of fentanyl, first responders such as law enforcement officers are increasingly coming into contact with fentanyl that is seized while making arrests and traffic stops. In recent years, there have been several reports of law enforcement officers suffering medical complications such as lightheadedness, heart palpitations, and nausea after being exposed to fentanyl. In some instances, the symptoms were severe enough to cause other officers on the scene to respond by administering an opioid antagonist, such as Narcan. Toxicologists and medical doctors, however, caution that fentanyl, although highly toxic, is relatively difficult to transmit through skin contact without a transdermal patch and likely would not remain airborne in sufficient quantities to cause a medical issue if inhaled.

CS/HB 231 creates s. 893.132, F.S., to provide a criminal penalty, punishable as a first degree felony, if a person 18 years or older who is unlawfully in possession of dangerous fentanyl or fentanyl analogues exposes a first responder, including a law enforcement officer, correctional officer, correctional probation officer, firefighter, emergency medical technician, or paramedic, to such fentanyl or fentanyl analogues and an overdose or serious bodily injury to the first responder results. Under the bill, "expose or exposure" means to cause any of the following, including, but not limited to, ingestion, inhalation, needlestick injury, or absorption through skin or mucous membranes. The bill defines "overdose or serious bodily injury" as drug toxicity or a physical condition that creates a substantial risk of death or substantial loss or impairment of the function of any bodily member or organ.

The bill provides an affirmative defense from prosecution if the first responder acted so far outside of the scope of ordinary care generally exercised by a member of his or her profession that he or she caused or substantially contributed to the exposure.

The bill may have an indeterminate positive jail and prison bed impact by creating a new first degree felony offense for exposing a first responder to dangerous fentanyl or fentanyl analogs and thereby causing them to overdose or suffer bodily harm, which may result in increased admissions or longer sentences to such facilities.

The bill provides an effective date of October 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Controlled Substances

Chapter 893, F.S., the Florida Comprehensive Drug Abuse Prevention and Control Act, classifies controlled substances¹ into five categories, called schedules. These schedules regulate the manufacture, distribution, preparation, and dispensing of the substances listed therein. The distinguishing factors between the different drug schedules are the “potential for abuse”² of the substance and whether there is a currently accepted medical use for the substance.³ The controlled substance schedules are as follows:

- Schedule I substances have a high potential for abuse and currently have no accepted medical use in the United States, including substances such as cannabis and heroin.⁴
- Schedule II substances have a high potential for abuse and have a currently accepted but severely restricted medical use in the United States, including substances such as raw opium, fentanyl, and codeine.⁵
- Schedule III substances have a potential for abuse less than the substances contained in Schedules I and II and have a currently accepted medical use in the United States, including substances such as stimulants and anabolic steroids.⁶
- Schedule IV substances have a low potential for abuse relative to substances in Schedule III and have a currently accepted medical use in the United States, including substances such as benzodiazepines and barbiturates.⁷
- Schedule V substances have a low potential for abuse relative to the substances in Schedule IV and have a currently accepted medical use in the United States, including substances such as mixtures that contain small quantities of opiates, narcotics, or stimulants.⁸

Fentanyl

Fentanyl is a synthetic opioid analgesic that is approximately 50 to 100 times more potent than morphine.⁹ When prescribed by a physician, fentanyl is typically used to treat patients with severe pain or to manage pain after surgery and is administered via injection, transdermal patch, or in lozenges.¹⁰ Although prescription fentanyl can be misused, most overdoses and related deaths have been linked to illicitly manufactured fentanyl, including fentanyl analogs.¹¹ Fentanyl and fentanyl-related substances are classified as Schedule II controlled substances.¹²

¹ “Controlled substance” means any substance named or described in Schedules I-V of s. 893.03, F.S. S. 893.02(4), F.S.

² “Potential for abuse” means that a substance has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of its being: 1) used in amounts that create a hazard to the user’s health or safety of the community; 2) diverted from legal channels and distributed through illegal channels; or 3) taken on the user’s own initiative rather than on the basis of professional medical advice. S. 893.035(3)(a), F.S.

³ See s. 893.03, F.S.

⁴ S. 893.03(1), F.S.

⁵ S. 893.03(2), F.S.

⁶ S. 893.03(3), F.S.

⁷ S. 893.03(4), F.S.

⁸ S. 893.03(5), F.S.

⁹ National Institute on Drug Abuse, *What is Fentanyl?*, <https://nida.nih.gov/publications/drugfacts/fentanyl> (last visited Jan. 16, 2024).

¹⁰ *Id.*

¹¹ Centers for Disease Control and Prevention, *Fentanyl*, <https://www.cdc.gov/opioids/basics/fentanyl.html> (last visited Jan. 16, 2024).

¹² S. 893.03(2)(b)1., 6., 9., 29., 30., and 32., F.S.

As the illicit use of fentanyl increases, first responders such as law enforcement officers are increasingly coming into contact with fentanyl that is seized while making arrests and traffic stops.¹³ In recent years, there have been several reports of law enforcement officers suffering medical complications such as lightheadedness, heart palpitations, and nausea after being exposed to fentanyl.¹⁴ In some instances, the symptoms were severe enough to cause other officers on the scene to respond by administering an opioid antagonist, such as Narcan.¹⁵ However, these incidents have been disputed by toxicologists and medical doctors who claim that fentanyl is relatively difficult to transmit through skin contact without a transdermal patch and would likely not remain airborne in sufficient quantities to cause a medical issue if inhaled.¹⁶

Unlawful Possession of Fentanyl

The penalty for unlawfully possessing a controlled substance depends on several factors, including the type and amount of the controlled substance possessed and whether a person possessed such substance with the intent to sell or deliver the substance to another person. Generally, the unlawful possession of less than four grams of fentanyl¹⁷ is a third degree felony.¹⁸ If a person unlawfully possesses less than four grams of fentanyl with the intent to sell, manufacture, or deliver such fentanyl, a person commits a second degree felony.¹⁹ If a person unlawfully possesses fentanyl, alfentanil, carfentanil, sufentanil, or other fentanyl derivatives or analogs and the weight is four grams or more, a person commits the offense of trafficking in dangerous fentanyl or fentanyl analogues, which is punishable as a first degree felony.²⁰

Unlawful Distribution of Fentanyl Resulting in Overdose or Serious Bodily Injury

In 2023, the Legislature enacted s. 893.131, F.S., which prohibits a person 18 years of age or older from distributing²¹ heroin, alfentanil, carfentanil, fentanyl, sufentanil, fentanyl derivatives, or an analog or mixture containing such substances, when such substances cause or are a substantial factor²² in causing an overdose or serious bodily injury²³ to the user. A person commits a violation regardless of whether the distribution is made directly or indirectly through another person to the person who overdosed or suffered serious bodily injury. A violation is punishable as a second degree felony. A second or subsequent conviction is punishable as a first degree felony.

¹³ FOX 10, *Florida Officer Accidentally Overdoses on Fentanyl, Body Cam Video Released*, <https://www.fox10tv.com/2022/12/16/florida-officer-accidentally-overdoses-fentanyl-body-cam-video-released/> (last visited Jan. 16, 2024). First Coast News, *Flagler Sheriff's Deputy Exposed to Fentanyl During Traffic Stop*, <https://www.firstcoastnews.com/article/news/local/flagler-county-sheriff-deputy-ecposed-to-fentanyl/77-791dd3b7-0f1a-4bbb-bc82-8bcfcb5c4231> (last visited Jan. 16, 2024).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ NPR, *Are Cops Really Being Poisoned by Fentanyl Exposure?*, <https://www.npr.org/2023/05/16/1175726650/fentanyl-police-overdose-misinformation> (last visited Jan. 16, 2024).

¹⁷ The same penalties apply if a person unlawfully possesses a fentanyl derivative, controlled substance analog, or a mixture containing a fentanyl derivative or analog.

¹⁸ S. 893.13(6)(a), F.S. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

¹⁹ S. 893.13(1)(a)1., F.S. A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

²⁰ S. 893.135(1)(c)4.b., F.S. A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Ss. 775.082, 775.083, or 775.084, F.S. A person convicted of trafficking in dangerous fentanyl and fentanyl analogues is subject to specified mandatory minimum sentences and fines that vary depending on the amount of fentanyl possessed.

²¹ "Distribute" means to deliver, other than by administering or dispensing, a controlled substance, and includes the direct or indirect delivery of a controlled substance to a user. S. 893.131(1)(a), F.S.

²² "Substantial factor" means that the use of a substance or mixture alone is sufficient to cause an overdose or serious bodily injury, regardless of whether any other substance or mixture used is also sufficient to cause an overdose or serious bodily injury. S. 893.131(1)(e), F.S.

²³ "Overdose or serious bodily injury" means drug toxicity or a physical condition that creates a substantial risk of death or substantial loss or impairment of the function of any bodily member or organ. S. 893.131(1)(d), F.S.

Injury to First Responders from Fentanyl Exposure

Under current law, s. 893.13(10), F.S., provides that if a person violates *any* provision of ch. 893, F.S.,²⁴ and the violation results in a serious injury to a state or local law enforcement officer as defined in s. 943.10, F.S.,²⁵ a firefighter as defined in s. 633.102, F.S.,²⁶ an emergency medical technician as defined in s. 401.23, F.S.,²⁷ a paramedic as defined in s. 401.23, F.S.,²⁸ an employee of a public utility or an electric utility as defined in s. 366.02, F.S., an animal control officer as defined in s. 828.27, F.S., a volunteer firefighter engaged by state or local government, a law enforcement officer employed by the Federal Government, or any other local, state, or Federal Government employee who is injured during the course and scope of his or her employment, the person commits a third degree felony. If the injury sustained results in death or great bodily harm, the person commits a second degree felony.²⁹

Offense Severity Ranking Chart

Felony offenses subject to the Criminal Punishment Code (CPC) are listed in a single offense severity ranking chart (OSRC), which uses 10 offense levels to rank felonies from least severe (Level 1) to most severe (Level 10). Each felony offense is assigned to a level according to the severity of the offense, commensurate with the harm or potential for harm to the community that is caused by the offense, as determined by statute. A person's primary offense, any other current offenses, and prior offenses are scored using the points designated for the offense severity level of each offense. The final calculation, following the scoresheet formula, determines the lowest permissible sentence that the trial court may impose, absent a valid reason for departure.³⁰ If an offense is unranked, the CPC specifies a default level on the OSRC depending on the felony degree of the offense.³¹

Effect of Proposed Changes

CS/HB 231 creates s. 893.132, F.S., to provide a criminal penalty, punishable as a first degree felony, if a person 18 years or older who is unlawfully in possession of dangerous fentanyl or fentanyl analogues exposes a first responder to such fentanyl or fentanyl analogues and an overdose or serious bodily injury to the first responder results. The bill does not rank the offense on the OSRC. As such, the first degree felony defaults to a Level 7 offense on the OSRC.

The bill provides an affirmative defense from prosecution if the first responder acted so far outside of the scope of ordinary care generally exercised by a member of his or her profession that he or she caused or substantially contributed to the exposure.

²⁴ Generally, a violation of ch. 893, F.S., is an offense related to the unlawful sale, manufacture, delivery, or possession of a controlled substance.

²⁵ "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S. S. 943.10(1), F.S.

²⁶ "Firefighter" means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division under s. 633.408, F.S. S. 633.102(9), F.S.

²⁷ "Emergency medical technician" means a person who is certified by the department to perform basic life support pursuant to this part. S. 401.23(12), F.S.

²⁸ "Paramedic" means a person who is certified by the department to perform basic and advanced life support pursuant to this part. S. 401.23(18), F.S.

²⁹ *Id.*

³⁰ S. 921.0022, F.S.

³¹ S. 921.0023, F.S.

The bill defines the following terms:

- "Dangerous fentanyl or fentanyl analogues" means any controlled substance described in s. 893.135(1)(c)4.a.(I)-(VII), F.S., which includes:
 - Alfentanil, as described in s. 893.03(2)(b)1., F.S.;
 - Carfentanil, as described in s. 893.03(2)(b)6., F.S.;
 - Fentanyl, as described in s. 893.03(2)(b)9., F.S.;
 - Sufentanil, as described as in s. 893.03(2)(b)30., F.S.;
 - A fentanyl derivative, as described in s. 893.03(1)(a)62., F.S.;
 - A controlled substance analog of such enumerated substances, as described in s. 893.0356, F.S.; or
 - A mixture containing any such enumerated substances.
- "Expose or exposure" means to cause any of the following, including, but not limited to, ingestion, inhalation, needlestick injury, or absorption through skin or mucous membranes.
- "First responder" means a law enforcement officer as defined in s. 943.10(1), F.S., a correctional officer as defined in s. 943.10(2), F.S.,³² a correctional probation officer as defined in s. 943.10(3), F.S.,³³ a firefighter as defined in s. 633.102, F.S., an emergency medical technician as defined in s. 401.23, F.S., or a paramedic as defined in s. 401.203, F.S., who is acting in his or her official capacity.
- "Overdose or serious bodily injury" means drug toxicity or a physical condition that creates a substantial risk of death or substantial loss or impairment of the function of any bodily member or organ.

The bill provides an effective date of October 1, 2024.

B. SECTION DIRECTORY:

Section 1: Creates s. 893.132, F.S., relating to dangerous fentanyl exposure of first responder resulting in overdose or serious bodily injury.

Section 2: Provides an effective date of October 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

³² "Correctional officer" means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel. S. 943.10(2), F.S.

³³ "Correctional probation officer" means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level. S. 943.10(3), F.S.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill may have an indeterminate positive jail and prison bed impact by creating a new first degree felony offense, for exposing a first responder to dangerous fentanyl or fentanyl analogs and thereby causing them to overdose or suffer bodily harm, which may result in increased admissions or longer sentences to such facilities. To the extent that some offenders may be sentenced differently as a result of the new offense, the impact is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 10, 2024, the Criminal Justice Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from the original bill as it:

- Included correctional officers and correctional probation officers in the definition of “first responder.”
- Defined the term “overdose or serious bodily injury.”
- Corrected a statutory cross-reference to the list of dangerous fentanyl and fentanyl analogs.
- Required a person to be 18 years of age or older for the criminal penalty in the bill to apply.
- Deleted a provision that created a second degree felony offense for exposing a first responder to fentanyl where such exposure results in serious injury.
- Deleted mandatory minimum sentencing requirements.
- Included an affirmative defense that can be raised by the defendant if the first responder caused or substantially contributed to his or her exposure to fentanyl.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.

26 943.10(2), a correctional probation officer as defined in s.
27 943.10(3), a firefighter as defined in s. 633.102, an emergency
28 medical technician as defined in s. 401.23, or a paramedic as
29 defined in s. 401.23, who is acting in his or her official
30 capacity.

31 (d) "Overdose or serious bodily injury" means drug
32 toxicity or a physical condition that creates a substantial risk
33 of death or substantial loss or impairment of the function of
34 any bodily member or organ.

35 (2) A person 18 years of age or older who, in the course
36 of unlawfully possessing dangerous fentanyl or fentanyl
37 analogues, exposes a first responder to dangerous fentanyl or
38 fentanyl analogues and an overdose or serious bodily injury of
39 the first responder results, commits a felony of the first
40 degree, punishable as provided in s. 775.082, s. 775.083, or s.
41 775.084.

42 (3) It is a defense to a violation of this section that a
43 first responder acted so far outside the scope of ordinary care
44 generally exercised by a member of his or her profession that he
45 or she caused or substantially contributed to the exposure.

46 Section 2. This act shall take effect October 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 533 DNA Samples from Inmates
SPONSOR(S): Fabricio
TIED BILLS: **IDEN./SIM. BILLS:** SB 524

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|---------|--|
| 1) Criminal Justice Subcommittee | 16 Y, 0 N | Leshko | Hall |
| 2) Justice Appropriations Subcommittee | | Smith | Keith |
| 3) Judiciary Committee | | | |

SUMMARY ANALYSIS

Florida's statewide DNA database assists law enforcement agencies in the identification and detection of individuals in criminal investigations and the identification and location of missing and unidentified persons. The Florida Department of Law Enforcement (FDLE) administers the statewide DNA database, which is capable of classifying, matching, and storing analyses of such DNA samples and related data.

Multiple agencies share the responsibility of collecting DNA samples from qualifying offenders, including the Florida Department of Corrections (FDC), the Florida Department of Juvenile Justice (DJJ), sheriffs' offices, and county correctional facilities.

Under s. 943.325, F.S., qualifying offenders include both juveniles and adults who are:

- Committed to a county jail;
- Committed to or under the supervision of FDC or DJJ;
- Convicted of specified misdemeanor offenses; or
- Convicted of or arrested for any felony offense or attempted felony offense.

A qualifying offender is required to submit a DNA sample for inclusion in the statewide database if he or she is:

- Arrested or incarcerated in Florida; or
- On probation, community control, parole, conditional release, control release, or any other type of court-ordered supervision.

An arrested offender must submit a DNA sample at the time he or she is booked into a jail, correctional facility, or juvenile facility. An incarcerated person and a juvenile in the custody of DJJ must submit a DNA sample at least 45 days before his or her presumptive release date.

HB 533 creates an unnumbered section of law, requiring each inmate in the custody of FDC to submit a DNA sample to FDC no later than September 30, 2024, if he or she has not previously provided a DNA sample pursuant to s. 943.325, F.S., relating to the Florida DNA database. The bill directs FDC to collect and process such samples in accordance with s. 943.325, F.S.

The bill is not anticipated to have a fiscal impact on FDC or FDLE. Any unanticipated fiscal impact can be absorbed within existing resources. See Fiscal Comments.

The bill provides an effective date of upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Statewide DNA Database

Deoxyribonucleic acid (DNA) is hereditary material existing in the cells of all living organisms. A DNA profile may be created by testing the DNA in a person's cells. Similar to fingerprints, a person's DNA profile is a unique identifier, except for identical twins, who have the exact same DNA profile. DNA evidence may be collected from any biological material, such as hair, teeth, bones, skin cells, blood, semen, saliva, urine, feces, and other bodily substances.¹

Florida's statewide DNA database was established in 1989² to assist law enforcement agencies in the identification and detection of individuals in criminal investigations and the identification and location of missing and unidentified persons. The Florida Department of Law Enforcement (FDLE) administers the statewide DNA database, which is capable of classifying, matching, and storing analyses of DNA and other biological molecules and related data.³

DNA Sample Collection and Analysis

Multiple agencies share the responsibility of collecting DNA samples⁴ from qualifying offenders, including the Florida Department of Corrections (FDC), the Florida Department of Juvenile Justice (DJJ), sheriffs' offices, and county correctional facilities.⁵

Under s. 943.325, F.S., qualifying offenders include both juveniles and adults who are:

- Committed to a county jail;
- Committed to or under the supervision of FDC or DJJ;
- Convicted of specified misdemeanor offenses; or
- Convicted of or arrested for any felony offense or attempted felony offense.⁶

A qualifying offender is required to submit a DNA sample for inclusion in the statewide database if he or she is:

- Arrested or incarcerated in Florida; or
- On probation, community control, parole, conditional release, control release, or any other type of court-ordered supervision.⁷

An arrested offender must submit a DNA sample at the time he or she is booked into a jail, correctional facility, or juvenile facility.⁸ An incarcerated person and a juvenile in the custody of DJJ must submit a DNA sample at least 45 days before his or her presumptive release date.⁹

¹ FindLaw, *How DNA Evidence Works*, <https://criminal.findlaw.com/criminal-procedure/how-dna-evidence-works.html> (last visited Jan. 19, 2024).

² Ch. 89-335, Laws of Fla.

³ S. 943.325(4), F.S.

⁴ "DNA sample" means a buccal or other approved biological specimen capable of undergoing DNA analysis. S. 943.325(2)(f), F.S.

⁵ Florida Department of Law Enforcement, *DNA Database*, <https://www.fdle.state.fl.us/Forensics/Disciplines/DNA-Database> (last visited Jan. 19, 2024).

⁶ S. 943.325(2)(g), F.S.

⁷ S. 943.325(7), F.S.

⁸ S. 943.325(7)(b), F.S.

⁹ S. 943.325(7)(c), F.S.

The statewide database may contain DNA data obtained from the following types of biological samples:

- Crime scene samples;
- Samples required by law to be obtained from qualifying offenders;
- Samples lawfully obtained during the course of a criminal investigation, including those from deceased victims or deceased suspects;
- Samples from unidentified human remains;
- Samples from persons reported missing;
- Samples voluntarily contributed by relatives of missing persons; and
- Other samples approved by FDLE.¹⁰

The collection of DNA samples may be performed by any person using a collection kit approved by FDLE as directed in the kit or pursuant to other procedures approved by or acceptable to FDLE.¹¹ After collection, the DNA samples are forwarded to FDLE for analysis to determine genetic markers and characteristics for the purpose of individual identification of the person from whom the sample was taken.¹²

When an analysis is complete it is entered into the statewide DNA database.¹³ The analysis results allow for the comparison of DNA from unresolved cases to the DNA of both known offenders and that from other unresolved cases in an attempt to identify the perpetrator.¹⁴ All accredited local government crime laboratories in Florida have access to the statewide DNA database in accordance with rules and agreements established by FDLE.¹⁵

FDLE specifies database procedures to maintain compliance with national quality assurance standards to ensure that DNA records will be accepted into the National DNA Index System. Results of any DNA analysis may only be released to criminal justice agencies.¹⁶ Otherwise, the information is confidential and exempt from s. 119.07(1), F.S., and art. I, s. 24(a), of the Florida Constitution.¹⁷

FBI's Combined DNA Index System (CODIS)

The most common form of DNA analysis used to match samples and test for identification in forensic laboratories analyzes only certain parts of DNA, known as short tandem repeats or satellite tandem repeats (STRs).¹⁸ In the early 1990s, the Federal Bureau of Investigation (FBI) chose 13 STRs as the basis for a DNA identification profile, and the 13 STRs became known as the Combined DNA Index System (CODIS).¹⁹ CODIS is now the general term used to describe the FBI's program of support for local, state, and national criminal justice DNA databases, as well as the software used to run these databases.²⁰

¹⁰ S. 943.325(6), F.S.

¹¹ Fla. Admin. Code. R. 11D-6.001 and 11D-6.003.

¹² S. 943.325(10-11), F.S.

¹³ S. 943.325(13)(c), F.S.

¹⁴ Florida Department of Law Enforcement, *Submission FAQ DNA Database*, <https://www.fdle.state.fl.us/Forensics/Submission-FAQ/DNA-Database> (last visited Jan. 19, 2024).

¹⁵ S. 943.325(4), F.S.

¹⁶ Criminal justice agencies include the court, the Florida Department of Law Enforcement, the Department of Juvenile Justice, components of the Department of Children and Families, components of the Department of Financial Services, and other governmental agencies that administrate criminal justice. S. 943.045(11), F.S.

¹⁷ S. 943.325(14), F.S.

¹⁸ Kelly Lowenberg, *Applying the Fourth Amendment when DNA Collected for One Purpose is Tested for Another*, 79 U. Cin. L. Rev. 1289, 1293 (2011), <https://law.stanford.edu/wp-content/uploads/2011/11/APPLYING-THE-FOURTH-AMENDMENT-WHEN-DNA-COLLECTED-FOR-ONE-PURPOSE.pdf> (last visited Jan. 19, 2024).

¹⁹ *Id.*

²⁰ Federal Bureau of Investigation, *Frequently Asked Questions on CODIS and NDIS*, <https://www.fbi.gov/how-we-can-help-you/dna-fingerprint-act-of-2005-expungement-policy/codis-and-ndis-fact-sheet> (last visited Jan. 19, 2024).

National DNA Index System (NDIS)

The DNA Identification Act of 1994 (DNA Act)²¹ authorized the government to establish a National DNA Index, and in 1998 the National DNA Index System (NDIS) was established. NDIS is the national level component of CODIS and contains DNA profiles contributed by federal, state, and local participating forensic laboratories,²² enabling law enforcement to exchange and compare DNA profiles electronically in an attempt to link a crime or a series of crimes to each other or to a known offender. If a match is identified, the laboratories involved exchange information to verify the match and establish coordination between the two agencies. This match can provide probable cause for law enforcement to obtain a warrant to collect a biological reference sample from an offender. A laboratory can then perform DNA analysis on the known biological sample and present the analysis as evidence in court.²³

A state seeking to participate in NDIS must sign a memorandum of understanding with the FBI agreeing to the DNA Act's requirements, including record-keeping requirements and other procedures. To submit a DNA record to NDIS, a participating laboratory must adhere to federal law regarding expungement²⁴ procedures, and the DNA sample must:

- Be generated in compliance with the FBI Director's Quality Assurance Standards;
- Be generated by an accredited and approved laboratory;
- Be generated by a laboratory that undergoes an external audit every two years to demonstrate compliance with the FBI Director's Quality Assurance Standards;
- Be from an acceptable data category, such as:
 - Convicted offender;
 - Arrestee;
 - Detainee;
 - Forensic case;
 - Unidentified human remains;
 - Missing person; or
 - Relative of a missing person.
- Meet minimum CODIS requirements for the specimen category; and
- Be generated using an approved kit.²⁵

Effect of Proposed Changes

HB 533 creates an unnumbered section of law, requiring each inmate in the custody of the Florida Department of Corrections (FDC) to submit a DNA sample to FDC no later than September 30, 2024, if he or she has not previously provided a DNA sample pursuant to s. 943.325, F.S. The bill directs FDC to collect and process such samples in accordance with s. 943.325, F.S.

The bill provides an effective date of upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Creates an unnumbered section of law.

Section 2: Provides an effective date of upon becoming a law.

²¹ 34 U.S.C. § 12592.

²² All 50 states, the District of Columbia, the federal government, the U.S. Army Criminal Investigation Laboratory, and Puerto Rico participate in NDIS. *Supra* note 20.

²³ *Supra* note 20.

²⁴ See 34 U.S.C. § 12592(d)(2)(A)(i-ii) (requiring states to expunge a DNA record when a conviction is overturned or a charge is dismissed, results in an acquittal, or when no charge is filed).

²⁵ *Supra* note 20.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill is not anticipated to have a fiscal impact on FDC or FDLE. FDC reported that as of November 20, 2023 there were 48 inmates in Florida from which DNA samples had not been collected and indicated that no fiscal impact is anticipated to the department as a result of the bill becoming law.²⁶ FDLE indicates that there is no expected impact to the department's lab for collection of samples.²⁷ Any unanticipated impact can be absorbed within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

²⁶ Florida Department of Corrections, Agency Analysis of 2024 Senate Bill 524, p. 2 (January 19, 2024).

²⁷ Florida Department of Law Enforcement, Agency Analysis of 2024 House Bill 533, p. 2 (Nov. 27, 2023) (on file with the House of Representatives' Criminal Justice Subcommittee).

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

HB 533

2024

1 A bill to be entitled
2 An act relating to DNA samples from inmates; requiring
3 certain inmates to submit DNA samples; providing an
4 effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Each inmate in the custody of the Department of
9 Corrections who has not previously provided a DNA sample
10 pursuant to s. 943.325, Florida Statutes, is required to submit
11 a sample to the department no later than September 30, 2024. The
12 department shall collect and process such samples pursuant to s.
13 943.325, Florida Statutes.

14 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 549 Retail Theft
SPONSOR(S): Criminal Justice Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:** SB 824

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|------------------|---------|--|
| 1) Criminal Justice Subcommittee | 15 Y, 3 N, As CS | Butcher | Hall |
| 2) Justice Appropriations Subcommittee | | Saag | Keith |
| 3) Judiciary Committee | | | |

SUMMARY ANALYSIS

Section 812.014, F.S., defines theft offenses and generally categorizes the offense level based on the value of the property stolen. Whether a theft is a misdemeanor or a felony may also depend on the offender's prior history of theft convictions, the circumstances under which the theft occurs, or the type of property stolen. Specifically, s. 812.014(2)(d), F.S., prohibits a person from stealing property valued at \$100 or more, but less than \$750, when such property is taken from a dwelling or the unenclosed curtilage of a dwelling. A violation of the prohibition is a third degree felony and ranked as a Level 2 offense on the offense severity ranking chart (OSRC) of the Criminal Punishment Code.

CS/HB 549 amends s. 812.014, F.S., to reduce 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. Additionally, the bill creates new offenses relating to theft from a dwelling or unenclosed curtilage of a dwelling, including: a third degree felony, ranked as a Level 4 offense, if the property stolen is valued at \$750 or more; a second degree felony, ranked as a Level 5 offense, 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, and; a first degree misdemeanor, if the property stolen is valued at less than \$40. If a person having one prior theft conviction commits the offense, the penalty is enhanced to a third degree felony and ranked as a Level 2 offense. If a person having two or more prior theft convictions commits the offense, the penalty is enhanced to a third degree felony and ranked as a Level 4 offense.

In recent years, some retail merchants have experienced an increase in another type of property theft called "smash-and-grab" theft. In this form of organized retail crime, a group of offenders enter a retail store en masse to steal merchandise, typically overwhelming the merchant's employees and preventing the merchant from stopping the theft. In recent years, law enforcement has reported such offenders utilizing social media to coordinate illegal group activity.

CS/HB 549 amends s. 812.015, F.S., to:

- Prohibit a person from acting 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, punishable as a third degree felony.
- Prohibit a person from acting 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 and, in the course of organizing or committing the offense, soliciting the participation of another person in the offense through the use of a social media platform, as defined in s. 501.2041(1), F.S., punishable as a second degree felony.
- Enhance the criminal penalty to a first degree felony for specified violations of retail theft, when committed by a person who has two or more prior specified retail theft convictions or who possesses a firearm during the commission of a specified retail theft offense.
- Revise specified aggregation criteria for retail theft offenses to:
 - Increase the period in which the number of thefts or the value of merchandise stolen during individual thefts may be aggregated to determine the total number of thefts or value of property stolen, from 30 days to 365 days.
 - Decrease the number of theft offenses under ss. 812.015(8)(f) and 812.015(9)(d), F.S., where an offender must commit a certain aggregate number of thefts within a specified timeframe and obtain a specified number of items of merchandise, from *five* thefts to *three* thefts.

The bill may have a positive indeterminate impact on jail and prison beds. See Fiscal Comments.

The bill provides an effective date of October 1, 2024.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0549a.JUA

DATE: 1/23/2024

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Theft from a Dwelling or the Unenclosed Curtilage of a Dwelling

Background

In recent years, the rise of e-commerce has led to an increase in “porch piracy”, a crime that occurs when a person or group of persons steal a package or other mail parcel from the owner’s porch or other area near the owner’s home before he or she has the opportunity to retrieve the package. Nearly eight in ten Americans have reported falling victim to such package theft in 2022, totaling an estimated 260 million packages worth \$19.5 billion.¹ At least eight states have specifically made package theft a felony.²

Florida Law

Burglary

Section s. 810.02, F.S., prohibits a person from committing burglary by:

- Entering a dwelling, structure, or conveyance with the intent to commit an offense therein – unless the premises are at the time open to the public or the person’s entry is licensed or invited; or
- Remaining in a dwelling, structure, or conveyance:
 - Surreptitiously, with the intent to commit an offense therein;
 - After permission to remain is withdrawn, with the intent to commit an offense therein; or
 - To commit or attempt to commit a forcible felony.³

A burglary is a felony offense classified according to the offense’s specific circumstances, as follows:

- A burglary or attempted burglary of an unoccupied structure or conveyance is a third degree felony.^{4,5}
- A burglary of a dwelling, an occupied structure or conveyance, or an authorized emergency vehicle is a second degree felony.^{6,7}
- A burglary is a first degree felony when an offender:^{8,9}
 - Commits an assault or a battery;

¹ Ana Durrani, *The Worst States For Porch Pirates 2024* (May 18, 2023), Forbes, <https://www.forbes.com/home-improvement/home-security/worst-states-for-porch-pirates/> (last visited Jan. 20, 2024).

² *Id.* These states include Arkansas (Ark. Code s. 5-36-103(b)(3) (2023); Class D felony), Georgia (Ga. Code s. 16-8-24 (2023); felony; requirement that person possess minimum of ten separate pieces of stolen mail addressed to three or more different mailboxes and addresses), Kentucky (Ky. Rev. Stat. Ann. s. 514.140 (2023); Class D felony), Michigan (Mich. Comp. Laws s. 445.33 (2023); misdemeanor for first violation; felony for second or subsequent violation), New Jersey (N.J. Stat. s. 2C:20-2 (2023); felony crime of the second degree), Oklahoma (Okla. Stat. tit. 21, s. 1740.2 (2023); misdemeanor; felony if three or more separate offenses committed within 60-day period), Tennessee (Tenn. Code s. 39-14-129 (2023); misdemeanor for first violation; felony for second or subsequent violation), and Texas (TX Penal Code Ann. s. 31.20 (2023); misdemeanor if mail stolen from fewer than 10 addresses; state jail felony if mail stolen from at least 10 but fewer than 30 addresses; felony if mail stolen from 30 or more addresses).

³ “Forcible felony” means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual. S. 776.08, F.S.

⁴ S. 810.02(4), F.S.

⁵ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

⁶ S. 810.02(3), F.S.

⁷ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

⁸ S. 810.02(2), F.S.

⁹ A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

- Becomes armed with explosives or a dangerous weapon within the premises he or she is burglarizing;
- Enters a dwelling or structure and:
 - Causes damage to a dwelling or structure with a motor vehicle; or
 - Causes damage to a dwelling or structure over \$1,000.

Under ch. 810, F.S., a:

- “Dwelling” means a building or conveyance of any kind, including any attached porch, whether such building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night, together with the curtilage thereof;¹⁰
- “Structure” means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof;¹¹ and
- “Conveyance” includes any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car.¹²

In *State v. Hamilton*,¹³ the Florida Supreme Court (FSC) held that Florida’s burglary statute requires that “curtilage” be enclosed in order to prove a violation of s. 810.02, F.S. In *Hamilton*, the defendant was alleged to have entered the yard of a home to steal motors attached to a boat, but the yard was not enclosed by fencing or shrubs or in any other manner.¹⁴ Although the standard jury instruction for burglary provided that “[s]tructure means any building of any kind, either temporary or permanent, that has a roof over it, and the *enclosed* space of ground and outbuildings immediately surrounding the structure” (emphasis added), the trial court gave a modified instruction that contained no requirement that the yard be “enclosed.”^{15,16} The FSC concluded that the trial court committed reversible error and that the enclosure requirement in the standard jury instruction was a necessary element to prove burglary under s. 810.02, F.S.¹⁷

Even though there must be an enclosure to prove that a person committed burglary, the enclosure need not be continuous and may have an ungated opening for entering and exiting.¹⁸ For purposes of burglary, a “dwelling” also includes an attached porch or attached garage.^{19,20}

Under current law, whether a package thief commits burglary may depend on where a package or other mail parcel is located, and whether or not that location is part of the enclosed curtilage of the dwelling. For example, a package thief who steals a package from the front of a driveway or a mailbox near the road may not have committed burglary, whereas a package thief who enters a screened-off front porch and steals a package near a front door or an attached porch may have committed burglary.

Theft from a Dwelling or the Unenclosed Curtilage of a Dwelling

Generally, a person commits theft by knowingly obtaining or using, or endeavoring to obtain or to use, the property of another with the intent to, either temporarily or permanently:

¹⁰ S. 810.011(2), F.S.

¹¹ However, during a state of emergency, for purposes of ss. 810.02 and 810.08, F.S., only, the term includes such portions or remnants thereof as exist at the original site, regardless of the absence of a wall or roof. S. 810.011(2), F.S.

¹² “To enter a conveyance” includes taking apart any portion of the conveyance. However, during a state of emergency, for purposes of ss. 810.02 and 810.08, F.S., only, the term “conveyance” means a motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car or such portions thereof as exist. S. 810.011(3), F.S.

¹³ 660 So.2d 1038 (Fla. 1995).

¹⁴ *Id.* at 1039.

¹⁵ *Id.*

¹⁶ Fla. Std. Jury Instr. 13.1 (Crim.). The current standard jury instruction for burglary still defines “structure” as that term was defined in *Hamilton*.

¹⁷ *Supra*, note 13 at 1044–45.

¹⁸ *Dubose v. State*, 210 So. 3d 641 (Fla. 2017).

¹⁹ *Id.*

²⁰ See also *supra*, note 17, and s. 810.011(2), F.S.

- Deprive the other person of a right to the property or benefit from the property; or
- Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.²¹

Section 812.014, F.S., defines theft offenses and generally categorizes the offense level based on the value of the property stolen. Whether a theft is a misdemeanor or a felony may also depend on the offender’s prior history of theft convictions or the type of property stolen. The offense levels for theft crimes based on property value thresholds and general property types are classified as follows:

| | Property Value | Offense Level |
|-------------|---|---------------------------|
| Grand Theft | ≥ \$100,000 | First Degree Felony |
| | ≥ \$20,000, but < \$100,000 | Second Degree Felony |
| | ≥ \$10,000, but < \$20,000 | Third Degree Felony |
| | ≥ \$5,000, but < \$10,000 | Third Degree Felony |
| | ≥ \$750, but < \$5,000 | Third Degree Felony |
| | ≥ \$100, but < \$750 if taken from a dwelling or unenclosed curtilage of a dwelling | Third Degree Felony |
| Petit Theft | ≥ \$100, but < \$750 | First Degree Misdemeanor |
| | < \$100 | Second Degree Misdemeanor |

Additionally, s. 812.014, F.S., increases the severity of a petit theft offense if a person has one or more prior theft convictions. Petit theft committed by a person with a previous theft conviction is a first-degree misdemeanor.²² Petit theft committed by a person with two or more previous theft convictions is a third-degree felony.²³

Under s. 812.014(2)(d), F.S., a person commits grand theft of the third degree and a felony of the third degree if the property stolen is valued at \$100 or more, but less than \$750, and is taken from a dwelling as defined in s. 810.011(2) or from the unenclosed curtilage of a dwelling pursuant to s. 810.09(1). “Dwelling” is defined the same as in s. 810.011(2), F.S., relating to burglary, and “unenclosed curtilage” is defined the same as in s. 810.09(1), F.S., meaning the unenclosed land or grounds, and any outbuildings, that are directly and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling.

Theft from a dwelling or the unenclosed curtilage of a dwelling under s. 812.014(2)(d), F.S., captures a broader scope of theft activity than burglary, which specifically requires that any curtilage from which the taking may occur to be *enclosed*. As such, under current law, a package thief who steals a package valued at \$100 or more, but less than \$750, from the unenclosed curtilage of a dwelling commits theft under s. 812.014(2)(d), but not burglary under s. 810.02, F.S.

Additionally, s. 812.014(2)(d), F.S., does not include an offense that takes into account an offender’s prior record of theft convictions, or the number of dwellings from which the offense is committed.

²¹ S. 812.014(1), F.S.

²² S. 812.014(3)(b), F.S.

²³ S. 812.014(3)(c), F.S.

Criminal Punishment Code

Felony offenses which are subject to the Criminal Punishment Code²⁴ are listed in a single offense severity ranking chart (OSRC),²⁵ which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.^{26,27} A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense.^{28,29} The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.³⁰

Theft from a dwelling or the unenclosed curtilage of a dwelling under s. 812.014(2)(d), F.S., is currently ranked as a Level 2 offense on the OSRC.

Effect of Proposed Changes – Theft from a Dwelling or the Unenclosed Curtilage of a Dwelling

CS/HB 549 amends s. 812.014, F.S., to reduce the threshold value for third degree felony theft from a dwelling or unenclosed curtilage of a dwelling from the current threshold of \$100 or more, but less than \$750, to \$40 or more, but less than \$750. The bill continues to rank the offense as a Level 2 offense on the OSRC, the same as current law.

Additionally, the bill creates several new offenses relating to theft from a dwelling or unenclosed curtilage of a dwelling, including:

- Grand theft of the third degree, punishable as a third degree felony, if the property stolen is valued at \$750 or more. The new offense is ranked as a Level 4 offense on the OSRC.
- Grand theft of the second degree, punishable as a 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. The new offense is ranked as a Level 5 offense on the OSRC.
- Petit theft of the first degree, punishable as a first degree misdemeanor, if the property stolen is valued at less than \$40.
 - If a person having one prior theft conviction commits the offense, the penalty is enhanced to a third degree felony and ranked as a Level 2 offense on the OSRC.
 - If a person having two or more prior theft convictions commits the offense, the penalty is enhanced to a third degree felony and ranked as a Level 4 offense on the OSRC.

²⁴ All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code. S. 921.002, F.S.

²⁵ S. 921.0022, F.S.

²⁶ S. 921.0022(2), F.S.

²⁷ Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. S. 921.0023, F.S.

²⁸ Sections 921.0022 and 921.0024, F.S.

²⁹ A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. S. 921.0024(1), F.S.

³⁰ If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. S. 921.0024(2), F.S.

Retail Theft

Background

Organized Retail Crime

Instances of organized retail crime (ORC) commonly involve premeditated crimes where multiple offenders operate in different specified roles or positions.³¹ A smash-and-grab theft is a form of ORC in which a group of participants enter a retail store en masse and steal merchandise. Typically, the merchant's employees are overwhelmed by the large number of participants, whose numbers prevent the merchant from stopping the theft and cause panic among shoppers.³² Smash-and-grab thefts occur across the country, and in the past, law enforcement has reported that offenders utilize social media to coordinate illegal group activity.³³

Regarding ORC, the National Retail Federation published the following data gathered from its 2023 Retail Security Survey:³⁴

- In Fiscal Year 2022, 81 percent of respondents reported that ORC offenders had grown more violent. In 2023, more than two-thirds (67 percent) of respondents said that they were seeing even more violence and aggression from ORC perpetrators compared with a year ago.
- The most aggressive or violent shoplifters, as reported by respondents, are those involved in groups, gangs and smash-and-grab thefts, followed by repeat offenders.
- When taken as a percentage of total retail sales in 2022, "shrink," or the measurement of losses calculated during a specific period of time, represented \$112.1 billion in losses, up from \$93.9 billion in 2021. Theft – both internal and external – accounted for nearly two-thirds (65 percent) of shrink.
- ORC accounted for almost 5 percent, or \$4.7 billion, of shrink.³⁵

Florida Law

Under s. 812.015(1)(d), F.S., retail theft includes taking any of the following actions with the intent to deprive a merchant of the possession, use, benefit, or full retail value of property:

- Taking possession of, or carrying away, merchandise, property, money or negotiable documents;
- Altering or removing a label, universal product code, or price tag;
- Transferring merchandise from one container to another; or
- Removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

Under s. 812.015(8)(a)-(e), F.S., retail theft is a third degree felony if the property stolen is valued at \$750 or more, and a person:

- Individually commits retail theft, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense, which may occur through multiple

³¹ Storm Suitter, *Organized Retail Crime Methods and How to Prevent Them* (Sep. 28, 2021), LiveView Technologies, <https://www.lvt.com/blog/organized-retail-crime-methods-and-how-to-prevent-them> (last visited on Jan. 20, 2024).

³² Brandon Beyer, Rubén Rosario, and Robbin Simmons. *Police: Shattered glass during 'smash and grab' at Sawgrass Mills Mall leads to panic* (Dec. 17, 2023), WSVN 7 News, <https://wsvn.com/news/local/broward/police-shattered-glass-during-smash-and-grab-at-sawgrass-mills-mall-leads-to-panic/> (last visited on Jan. 20, 2024).

³³ Mary Hanbury, *Police say that smash-and-grab robberies at Nordstrom, Louis Vuitton, and Best Buy were organized on social media by groups of people who had never met* (Dec. 14, 2021), Business Insider, <https://www.businessinsider.com/smash-and-grab-robberies-organized-on-social-media-police-2021-12> (last visited on Jan. 20, 2024).

³⁴ *National Retail Security Survey 2023* (Sep. 26, 2023), NRF, https://cdn.nrf.com/sites/default/files/2023-09/NRF_National_Retail_Security_Survey_2023.pdf (last visited Jan. 20, 2024).

³⁵ David Montgomery, *'Smash-and-grab' robberies fuel new laws, but critics question the need* (Dec. 19, 2023), Stateline, <https://stateline.org/2023/12/19/smash-and-grab-robberies-fuel-new-laws-but-critics-question-the-need/> (last visited Jan. 20, 2024).

acts of retail theft, in which the amount of each individual theft is aggregated within a 30-day period³⁶ to determine the value of the property stolen;

- Conspires with another person to commit retail theft with the intent to sell the stolen property for monetary or other gain, and subsequently takes or causes such property to be placed in the control of another person in exchange for consideration, in which the stolen property taken or placed within a 30-day period is aggregated to determine the value of the property stolen;³⁷
- Individually, or in concert with one or more other persons, commits theft from more than one location within a 30-day period, in which the amount of each individual theft is aggregated to determine the value of the property stolen;
- Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense; or
- Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.

Under s. 812.015(8)(f), F.S., retail theft is a third degree felony, regardless of the value of property stolen, if a person:

- Individually, or in concert with one or more other persons, commits five or more retail thefts within a 30-day period and in committing such thefts obtains or uses 10 or more items of merchandise, and the number of items stolen during each theft is aggregated within the 30-day period to determine the total number of items stolen, regardless of the value of such merchandise, and two or more of the thefts occur at different physical merchant locations.³⁸

Under s. 812.015(9)(a)-(c), F.S., retail theft is a second degree felony if a person:

- Commits a second or subsequent felony retail theft offense;
- Individually, or in concert with one or more other persons, coordinates the activities of one or more persons in committing the offense of retail theft, in which the amount of each individual theft within a 30-day period is aggregated to determine the value of the stolen property and such value is in excess of \$3,000;³⁹ or
- Conspires with another person to commit retail theft with the intent to sell the stolen property for monetary or other gain, and subsequently takes or causes such property to be placed in control of another person in exchange for consideration, in which the stolen property taken or placed within a 30-day period is aggregated to have a value in excess of \$3,000.⁴⁰

Under s. 812.015(9)(d), F.S., retail theft is a second degree felony, regardless of the value of property stolen, if a person:

- Individually, or in concert with one or more other persons, commits five or more retail thefts within a 30-day period and in committing such thefts obtains or uses 20 or more items of merchandise, and the number of items stolen during each theft is aggregated within the 30-day period to determine the total number of items stolen, regardless of the value of such merchandise, and two or more of the thefts occur at a different physical retail merchant location.⁴¹

³⁶ In 2019, CS/HB 7125 amended s. 812.015, F.S., and increased the aggregation period from 48 hours to 30 days. Ch. 2019-167, Laws of Fla.

³⁷ S. 812.015(8)(b), F.S., is ranked as a Level 3 offense on the OSRC. Ss. 812.015(8)(a), (c), (d), and (e) are unlisted third degree felonies and are thus each ranked as a Level 1 offense on the OSRC.

³⁸ S. 812.015(8)(f), F.S., is ranked as a Level 5 offense on the OSRC.

³⁹ Ss. 812.015(9)(a)-(b), F.S., are each ranked as a Level 6 offense on the OSRC.

⁴⁰ S. 812.015(9)(c), F.S., is an unlisted second degree felony and thus ranked as a Level 4 offense on the OSRC.

⁴¹ S. 812.015(9)(d), F.S., is ranked as a Level 6 offense on the OSRC.

Effect of Proposed Changes – Retail Theft

CS/HB 549 amends s. 812.015, F.S., to create two new retail theft offenses, prohibiting a person from:

- Acting 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, punishable as a third degree felony.
- Acting 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 and, in the course of organizing or committing the offense, soliciting the participation of another person in the offense through the use of a social media platform, as defined in s. 501.2041(1), F.S.,⁴² punishable as a second degree felony.

Under the bill, these two new retail theft offenses may apply regardless of the value of property stolen.

The bill also creates new enhanced retail theft offenses, each punishable as a first degree felony, if a person commits retail theft under ss. 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.⁴³

Additionally, the bill amends the aggregation criteria for specified retail theft offenses as follows:

- For retail theft offenses under ss. 812.015(8), 812.015(9), and 812.015(10), F.S., where a specified number of retail thefts or a specified value of property stolen is aggregated to determine the total number of retail thefts or value of property stolen, the bill increases the aggregation period from 30 days to 365 days.
- For retail theft offenses under ss. 812.015(8)(f) and 812.015(9)(d), F.S., that occur during a specified time period, at a specified number of locations, involving a specified number of items of merchandise, the bill decreases the aggregate number of retail thefts required to prove a violation from *five* retail thefts to *three* retail thefts.

The bill requires a court to order a person convicted of committing retail theft to pay restitution, which must include the value of merchandise that was damaged or stolen and the cost of repairing or replacing any other property that was damaged in the course of committing the offense.

The bill provides an effective date of October 1, 2024.

B. SECTION DIRECTORY:

Section 1: Amends s. 812.014, F.S., relating to theft.

Section 2: Amends s. 812.015, F.S., relating to retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.

Section 3: Amends s. 921.0022, F.S., relating to Criminal Punishment Code; offense severity ranking chart.

Section 4: Amends s. 784.07, F.S., relating to assault or battery of law enforcement officers and other specified personnel; reclassification of offenses; minimum sentences.

⁴² Section 501.2041(1)(g), F.S., defines "social media platform" as any information service, system, Internet search engine, or access software provider that 1) provides or enables computer access by multiple users to a computer server, including an Internet platform or a social media site; 2) operates as a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity; 3) does business in the state; and 4) satisfies at least one of the following thresholds: (a) has annual gross revenues in excess of \$100 million, as adjusted in January of each odd-numbered year to reflect any increase in the Consumer Price Index, or (b) has at least 100 million monthly individual platform participants globally.

⁴³ Under the bill, committing retail theft and having two or more convictions under ss. 812.015(8) or (9), F.S., is unlisted as thus ranked as a Level 7 offense on the OSRC. The bill ranks committing retail theft and possessing a firearm during the commission of the offense as a Level 8 offense on the OSRC.

Section 5: Provides an effective date of October 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a positive impact on merchants who lose money from organized retail theft, to the extent that the requirements of the bill may result in more orders of restitution or orders of restitution in greater amounts. Restitution generally must be ordered in theft cases under current law, and the impact of the bill's changes on the frequency or value of restitution orders is indeterminate.

D. FISCAL COMMENTS:

The bill may have a positive indeterminate impact on jail and prison beds by decreasing thresholds for specified retail and residential theft offenses, enhancing penalties for specified offenses, and creating new misdemeanor and felony offenses, which may result in more jail and prison admissions or longer sentences for convicted offenders.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 10, 2024, the Criminal Justice Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from the original bill as it:

- Amended s. 812.014, F.S, to create the following theft from a dwelling or the unenclosed curtilage of a dwelling offenses:
 - A 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.
 - A third degree felony if the property stolen is valued at \$40 or more, but less than \$750, or is valued at \$750 or more.
 - A first degree misdemeanor if the property stolen is valued at less than \$40, which may be enhanced to a third degree felony if the person has one or more prior theft convictions.
- Further amended s. 812.015, F.S., to:
 - Create a first degree felony if a person violates ss. 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 the offense.
 - Increase the aggregation periods under ss. 812.015(8), (9), and (10), F.S., from 30 days to 365 days, when determining the total number of thefts a person commits or the total value of merchandise a person steals for specified retail theft offenses.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.

26 theft with a specific number of other persons for a
 27 specified purpose when such person uses a social media
 28 platform to solicit the participation of other
 29 persons; providing a criminal penalty; providing
 30 criminal penalties for a person who commits retail
 31 theft and has certain prior retail theft convictions;
 32 providing criminal penalties for a person who commits
 33 retail theft who possesses a firearm during the
 34 commission of the offense; requiring a court to order
 35 a person convicted of retail theft to pay specified
 36 restitution; amending s. 921.0022, F.S.; ranking
 37 offenses on the offense severity ranking chart of the
 38 Criminal Punishment Code; amending s. 784.07, F.S.;
 39 correcting a cross-reference; providing an effective
 40 date.

41

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

43

44 Section 1. Paragraphs (e) and (f) of subsection (2) of
 45 section 812.014, Florida Statutes, are renumbered as paragraphs
 46 (f) and (g), respectively, paragraphs (c) and (d) of that
 47 subsection are amended, and a new paragraph (e) is added to that
 48 subsection, to read:

49 812.014 Theft.—

50 (2)

51 (c) It is grand theft of the third degree and a felony of
52 the third degree, punishable as provided in s. 775.082, s.
53 775.083, or s. 775.084, if the property stolen is:

54 1. Valued at \$750 or more, but less than \$5,000.

55 2. Valued at \$5,000 or more, but less than \$10,000.

56 3. Valued at \$10,000 or more, but less than \$20,000.

57 4. A will, codicil, or other testamentary instrument.

58 5. A firearm, except as provided in paragraph (g)
59 ~~paragraph (f)~~.

60 6. A motor vehicle, except as provided in paragraph (a).

61 7. Any commercially farmed animal, including any animal of
62 the equine, avian, bovine, or swine class or other grazing
63 animal; a bee colony of a registered beekeeper; and aquaculture
64 species raised at a certified aquaculture facility. If the
65 property stolen is a commercially farmed animal, including an
66 animal of the equine, avian, bovine, or swine class or other
67 grazing animal; a bee colony of a registered beekeeper; or an
68 aquaculture species raised at a certified aquaculture facility,
69 a \$10,000 fine shall be imposed.

70 8. Any fire extinguisher that, at the time of the taking,
71 was installed in any building for the purpose of fire prevention
72 and control. This subparagraph does not apply to a fire
73 extinguisher taken from the inventory at a point-of-sale
74 business.

75 9. Any amount of citrus fruit consisting of 2,000 or more

76 individual pieces of fruit.

77 10. Taken from a designated construction site identified
78 by the posting of a sign as provided for in s. 810.09(2)(d).

79 11. Any stop sign.

80 12. Anhydrous ammonia.

81 13. Any amount of a controlled substance as defined in s.
82 893.02. Notwithstanding any other law, separate judgments and
83 sentences for theft of a controlled substance under this
84 subparagraph and for any applicable possession of controlled
85 substance offense under s. 893.13 or trafficking in controlled
86 substance offense under s. 893.135 may be imposed when all such
87 offenses involve the same amount or amounts of a controlled
88 substance.

89
90 However, if the property is stolen during a riot or an
91 aggravated riot prohibited under s. 870.01 and the perpetration
92 of the theft is facilitated by conditions arising from the riot;
93 or within a county that is subject to a state of emergency
94 declared by the Governor under chapter 252, the property is
95 stolen after the declaration of emergency is made, and the
96 perpetration of the theft is facilitated by conditions arising
97 from the emergency, the offender commits a felony of the second
98 degree, punishable as provided in s. 775.082, s. 775.083, or s.
99 775.084, if the property is valued at \$5,000 or more, but less
100 than \$10,000, as provided under subparagraph 2., or if the

101 property is valued at \$10,000 or more, but less than \$20,000, as
102 provided under subparagraph 3. As used in this paragraph, the
103 terms "conditions arising from a riot" and "conditions arising
104 from the emergency" have the same meanings as provided in
105 paragraph (b). A person arrested for committing a theft during a
106 riot or an aggravated riot or within a county that is subject to
107 a state of emergency may not be released until the person
108 appears before a committing magistrate at a first appearance
109 hearing. For purposes of sentencing under chapter 921, a felony
110 offense that is reclassified under this paragraph is ranked one
111 level above the ranking under s. 921.0022 or s. 921.0023 of the
112 offense committed.

113 (d)1. It is grand theft of the third degree and a felony
114 of the third degree, punishable as provided in s. 775.082, s.
115 775.083, or s. 775.084, if the property stolen is valued at \$40
116 ~~\$100~~ or more, but less than \$750, and is taken from a dwelling
117 as defined in s. 810.011(2) or from the unenclosed curtilage of
118 a dwelling pursuant to s. 810.09(1).

119 2. It is grand theft of the third degree and a felony of
120 the third degree, punishable as provided in s. 775.082, s.
121 775.083, or s. 775.084, if the property stolen is valued at \$750
122 or more and is taken from a dwelling as defined in s. 810.011(2)
123 or from the unenclosed curtilage of a dwelling pursuant to s.
124 810.09(1).

125 3. It is grand theft of the second degree and a felony of

126 the second degree, punishable as provided in s. 775.082, s.
127 775.083, or s. 775.084, if the property stolen is taken from
128 more than 20 dwellings as defined in s. 810.011(2) or from the
129 unenclosed curtilage of more than 20 dwellings pursuant to s.
130 810.09(1), or any combination thereof.

131 (e)1. It is petit theft of the first degree and a
132 misdemeanor of the first degree, punishable as provided in s.
133 775.082 or s. 775.083, if the property stolen is valued at less
134 than \$40 and is taken from a dwelling as defined in s.
135 810.011(2) or from the unenclosed curtilage of a dwelling
136 pursuant to s. 810.09(1).

137 2. A person who commits a violation of subparagraph 1. and
138 who has previously been convicted of any theft commits a felony
139 of the third degree, punishable as provided in s. 775.082 or s.
140 775.083.

141 3. A person who commits a violation of subparagraph 1. and
142 who has previously been convicted two or more times of any theft
143 commits a felony of the third degree, punishable as provided in
144 s. 775.082 or s. 775.083.

145 Section 2. Subsection (11) of section 812.015, Florida
146 Statutes, is renumbered as subsection (13), subsections (1),
147 (8), (9), and (10) are amended, and new subsections (11) and
148 (12) are added to that section, to read:

149 812.015 Retail and farm theft; transit fare evasion;
150 mandatory fine; alternative punishment; detention and arrest;

151 exemption from liability for false arrest; resisting arrest;
 152 penalties.—

153 (1) As used in this section:

154 (a)~~(h)~~ "Antishoplifting or inventory control device" means
 155 a mechanism or other device designed and operated for the
 156 purpose of detecting the removal from a mercantile establishment
 157 or similar enclosure, or from a protected area within such an
 158 enclosure, of specially marked or tagged merchandise. The term
 159 includes any electronic or digital imaging or any video
 160 recording or other film used for security purposes and the cash
 161 register tape or other record made of the register receipt.

162 (b)~~(i)~~ "Antishoplifting or inventory control device
 163 countermeasure" means any item or device which is designed,
 164 manufactured, modified, or altered to defeat any antishoplifting
 165 or inventory control device.

166 (c)~~(e)~~ "Farm produce" means livestock or any item grown,
 167 produced, or manufactured by a person owning, renting, or
 168 leasing land for the purpose of growing, producing, or
 169 manufacturing items for sale or personal use, either part time
 170 or full time.

171 (d)~~(g)~~ "Farm theft" means the unlawful taking possession
 172 of any items that are grown or produced on land owned, rented,
 173 or leased by another person. The term includes the unlawful
 174 taking possession of equipment and associated materials used to
 175 grow or produce farm products as defined in s. 823.14(3)(e).

176 (e)~~(f)~~ "Farmer" means a person who is engaging in the
177 growing or producing of farm produce, milk products, honey,
178 eggs, or meat, either part time or full time, for personal
179 consumption or for sale and who is the owner or lessee of the
180 land or a person designated in writing by the owner or lessee to
181 act as her or his agent. No person defined as a farm labor
182 contractor pursuant to s. 450.28 shall be designated to act as
183 an agent for purposes of this section.

184 (f)~~(k)~~ "Mass transit vehicle" means buses, rail cars, or
185 fixed-guideway mover systems operated by, or under contract to,
186 state agencies, political subdivisions of the state, or
187 municipalities for the transportation of fare-paying passengers.

188 (g)~~(a)~~ "Merchandise" means any personal property, capable
189 of manual delivery, displayed, held, or offered for retail sale
190 by a merchant.

191 (h)~~(b)~~ "Merchant" means an owner or operator, or the
192 agent, consignee, employee, lessee, or officer of an owner or
193 operator, of any premises or apparatus used for retail purchase
194 or sale of any merchandise.

195 (i)~~(d)~~ "Retail theft" means the taking possession of or
196 carrying away of merchandise, property, money, or negotiable
197 documents; altering or removing a label, universal product code,
198 or price tag; transferring merchandise from one container to
199 another; or removing a shopping cart, with intent to deprive the
200 merchant of possession, use, benefit, or full retail value.

201 (j) "Social media platform" has the same meaning as
 202 provided in s. 501.2041(1).

203 ~~(k)-(l)~~ "Transit agency" means any state agency, political
 204 subdivision of the state, or municipality which operates mass
 205 transit vehicles.

206 (l)-(j) "Transit fare evasion" means the unlawful refusal
 207 to pay the appropriate fare for transportation upon a mass
 208 transit vehicle, or to evade the payment of such fare, or to
 209 enter any mass transit vehicle or facility by any door,
 210 passageway, or gate, except as provided for the entry of fare-
 211 paying passengers, and shall constitute petit theft as
 212 proscribed by this chapter.

213 (m) "Trespass" means the violation as described in s.
 214 810.08.

215 (n)-(e) "Value of merchandise" means the sale price of the
 216 merchandise at the time it was stolen or otherwise removed,
 217 depriving the owner of her or his lawful right to ownership and
 218 sale of said item.

219 (8) Except as provided in subsection (9) or subsection
 220 (11), a person who commits retail theft commits a felony of the
 221 third degree, punishable as provided in s. 775.082, s. 775.083,
 222 or s. 775.084, if the person:

223 (a) Individually, or in concert with one or more other
 224 persons, coordinates the activities of one or more individuals
 225 in committing the offense, which may occur through multiple acts

226 of retail theft, in which the amount of each individual theft is
 227 aggregated within a 365-day ~~30-day~~ period to determine the value
 228 of the property stolen and such value is \$750 or more;

229 (b) Conspires with another person to commit retail theft
 230 with the intent to sell the stolen property for monetary or
 231 other gain, and subsequently takes or causes such property to be
 232 placed in the control of another person in exchange for
 233 consideration, in which the stolen property taken or placed
 234 within a 365-day ~~30-day~~ period is aggregated to determine the
 235 value of the stolen property and such value is \$750 or more;

236 (c) Individually, or in concert with one or more other
 237 persons, commits theft from more than one location within a 365-
 238 day ~~30-day~~ period, in which the amount of each individual theft
 239 is aggregated to determine the value of the property stolen and
 240 such value is \$750 or more;

241 (d) Acts in concert with one or more other individuals
 242 within one or more establishments to distract the merchant,
 243 merchant's employee, or law enforcement officer in order to
 244 carry out the offense, or acts in other ways to coordinate
 245 efforts to carry out the offense and such value is \$750 or more;

246 (e) Commits the offense through the purchase of
 247 merchandise in a package or box that contains merchandise other
 248 than, or in addition to, the merchandise purported to be
 249 contained in the package or box and such value is \$750 or more;

250 ~~or~~

251 (f) Individually, or in concert with one ~~1~~ or more other
252 persons, commits three ~~5~~ or more retail thefts within a 365-day
253 ~~30-day~~ period and in committing such thefts obtains or uses 10
254 or more items of merchandise, and the number of items stolen
255 during each theft is aggregated within the 365-day ~~30-day~~ period
256 to determine the total number of items stolen, regardless of the
257 value of such merchandise, and two ~~2~~ or more of the thefts occur
258 at different physical merchant locations; or

259 (g) Acts in concert with five or more other persons within
260 one or more establishments for the purpose of overwhelming the
261 response of a merchant, merchant's employee, or law enforcement
262 officer in order to carry out the offense or avoid detection or
263 apprehension for the offense.

264 (9) Except as provided in subsection (11), a person
265 commits a felony of the second degree, punishable as provided in
266 s. 775.082, s. 775.083, or s. 775.084, if the person:

267 (a) Violates subsection (8) and has previously been
268 convicted of a violation of subsection (8) or of this
269 subsection;

270 (b) Individually, or in concert with one or more other
271 persons, coordinates the activities of one or more persons in
272 committing the offense of retail theft, in which the amount of
273 each individual theft within a 365-day ~~30-day~~ period is
274 aggregated to determine the value of the stolen property and
275 such value is in excess of \$3,000;

276 (c) Conspires with another person to commit retail theft
 277 with the intent to sell the stolen property for monetary or
 278 other gain, and subsequently takes or causes such property to be
 279 placed in control of another person in exchange for
 280 consideration, in which the stolen property taken or placed
 281 within a 365-day ~~30-day~~ period is aggregated to have a value in
 282 excess of \$3,000; ~~or~~

283 (d) Individually, or in concert with one ~~1~~ or more other
 284 persons, commits three ~~5~~ or more retail thefts within a 365-day
 285 ~~30-day~~ period and in committing such thefts obtains or uses 20
 286 or more items of merchandise, and the number of items stolen
 287 during each theft is aggregated within the 365-day ~~30-day~~ period
 288 to determine the total number of items stolen, regardless of the
 289 value of such merchandise, and two ~~2~~ or more of the thefts occur
 290 at a different physical retail merchant location; or

291 (e) Acts in concert with five or more other persons within
 292 one or more establishments for the purpose of overwhelming the
 293 response of a merchant, merchant's employee, or law enforcement
 294 officer in order to carry out the offense or avoid detection or
 295 apprehension for the offense and, in the course of organizing or
 296 committing the offense, solicits the participation of another
 297 person in the offense through the use of a social media
 298 platform.

299 (10) If a person commits retail theft in more than one
 300 judicial circuit within a 365-day ~~30-day~~ period, the value of

301 the stolen property resulting from the thefts in each judicial
 302 circuit may be aggregated, and the person must be prosecuted by
 303 the Office of the Statewide Prosecutor in accordance with s.
 304 16.56.

305 (11) A person commits a felony of the first degree,
 306 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 307 if he or she violates subsection (8) or subsection (9) and:

308 (a) Has two or more previous convictions of violations of
 309 either or both of those subsections; or

310 (b) Possesses a firearm during the commission of such
 311 offense.

312 (12) A court must order a person convicted of violating
 313 this section to pay restitution, which must include the value of
 314 merchandise that was damaged or stolen and the cost of repairing
 315 or replacing any other property that was damaged in the course
 316 of committing the offense.

317 Section 3. Paragraphs (b), (d), (e), (f), (g), and (h) of
 318 subsection (3) of section 921.0022, Florida Statutes, are
 319 amended to read:

320 921.0022 Criminal Punishment Code; offense severity
 321 ranking chart.—

322 (3) OFFENSE SEVERITY RANKING CHART

323 (b) LEVEL 2

324

| | | |
|---------|--------|-------------|
| Florida | Felony | Description |
|---------|--------|-------------|

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| | Statute | Degree | |
|-----|------------------------|--------|--|
| 325 | 379.2431 (1) (e) 3. | 3rd | Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 326 | 379.2431 (1) (e) 4. | 3rd | Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 327 | 403.413 (6) (c) | 3rd | Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste. |
| 328 | 517.07 (2) | 3rd | Failure to furnish a prospectus meeting requirements. |
| 329 | 590.28 (1) | 3rd | Intentional burning of lands. |
| 330 | 784.03 (3) | 3rd | Battery during a riot or an aggravated riot. |

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| | | | |
|-----|----------------|-----|--|
| 331 | 784.05(3) | 3rd | Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death. |
| 332 | 787.04(1) | 3rd | In violation of court order, take, entice, etc., minor beyond state limits. |
| 333 | 806.13(1)(b)3. | 3rd | Criminal mischief; damage \$1,000 or more to public communication or any other public service. |
| 334 | 806.13(3) | 3rd | Criminal mischief; damage of \$200 or more to a memorial or historic property. |
| 335 | 810.061(2) | 3rd | Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary. |
| 336 | 810.09(2)(e) | 3rd | Trespassing on posted |

commercial horticulture
property.

337

812.014 (2) (c) 1. 3rd Grand theft, 3rd degree; \$750
or more but less than \$5,000.

338

812.014 (2) (d) 1. 3rd Grand theft, 3rd degree; \$40
~~812.014 (2) (d)~~ ~~\$100~~ or more but less than
\$750, taken from dwelling or
its unenclosed curtilage ~~of~~
~~dwelling~~.

339

812.014 (2) (e) 2. 3rd Petit theft, 1st degree; less
than \$40 taken from dwelling or
its unenclosed curtilage with
one prior theft conviction.

340

812.015 (7) 3rd Possession, use, or attempted
use of an antishoplifting or
inventory control device
countermeasure.

341

817.234 (1) (a) 2. 3rd False statement in support of
insurance claim.

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| | | | |
|-----|-----------------|-----|--|
| 342 | 817.481 (3) (a) | 3rd | Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300. |
| 343 | 817.52 (3) | 3rd | Failure to redeliver hired vehicle. |
| 344 | 817.54 | 3rd | With intent to defraud, obtain mortgage note, etc., by false representation. |
| 345 | 817.60 (5) | 3rd | Dealing in credit cards of another. |
| 346 | 817.60 (6) (a) | 3rd | Forgery; purchase goods, services with false card. |
| 347 | 817.61 | 3rd | Fraudulent use of credit cards over \$100 or more within 6 months. |
| 348 | 826.04 | 3rd | Knowingly marries or has sexual intercourse with person to whom |

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related.

349

831.01 3rd Forgery.

350

831.02 3rd Uttering forged instrument;
utters or publishes alteration
with intent to defraud.

351

831.07 3rd Forging bank bills, checks,
drafts, or promissory notes.

352

831.08 3rd Possessing 10 or more forged
notes, bills, checks, or
drafts.

353

831.09 3rd Uttering forged notes, bills,
checks, drafts, or promissory
notes.

354

831.11 3rd Bringing into the state forged
bank bills, checks, drafts, or
notes.

355

832.05(3) (a) 3rd Cashing or depositing item with
intent to defraud.

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|----------------|---------|---|
| 843.01(2) | 3rd | Resist police canine or police horse with violence; under certain circumstances. |
| 843.08 | 3rd | False personation. |
| 843.19(3) | 3rd | Touch or strike police, fire, SAR canine or police horse. |
| 893.13(2)(a)2. | 3rd | Purchase of any 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 other than cannabis. |
| 893.147(2) | 3rd | Manufacture or delivery of drug paraphernalia. |
| (d) | LEVEL 4 | |
| Florida | Felony | Description |
| Statute | Degree | |

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| | 316.1935(3) (a) | 2nd | Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 365 | 499.0051(1) | 3rd | Failure to maintain or deliver transaction history, transaction information, or transaction statements. |
| 366 | 499.0051(5) | 2nd | Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs. |
| 367 | 517.07(1) | 3rd | Failure to register securities. |
| 368 | 517.12(1) | 3rd | Failure of dealer or associated person of a dealer of securities to register. |
| 369 | 784.031 | 3rd | Battery by strangulation. |
| 370 | 784.07(2) (b) | 3rd | Battery of law enforcement |

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officer, firefighter, etc.

| | | | |
|-----|-----------------|-----|--|
| 371 | 784.074 (1) (c) | 3rd | Battery of sexually violent predators facility staff. |
| 372 | 784.075 | 3rd | Battery on detention or commitment facility staff. |
| 373 | 784.078 | 3rd | Battery of facility employee by throwing, tossing, or expelling certain fluids or materials. |
| 374 | 784.08 (2) (c) | 3rd | Battery on a person 65 years of age or older. |
| 375 | 784.081 (3) | 3rd | Battery on specified official or employee. |
| 376 | 784.082 (3) | 3rd | Battery by detained person on visitor or other detainee. |
| 377 | 784.083 (3) | 3rd | Battery on code inspector. |
| 378 | 784.085 | 3rd | Battery of child by throwing, tossing, projecting, or |

expelling certain fluids or materials.

379

787.03(1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

380

787.04(2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

381

787.04(3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

382

787.07 3rd Human smuggling.

383

790.115(1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

384

790.115(2)(b) 3rd Possessing electric weapon or device, destructive device, or

other weapon on school
property.

385

790.115 (2) (c) 3rd Possessing firearm on school
property.

386

794.051 (1) 3rd Indecent, lewd, or lascivious
touching of certain minors.

387

800.04 (7) (c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

388

806.135 2nd Destroying or demolishing a
memorial or historic property.

389

810.02 (4) (a) 3rd Burglary, or attempted
burglary, of an unoccupied
structure; unarmed; no assault
or battery.

390

810.02 (4) (b) 3rd Burglary, or attempted
burglary, of an unoccupied
conveyance; unarmed; no assault
or battery.

391

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| 392 | 810.06 | 3rd | Burglary; possession of tools. |
| 393 | 810.08(2)(c) | 3rd | Trespass on property, armed with firearm or dangerous weapon. |
| 394 | 812.014(2)(c)3. | 3rd | Grand theft, 3rd degree \$10,000 or more but less than \$20,000. |
| 395 | 812.014 (2)(c)4. & 6.-10. | 3rd | Grand theft, 3rd degree; specified items. |
| 396 | <u>812.014(2)(d)2.</u> | <u>3rd</u> | <u>Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.</u> |
| 397 | <u>812.014(2)(e)3.</u> | <u>3rd</u> | <u>Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.</u> |
| | 812.0195(2) | 3rd | Dealing in stolen property by use of the Internet; property |

stolen \$300 or more.

398

817.505 (4) (a) 3rd Patient brokering.

399

817.563 (1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

400

817.568 (2) (a) 3rd Fraudulent use of personal identification information.

401

817.5695 (3) (c) 3rd Exploitation of person 65 years of age or older, value less than \$10,000.

402

817.625 (2) (a) 3rd Fraudulent use of scanning device, skimming device, or reencoder.

403

817.625 (2) (c) 3rd Possess, sell, or deliver skimming device.

404

828.125 (1) 2nd Kill, maim, or cause great bodily harm or permanent

breeding disability to any registered horse or cattle.

405

836.14(2) 3rd Person who commits theft of a sexually explicit image with intent to promote it.

406

836.14(3) 3rd Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.

407

837.02(1) 3rd Perjury in official proceedings.

408

837.021(1) 3rd Make contradictory statements in official proceedings.

409

838.022 3rd Official misconduct.

410

839.13(2)(a) 3rd Falsifying records of an individual in the care and custody of a state agency.

411

839.13(2)(c) 3rd Falsifying records of the

| | | | |
|-----|-----------------|-----|---|
| 412 | 843.021 | 3rd | Department of Children and Families. |
| 413 | 843.025 | 3rd | Possession of a concealed handcuff key by a person in custody. |
| 414 | 843.15(1) (a) | 3rd | Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication. |
| 415 | 843.19(2) | 2nd | Failure to appear while on bail for felony (bond estreature or bond jumping). |
| 416 | 847.0135(5) (c) | 3rd | Injure, disable, or kill police, fire, or SAR canine or police horse. |
| 417 | 870.01(3) | 2nd | Lewd or lascivious exhibition using computer; offender less than 18 years. |
| | | | Aggravated rioting. |

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| 418 | 870.01(5) | 2nd | Aggravated inciting a riot. |
| 419 | 874.05(1)(a) | 3rd | Encouraging or recruiting another to join a criminal gang. |
| 420 | 893.13(2)(a)1. | 2nd | Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs). |
| 421 | 914.14(2) | 3rd | Witnesses accepting bribes. |
| 422 | 914.22(1) | 3rd | Force, threaten, etc., witness, victim, or informant. |
| 423 | 914.23(2) | 3rd | Retaliation against a witness, victim, or informant, no bodily injury. |
| 424 | 916.1085 (2)(c)1. | 3rd | Introduction of specified contraband into certain DCF facilities. |
| 425 | | | |

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| 426 | 918.12 | 3rd | Tampering with jurors. |
| 427 | 934.215 | 3rd | Use of two-way communications device to facilitate commission of a crime. |
| 428 | 944.47(1) (a) 6. | 3rd | Introduction of contraband (cellular telephone or other portable communication device) into correctional institution. |
| 429 | 951.22(1) (h) , | 3rd | Intoxicating drug, |
| 430 | (j) & (k) | | instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility. |
| 431 | (e) LEVEL 5 | | |
| 432 | Florida Statute | Felony Degree | Description |
| | 316.027(2) (a) | 3rd | Accidents involving personal injuries other than serious |

| | | | |
|-----|------------------|-----|---|
| | | | bodily injury, failure to stop; leaving scene. |
| 433 | 316.1935(4) (a) | 2nd | Aggravated fleeing or eluding. |
| 434 | 316.80(2) | 2nd | Unlawful conveyance of fuel; obtaining fuel fraudulently. |
| 435 | 322.34(6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 436 | 327.30(5) | 3rd | Vessel accidents involving personal injury; leaving scene. |
| 437 | 379.365(2) (c)1. | 3rd | Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or |

certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

438

379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

439

379.407 (5) (b) 3. 3rd Possession of 100 or more undersized spiny lobsters.

440

381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing HIV positive.

441

440.10 (1) (g) 2nd Failure to obtain workers' compensation coverage.

442

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers'

compensation claims.

443

440.381 (2) 3rd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

444

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

445

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

446

790.01 (3) 3rd Unlawful carrying of a concealed firearm.

447

790.162 2nd Threat to throw or discharge destructive device.

448

790.163 (1) 2nd False report of bomb, explosive, weapon of mass destruction, or use of firearms

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in violent manner.

449

790.221 (1) 2nd Possession of short-barreled
shotgun or machine gun.

450

790.23 2nd Felons in possession of
firearms, ammunition, or
electronic weapons or devices.

451

796.05 (1) 2nd Live on earnings of a
prostitute; 1st offense.

452

800.04 (6) (c) 3rd Lewd or lascivious conduct;
offender less than 18 years of
age.

453

800.04 (7) (b) 2nd Lewd or lascivious exhibition;
offender 18 years of age or
older.

454

806.111 (1) 3rd Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.

455

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| 456 | <u>812.014 (2) (d) 3.</u> | <u>2nd</u> | <u>Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.</u> |
| 457 | 812.0145 (2) (b) | 2nd | Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000. |
| 458 | 812.015 (8) (a) & (c) - (e) | 3rd | Retail theft; property stolen is valued at \$750 or more and one or more specified acts. |
| 459 | 812.015 (8) (f) | 3rd | Retail theft; multiple thefts within specified period. |
| 460 | <u>812.015 (8) (g)</u> | <u>3rd</u> | <u>Retail theft; committed with specified number of other persons.</u> |
| 461 | 812.019 (1) | 2nd | Stolen property; dealing in or trafficking in. |
| | 812.081 (3) | 2nd | Trafficking in trade secrets. |

| | | | |
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| 462 | 812.131 (2) (b) | 3rd | Robbery by sudden snatching. |
| 463 | 812.16 (2) | 3rd | Owning, operating, or conducting a chop shop. |
| 464 | 817.034 (4) (a) 2. | 2nd | Communications fraud, value \$20,000 to \$50,000. |
| 465 | 817.234 (11) (b) | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000. |
| 466 | 817.2341 (1), (2) (a) & (3) (a) | 3rd | Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity. |
| 467 | 817.568 (2) (b) | 2nd | Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, |

| | | | |
|-----|-----------------|-----|---|
| | | | \$5,000 or more or use of personal identification information of 10 or more persons. |
| 468 | 817.611 (2) (a) | 2nd | Traffic in or possess 5 to 14 counterfeit credit cards or related documents. |
| 469 | 817.625 (2) (b) | 2nd | Second or subsequent fraudulent use of scanning device, skimming device, or reencoder. |
| 470 | 825.1025 (4) | 3rd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult. |
| 471 | 827.071 (4) | 2nd | Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography. |
| 472 | 827.071 (5) | 3rd | Possess, control, or intentionally view any photographic material, motion |

picture, etc., which includes
child pornography.

473

828.12(2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

474

836.14(4) 2nd Person who willfully promotes
for financial gain a sexually
explicit image of an
identifiable person without
consent.

475

839.13(2) (b) 2nd Falsifying records of an
individual in the care and
custody of a state agency
involving great bodily harm or
death.

476

843.01(1) 3rd Resist officer with violence to
person; resist arrest with
violence.

477

847.0135(5) (b) 2nd Lewd or lascivious exhibition

| | | | |
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| | | | using computer; offender 18 years or older. |
| 478 | 847.0137 (2) & (3) | 3rd | Transmission of pornography by electronic device or equipment. |
| 479 | 847.0138 (2) & (3) | 3rd | Transmission of material harmful to minors to a minor by electronic device or equipment. |
| 480 | 874.05(1)(b) | 2nd | Encouraging or recruiting another to join a criminal gang; second or subsequent offense. |
| 481 | 874.05(2)(a) | 2nd | Encouraging or recruiting person under 13 years of age to join a criminal gang. |
| 482 | 893.13(1)(a)1. | 2nd | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs). |
| 483 | | | |

| | | | |
|-----|----------------|-----|---|
| 484 | 893.13(1)(c)2. | 2nd | <p>Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</p> |
| 485 | 893.13(1)(d)1. | 1st | <p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.</p> |
| 485 | 893.13(1)(e)2. | 2nd | <p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6.,</p> |

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

(2)(c)7., (2)(c)8., (2)(c)9.,
 (2)(c)10., (3), or (4) within
 1,000 feet of property used for
 religious services or a
 specified business site.

486

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| 893.13(1)(f)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility. |
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| 893.13(4)(b) | 2nd | Use or hire of minor; deliver to minor other controlled substance. |
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| 893.1351(1) | 3rd | Ownership, lease, or rental for trafficking in or manufacturing of controlled substance. |
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489

490 (f) LEVEL 6

491

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| Florida | Felony | Description |
| Statute | Degree | |

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| 492 | 316.027 (2) (b) | 2nd | Leaving the scene of a crash involving serious bodily injury. |
| 493 | 316.193 (2) (b) | 3rd | Felony DUI, 4th or subsequent conviction. |
| 494 | 400.9935 (4) (c) | 2nd | Operating a clinic, or offering services requiring licensure, without a license. |
| 495 | 499.0051 (2) | 2nd | Knowing forgery of transaction history, transaction information, or transaction statement. |
| 496 | 499.0051 (3) | 2nd | Knowing purchase or receipt of prescription drug from unauthorized person. |
| 497 | 499.0051 (4) | 2nd | Knowing sale or transfer of prescription drug to unauthorized person. |
| 498 | | | |

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| 499 | 775.0875(1) | 3rd | Taking firearm from law enforcement officer. |
| 500 | 784.021(1)(a) | 3rd | Aggravated assault; deadly weapon without intent to kill. |
| 501 | 784.021(1)(b) | 3rd | Aggravated assault; intent to commit felony. |
| 502 | 784.041 | 3rd | Felony battery; domestic battery by strangulation. |
| 503 | 784.048(3) | 3rd | Aggravated stalking; credible threat. |
| 504 | 784.048(5) | 3rd | Aggravated stalking of person under 16. |
| 505 | 784.07(2)(c) | 2nd | Aggravated assault on law enforcement officer. |
| 506 | 784.074(1)(b) | 2nd | Aggravated assault on sexually violent predators facility staff. |

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| 507 | 784.08 (2) (b) | 2nd | Aggravated assault on a person 65 years of age or older. |
| 508 | 784.081 (2) | 2nd | Aggravated assault on specified official or employee. |
| 509 | 784.082 (2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 510 | 784.083 (2) | 2nd | Aggravated assault on code inspector. |
| 511 | 787.02 (2) | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01. |
| 512 | 790.115 (2) (d) | 2nd | Discharging firearm or weapon on school property. |
| 513 | 790.161 (2) | 2nd | Make, possess, or throw destructive device with intent to do bodily harm or damage property. |

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| 514 | 790.164 (1) | 2nd | False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner. |
| 515 | 790.19 | 2nd | Shooting or throwing deadly missiles into dwellings, vessels, or vehicles. |
| 516 | 794.011 (8) (a) | 3rd | Solicitation of minor to participate in sexual activity by custodial adult. |
| 517 | 794.05 (1) | 2nd | Unlawful sexual activity with specified minor. |
| 518 | 800.04 (5) (d) | 3rd | Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years. |
| | 800.04 (6) (b) | 2nd | Lewd or lascivious conduct; offender 18 years of age or |

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older.

519

806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

520

810.02 (3) (c) 2nd Burglary of occupied structure; unarmed; no assault or battery.

521

810.145 (8) (b) 2nd Video voyeurism; certain minor victims; 2nd or subsequent offense.

522

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

523

812.014 (2) (c) 5. 3rd Grand theft; third degree; firearm.

524

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

525

812.015 (9) (a) 2nd Retail theft; property stolen

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| | | | \$750 or more; second or subsequent conviction. |
| 526 | 812.015 (9) (b) | 2nd | Retail theft; aggregated property stolen within <u>365</u> 30 days is \$3,000 or more; coordination of others. |
| 527 | 812.015 (9) (d) | 2nd | Retail theft; multiple thefts within specified period. |
| 528 | <u>812.015 (9) (e)</u> | <u>2nd</u> | <u>Retail theft; committed with specified number of other persons and use of social media platform.</u> |
| 529 | 812.13 (2) (c) | 2nd | Robbery, no firearm or other weapon (strong-arm robbery). |
| 530 | 817.4821 (5) | 2nd | Possess cloning paraphernalia with intent to create cloned cellular telephones. |
| 531 | 817.49 (2) (b) 2. | 2nd | Willful making of a false |

report of a crime resulting in death.

532

817.505 (4) (b) 2nd Patient brokering; 10 or more patients.

533

817.5695 (3) (b) 2nd Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.

534

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

535

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

536

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

537

825.103 (3) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

538

827.03 (2) (c) 3rd Abuse of a child.

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| 539 | 827.03(2)(d) | 3rd | Neglect of a child. |
| 540 | 827.071(2) & (3) | 2nd | Use or induce a child in a sexual performance, or promote or direct such performance. |
| 541 | 828.126(3) | 3rd | Sexual activities involving animals. |
| 542 | 836.05 | 2nd | Threats; extortion. |
| 543 | 836.10 | 2nd | Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism. |
| 544 | 843.12 | 3rd | Aids or assists person to escape. |
| 545 | 847.011 | 3rd | Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors. |
| 546 | | | |

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| 547 | 847.012 | 3rd | Knowingly using a minor in the production of materials harmful to minors. |
| 548 | 847.0135(2) | 3rd | Facilitates sexual conduct of or with a minor or the visual depiction of such conduct. |
| 549 | 893.131 | 2nd | Distribution of controlled substances resulting in overdose or serious bodily injury. |
| 550 | 914.23 | 2nd | Retaliation against a witness, victim, or informant, with bodily injury. |
| 551 | 918.13(2)(b) | 2nd | Tampering with or fabricating physical evidence relating to a capital felony. |
| | 944.35(3)(a)2. | 3rd | Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community |

supervision, resulting in great
bodily harm.

552

944.40 2nd Escapes.

553

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

554

944.47(1) (a) 5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

555

951.22(1) (i) 3rd Firearm or weapon introduced
into county detention facility.

556

557 (g) LEVEL 7

558

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| Florida | Felony | Description |
| Statute | Degree | |

559

316.027(2) (c) 1st Accident involving death,
failure to stop; leaving scene.

560

316.193(3) (c) 2. 3rd DUI resulting in serious bodily
injury.

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| 561 | 316.1935(3)(b) | 1st | Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 562 | 327.35(3)(c)2. | 3rd | Vessel BUI resulting in serious bodily injury. |
| 563 | 402.319(2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death. |
| 564 | 409.920 (2)(b)1.a. | 3rd | Medicaid provider fraud; \$10,000 or less. |
| 565 | 409.920 (2)(b)1.b. | 2nd | Medicaid provider fraud; more than \$10,000, but less than \$50,000. |

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| 566 | 456.065 (2) | 3rd | Practicing a health care profession without a license. |
| 567 | 456.065 (2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 568 | 458.327 (1) | 3rd | Practicing medicine without a license. |
| 569 | 459.013 (1) | 3rd | Practicing osteopathic medicine without a license. |
| 570 | 460.411 (1) | 3rd | Practicing chiropractic medicine without a license. |
| 571 | 461.012 (1) | 3rd | Practicing podiatric medicine without a license. |
| 572 | 462.17 | 3rd | Practicing naturopathy without a license. |
| 573 | 463.015 (1) | 3rd | Practicing optometry without a |

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license.

574

464.016 (1) 3rd Practicing nursing without a license.

575

465.015 (2) 3rd Practicing pharmacy without a license.

576

466.026 (1) 3rd Practicing dentistry or dental hygiene without a license.

577

467.201 3rd Practicing midwifery without a license.

578

468.366 3rd Delivering respiratory care services without a license.

579

483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

580

483.901 (7) 3rd Practicing medical physics without a license.

581

484.013 (1) (c) 3rd Preparing or dispensing optical

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devices without a prescription.

582

484.053 3rd Dispensing hearing aids without a license.

583

494.0018(2) 1st Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

584

560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

585

560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

586

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but

less than \$20,000 by financial institution.

587

775.21(10) (a) 3rd Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

588

775.21(10) (b) 3rd Sexual predator working where children regularly congregate.

589

775.21(10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

590

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

591

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable

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| | | | negligence of another (manslaughter). |
| 592 | 782.071 | 2nd | Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 593 | 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 594 | 784.045 (1) (a) 1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 595 | 784.045 (1) (a) 2. | 2nd | Aggravated battery; using deadly weapon. |
| 596 | 784.045 (1) (b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| 597 | 784.048 (4) | 3rd | Aggravated stalking; violation |

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of injunction or court order.

598

784.048 (7) 3rd Aggravated stalking; violation
of court order.

599

784.07 (2) (d) 1st Aggravated battery on law
enforcement officer.

600

784.074 (1) (a) 1st Aggravated battery on sexually
violent predators facility
staff.

601

784.08 (2) (a) 1st Aggravated battery on a person
65 years of age or older.

602

784.081 (1) 1st Aggravated battery on specified
official or employee.

603

784.082 (1) 1st Aggravated battery by detained
person on visitor or other
detainee.

604

784.083 (1) 1st Aggravated battery on code
inspector.

605

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| 606 | 787.06(3)(a)2. | 1st | Human trafficking using coercion for labor and services of an adult. |
| 607 | 787.06(3)(e)2. | 1st | Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state. |
| 608 | 790.07(4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 609 | 790.16(1) | 1st | Discharge of a machine gun under specified circumstances. |
| 610 | 790.165(2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. |
| | 790.165(3) | 2nd | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony. |

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| 611 | 790.166 (3) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |
| 612 | 790.166 (4) | 2nd | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. |
| 613 | 790.23 | 1st, PBL | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04. |
| 614 | 794.08 (4) | 3rd | Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age. |
| 615 | 796.05 (1) | 1st | Live on earnings of a prostitute; 2nd offense. |
| 616 | | | |

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| 617 | 796.05(1) | 1st | Live on earnings of a prostitute; 3rd and subsequent offense. |
| 618 | 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age. |
| 619 | 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older. |
| 620 | 800.04(5)(e) | 1st | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense. |
| 621 | 806.01(2) | 2nd | Maliciously damage structure by fire or explosive. |

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| 622 | 810.02(3)(a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 623 | 810.02(3)(b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 624 | 810.02(3)(d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 625 | 810.02(3)(e) | 2nd | Burglary of authorized emergency vehicle. |
| 626 | 812.014(2)(a)1. | 1st | Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |
| | 812.014(2)(b)2. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree. |

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| 627 | 812.014 (2) (b) 3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 628 | 812.014 (2) (b) 4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle. |
| 629 | <u>812.014 (2) (g)</u> 812.014 (2) (f) | 2nd | Grand theft; second degree; firearm with previous conviction of s. 812.014 (2) (c) 5. |
| 630 | 812.0145 (2) (a) | 1st | Theft from person 65 years of age or older; \$50,000 or more. |
| 631 | 812.019 (2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 632 | 812.131 (2) (a) | 2nd | Robbery by sudden snatching. |
| 633 | 812.133 (2) (b) | 1st | Carjacking; no firearm, deadly |

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weapon, or other weapon.

634

817.034 (4) (a) 1. 1st Communications fraud, value
greater than \$50,000.

635

817.234 (8) (a) 2nd Solicitation of motor vehicle
accident victims with intent to
defraud.

636

817.234 (9) 2nd Organizing, planning, or
participating in an intentional
motor vehicle collision.

637

817.234 (11) (c) 1st Insurance fraud; property value
\$100,000 or more.

638

817.2341 1st Making false entries of
(2) (b) & material fact or false
(3) (b) statements regarding property
values relating to the solvency
of an insuring entity which are
a significant cause of the
insolvency of that entity.

639

817.418 (2) (a) 3rd Offering for sale or

advertising personal protective
equipment with intent to
defraud.

640

817.504 (1) (a) 3rd Offering or advertising a
vaccine with intent to defraud.

641

817.535 (2) (a) 3rd Filing false lien or other
unauthorized document.

642

817.611 (2) (b) 2nd Traffic in or possess 15 to 49
counterfeit credit cards or
related documents.

643

825.102 (3) (b) 2nd Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

644

825.103 (3) (b) 2nd Exploiting an elderly person or
disabled adult and property is
valued at \$10,000 or more, but
less than \$50,000.

645

827.03 (2) (b) 2nd Neglect of a child causing

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great bodily harm, disability,
or disfigurement.

646

827.04(3) 3rd Impregnation of a child under
16 years of age by person 21
years of age or older.

647

837.05(2) 3rd Giving false information about
alleged capital felony to a law
enforcement officer.

648

838.015 2nd Bribery.

649

838.016 2nd Unlawful compensation or reward
for official behavior.

650

838.021(3)(a) 2nd Unlawful harm to a public
servant.

651

838.22 2nd Bid tampering.

652

843.0855(2) 3rd Impersonation of a public
officer or employee.

653

843.0855(3) 3rd Unlawful simulation of legal

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process.

654

843.0855(4) 3rd Intimidation of a public officer or employee.

655

847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

656

847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

657

872.06 2nd Abuse of a dead human body.

658

874.05(2)(b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

659

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

660

893.13(1)(c)1. 1st Sell, manufacture, or deliver

cocaine (or other drug prohibited under s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

661

893.13(1) (e) 1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5., within 1,000 feet of property used for religious services or a specified business site.

662

893.13(4) (a) 1st Use or hire of minor; deliver to minor other controlled substance.

663

893.135(1) (a) 1. 1st Trafficking in cannabis, more

than 25 lbs., less than 2,000 lbs.

664

893.135 1st Trafficking in cocaine, more
(1) (b) 1.a. than 28 grams, less than 200
grams.

665

893.135 1st Trafficking in illegal drugs,
(1) (c) 1.a. more than 4 grams, less than 14
grams.

666

893.135 1st Trafficking in hydrocodone, 28
(1) (c) 2.a. grams or more, less than 50
grams.

667

893.135 1st Trafficking in hydrocodone, 50
(1) (c) 2.b. grams or more, less than 100
grams.

668

893.135 1st Trafficking in oxycodone, 7
(1) (c) 3.a. grams or more, less than 14
grams.

669

893.135 1st Trafficking in oxycodone, 14
(1) (c) 3.b. grams or more, less than 25

grams.

670

893.135 1st Trafficking in fentanyl, 4
 (1) (c) 4.b. (I) grams or more, less than 14
 grams.

671

893.135 1st Trafficking in phencyclidine,
 (1) (d) 1.a. 28 grams or more, less than 200
 grams.

672

893.135 (1) (e) 1. 1st Trafficking in methaqualone,
 200 grams or more, less than 5
 kilograms.

673

893.135 (1) (f) 1. 1st Trafficking in amphetamine, 14
 grams or more, less than 28
 grams.

674

893.135 1st Trafficking in flunitrazepam, 4
 (1) (g) 1.a. grams or more, less than 14
 grams.

675

893.135 1st Trafficking in gamma-
 (1) (h) 1.a. hydroxybutyric acid (GHB), 1
 kilogram or more, less than 5

kilograms.

676

893.135 1st Trafficking in 1,4-Butanediol,
 (1) (j) 1.a. 1 kilogram or more, less than 5
 kilograms.

677

893.135 1st Trafficking in Phenethylamines,
 (1) (k) 2.a. 10 grams or more, less than 200
 grams.

678

893.135 1st Trafficking in synthetic
 (1) (m) 2.a. cannabinoids, 280 grams or
 more, less than 500 grams.

679

893.135 1st Trafficking in synthetic
 (1) (m) 2.b. cannabinoids, 500 grams or
 more, less than 1,000 grams.

680

893.135 1st Trafficking in n-benzyl
 (1) (n) 2.a. phenethylamines, 14 grams or
 more, less than 100 grams.

681

893.1351(2) 2nd Possession of place for
 trafficking in or manufacturing
 of controlled substance.

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| 682 | 896.101 (5) (a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| 683 | 896.104 (4) (a) 1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |
| 684 | 943.0435 (4) (c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 685 | 943.0435 (8) | 2nd | Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements. |
| 686 | 943.0435 (9) (a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 687 | | | |

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| 688 | 943.0435(13) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 689 | 943.0435(14) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |
| 690 | 944.607(9) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 691 | 944.607(10)(a) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 692 | 944.607(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| | 944.607(13) | 3rd | Sexual offender; failure to |

report and reregister; failure to respond to address verification; providing false registration information.

693

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

694

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

695

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

696

697 (h) LEVEL 8

698

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| Florida | Felony | Description |
| Statute | Degree | |

699

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|-----|-------------------------|-----|---|
| 700 | 316.193 (3) (c) 3.a. | 2nd | DUI manslaughter. |
| 701 | 316.1935(4) (b) | 1st | Aggravated fleeing or attempted eluding with serious bodily injury or death. |
| 702 | 327.35(3) (c) 3. | 2nd | Vessel BUI manslaughter. |
| 703 | 499.0051(6) | 1st | Knowing trafficking in contraband prescription drugs. |
| 704 | 499.0051(7) | 1st | Knowing forgery of prescription labels or prescription drug labels. |
| 705 | 560.123(8) (b) 2. | 2nd | Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter. |
| | 560.125(5) (b) | 2nd | Money transmitter business by unauthorized person, currency or payment instruments totaling |

| | | | |
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| 706 | 655.50(10) (b)2. | 2nd | or exceeding \$20,000, but less than \$100,000. |
| 707 | 777.03(2) (a) | 1st | Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions. |
| 708 | 782.04(4) | 2nd | Accessory after the fact, capital felony. |
| 709 | 782.051(2) | 1st | Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb. |
| | | | Attempted felony murder while perpetrating or attempting to perpetrate a felony not |

enumerated in s. 782.04 (3).

710

782.071 (1) (b) 1st Committing vehicular homicide and failing to render aid or give information.

711

782.072 (2) 1st Committing vessel homicide and failing to render aid or give information.

712

787.06 (3) (a) 1. 1st Human trafficking for labor and services of a child.

713

787.06 (3) (b) 1st Human trafficking using coercion for commercial sexual activity of an adult.

714

787.06 (3) (c) 2. 1st Human trafficking using coercion for labor and services of an unauthorized alien adult.

715

787.06 (3) (e) 1. 1st Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the

state.

716

787.06(3)(f)2. 1st Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.

717

790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.

718

794.011(5)(a) 1st Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

719

794.011(5)(b) 2nd Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

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| 720 | 794.011 (5) (c) | 2nd | Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury. |
| 721 | 794.011 (5) (d) | 1st | Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense. |
| 722 | 794.08 (3) | 2nd | Female genital mutilation, removal of a victim younger than 18 years of age from this state. |
| 723 | 800.04 (4) (b) | 2nd | Lewd or lascivious battery. |
| 724 | 800.04 (4) (c) | 1st | Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense. |

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| 806.01(1) | 1st | Maliciously damage dwelling or structure by fire or explosive, believing person in structure. |
| 810.02(2)(a) | 1st, PBL | Burglary with assault or battery. |
| 810.02(2)(b) | 1st, PBL | Burglary; armed with explosives or dangerous weapon. |
| 810.02(2)(c) | 1st | Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage. |
| 812.014(2)(a)2. | 1st | Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree. |
| <u>812.015(11)(b)</u> | <u>1st</u> | <u>Retail theft; possession of a firearm during commission of offense.</u> |

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| 732 | 812.13 (2) (b) | 1st | Robbery with a weapon. |
| 733 | 812.135 (2) (c) | 1st | Home-invasion robbery, no firearm, deadly weapon, or other weapon. |
| 734 | 817.418 (2) (b) | 2nd | Offering for sale or advertising personal protective equipment with intent to defraud; second or subsequent offense. |
| 735 | 817.504 (1) (b) | 2nd | Offering or advertising a vaccine with intent to defraud; second or subsequent offense. |
| 736 | 817.505 (4) (c) | 1st | Patient brokering; 20 or more patients. |
| 737 | 817.535 (2) (b) | 2nd | Filing false lien or other unauthorized document; second or subsequent offense. |
| | 817.535 (3) (a) | 2nd | Filing false lien or other |

unauthorized document; property owner is a public officer or employee.

738

817.535 (4) (a) 1. 2nd

Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

739

817.535 (5) (a) 2nd

Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.

740

817.568 (6) 2nd

Fraudulent use of personal identification information of an individual under the age of 18.

741

817.611 (2) (c) 1st

Traffic in or possess 50 or more counterfeit credit cards or related documents.

742

825.102 (2) 1st

Aggravated abuse of an elderly

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person or disabled adult.

743

825.1025(2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.

744

825.103(3)(a) 1st Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

745

837.02(2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

746

837.021(2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

747

860.121(2)(c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

748

860.16 1st Aircraft piracy.

| | | | |
|-----|-----------------------|-----|---|
| 749 | 893.13(1)(b) | 1st | Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). |
| 750 | 893.13(2)(b) | 1st | Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). |
| 751 | 893.13(6)(c) | 1st | Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). |
| 752 | 893.135(1)(a)2. | 1st | Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs. |
| 753 | 893.135 (1)(b)1.b. | 1st | Trafficking in cocaine, more than 200 grams, less than 400 grams. |
| 754 | 893.135 (1)(c)1.b. | 1st | Trafficking in illegal drugs, more than 14 grams, less than 28 grams. |

| | | | |
|-----|------------------------------|-----|---|
| 755 | 893.135 (1) (c) 2.c. | 1st | Trafficking in hydrocodone, 100 grams or more, less than 300 grams. |
| 756 | 893.135 (1) (c) 3.c. | 1st | Trafficking in oxycodone, 25 grams or more, less than 100 grams. |
| 757 | 893.135 (1) (c) 4.b. (II) | 1st | Trafficking in fentanyl, 14 grams or more, less than 28 grams. |
| 758 | 893.135 (1) (d) 1.b. | 1st | Trafficking in phencyclidine, 200 grams or more, less than 400 grams. |
| 759 | 893.135 (1) (e) 1.b. | 1st | Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms. |
| 760 | 893.135 (1) (f) 1.b. | 1st | Trafficking in amphetamine, 28 grams or more, less than 200 grams. |
| 761 | | | |

| | | | |
|-----|-------------------------|-----|--|
| 762 | 893.135 (1) (g) 1.b. | 1st | Trafficking in flunitrazepam, 14 grams or more, less than 28 grams. |
| 763 | 893.135 (1) (h) 1.b. | 1st | Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms. |
| 764 | 893.135 (1) (j) 1.b. | 1st | Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms. |
| 765 | 893.135 (1) (k) 2.b. | 1st | Trafficking in Phenethylamines, 200 grams or more, less than 400 grams. |
| 766 | 893.135 (1) (m) 2.c. | 1st | Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms. |
| 767 | 893.135 (1) (n) 2.b. | 1st | Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams. |

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|-----|-----------------|-----|--|
| 768 | 893.1351(3) | 1st | Possession of a place used to manufacture controlled substance when minor is present or resides there. |
| 769 | 895.03(1) | 1st | Use or invest proceeds derived from pattern of racketeering activity. |
| 770 | 895.03(2) | 1st | Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property. |
| 771 | 895.03(3) | 1st | Conduct or participate in any enterprise through pattern of racketeering activity. |
| 772 | 896.101(5)(b) | 2nd | Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000. |
| | 896.104(4)(a)2. | 2nd | Structuring transactions to evade reporting or registration |

requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

773

774 Section 4. Paragraph (f) of subsection (1) of section
775 784.07, Florida Statutes, is amended to read:

776 784.07 Assault or battery of law enforcement officers and
777 other specified personnel; reclassification of offenses; minimum
778 sentences.—

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

780 (f) "Public transit employees or agents" means bus
781 operators, train operators, revenue collectors, security
782 personnel, equipment maintenance personnel, or field
783 supervisors, who are employees or agents of a transit agency as
784 described in s. 812.015(1) ~~s. 812.015(1)(1)~~.

785 Section 5. This act shall take effect October 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 937 Purple Alert
SPONSOR(S): Casello
TIED BILLS: **IDEN./SIM. BILLS:** SB 640

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|---------|--|
| 1) Criminal Justice Subcommittee | 17 Y, 0 N | Yeager | Hall |
| 2) Justice Appropriations Subcommittee | | Saag | Keith |
| 3) Judiciary Committee | | | |

SUMMARY ANALYSIS

Florida's Purple Alert may be used to assist in locating missing adults suffering from a mental or cognitive disability. Under a Purple Alert, a local law enforcement agency may broadcast to the media, on lottery terminals, and to persons who subscribe to receive alert notifications information concerning a missing adult:

- Who has a mental or cognitive disability that is not Alzheimer's disease or a dementia-related disorder; an intellectual disability or developmental disability as defined in s. 393.063, F.S.; a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm;
- Who cannot be returned to safety without law enforcement intervention; and
- Who does not meet the criteria for activation of a Silver Alert.

HB 937 amends s. 937.0205, F.S., to create two levels of activation under the Purple Alert: local and statewide. For cases involving an unidentifiable vehicle or a missing adult on foot, the bill limits dissemination of a Purple Alert to local distribution within the area where the person may reasonably be located. The bill requires local law enforcement agencies to develop their own policies for the activation of a local Purple Alert. Under the bill, when activating a local Purple Alert, local law enforcement agencies must:

- Contact media outlets in the affected area and surrounding jurisdictions;
- Inform all on-duty law enforcement officers of the missing adult report; and
- Communicate the report to any other law enforcement agency in the county of jurisdiction.

Under the bill, a law enforcement agency may only request the issuance of a statewide Purple Alert when the investigation indicates that there is an identifiable vehicle involved. In such cases, the Florida Department of Law Enforcement's (FDLE) Missing Endangered Person Information Clearinghouse must coordinate with the Florida Department of Transportation, the Florida Department of Highway Safety and Motor Vehicles, and the Department of the Lottery for the:

- Activation of dynamic message signs on state highways and immediate distribution of critical information to the public about the missing adult;
- Notification on lottery terminals, including, but not limited to, lottery terminals in gas stations, convenience stores, and supermarkets; and
- Notification to subscribers of the Purple Alert.

The bill may have an indeterminate positive fiscal impact on FDLE by limiting the activation of a statewide Purple Alert, and may have an indeterminate, but likely insignificant negative fiscal impact on local law enforcement agencies by requiring them to adopt policies to implement a local Purple Alert.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Missing Person Investigations

Every state, county, or municipal law enforcement agency is required to submit information concerning missing endangered persons to the Florida Department of Law Enforcement's (FDLE) Missing Endangered Person Information Clearinghouse (MEPIC).¹ Located in the Enforcement and Investigative Support Bureau as part of the Investigations and Forensic Science Program of FDLE, MEPIC serves as the central repository of information regarding missing endangered persons.² MEPIC acts as a liaison between citizens, private organizations, and law enforcement officials regarding missing endangered persons information.³ Upon receiving information about a missing endangered person, MEPIC disseminates the information to the appropriate local, regional, and statewide agencies in an effort to locate the missing person.⁴ Section 937.0201, F.S., defines a "missing endangered person" to include:

- A missing child;
- A missing adult younger than 26 years of age;
- A missing adult 26 years of age or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity;
- A missing adult who meets the criteria for activation of the Silver Alert;⁵ and
- A missing adult who meets the criteria for activation of the Purple Alert.⁶

Section 937.021, F.S., requires a law enforcement agency that receives a credible report that an adult is missing to transmit the report for inclusion within the Florida Crime Information Center (FCIC), the National Crime Information Center (NCIC), and the National Missing and Unidentified Persons System (NamUs) databases within two hours.⁷ A law enforcement agency that receives a report that a child is missing must immediately inform all on-duty law enforcement officers of the missing child report, communicate the report to every other law enforcement agency within the affected jurisdiction, and transmit the report to the FCIC, NCIC, and the NamUs database within two hours.⁸

¹ S. 937.022(3)(b)1., F.S.

² S. 937.022(1), F.S.

³ Florida Department of Law Enforcement: Missing Endangered Persons Information Clearinghouse, *About Us*, <https://www.fdle.state.fl.us/MCICSearch/AboutUs.asp> (last visited Jan. 20, 2024).

⁴ *Id.*

⁵ S. 937.0201(4)(d), F.S. The Silver Alert may be used to locate a person who is 60 years of age or older and suffers from an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia). In rare instances, a Silver Alert may also be activated when a person is 18 to 59 years old, has an irreversible deterioration of intellectual faculties, law enforcement has determined the individual lacks the capacity to consent, and the use of dynamic message signs along major highways may be the only means to rescue the missing person. Florida Department of Law Enforcement, *Silver Activation Steps*, <https://www.fdle.state.fl.us/Silver-Alert-Plan/Activation-Steps> (last visited Jan. 20, 2024).

⁶ S. 937.0201(4), F.S.

⁷ S. 937.021(4)(b), F.S. The FCIC consists of online databases that provide criminal justice agencies in Florida with information on wanted persons, missing persons, stolen vehicles and license plates, stolen guns and other personal property, and complete criminal records. It serves as Florida's point of contact with the NCIC in Washington, D.C., which provides information on wanted and missing persons, stolen property, and an index of criminal offenders nationwide. NamUs is a national centralized repository and resource center for missing, unidentified, and unclaimed person cases across the United States. Florida Department of Law Enforcement, *1989 Florida Directory of Automated Criminal Justice Information Systems*, <https://www.ojp.gov/pdffiles1/Digitization/116893NCJRS.pdf> (last visited Jan. 20, 2024); National Missing and Unidentified Persons System, *What is NamUs?*, <https://namus.nij.ojp.gov/> (last visited Jan. 20, 2024).

⁸ S. 937.021(4)(a), F.S.

Purple Alert

Section 937.0205, F.S., establishes Florida's Purple Alert, which may be used to assist in locating missing adults suffering from a mental or cognitive disability.⁹ FDLE, the Florida Department of Transportation (FDOT), the Florida Department of Highway Safety and Motor Vehicles (FLHSMV), the Florida Department of the Lottery, and local law enforcement agencies implement the Purple Alert.¹⁰

Under a Purple Alert, a local law enforcement agency may broadcast to the media, on lottery terminals within the geographic regions where the missing adult may reasonably be located, and to persons who subscribe to receive alert notifications information concerning a missing adult:

- Who has a mental or cognitive disability that is not Alzheimer's disease or a dementia-related disorder; an intellectual disability or developmental disability as defined in s. 393.063, F.S.;¹¹ a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm;
- Who cannot be returned to safety without law enforcement intervention; and
- Who does not meet the criteria for activation of a Silver Alert.¹²

The local law enforcement agency having jurisdiction may also request that a case be opened with FDLE's MEPIC.¹³ If the law enforcement investigation determines that the missing person is in an identifiable vehicle, MEPIC must coordinate with FDOT and FLHSMV for the activation of message signs on state highways and for the immediate distribution of critical information to the public regarding the missing adult in accordance with the alert.¹⁴ If a Purple Alert is activated and the person is missing in an identified vehicle, FDOT road signs will be activated and remain active for a maximum of six hours displaying information relevant to the missing person.¹⁵

The local law enforcement agency to which the missing adult is reported determines whether the case meets the criteria to activate a Purple Alert.¹⁶ Currently, a Purple Alert is activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding his or her disappearance indicate that activation of the Purple Alert is likely to help locate the missing adult.¹⁷ The dissemination of a Purple Alert and related information is limited to the geographic area where the missing adult could reasonably be located.¹⁸ The local law enforcement agency determines the status of the Purple Alert, but the Purple Alert generally stays active until the missing person is recovered.¹⁹

Since the Purple Alert began July 1, 2022, and as of November 30, 2023, 331 Purple Alerts have been issued.²⁰ Of those, 100 (30 percent) involved persons who went missing in a vehicle, and 231 (70

⁹ Florida Department of Law Enforcement, *Florida's Purple Alert Plan*, <https://www.fdle.state.fl.us/PurpleAlerts/Purple-Alert-Plan.aspx#:~:text=The%20Florida%20Purple%20Alert%20is,or%20emotional%20disabilities%20that%20are> (last visited Jan. 20, 2024); s. 937.0205(4)(a)1., F.S.; s. 937.0205(4)(a)2., F.S.

¹⁰ S. 937.0205(3), F.S.

¹¹ Section 393.063(11), F.S., defines a developmental disability as a disorder or syndrome attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome that manifests before the age of 18 and is reasonably expected to continue indefinitely. Section 393.063(23), F.S., defines an intellectual disability as significantly subaverage general intellectual functioning that exists concurrently with deficits in adaptive behavior, manifests before the age of 18, and can be reasonably expected to continue indefinitely.

¹² S. 937.0205(4)(a), F.S.

¹³ S. 937.0205(4)(c), F.S.

¹⁴ *Id.*

¹⁵ Florida Department of Law Enforcement, *Purple Alert Frequently Asked Questions*, <https://www.fdle.state.fl.us/PurpleAlerts/Frequently-Asked-Questions#how> (last visited Jan. 20, 2024).

¹⁶ *Id.*

¹⁷ S. 937.0205(3)(d), F.S.

¹⁸ S. 937.0205(3)(c), F.S.

¹⁹ Florida Department of Law Enforcement, *supra* note 15.

²⁰ Florida Department of Law Enforcement, *2024 Florida Department of Law Enforcement Legislative Bill Analysis HB 937*, December 19, 2023 (on file with the House Criminal Justice Subcommittee).

percent) involved persons who went missing on foot.²¹ Although s. 937.0205, F.S., appears to authorize local law enforcement agencies to issue their own Purple Alerts, all Purple Alerts are currently processed and issued by FDLE, regardless of whether a person is missing on foot or in an identifiable vehicle.²² Under s. 937.0205(4)(b), F.S., local law enforcement agencies must notify subscribers to the Purple Alert of a missing person in their jurisdictions and may request the activation of lottery terminals and message signs on state highways to assist in locating a missing person. To receive a list of subscribers to the Purple Alert and to activate the lottery terminals and message signs on state highways, local law enforcement agencies must contact FDLE.²³ However, FDLE may only activate lottery terminals and message signs on state highways for a Purple Alert if an identifiable vehicle is involved.²⁴ In a case where a person is missing and an identifiable vehicle is not involved, FDLE may issue a “Be on the Lookout” (BOLO) message statewide.²⁵

According to FDLE, when a person is missing on foot, public safety may be better served if the agency of jurisdiction develops and follows its own policies and issues a local Purple Alert. Increasing the number and frequency of alerts issued statewide for those not in a vehicle may likely have a desensitizing effect on the public and significantly decrease the effectiveness and gravity of the Purple Alert.

Effect of Proposed Changes

HB 937 amends s. 937.0205, F.S., to create two levels of activation under the Purple Alert: local and statewide. The bill clarifies that any Purple Alert involving a person who is missing on foot or in an unidentifiable vehicle must be processed and issued through policies developed by the local law enforcement agency of jurisdiction, rather than by FDLE.

For cases involving an unidentifiable vehicle or a missing adult on foot, the bill limits dissemination of a Purple Alert to local distribution to the area where the person may reasonably be located. The bill requires local law enforcement agencies to develop their own policies for the activation of a local Purple Alert that meets the requirements set forth in s. 937.021, F.S. Under the bill, when activating a local Purple Alert, local law enforcement agencies must:

- Contact media outlets in the affected area and surrounding jurisdictions;
- Inform all on-duty law enforcement officers of the missing adult report; and
- Communicate the report to any other law enforcement agency in the county of jurisdiction.

Under the bill, a law enforcement agency may only request the issuance of a statewide Purple Alert from FDLE’s MEPIC when the investigation indicates that there is a motor vehicle with an identified license plate or other vehicle information involved. In such cases, the clearinghouse must coordinate with FDOT, FLHSMV, and the Department of the Lottery for the:

- Activation of dynamic message signs on state highways and immediate distribution of critical information to the public about the missing adult;
- Notification on lottery terminals, including, but not limited to, lottery terminals in gas stations, convenience stores, and supermarkets; and
- Notification to subscribers of the Purple Alert.

The bill authorizes the local law enforcement agency having jurisdiction of the missing adult case to request MEPIC to open a case if the agency determines either a local or statewide Purple Alert is necessary and appropriate. Additionally, the bill limits the current requirements for the Purple Alert process to include procedures to monitor the use, activation, and results of alerts and to develop information and education strategies to the statewide Purple Alert.

²¹ *Id.*

²² Email from Bobbie Smith, Director of Legislative Affairs, Florida Department of Law Enforcement, Re: Purple Alert (Jan. 16, 2024) (on file with the House Criminal Justice Subcommittee).

²³ *Id.*; S. 937.0205(4)(a-b), F.S.

²⁴ S. 937.0205(4)(b), F.S.

²⁵ Email from Bobbie Smith, *supra* note 22.

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1: Amends s. 937.0205, F.S., relating to Purple Alert.

Section 2: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate positive impact on state expenditures associated with workload. See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate, but likely insignificant, impact on local government expenditures associated with workload. See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

By limiting the activation of a statewide Purple Alert to when an identifiable vehicle is involved, the bill may reduce FDLE workload and expenditures related to managing Purple Alerts. To the extent that the Purple Alert is a relatively new alert, and the majority of alerts to date have not involved vehicles, any potential cost savings are indeterminate.

The bill may also increase workload and expenditures for local law enforcement agencies by requiring such agencies to adopt policies to implement a local Purple Alert if an identified vehicle is not involved. To the extent that the bill still allows local law enforcement agencies to request a statewide alert, and that essential functions of local alerts are already utilized by local agencies under current law, any such impacts are indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Currently, s. 937.0205(6), F.S., authorizes FDLE to adopt rules to implement and administer the Purple Alert. The bill does not affect that authorization.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to the Purple Alert; amending s.
 3 937.0205, F.S.; requiring local law enforcement
 4 agencies to develop policies for a local activation of
 5 a Purple Alert for certain missing adults; specifying
 6 requirements for such policies; specifying duties of
 7 the Department of Law Enforcement's Missing Endangered
 8 Persons Information Clearinghouse in the event of a
 9 state Purple Alert; specifying conditions under which
 10 a local law enforcement agency may request the
 11 clearinghouse to open a case; conforming provisions to
 12 changes made by the act; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 937.0205, Florida Statutes, is amended
 17 to read:

18 937.0205 Purple Alert.—

19 (1) The Legislature finds that a standardized state system
 20 is necessary to aid in the search for a missing adult identified
 21 in subsection (4) ~~paragraph (4)(a)~~. The Legislature also finds
 22 that a coordinated local law enforcement and state agency
 23 response with prompt and widespread sharing of information will
 24 improve the chances of finding the person.

25 (2) It is the intent of the Legislature to establish the

26 Purple Alert, to be implemented in a manner that, to the extent
27 practicable, safeguards the privacy rights and related health
28 and diagnostic information of such missing adults.

29 (3) The Department of Law Enforcement, in cooperation with
30 the Department of Transportation, the Department of Highway
31 Safety and Motor Vehicles, the Department of the Lottery, and
32 local law enforcement agencies, shall establish and implement
33 the Purple Alert. At a minimum, the Purple Alert must:

34 (a) Be the only viable means by which the missing adult is
35 likely to be returned to safety;

36 (b) Provide, to the greatest extent possible, for the
37 protection of the privacy, dignity, and independence of the
38 missing adult by including standards aimed at safeguarding these
39 civil liberties by preventing the inadvertent or unnecessary
40 broadcasting or dissemination of sensitive health and diagnostic
41 information;

42 (c) Limit the broadcasting and dissemination of alerts and
43 related information to the geographic areas where the missing
44 adult could reasonably be, considering his or her circumstances
45 and physical and mental condition, the potential modes of
46 transportation available to him or her or suspected to be
47 involved, and the known or suspected circumstances of his or her
48 disappearance; and

49 (d) Be activated only when there is sufficient descriptive
50 information about the missing adult and the circumstances

51 surrounding his or her disappearance to indicate that activating
 52 the alert is likely to help locate the missing adult.

53 ~~(4)(a) Under a Purple Alert, a local law enforcement~~
 54 ~~agency may broadcast to the media and to persons who subscribe~~
 55 ~~to receive alert notifications under this section information~~
 56 ~~concerning~~ a missing adult is deemed to be an adult:

57 (a)1. Who has a mental or cognitive disability that is not
 58 Alzheimer's disease or a dementia-related disorder; an
 59 intellectual disability or a developmental disability, as those
 60 terms are defined in s. 393.063; a brain injury; another
 61 physical, mental, or emotional disability that is not related to
 62 substance abuse; or a combination of any of these;

63 (b)2. Whose disappearance indicates a credible threat of
 64 immediate danger or serious bodily harm to himself or herself,
 65 as determined by the local law enforcement agency;

66 (c)3. Who cannot be returned to safety without law
 67 enforcement intervention; and

68 (d)4. Who does not meet the criteria for activation of a
 69 local Silver Alert or the Silver Alert Plan of the Department of
 70 Law Enforcement.

71 (5) For a missing adult on foot or in an unidentified
 72 vehicle, local law enforcement agencies shall develop their own
 73 policies for activation of a local Purple Alert that meets the
 74 requirements set forth in s. 937.021 and shall:

75 (a) Contact media outlets in the affected area or

76 surrounding jurisdictions;

77 (b) Inform all on-duty law enforcement officers of the
78 missing adult report; and

79 (c) Communicate the report to any other law enforcement
80 agency in the county of jurisdiction.

81 (6) A state Purple Alert may be requested from the
82 Department of Law Enforcement's Missing Endangered Persons
83 Information Clearinghouse when the investigation indicates that
84 there is a motor vehicle with an identified license plate or
85 other vehicle information. The clearinghouse shall:

86 (a) Coordinate with the Department of Transportation and
87 the Department of Highway Safety and Motor Vehicles for the
88 activation of dynamic message signs on state highways and the
89 immediate distribution of critical information to the public
90 regarding the missing adult in accordance with the alert;

91 (b) Coordinate with the Department of the Lottery to have
92 the state Purple Alert broadcast on lottery terminals,
93 including, but not limited to, lottery terminals in gas
94 stations, convenience stores, and supermarkets; and

95 (c) Notify subscribers.

96 (7) If a local or state Purple Alert is determined to be
97 necessary and appropriate, the local law enforcement agency
98 having jurisdiction may also request that a case be opened with
99 the Department of Law Enforcement's Missing Endangered Persons
100 Information Clearinghouse.

101 ~~(b) If a Purple Alert is determined to be necessary and~~
 102 ~~appropriate, the local law enforcement agency having~~
 103 ~~jurisdiction must notify the media and subscribers in the~~
 104 ~~jurisdiction or jurisdictions where the missing adult is~~
 105 ~~believed to or may be located. The local law enforcement agency~~
 106 ~~having jurisdiction may also request that the Purple Alert~~
 107 ~~notification be broadcast on lottery terminals within the~~
 108 ~~geographic regions where the missing adult may reasonably be,~~
 109 ~~including, but not limited to, lottery terminals in gas~~
 110 ~~stations, convenience stores, and supermarkets.~~

111 ~~(c) Under the Purple Alert, the local law enforcement~~
 112 ~~agency having jurisdiction may also request that a case be~~
 113 ~~opened with the Department of Law Enforcement's Missing~~
 114 ~~Endangered Persons Information Clearinghouse. To enhance local~~
 115 ~~or regional efforts when the investigation indicates that an~~
 116 ~~identifiable vehicle is involved, the clearinghouse must~~
 117 ~~coordinate with the Department of Transportation and the~~
 118 ~~Department of Highway Safety and Motor Vehicles for the~~
 119 ~~activation of dynamic message signs on state highways and the~~
 120 ~~immediate distribution of critical information to the public~~
 121 ~~regarding the missing adult in accordance with the alert.~~

122 (8)(5) The state Purple Alert process must include
 123 procedures to monitor the use, activation, and results of alerts
 124 and a strategy for informing and educating law enforcement, the
 125 media, and other stakeholders concerning the alert.

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126 (9)~~(6)~~ The Department of Law Enforcement may adopt rules
127 to implement and administer this section.

128 Section 2. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1131 Online Sting Operations Grant Program

SPONSOR(S): Temple

TIED BILLS: **IDEN./SIM. BILLS:** SB 1190

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|---------|--|
| 1) Criminal Justice Subcommittee | 15 Y, 0 N | Butcher | Hall |
| 2) Justice Appropriations Subcommittee | | Saag | Keith |
| 3) Judiciary Committee | | | |

SUMMARY ANALYSIS

Section 943.041, F.S., creates the Crimes Against Children Criminal Profiling Program (CACP) within the Florida Department of Law Enforcement (FDLE). CACP provides investigative, training, and intelligence assistance to local law enforcement agencies while taking a proactive approach to investigating and preventing child sexual exploitation. Special Agents are qualified to investigate multi-jurisdictional operations and organized crimes against children in conjunction with local law enforcement agencies.

Local law enforcement agencies in Florida routinely conduct sting operations targeting online predators who may intend to commit crimes against children. A “sting operation” generally consists of an opportunity to commit a crime, a likely offender or group of offenders targeted by law enforcement, an undercover or hidden law enforcement officer or surrogate, and the eventual arrest of the likely offender or group of offenders.

Sting operations relating to online child sexual exploitation frequently involve an undercover law enforcement officer who poses as a child online for the purpose of identifying suspects who are communicating with or attempting to communicate with a child for the purpose of soliciting unlawful sexual activity. Such sting operations are generally localized efforts, and their utilization and effectiveness depend on how local officials allocate resources and personnel.

HB 1131 creates s. 943.0411, F.S., establishing the Online Sting Operations Grant Program within FDLE to award grants to local law enforcement agencies to support the creation of sting operations to target individuals online preying upon children or attempting to prey upon children.

The bill requires FDLE to annually award any funds specifically appropriated to the grant program to local law enforcement agencies to cover expenses related to computers, electronics, software, and other related necessary supplies. The bill specifies that grants must be provided to local law enforcement agencies if funds are appropriated for that purpose, and that the total amount of grants awarded may not exceed funding appropriated for the grant program.

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

The grant program established in the bill is subject to legislative appropriation. If an appropriation is provided by the legislature, the bill may have an indeterminate fiscal impact on state and local governments to the extent that local law enforcement agencies may apply for and receive funding from FDLE under the grant program.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Sting Operations

Section 943.041, F.S., creates the Crimes Against Children Criminal Profiling Program (CACP) within the Florida Department of Law Enforcement (FDLE). CACP provides investigative, training, and intelligence assistance to local law enforcement agencies while taking a proactive approach to investigating and preventing child sexual exploitation.¹ Special Agents are qualified to investigate multi-jurisdictional operations and organized crimes against children in conjunction with local law enforcement agencies.²

A “sting operation” generally consists of an opportunity to commit a crime, a likely offender or group of offenders targeted by law enforcement, an undercover or hidden law enforcement officer or surrogate, and the eventual arrest of the likely offender or group of offenders.³ Sting operations have the potential to result in large scale arrests and require planning and coordination from law enforcement to investigate, reduce, and prevent crimes.⁴

Sting operations relating to online child sexual exploitation frequently involve an undercover law enforcement officer who poses as a child online for the purpose of identifying suspects who are communicating with or attempting to communicate with a child for the purpose of soliciting unlawful sexual activity. Such sting operations are generally localized efforts, and their utilization and effectiveness depend on how local officials allocate resources and personnel.⁵

Local law enforcement agencies in Florida routinely conduct sting operations targeting online predators who may intend to commit crimes against children. In Leon County, the Capital City Human Trafficking Taskforce has arrested 16 people since its formation in late 2023.⁶ The taskforce’s undercover operations targeted individuals engaging in internet crimes against children, prostitution, and human trafficking.

On January 11, 2024, the Hillsborough County Sheriff’s Office (HSCO) announced the arrest of 123 people over the course of three months, including online predators who thought they were communicating with children and young teens but were actually communicating with HCSO detectives.⁷

On October 10, 2023, the Polk County Sheriff’s Office announced that its fourth undercover sting operation resulted in the arrest of six people alleged to have communicated online with persons they thought were children or guardians for the purpose of soliciting unlawful sexual activity with minors.⁸

¹ FDLE, *Missing Children Information Clearinghouse*, <https://www.fdle.state.fl.us/mcicsearch/crimesagainstchildren.asp> (last visited Jan. 20, 2024).

² *Id.*

³ Graeme R. Newman, *Sting Operations*, Center for Problem-Oriented Policing, (2007), <https://cops.usdoj.gov/RIC/Publications/cops-p134-pub.pdf> (last visited Jan. 20, 2024).

⁴ *Id.*

⁵ In 2023, the Florida Legislature allocated \$427,250 from the General Revenue Fund to the South Florida Internet Crimes Against Children Task Force Program. See SB 2500 (2023).

⁶ Elena Barrera, *Human trafficking taskforce arrests over a dozen individuals during undercover operation* (Jan. 11, 2024), Tallahassee Democrat, <https://news.yahoo.com/human-trafficking-taskforce-arrests-over-020052310.html> (last visited Jan. 20, 2024). The taskforce includes members from the Department of Homeland Security, the United States Attorney’s Office for the Northern District of Florida, the State Attorney’s Office for the Second Judicial Circuit, the Leon County Sheriff’s Office, FDLE, the Tallahassee Police Department, the Federal Bureau of Investigations, the Internal Revenue Service, and the United States Marshals Service.

⁷ HCSO, *Operation Renewed Hope*, <https://teamhcsso.com/News/PressRelease/69dfc87b-5961-4432-b0a4-b123d01d11cf/en-US> (last visited Jan. 20, 2024).

Criminal Charges Frequently Resulting from Sting Operations

Sting operations targeting child predators online may frequently result in criminal charges for the offenses described below.

Certain Uses of Computer Services or Devices Prohibited

Under s. 847.0135(3), F.S., it is a third degree felony⁹ for a person who knowingly uses a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child *or another person believed by the person to be a child*, to commit any illegal act described in chapter 794 (sexual battery), chapter 800 (lewd or lascivious offenses), or chapter 827 (child sexual performance), F.S., or to otherwise engage in any unlawful sexual conduct with a child *or with another person believed by the person to be a child*; or
- Solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in chapter 794, chapter 800, or chapter 827, F.S., or to otherwise engage in any sexual conduct.¹⁰

Traveling to Meet a Minor

Under s. 847.0135(4), F.S., it is a second degree felony¹¹ for a person who travels any distance either within Florida, to Florida, or from Florida by any means, who attempts to do so, or who causes another to do so or to attempt to do so for the purpose of engaging in any illegal act described in chapter 794, chapter 800, or chapter 827, F.S., or to otherwise engage in other unlawful sexual conduct with a child *or with another person believed by the person to be a child* after using a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice or attempt to seduce, solicit, lure, or entice a child *or another person believed by the person to be a child*, to engage in any illegal act described in chapter 794, chapter 800, or chapter 827, F.S., or to otherwise engage in other unlawful sexual conduct with a child; or
- Solicit, lure, or entice or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in chapter 794, chapter 800, or chapter 827, F.S., or to otherwise engage in any sexual conduct.

Effect of Proposed Changes

HB 1131 creates s. 943.0411, F.S., establishing the Online Sting Operations Grant Program within FDLE to award grants to local law enforcement agencies to support the creation of sting operations to target individuals online preying upon children or attempting to prey upon children.

⁸ Polk County Sheriff's Office, *Six suspects arrested during "Operation Child Protector IV" focusing on online solicitation of minors* (Oct. 10, 2023), <https://www.polksheriff.org/news-investigations/2023/10/10/six-suspects-arrested-during-operation-child-protector-iv-focusing-on-online-solicitation-of-minors> (last visited Jan. 20, 2024). See also "Takedown with Chris Hansen," an investigative docuseries in which journalist Chris Hansen coordinates with law enforcement, including the Polk County Sheriff's Office, to conduct undercover sting operations that "catch" persons accused of soliciting unlawful sexual activity with minors. <https://www.imdb.com/takedown-with-chris-hansen> (last visited Jan. 20, 2024).

⁹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

¹⁰ A person who misrepresents his or her age in violating this subsection commits a second degree felony. Each separate use of a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission wherein an offense described in this section is committed may be charged as a separate offense.

¹¹ A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

The bill requires FDLE to annually award any funds specifically appropriated to the grant program to local law enforcement agencies to cover expenses related to computers, electronics, software, and other related necessary supplies. The bill specifies that grants must be provided to local law enforcement agencies if funds are appropriated for that purpose, and that the total amount of grants awarded may not exceed funding appropriated for the grant program.

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

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1: Creates s. 943.0411, F.S., relating to Online Sting Operations Grant Program for local law enforcement agencies to protect children.

Section 2: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate impact on state expenditures to the extent the bill authorizes FDLE to distribute funds specifically appropriated for the grant program. Any such impact is subject to legislative appropriation.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may have an indeterminate positive impact on local government revenues to the extent that some local law enforcement agencies may receive future grant funding.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled

2 An act relating to the Online Sting Operations Grant
3 Program; creating s. 943.0411, F.S.; creating the
4 Online Sting Operations Grant Program within the
5 Department of Law Enforcement to support local law
6 enforcement agencies in creating certain sting
7 operations to protect children; requiring the
8 department to annually award grant funds to local law
9 enforcement agencies; providing funding requirements;
10 authorizing the department to establish criteria and
11 set specific time periods for the acceptance of
12 applications and the selection process for awarding
13 grant funds; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 943.0411, Florida Statutes, is created
18 to read:

19 943.0411 Online Sting Operations Grant Program for local
20 law enforcement agencies to protect children.—

21 (1) There is created within the department the Online
22 Sting Operations Grant Program to award grants to local law
23 enforcement agencies to support their creation of sting
24 operations to target individuals online preying upon children or
25 attempting to do so.

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26 (2) The department shall annually award to local law
27 enforcement agencies any funds specifically appropriated for the
28 grant program to cover expenses related to computers,
29 electronics, software, and other related necessary supplies.
30 Grants must be provided to local law enforcement agencies if
31 funds are appropriated for that purpose by law. The total amount
32 of grants awarded may not exceed funding appropriated for the
33 grant program.

34 (3) The department may establish criteria and set specific
35 time periods for the acceptance of applications and for the
36 selection process for awarding grant funds.

37 Section 2. This act shall take effect July 1, 2024.