

By Senator Steube

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1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 893.13, F.S.; requiring a mandatory minimum term of
4 imprisonment for specified violations related to
5 controlled substances which are committed in a
6 dwelling; creating a criminal penalty for possession
7 with intent to distribute a controlled substance under
8 certain circumstances; amending s. 893.135, F.S.;
9 creating the criminal penalty of "trafficking in
10 fentanyl"; requiring mandatory minimum terms of
11 imprisonment and fines for specified quantities of
12 fentanyl; adding a minimum specified quantity of
13 fentanyl to the crime of trafficking in illegal drugs;
14 creating the criminal penalty of "trafficking in
15 synthetic drugs"; requiring mandatory minimum terms of
16 imprisonment and fines for specified quantities of
17 certain controlled substances; amending s. 921.0022,
18 F.S.; adding offenses relating to trafficking in LSD
19 and synthetic drugs to the offense severity ranking
20 chart; reenacting ss. 112.0455(8)(s), 397.451(4)(b),
21 435.07(2), 775.084(1)(a), 831.311(1), 893.138(3),
22 921.187(1)(l), F.S., relating to the Drug-Free
23 Workplace Act, background checks of service provider
24 personnel, exemptions from disqualification from
25 employment, habitual felony offenders, counterfeit-
26 resistant prescription blanks for controlled
27 substances, abatement of a declared public nuisance,
28 and alternatives to a state prison sentence,
29 respectively, to incorporate the amendment made to s.
30 893.13, F.S., in references thereto; reenacting ss.
31 373.6055(3)(c), 397.451(6), 414.095(1), 775.087(2)(a)
32 and (3)(a), 782.04(1)(a), (3), and (4), 893.03(3)(c),

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33 907.041(4)(c), 921.0024(1)(b), 943.0585, and 943.059,
34 F.S., relating to criminal history checks for certain
35 water management district employees and others,
36 disqualification from receiving state funds,
37 determining eligibility for temporary cash assistance,
38 minimum term of imprisonment for conviction of a
39 felony or attempting to commit a felony, murder,
40 Schedule III controlled substances, pretrial detention
41 and release, Criminal Punishment Code worksheet
42 computations, court-ordered expunction of criminal
43 history records, and court-ordered sealing of criminal
44 history records, respectively, to incorporate the
45 amendment made to s. 893.135, F.S., in references
46 thereto; reenacting ss. 772.12(2), 810.02(3),
47 812.014(2)(c), 893.1351(1) and (2), and 903.133, F.S.,
48 relating to the Drug Dealer Liability Act; burglary;
49 theft; owning, leasing, renting, or possessing for
50 trafficking in or manufacturing a controlled
51 substance; and the prohibition of bail on appeal for
52 certain felony convictions, respectively, to
53 incorporate the amendments made to ss. 893.13 and
54 893.135, F.S., in references thereto; providing an
55 effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:

58
59 Section 1. Paragraph (a) of subsection (1) of section
60 893.13, Florida Statutes, is amended, paragraph (d) of
61 subsection (8) of that section is republished, and subsection

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62 (11) is added to that section, to read:

63 893.13 Prohibited acts; penalties.—

64 (1) (a) Except as authorized by this chapter and chapter
65 499, a person may not sell, manufacture, or deliver, or possess
66 with intent to sell, manufacture, or deliver, a controlled
67 substance. A person who violates this provision with respect to:

68 1. A controlled substance named or described in s.
69 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
70 commits a felony of the second degree, punishable as provided in
71 s. 775.082, s. 775.083, or s. 775.084. A person who violates
72 this subparagraph in a dwelling, as defined in s. 810.011, shall
73 be sentenced to a mandatory minimum term of imprisonment of 3
74 years.

75 2. A controlled substance named or described in s.
76 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
77 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
78 the third degree, punishable as provided in s. 775.082, s.
79 775.083, or s. 775.084.

80 3. A controlled substance named or described in s.
81 893.03(5) commits a misdemeanor of the first degree, punishable
82 as provided in s. 775.082 or s. 775.083.

83 (8)

84 (d) Notwithstanding paragraph (c), if a prescribing
85 practitioner has violated paragraph (a) and received \$1,000 or
86 more in payment for writing one or more prescriptions or, in the
87 case of a prescription written for a controlled substance
88 described in s. 893.135, has written one or more prescriptions
89 for a quantity of a controlled substance which, individually or
90 in the aggregate, meets the threshold for the offense of

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91 trafficking in a controlled substance under s. 893.135, the
92 violation is reclassified as a felony of the second degree and
93 ranked in level 4 of the Criminal Punishment Code.

94 (11) A person who knowingly and intentionally possesses
95 with intent to distribute a quantity of a substance or mixture
96 containing detectable amounts of a controlled substance named or
97 described in s. 893.03(2)(a)4. and (2)(b)9., the use of which
98 results in death, commits a felony of the third degree,
99 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

100 Section 2. Paragraph (c) of subsection (1) of section
101 893.135, Florida Statutes, is amended, and paragraph (m) is
102 added to that subsection, to read:

103 893.135 Trafficking; mandatory sentences; suspension or
104 reduction of sentences; conspiracy to engage in trafficking.—

105 (1) Except as authorized in this chapter or in chapter 499
106 and notwithstanding the provisions of s. 893.13:

107 (c)1. A person who knowingly sells, purchases,
108 manufactures, delivers, or brings into this state, or who is
109 knowingly in actual or constructive possession of, 4 grams or
110 more of any morphine, opium, hydromorphone, or any salt,
111 derivative, isomer, or salt of an isomer thereof, including
112 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
113 (3)(c)4., or 4 grams or more of any mixture containing any such
114 substance, but less than 30 kilograms of such substance or
115 mixture, commits a felony of the first degree, which felony
116 shall be known as "trafficking in illegal drugs," punishable as
117 provided in s. 775.082, s. 775.083, or s. 775.084. If the
118 quantity involved:

119 a. Is 4 grams or more, but less than 14 grams, such person

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120 shall be sentenced to a mandatory minimum term of imprisonment
121 of 3 years and shall be ordered to pay a fine of \$50,000.

122 b. Is 14 grams or more, but less than 28 grams, such person
123 shall be sentenced to a mandatory minimum term of imprisonment
124 of 15 years and shall be ordered to pay a fine of \$100,000.

125 c. Is 28 grams or more, but less than 30 kilograms, such
126 person shall be sentenced to a mandatory minimum term of
127 imprisonment of 25 years and shall be ordered to pay a fine of
128 \$500,000.

129 2. A person who knowingly sells, purchases, manufactures,
130 delivers, or brings into this state, or who is knowingly in
131 actual or constructive possession of, 14 grams or more of
132 hydrocodone, or any salt, derivative, isomer, or salt of an
133 isomer thereof, or 14 grams or more of any mixture containing
134 any such substance, commits a felony of the first degree, which
135 felony shall be known as "trafficking in hydrocodone,"
136 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
137 If the quantity involved:

138 a. Is 14 grams or more, but less than 28 grams, such person
139 shall be sentenced to a mandatory minimum term of imprisonment
140 of 3 years and shall be ordered to pay a fine of \$50,000.

141 b. Is 28 grams or more, but less than 50 grams, such person
142 shall be sentenced to a mandatory minimum term of imprisonment
143 of 7 years and shall be ordered to pay a fine of \$100,000.

144 c. Is 50 grams or more, but less than 200 grams, such
145 person shall be sentenced to a mandatory minimum term of
146 imprisonment of 15 years and shall be ordered to pay a fine of
147 \$500,000.

148 d. Is 200 grams or more, but less than 30 kilograms, such

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149 person shall be sentenced to a mandatory minimum term of
150 imprisonment of 25 years and shall be ordered to pay a fine of
151 \$750,000.

152 3. A person who knowingly sells, purchases, manufactures,
153 delivers, or brings into this state, or who is knowingly in
154 actual or constructive possession of, 7 grams or more of
155 oxycodone, or any salt, derivative, isomer, or salt of an isomer
156 thereof, or 7 grams or more of any mixture containing any such
157 substance, commits a felony of the first degree, which felony
158 shall be known as "trafficking in oxycodone," punishable as
159 provided in s. 775.082, s. 775.083, or s. 775.084. If the
160 quantity involved:

161 a. Is 7 grams or more, but less than 14 grams, such person
162 shall be sentenced to a mandatory minimum term of imprisonment
163 of 3 years and shall be ordered to pay a fine of \$50,000.

164 b. Is 14 grams or more, but less than 25 grams, such person
165 shall be sentenced to a mandatory minimum term of imprisonment
166 of 7 years and shall be ordered to pay a fine of \$100,000.

167 c. Is 25 grams or more, but less than 100 grams, such
168 person shall be sentenced to a mandatory minimum term of
169 imprisonment of 15 years and shall be ordered to pay a fine of
170 \$500,000.

171 d. Is 100 grams or more, but less than 30 kilograms, such
172 person shall be sentenced to a mandatory minimum term of
173 imprisonment of 25 years and shall be ordered to pay a fine of
174 \$750,000.

175 4. A person who knowingly sells, purchases, manufactures,
176 delivers, or brings into this state, or who is knowingly in
177 actual or constructive possession of, 4 grams or more of

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178 fentanyl, or any salt, derivative, isomer, or salt of an isomer
179 thereof, or 4 grams or more of any mixture containing any such
180 substance, but less than 30 kilograms of such substance or
181 mixture, commits a felony of the first degree, which felony
182 shall be known as "trafficking in fentanyl," punishable as
183 provided in s. 775.082, s. 775.083, or s. 775.084. If the
184 quantity involved:

185 a. Is 4 grams or more, but less than 14 grams, such person
186 shall be sentenced to a mandatory minimum term of imprisonment
187 of 3 years and shall be ordered to pay a fine of \$50,000.

188 b. Is 14 grams or more, but less than 28 grams, such person
189 shall be sentenced to a mandatory minimum term of imprisonment
190 of 7 years and shall be ordered to pay a fine of \$100,000.

191 c. Is 28 grams or more, but less than 30 kilograms, such
192 person shall be sentenced to a mandatory minimum term of
193 imprisonment of 15 years and shall be ordered to pay a fine of
194 \$500,000.

195 5.4. A person who knowingly sells, purchases, manufactures,
196 delivers, or brings into this state, or who is knowingly in
197 actual or constructive possession of, 30 kilograms or more of
198 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or
199 any salt, derivative, isomer, or salt of an isomer thereof,
200 including heroin, as described in s. 893.03(1)(b), (2)(a),
201 (3)(c)3., or (3)(c)4., or 30 kilograms or more of fentanyl as
202 described in s. 893.03(2)(b)9., or 30 kilograms or more of any
203 mixture containing any such substance, commits the first degree
204 felony of trafficking in illegal drugs. A person who has been
205 convicted of the first degree felony of trafficking in illegal
206 drugs under this subparagraph shall be punished by life

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207 imprisonment and is ineligible for any form of discretionary
208 early release except pardon or executive clemency or conditional
209 medical release under s. 947.149. However, if the court
210 determines that, in addition to committing any act specified in
211 this paragraph:

212 a. The person intentionally killed an individual or
213 counseled, commanded, induced, procured, or caused the
214 intentional killing of an individual and such killing was the
215 result; or

216 b. The person's conduct in committing that act led to a
217 natural, though not inevitable, lethal result,
218
219 such person commits the capital felony of trafficking in illegal
220 drugs, punishable as provided in ss. 775.082 and 921.142. A
221 person sentenced for a capital felony under this paragraph shall
222 also be sentenced to pay the maximum fine provided under
223 subparagraph 1.

224 ~~6.5.~~ A person who knowingly brings into this state 60
225 kilograms or more of any morphine, opium, oxycodone,
226 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
227 salt of an isomer thereof, including heroin, as described in s.
228 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
229 more of any mixture containing any such substance, and who knows
230 that the probable result of such importation would be the death
231 of a person, commits capital importation of illegal drugs, a
232 capital felony punishable as provided in ss. 775.082 and
233 921.142. A person sentenced for a capital felony under this
234 paragraph shall also be sentenced to pay the maximum fine
235 provided under subparagraph 1.

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236 (m) A person who knowingly sells, purchases, manufactures,
237 delivers, or brings into this state, or who is knowingly in
238 actual or constructive possession of, 250 grams or more of a
239 controlled substance described in s. 893.03(1)(c)46.-50., 114.-
240 142., 151.-159., or 166.-173., or any mixture containing those
241 substances, commits a felony of the first degree, which felony
242 shall be known as "trafficking in synthetic drugs," punishable
243 as provided in s. 775.082, s. 775.083, or s. 775.084. If the
244 quantity involved:

245 1. Is 250 grams or more, but less than 500 grams, such
246 person shall be sentenced to a mandatory minimum term of
247 imprisonment of 3 years and shall be ordered to pay a fine of
248 \$25,000.

249 2. Is 500 grams or more, but less than 1,000 grams, such
250 person shall be sentenced to a mandatory minimum term of
251 imprisonment of 7 years and shall be ordered to pay a fine of
252 \$50,000.

253 3. Is 1,000 grams or more, but less than 30 kilograms, such
254 person shall be sentenced to a mandatory minimum term of
255 imprisonment of 15 years and shall be ordered to pay a fine of
256 \$200,000.

257 4. Is 30 kilograms or more, such person shall be sentenced
258 to a mandatory minimum term of imprisonment of 25 years and
259 shall be ordered to pay a fine of \$750,000.

260 Section 3. Paragraphs (g) and (i) of subsection (3) of
261 section 921.0022, Florida Statutes, are amended, and paragraph
262 (e) of subsection (3) of that section is republished, to read:

263 921.0022 Criminal Punishment Code; offense severity ranking
264 chart.-

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265 (3) OFFENSE SEVERITY RANKING CHART
 266 (e) LEVEL 5

267	Florida Statute	Felony Degree	Description
268	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
269	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
270	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
271	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
272	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
273			

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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.

274

379.367(4)

3rd

Willful molestation of a commercial harvester's

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275

spiny lobster trap,
line, or buoy.

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

276

381.0041(11)(b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

277

440.10(1)(g)

2nd

Failure to obtain
workers' compensation
coverage.

278

440.105(5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

279

440.381(2)

2nd

Submission of false,
misleading, or
incomplete information
with the purpose of
avoiding or reducing
workers' compensation
premiums.

280

624.401(4)(b)2.

2nd

Transacting insurance

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without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

281

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

282

790.01 (2)

3rd

Carrying a concealed firearm.

283

790.162

2nd

Threat to throw or discharge destructive device.

284

790.163 (1)

2nd

False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

285

790.221 (1)

2nd

Possession of short-barreled shotgun or machine gun.

286

790.23

2nd

Felons in possession of firearms, ammunition, or

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electronic weapons or
devices.

287

796.05 (1)

2nd

Live on earnings of a
prostitute; 1st offense.

288

800.04 (6) (c)

3rd

Lewd or lascivious
conduct; offender less
than 18 years of age.

289

800.04 (7) (b)

2nd

Lewd or lascivious
exhibition; offender 18
years of age or older.

290

806.111 (1)

3rd

Possess, manufacture, or
dispense fire bomb with
intent to damage any
structure or property.

291

812.0145 (2) (b)

2nd

Theft from person 65
years of age or older;
\$10,000 or more but less
than \$50,000.

292

812.015 (8)

3rd

Retail theft; property
stolen is valued at \$300
or more and one or more
specified acts.

293

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294	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
295	812.131(2)(b)	3rd	Robbery by sudden snatching.
296	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
297	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
298	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
299	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.
	817.568(2)(b)	2nd	Fraudulent use of personal identification

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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.

300

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

301

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

302

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

303

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion

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picture, etc., which
includes sexual conduct
by a child.

304

827.071 (5)

3rd

Possess, control, or
intentionally view any
photographic material,
motion picture, etc.,
which includes sexual
conduct by a child.

305

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.

306

843.01

3rd

Resist officer with
violence to person;
resist arrest with
violence.

307

847.0135 (5) (b)

2nd

Lewd or lascivious
exhibition using
computer; offender 18
years or older.

308

847.0137
(2) & (3)

3rd

Transmission of
pornography by

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electronic device or
equipment.

309

847.0138
(2) & (3)

3rd

Transmission of material
harmful to minors to a
minor by electronic
device or equipment.

310

874.05 (1) (b)

2nd

Encouraging or
recruiting another to
join a criminal gang;
second or subsequent
offense.

311

874.05 (2) (a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

312

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) 4.
drugs).

313

893.13 (1) (c) 2.

2nd

Sell, manufacture, or
deliver cannabis (or
other s. 893.03(1) (c),

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(2) (c)1., (2) (c)2.,
 (2) (c)3., (2) (c)5.,
 (2) (c)6., (2) (c)7.,
 (2) (c)8., (2) (c)9., (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.

314

893.13(1)(d)1.

1st

Sell, manufacture, or
 deliver cocaine (or
 other s. 893.03(1)(a),
 (1)(b), (1)(d), (2)(a),
 (2)(b), or (2)(c)4.
 drugs) within 1,000 feet
 of university.

315

893.13(1)(e)2.

2nd

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)5.,
 (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3),

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or (4) within 1,000 feet of property used for religious services or a specified business site.

316

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)4. drugs) within 1,000 feet of public housing facility.

317

893.13(4)(b)

2nd

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

318

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

319

320

(g) LEVEL 7

321

Florida
Statute

Felony
Degree

Description

322

316.027(2)(c)

1st

Accident involving death,

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failure to stop; leaving scene.

323

316.193 (3) (c) 2.

3rd

DUI resulting in serious bodily injury.

324

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.

325

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in serious bodily injury.

326

402.319 (2)

2nd

Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

327

409.920
(2) (b) 1.a.

3rd

Medicaid provider fraud; \$10,000 or less.

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328
329
330
331
332
333
334
335

409.920
(2) (b) 1.b.

2nd

Medicaid provider fraud;
more than \$10,000, but
less than \$50,000.

456.065 (2)

3rd

Practicing a health care
profession without a
license.

456.065 (2)

2nd

Practicing a health care
profession without a
license which results in
serious bodily injury.

458.327 (1)

3rd

Practicing medicine
without a license.

459.013 (1)

3rd

Practicing osteopathic
medicine without a
license.

460.411 (1)

3rd

Practicing chiropractic
medicine without a
license.

461.012 (1)

3rd

Practicing podiatric
medicine without a
license.

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336	462.17	3rd	Practicing naturopathy without a license.
337	463.015 (1)	3rd	Practicing optometry without a license.
338	464.016 (1)	3rd	Practicing nursing without a license.
339	465.015 (2)	3rd	Practicing pharmacy without a license.
340	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
341	467.201	3rd	Practicing midwifery without a license.
342	468.366	3rd	Delivering respiratory care services without a license.
343	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
	483.901 (7)	3rd	Practicing medical physics without a license.

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484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

345

484.053 3rd Dispensing hearing aids without a license.

346

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.

347

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.

348

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

349

655.50 (10) (b) 1. 3rd Failure to report

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financial transactions
 exceeding \$300 but less
 than \$20,000 by financial
 institution.

350

775.21(10)(a)

3rd

Sexual predator; failure
 to register; failure to
 renew driver license or
 identification card; other
 registration violations.

351

775.21(10)(b)

3rd

Sexual predator working
 where children regularly
 congregate.

352

775.21(10)(g)

3rd

Failure to report or
 providing false
 information about a sexual
 predator; harbor or
 conceal a sexual predator.

353

782.051(3)

2nd

Attempted felony murder of
 a person by a person other
 than the perpetrator or
 the perpetrator of an
 attempted felony.

354

782.07(1)

2nd

Killing of a human being
 by the act, procurement,

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or culpable negligence of
another (manslaughter).

355

782.071

2nd

Killing of a human being
or unborn child by the
operation of a motor
vehicle in a reckless
manner (vehicular
homicide).

356

782.072

2nd

Killing of a human being
by the operation of a
vessel in a reckless
manner (vessel homicide).

357

784.045 (1) (a) 1.

2nd

Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.

358

784.045 (1) (a) 2.

2nd

Aggravated battery; using
deadly weapon.

359

784.045 (1) (b)

2nd

Aggravated battery;
perpetrator aware victim
pregnant.

360

784.048 (4)

3rd

Aggravated stalking;
violation of injunction or

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court order.

361

784.048 (7)

3rd

Aggravated stalking;
violation of court order.

362

784.07 (2) (d)

1st

Aggravated battery on law
enforcement officer.

363

784.074 (1) (a)

1st

Aggravated battery on
sexually violent predators
facility staff.

364

784.08 (2) (a)

1st

Aggravated battery on a
person 65 years of age or
older.

365

784.081 (1)

1st

Aggravated battery on
specified official or
employee.

366

784.082 (1)

1st

Aggravated battery by
detained person on visitor
or other detainee.

367

784.083 (1)

1st

Aggravated battery on code
inspector.

368

787.06 (3) (a) 2.

1st

Human trafficking using
coercion for labor and

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services of an adult.

369

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.

370

790.07(4)

1st

Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

371

790.16(1)

1st

Discharge of a machine gun under specified circumstances.

372

790.165(2)

2nd

Manufacture, sell, possess, or deliver hoax bomb.

373

790.165(3)

2nd

Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

374

790.166(3)

2nd

Possessing, selling,

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using, or attempting to use a hoax weapon of mass destruction.

375

790.166 (4)

2nd

Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

376

790.23

1st, PBL

Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

377

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.

378

796.05 (1)

1st

Live on earnings of a prostitute; 2nd offense.

379

796.05 (1)

1st

Live on earnings of a prostitute; 3rd and subsequent offense.

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380

800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
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381

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.
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382

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.
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383

806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
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384

810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
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385
386
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388
389
390

810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
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.
812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.

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391	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
392	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
393	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
394	812.131 (2) (a)	2nd	Robbery by sudden snatching.
395	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
396	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
397	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims

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with intent to defraud.

398

817.234 (9)

2nd

Organizing, planning, or participating in an intentional motor vehicle collision.

399

817.234 (11) (c)

1st

Insurance fraud; property value \$100,000 or more.

400

817.2341
(2) (b) & (3) (b)

1st

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

401

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

402

817.611 (2) (b)

2nd

Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

403

825.102 (3) (b)

2nd

Neglecting an elderly person or disabled adult

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causing great bodily harm,
disability, or
disfigurement.

404

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.

405

827.03 (2) (b)

2nd

Neglect of a child causing
great bodily harm,
disability, or
disfigurement.

406

827.04 (3)

3rd

Impregnation of a child
under 16 years of age by
person 21 years of age or
older.

407

837.05 (2)

3rd

Giving false information
about alleged capital
felony to a law
enforcement officer.

408

838.015

2nd

Bribery.

409

838.016

2nd

Unlawful compensation or
reward for official

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behavior.

410

838.021 (3) (a)

2nd

Unlawful harm to a public servant.

411

838.22

2nd

Bid tampering.

412

843.0855 (2)

3rd

Impersonation of a public officer or employee.

413

843.0855 (3)

3rd

Unlawful simulation of legal process.

414

843.0855 (4)

3rd

Intimidation of a public officer or employee.

415

847.0135 (3)

3rd

Solicitation of a child, via a computer service, to commit an unlawful sex act.

416

847.0135 (4)

2nd

Traveling to meet a minor to commit an unlawful sex act.

417

872.06

2nd

Abuse of a dead human body.

418

874.05 (2) (b)

1st

Encouraging or recruiting

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person under 13 to join a criminal gang; second or subsequent offense.

419

874.10

1st,PBL

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

420

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)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

421

893.13(1)(e)1.

1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b),

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(1) (d), (2) (a), (2) (b), or
 (2) (c) 4., within 1,000
 feet of property used for
 religious services or a
 specified business site.

422

893.13 (4) (a) 1st

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

423

893.135 (1) (a) 1. 1st

Trafficking in cannabis,
 more than 25 lbs., less
 than 2,000 lbs.

424

893.135 (1) (b) 1.a. 1st

Trafficking in cocaine,
 more than 28 grams, less
 than 200 grams.

425

893.135 (1) (c) 1.a. 1st

Trafficking in illegal
 drugs, more than 4 grams,
 less than 14 grams.

426

893.135 (1) (c) 2.a. 1st

Trafficking in
 hydrocodone, 14 grams or
 more, less than 28 grams.

427

893.135 (1) (c) 2.b. 1st

Trafficking in
 hydrocodone, 28 grams or
 more, less than 50 grams.

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428

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

429

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

430

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

431

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

432

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

433

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

434

893.135 (1) (h) 1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB),

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1 kilogram or more, less than 5 kilograms.

435

893.135
(1) (j) 1.a.

1st

Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

436

893.135
(1) (k) 2.a.

1st

Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

437

893.135
(1) (l) 1.a.

1st

Trafficking in LSD, 1 gram or more, less than 5 grams.

438

893.135 (1) (m) 1.

1st

Trafficking in synthetic drugs, 250 grams or more, less than 500 grams.

439

893.135 (1) (m) 2.

1st

Trafficking in synthetic drugs, 500 grams or more, less than 1,000 grams.

440

893.1351 (2)

2nd

Possession of place for trafficking in or manufacturing of controlled substance.

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441

896.101 (5) (a) 3rd Money laundering,
financial transactions
exceeding \$300 but less
than \$20,000.

442

896.104 (4) (a) 1. 3rd Structuring transactions
to evade reporting or
registration requirements,
financial transactions
exceeding \$300 but less
than \$20,000.

443

943.0435 (4) (c) 2nd Sexual offender vacating
permanent residence;
failure to comply with
reporting requirements.

444

943.0435 (8) 2nd Sexual offender; remains
in state after indicating
intent to leave; failure
to comply with reporting
requirements.

445

943.0435 (9) (a) 3rd Sexual offender; failure
to comply with reporting
requirements.

446

943.0435 (13) 3rd Failure to report or

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447	943.0435 (14)	3rd	providing false information about a sexual offender; harbor or conceal a sexual offender.
448	944.607 (9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
449	944.607 (10) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
450	944.607 (12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
451	944.607 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. Sexual offender; failure to report and reregister; failure to respond to

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address verification;
 providing false
 registration information.

452

985.4815 (10)

3rd

Sexual offender; failure
 to submit to the taking of
 a digitized photograph.

453

985.4815 (12)

3rd

Failure to report or
 providing false
 information about a sexual
 offender; harbor or
 conceal a sexual offender.

454

985.4815 (13)

3rd

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

455

456

(i) LEVEL 9

457

Florida
 Statute

Felony
 Degree

Description

458

316.193
 (3) (c) 3.b.

1st

DUI manslaughter; failing
 to render aid or give
 information.

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459

327.35
(3) (c) 3.b.

1st

BUI manslaughter; failing to render aid or give information.

460

409.920
(2) (b) 1.c.

1st

Medicaid provider fraud; \$50,000 or more.

461

499.0051 (8)

1st

Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

462

560.123 (8) (b) 3.

1st

Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

463

560.125 (5) (c)

1st

Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

464

655.50 (10) (b) 3.

1st

Failure to report financial transactions

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totaling or exceeding
\$100,000 by financial
institution.

465

775.0844

1st

Aggravated white collar
crime.

466

782.04 (1)

1st

Attempt, conspire, or
solicit to commit
premeditated murder.

467

782.04 (3)

1st, PBL

Accomplice to murder in
connection with arson,
sexual battery, robbery,
burglary, aggravated
fleeing or eluding with
serious bodily injury or
death, and other
specified felonies.

468

782.051 (1)

1st

Attempted felony murder
while perpetrating or
attempting to perpetrate
a felony enumerated in s.
782.04 (3).

469

782.07 (2)

1st

Aggravated manslaughter
of an elderly person or
disabled adult.

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470

787.01 (1) (a) 1. 1st, PBL Kidnapping; hold for
ransom or reward or as a
shield or hostage.

471

787.01 (1) (a) 2. 1st, PBL Kidnapping with intent to
commit or facilitate
commission of any felony.

472

787.01 (1) (a) 4. 1st, PBL Kidnapping with intent to
interfere with
performance of any
governmental or political
function.

473

787.02 (3) (a) 1st, PBL False imprisonment; child
under age 13; perpetrator
also commits aggravated
child abuse, sexual
battery, or lewd or
lascivious battery,
molestation, conduct, or
exhibition.

474

787.06 (3) (c) 1. 1st Human trafficking for
labor and services of an
unauthorized alien child.

475

787.06 (3) (d) 1st Human trafficking using

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coercion for commercial
sexual activity of an
unauthorized adult alien.

476

787.06(3)(f)1.

1st,PBL

Human trafficking for
commercial sexual
activity by the transfer
or transport of any child
from outside Florida to
within the state.

477

790.161

1st

Attempted capital
destructive device
offense.

478

790.166(2)

1st,PBL

Possessing, selling,
using, or attempting to
use a weapon of mass
destruction.

479

794.011(2)

1st

Attempted sexual battery;
victim less than 12 years
of age.

480

794.011(2)

Life

Sexual battery; offender
younger than 18 years and
commits sexual battery on
a person less than 12
years.

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481

794.011 (4) (a) 1st, PBL Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.

482

794.011 (4) (b) 1st Sexual battery, certain circumstances; victim and offender 18 years of age or older.

483

794.011 (4) (c) 1st Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.

484

794.011 (4) (d) 1st, PBL Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.

485

794.011 (8) (b) 1st, PBL Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial

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authority.

486

794.08 (2)

1st

Female genital
mutilation; victim
younger than 18 years of
age.

487

800.04 (5) (b)

Life

Lewd or lascivious
molestation; victim less
than 12 years; offender
18 years or older.

488

812.13 (2) (a)

1st, PBL

Robbery with firearm or
other deadly weapon.

489

812.133 (2) (a)

1st, PBL

Carjacking; firearm or
other deadly weapon.

490

812.135 (2) (b)

1st

Home-invasion robbery
with weapon.

491

817.535 (3) (b)

1st

Filing false lien or
other unauthorized
document; second or
subsequent offense;
property owner is a
public officer or
employee.

492

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493

817.535 (4) (a) 2.

1st

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

494

817.535 (5) (b)

1st

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

495

817.568 (7)

2nd,
PBL

Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

496

827.03 (2) (a)

1st

Aggravated child abuse.

847.0145 (1)

1st

Selling, or otherwise transferring custody or control, of a minor.

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497

847.0145 (2) 1st Purchasing, or otherwise obtaining custody or control, of a minor.

498

859.01 1st Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.

499

893.135 1st Attempted capital trafficking offense.

500

893.135 (1) (a) 3. 1st Trafficking in cannabis, more than 10,000 lbs.

501

893.135 1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
(1) (b) 1.c.

502

893.135 1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
(1) (c) 1.c.

503

893.135 1st Trafficking in

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504 (1) (c) 2.d. hydrocodone, 200 grams or more, less than 30 kilograms.

505 893.135 1st Trafficking in oxycodone, (1) (c) 3.d. 100 grams or more, less than 30 kilograms.

506 893.135 1st Trafficking in (1) (d) 1.c. phencyclidine, more than 400 grams.

507 893.135 1st Trafficking in (1) (e) 1.c. methaqualone, more than 25 kilograms.

508 893.135 1st Trafficking in (1) (f) 1.c. amphetamine, more than 200 grams.

509 893.135 1st Trafficking in gamma- (1) (h) 1.c. hydroxybutyric acid (GHB), 10 kilograms or more.

510 893.135 1st Trafficking in 1,4- (1) (j) 1.c. Butanediol, 10 kilograms or more.

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893.135 1st Trafficking in
Phenethylamines, 400
grams or more.
(1) (k) 2.c.

511

893.135 1st Trafficking in synthetic
drugs, 30 kilograms or
more.
(1) (m) 4.

512

896.101 (5) (c) 1st Money laundering,
financial instruments
totaling or exceeding
\$100,000.

513

896.104 (4) (a) 3. 1st Structuring transactions
to evade reporting or
registration
requirements, financial
transactions totaling or
exceeding \$100,000.

514

515 Section 4. For the purpose of incorporating the amendment
516 made by this act to section 893.13, Florida Statutes, in a
517 reference thereto, paragraph (s) of subsection (8) of section
518 112.0455, Florida Statutes, is reenacted to read:

519 112.0455 Drug-Free Workplace Act.—

520 (8) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
521 collection and testing for drugs under this section shall be
522 performed in accordance with the following procedures:

523 (s) An employer may not discharge, discipline, or

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524 discriminate against an employee solely upon voluntarily seeking
525 treatment, while under the employ of the employer, for a drug-
526 related problem if the employee has not previously tested
527 positive for drug use, entered an employee assistance program
528 for drug-related problems, or entered an alcohol and drug
529 rehabilitation program. However, special risk employees may be
530 subject to discharge or disciplinary action when the presence of
531 illicit drugs, pursuant to s. 893.13, is confirmed.

532 Section 5. For the purpose of incorporating the amendment
533 made by this act to section 893.13, Florida Statutes, in a
534 reference thereto, paragraph (b) of subsection (4) of section
535 397.451, Florida Statutes, is reenacted to read:

536 397.451 Background checks of service provider personnel.—

537 (4) EXEMPTIONS FROM DISQUALIFICATION.—

538 (b) Since rehabilitated substance abuse impaired persons
539 are effective in the successful treatment and rehabilitation of
540 individuals with substance use disorders, for service providers
541 which treat adolescents 13 years of age and older, service
542 provider personnel whose background checks indicate crimes under
543 s. 817.563, s. 893.13, or s. 893.147 may be exempted from
544 disqualification from employment pursuant to this paragraph.

545 Section 6. For the purpose of incorporating the amendment
546 made by this act to section 893.13, Florida Statutes, in a
547 reference thereto, subsection (2) of section 435.07, Florida
548 Statutes, is reenacted to read:

549 435.07 Exemptions from disqualification.—Unless otherwise
550 provided by law, the provisions of this section apply to
551 exemptions from disqualification for disqualifying offenses
552 revealed pursuant to background screenings required under this

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553 chapter, regardless of whether those disqualifying offenses are
554 listed in this chapter or other laws.

555 (2) Persons employed, or applicants for employment, by
556 treatment providers who treat adolescents 13 years of age and
557 older who are disqualified from employment solely because of
558 crimes under s. 817.563, s. 893.13, or s. 893.147 may be
559 exempted from disqualification from employment pursuant to this
560 chapter without application of the waiting period in
561 subparagraph (1)(a)1.

562 Section 7. For the purpose of incorporating the amendment
563 made by this act to section 893.13, Florida Statutes, in a
564 reference thereto, paragraph (a) of subsection (1) of section
565 775.084, Florida Statutes, is reenacted to read:

566 775.084 Violent career criminals; habitual felony offenders
567 and habitual violent felony offenders; three-time violent felony
568 offenders; definitions; procedure; enhanced penalties or
569 mandatory minimum prison terms.-

570 (1) As used in this act:

571 (a) "Habitual felony offender" means a defendant for whom
572 the court may impose an extended term of imprisonment, as
573 provided in paragraph (4)(a), if it finds that:

574 1. The defendant has previously been convicted of any
575 combination of two or more felonies in this state or other
576 qualified offenses.

577 2. The felony for which the defendant is to be sentenced
578 was committed:

579 a. While the defendant was serving a prison sentence or
580 other sentence, or court-ordered or lawfully imposed supervision
581 that is imposed as a result of a prior conviction for a felony

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582 or other qualified offense; or

583 b. Within 5 years of the date of the conviction of the
584 defendant's last prior felony or other qualified offense, or
585 within 5 years of the defendant's release from a prison
586 sentence, probation, community control, control release,
587 conditional release, parole or court-ordered or lawfully imposed
588 supervision or other sentence that is imposed as a result of a
589 prior conviction for a felony or other qualified offense,
590 whichever is later.

591 3. The felony for which the defendant is to be sentenced,
592 and one of the two prior felony convictions, is not a violation
593 of s. 893.13 relating to the purchase or the possession of a
594 controlled substance.

595 4. The defendant has not received a pardon for any felony
596 or other qualified offense that is necessary for the operation
597 of this paragraph.

598 5. A conviction of a felony or other qualified offense
599 necessary to the operation of this paragraph has not been set
600 aside in any postconviction proceeding.

601 Section 8. For the purpose of incorporating the amendment
602 made by this act to section 893.13, Florida Statutes, in a
603 reference thereto, subsection (1) of section 831.311, Florida
604 Statutes, is reenacted to read:

605 831.311 Unlawful sale, manufacture, alteration, delivery,
606 uttering, or possession of counterfeit-resistant prescription
607 blanks for controlled substances.—

608 (1) It is unlawful for any person having the intent to
609 injure or defraud any person or to facilitate any violation of
610 s. 893.13 to sell, manufacture, alter, deliver, utter, or

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611 possess with intent to injure or defraud any person, or to
612 facilitate any violation of s. 893.13, any counterfeit-resistant
613 prescription blanks for controlled substances, the form and
614 content of which are adopted by rule of the Department of Health
615 pursuant to s. 893.065.

616 Section 9. For the purpose of incorporating the amendment
617 made by this act to section 893.13, Florida Statutes, in a
618 reference thereto, subsection (3) of section 893.138, Florida
619 Statutes, is reenacted to read:

620 893.138 Local administrative action to abate drug-related,
621 prostitution-related, or stolen-property-related public
622 nuisances and criminal gang activity.—

623 (3) Any pain-management clinic, as described in s. 458.3265
624 or s. 459.0137, which has been used on more than two occasions
625 within a 6-month period as the site of a violation of:

626 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
627 relating to assault and battery;

628 (b) Section 810.02, relating to burglary;

629 (c) Section 812.014, relating to theft;

630 (d) Section 812.131, relating to robbery by sudden
631 snatching; or

632 (e) Section 893.13, relating to the unlawful distribution
633 of controlled substances,

634
635 may be declared to be a public nuisance, and such nuisance may
636 be abated pursuant to the procedures provided in this section.

637 Section 10. For the purpose of incorporating the amendment
638 made by this act to section 893.13, Florida Statutes, in a
639 reference thereto, paragraph (1) of subsection (1) of section

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640 921.187, Florida Statutes, is reenacted to read:

641 921.187 Disposition and sentencing; alternatives;
642 restitution.—

643 (1) The alternatives provided in this section for the
644 disposition of criminal cases shall be used in a manner that
645 will best serve the needs of society, punish criminal offenders,
646 and provide the opportunity for rehabilitation. If the offender
647 does not receive a state prison sentence, the court may:

648 (1)1. Require the offender who violates any criminal
649 provision of chapter 893 to pay an additional assessment in an
650 amount up to the amount of any fine imposed, pursuant to ss.
651 938.21 and 938.23.

652 2. Require the offender who violates any provision of s.
653 893.13 to pay an additional assessment in an amount of \$100,
654 pursuant to ss. 938.055 and 943.361.

655 Section 11. For the purpose of incorporating the amendment
656 made by this act to section 893.135, Florida Statutes, in a
657 reference thereto, paragraph (c) of subsection (3) of section
658 373.6055, Florida Statutes, is reenacted to read:

659 373.6055 Criminal history checks for certain water
660 management district employees and others.—

661 (3)

662 (c) In addition to other requirements for employment or
663 access established by any water management district pursuant to
664 its water management district's security plan for buildings,
665 facilities, and structures, each water management district's
666 security plan shall provide that:

667 1. Any person who has within the past 7 years been
668 convicted, regardless of whether adjudication was withheld, for

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669 a forcible felony as defined in s. 776.08; an act of terrorism
670 as defined in s. 775.30; planting of a hoax bomb as provided in
671 s. 790.165; any violation involving the manufacture, possession,
672 sale, delivery, display, use, or attempted or threatened use of
673 a weapon of mass destruction or hoax weapon of mass destruction
674 as provided in s. 790.166; dealing in stolen property; any
675 violation of s. 893.135; any violation involving the sale,
676 manufacturing, delivery, or possession with intent to sell,
677 manufacture, or deliver a controlled substance; burglary;
678 robbery; any felony violation of s. 812.014; any violation of s.
679 790.07; any crime an element of which includes use or possession
680 of a firearm; any conviction for any similar offenses under the
681 laws of another jurisdiction; or conviction for conspiracy to
682 commit any of the listed offenses may not be qualified for
683 initial employment within or authorized regular access to
684 buildings, facilities, or structures defined in the water
685 management district's security plan as restricted access areas.

686 2. Any person who has at any time been convicted of any of
687 the offenses listed in subparagraph 1. may not be qualified for
688 initial employment within or authorized regular access to
689 buildings, facilities, or structures defined in the water
690 management district's security plan as restricted access areas
691 unless, after release from incarceration and any supervision
692 imposed as a sentence, the person remained free from a
693 subsequent conviction, regardless of whether adjudication was
694 withheld, for any of the listed offenses for a period of at
695 least 7 years prior to the employment or access date under
696 consideration.

697 Section 12. For the purpose of incorporating the amendment

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698 made by this act to section 893.135, Florida Statutes, in a
699 reference thereto, subsection (6) of section 397.451, Florida
700 Statutes, is reenacted to read:

701 397.451 Background checks of service provider personnel.—

702 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State
703 funds may not be disseminated to any service provider owned or
704 operated by an owner, director, or chief financial officer who
705 has been convicted of, has entered a plea of guilty or nolo
706 contendere to, or has had adjudication withheld for, a violation
707 of s. 893.135 pertaining to trafficking in controlled
708 substances, or a violation of the law of another state, the
709 District of Columbia, the United States or any possession or
710 territory thereof, or any foreign jurisdiction which is
711 substantially similar in elements and penalties to a trafficking
712 offense in this state, unless the owner's or director's civil
713 rights have been restored.

714 Section 13. For the purpose of incorporating the amendment
715 made by this act to section 893.135, Florida Statutes, in a
716 reference thereto, subsection (1) of section 414.095, Florida
717 Statutes, is reenacted to read:

718 414.095 Determining eligibility for temporary cash
719 assistance.—

720 (1) ELIGIBILITY.—An applicant must meet eligibility
721 requirements of this section before receiving services or
722 temporary cash assistance under this chapter, except that an
723 applicant shall be required to register for work and engage in
724 work activities in accordance with s. 445.024, as designated by
725 the local workforce development board, and may receive support
726 services or child care assistance in conjunction with such

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727 requirement. The department shall make a determination of
728 eligibility based on the criteria listed in this chapter. The
729 department shall monitor continued eligibility for temporary
730 cash assistance through periodic reviews consistent with the
731 food assistance eligibility process. Benefits may not be denied
732 to an individual solely based on a felony drug conviction,
733 unless the conviction is for trafficking pursuant to s. 893.135.
734 To be eligible under this section, an individual convicted of a
735 drug felony must be satisfactorily meeting the requirements of
736 the temporary cash assistance program, including all substance
737 abuse treatment requirements. Within the limits specified in
738 this chapter, the state opts out of the provision of Pub. L. No.
739 104-193, s. 115, that eliminates eligibility for temporary cash
740 assistance and food assistance for any individual convicted of a
741 controlled substance felony.

742 Section 14. For the purpose of incorporating the amendment
743 made by this act to section 893.135, Florida Statutes, in a
744 reference thereto, paragraph (a) of subsection (2) and paragraph
745 (a) of subsection (3) of section 775.087, Florida Statutes, are
746 reenacted to read:

747 775.087 Possession or use of weapon; aggravated battery;
748 felony reclassification; minimum sentence.—

749 (2) (a) 1. Any person who is convicted of a felony or an
750 attempt to commit a felony, regardless of whether the use of a
751 weapon is an element of the felony, and the conviction was for:

- 752 a. Murder;
- 753 b. Sexual battery;
- 754 c. Robbery;
- 755 d. Burglary;

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756 e. Arson;

757 f. Aggravated battery;

758 g. Kidnapping;

759 h. Escape;

760 i. Aircraft piracy;

761 j. Aggravated child abuse;

762 k. Aggravated abuse of an elderly person or disabled adult;

763 l. Unlawful throwing, placing, or discharging of a

764 destructive device or bomb;

765 m. Carjacking;

766 n. Home-invasion robbery;

767 o. Aggravated stalking;

768 p. Trafficking in cannabis, trafficking in cocaine, capital

769 importation of cocaine, trafficking in illegal drugs, capital

770 importation of illegal drugs, trafficking in phencyclidine,

771 capital importation of phencyclidine, trafficking in

772 methaqualone, capital importation of methaqualone, trafficking

773 in amphetamine, capital importation of amphetamine, trafficking

774 in flunitrazepam, trafficking in gamma-hydroxybutyric acid

775 (GHB), trafficking in 1,4-Butanediol, trafficking in

776 Phenethylamines, or other violation of s. 893.135(1); or

777 q. Possession of a firearm by a felon

778

779 and during the commission of the offense, such person actually

780 possessed a "firearm" or "destructive device" as those terms are

781 defined in s. 790.001, shall be sentenced to a minimum term of

782 imprisonment of 10 years, except that a person who is convicted

783 for possession of a firearm by a felon or burglary of a

784 conveyance shall be sentenced to a minimum term of imprisonment

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785 of 3 years if such person possessed a "firearm" or "destructive
786 device" during the commission of the offense. However, if an
787 offender who is convicted of the offense of possession of a
788 firearm by a felon has a previous conviction of committing or
789 attempting to commit a felony listed in s. 775.084(1)(b)1. and
790 actually possessed a firearm or destructive device during the
791 commission of the prior felony, the offender shall be sentenced
792 to a minimum term of imprisonment of 10 years.

793 2. Any person who is convicted of a felony or an attempt to
794 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
795 regardless of whether the use of a weapon is an element of the
796 felony, and during the course of the commission of the felony
797 such person discharged a "firearm" or "destructive device" as
798 defined in s. 790.001 shall be sentenced to a minimum term of
799 imprisonment of 20 years.

800 3. Any person who is convicted of a felony or an attempt to
801 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
802 regardless of whether the use of a weapon is an element of the
803 felony, and during the course of the commission of the felony
804 such person discharged a "firearm" or "destructive device" as
805 defined in s. 790.001 and, as the result of the discharge, death
806 or great bodily harm was inflicted upon any person, the
807 convicted person shall be sentenced to a minimum term of
808 imprisonment of not less than 25 years and not more than a term
809 of imprisonment of life in prison.

810 (3)(a)1. Any person who is convicted of a felony or an
811 attempt to commit a felony, regardless of whether the use of a
812 firearm is an element of the felony, and the conviction was for:
813 a. Murder;

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814 b. Sexual battery;
815 c. Robbery;
816 d. Burglary;
817 e. Arson;
818 f. Aggravated battery;
819 g. Kidnapping;
820 h. Escape;
821 i. Sale, manufacture, delivery, or intent to sell,
822 manufacture, or deliver any controlled substance;
823 j. Aircraft piracy;
824 k. Aggravated child abuse;
825 l. Aggravated abuse of an elderly person or disabled adult;
826 m. Unlawful throwing, placing, or discharging of a
827 destructive device or bomb;
828 n. Carjacking;
829 o. Home-invasion robbery;
830 p. Aggravated stalking; or
831 q. Trafficking in cannabis, trafficking in cocaine, capital
832 importation of cocaine, trafficking in illegal drugs, capital
833 importation of illegal drugs, trafficking in phencyclidine,
834 capital importation of phencyclidine, trafficking in
835 methaqualone, capital importation of methaqualone, trafficking
836 in amphetamine, capital importation of amphetamine, trafficking
837 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
838 (GHB), trafficking in 1,4-Butanediol, trafficking in
839 Phenethylamines, or other violation of s. 893.135(1);
840
841 and during the commission of the offense, such person possessed
842 a semiautomatic firearm and its high-capacity detachable box

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843 magazine or a machine gun as defined in s. 790.001, shall be
844 sentenced to a minimum term of imprisonment of 15 years.

845 2. Any person who is convicted of a felony or an attempt to
846 commit a felony listed in subparagraph (a)1., regardless of
847 whether the use of a weapon is an element of the felony, and
848 during the course of the commission of the felony such person
849 discharged a semiautomatic firearm and its high-capacity box
850 magazine or a "machine gun" as defined in s. 790.001 shall be
851 sentenced to a minimum term of imprisonment of 20 years.

852 3. Any person who is convicted of a felony or an attempt to
853 commit a felony listed in subparagraph (a)1., regardless of
854 whether the use of a weapon is an element of the felony, and
855 during the course of the commission of the felony such person
856 discharged a semiautomatic firearm and its high-capacity box
857 magazine or a "machine gun" as defined in s. 790.001 and, as the
858 result of the discharge, death or great bodily harm was
859 inflicted upon any person, the convicted person shall be
860 sentenced to a minimum term of imprisonment of not less than 25
861 years and not more than a term of imprisonment of life in
862 prison.

863 Section 15. For the purpose of incorporating the amendment
864 made by this act to section 893.135, Florida Statutes, in a
865 reference thereto, paragraph (a) of subsection (1), subsection
866 (3), and subsection (4) of section 782.04, Florida Statutes, are
867 reenacted to read:

868 782.04 Murder.—

869 (1) (a) The unlawful killing of a human being:

870 1. When perpetrated from a premeditated design to effect
871 the death of the person killed or any human being;

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872 2. When committed by a person engaged in the perpetration
873 of, or in the attempt to perpetrate, any:

- 874 a. Trafficking offense prohibited by s. 893.135(1),
- 875 b. Arson,
- 876 c. Sexual battery,
- 877 d. Robbery,
- 878 e. Burglary,
- 879 f. Kidnapping,
- 880 g. Escape,
- 881 h. Aggravated child abuse,
- 882 i. Aggravated abuse of an elderly person or disabled adult,
- 883 j. Aircraft piracy,
- 884 k. Unlawful throwing, placing, or discharging of a
885 destructive device or bomb,
- 886 l. Carjacking,
- 887 m. Home-invasion robbery,
- 888 n. Aggravated stalking,
- 889 o. Murder of another human being,
- 890 p. Resisting an officer with violence to his or her person,
- 891 q. Aggravated fleeing or eluding with serious bodily injury
892 or death,
- 893 r. Felony that is an act of terrorism or is in furtherance
894 of an act of terrorism,
- 895 s. Human trafficking; or

896 3. Which resulted from the unlawful distribution of any
897 substance controlled under s. 893.03(1), cocaine as described in
898 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
899 compound, derivative, or preparation of opium, or methadone by a
900 person 18 years of age or older, when such drug is proven to be

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901 the proximate cause of the death of the user,
902
903 is murder in the first degree and constitutes a capital felony,
904 punishable as provided in s. 775.082.

905 (3) When a human being is killed during the perpetration
906 of, or during the attempt to perpetrate, any:

907 (a) Trafficking offense prohibited by s. 893.135(1),
908 (b) Arson,
909 (c) Sexual battery,
910 (d) Robbery,
911 (e) Burglary,
912 (f) Kidnapping,
913 (g) Escape,
914 (h) Aggravated child abuse,
915 (i) Aggravated abuse of an elderly person or disabled
916 adult,
917 (j) Aircraft piracy,
918 (k) Unlawful throwing, placing, or discharging of a
919 destructive device or bomb,
920 (l) Carjacking,
921 (m) Home-invasion robbery,
922 (n) Aggravated stalking,
923 (o) Murder of another human being,
924 (p) Aggravated fleeing or eluding with serious bodily
925 injury or death,
926 (q) Resisting an officer with violence to his or her
927 person, or
928 (r) Felony that is an act of terrorism or is in furtherance
929 of an act of terrorism,

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930
931 by a person other than the person engaged in the perpetration of
932 or in the attempt to perpetrate such felony, the person
933 perpetrating or attempting to perpetrate such felony commits
934 murder in the second degree, which constitutes a felony of the
935 first degree, punishable by imprisonment for a term of years not
936 exceeding life or as provided in s. 775.082, s. 775.083, or s.
937 775.084.

938 (4) The unlawful killing of a human being, when perpetrated
939 without any design to effect death, by a person engaged in the
940 perpetration of, or in the attempt to perpetrate, any felony
941 other than any:

- 942 (a) Trafficking offense prohibited by s. 893.135(1),
943 (b) Arson,
944 (c) Sexual battery,
945 (d) Robbery,
946 (e) Burglary,
947 (f) Kidnapping,
948 (g) Escape,
949 (h) Aggravated child abuse,
950 (i) Aggravated abuse of an elderly person or disabled
951 adult,
952 (j) Aircraft piracy,
953 (k) Unlawful throwing, placing, or discharging of a
954 destructive device or bomb,
955 (l) Unlawful distribution of any substance controlled under
956 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
957 opium or any synthetic or natural salt, compound, derivative, or
958 preparation of opium by a person 18 years of age or older, when

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959 such drug is proven to be the proximate cause of the death of
960 the user,
961 (m) Carjacking,
962 (n) Home-invasion robbery,
963 (o) Aggravated stalking,
964 (p) Murder of another human being,
965 (q) Aggravated fleeing or eluding with serious bodily
966 injury or death,
967 (r) Resisting an officer with violence to his or her
968 person, or
969 (s) Felony that is an act of terrorism or is in furtherance
970 of an act of terrorism,
971
972 is murder in the third degree and constitutes a felony of the
973 second degree, punishable as provided in s. 775.082, s. 775.083,
974 or s. 775.084.

975 Section 16. For the purpose of incorporating the amendment
976 made by this act to section 893.135, Florida Statutes, in a
977 reference thereto, paragraph (c) of subsection (3) of section
978 893.03, Florida Statutes, is reenacted to read:

979 893.03 Standards and schedules.—The substances enumerated
980 in this section are controlled by this chapter. The controlled
981 substances listed or to be listed in Schedules I, II, III, IV,
982 and V are included by whatever official, common, usual,
983 chemical, trade name, or class designated. The provisions of
984 this section shall not be construed to include within any of the
985 schedules contained in this section any excluded drugs listed
986 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
987 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical

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988 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
989 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
990 Anabolic Steroid Products."

991 (3) SCHEDULE III.—A substance in Schedule III has a
992 potential for abuse less than the substances contained in
993 Schedules I and II and has a currently accepted medical use in
994 treatment in the United States, and abuse of the substance may
995 lead to moderate or low physical dependence or high
996 psychological dependence or, in the case of anabolic steroids,
997 may lead to physical damage. The following substances are
998 controlled in Schedule III:

999 (c) Unless specifically excepted or unless listed in
1000 another schedule, any material, compound, mixture, or
1001 preparation containing limited quantities of any of the
1002 following controlled substances or any salts thereof:

1003 1. Not more than 1.8 grams of codeine per 100 milliliters
1004 or not more than 90 milligrams per dosage unit, with an equal or
1005 greater quantity of an isoquinoline alkaloid of opium.

1006 2. Not more than 1.8 grams of codeine per 100 milliliters
1007 or not more than 90 milligrams per dosage unit, with recognized
1008 therapeutic amounts of one or more active ingredients which are
1009 not controlled substances.

1010 3. Not more than 300 milligrams of hydrocodone per 100
1011 milliliters or not more than 15 milligrams per dosage unit, with
1012 a fourfold or greater quantity of an isoquinoline alkaloid of
1013 opium.

1014 4. Not more than 300 milligrams of hydrocodone per 100
1015 milliliters or not more than 15 milligrams per dosage unit, with
1016 recognized therapeutic amounts of one or more active ingredients

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1017 that are not controlled substances.

1018 5. Not more than 1.8 grams of dihydrocodeine per 100
1019 milliliters or not more than 90 milligrams per dosage unit, with
1020 recognized therapeutic amounts of one or more active ingredients
1021 which are not controlled substances.

1022 6. Not more than 300 milligrams of ethylmorphine per 100
1023 milliliters or not more than 15 milligrams per dosage unit, with
1024 one or more active, nonnarcotic ingredients in recognized
1025 therapeutic amounts.

1026 7. Not more than 50 milligrams of morphine per 100
1027 milliliters or per 100 grams, with recognized therapeutic
1028 amounts of one or more active ingredients which are not
1029 controlled substances.

1030
1031 For purposes of charging a person with a violation of s. 893.135
1032 involving any controlled substance described in subparagraph 3.
1033 or subparagraph 4., the controlled substance is a Schedule III
1034 controlled substance pursuant to this paragraph but the weight
1035 of the controlled substance per milliliters or per dosage unit
1036 is not relevant to the charging of a violation of s. 893.135.
1037 The weight of the controlled substance shall be determined
1038 pursuant to s. 893.135(6).

1039 Section 17. For the purpose of incorporating the amendment
1040 made by this act to section 893.135, Florida Statutes, in a
1041 reference thereto, paragraph (c) of subsection (4) of section
1042 907.041, Florida Statutes, is reenacted to read:

1043 907.041 Pretrial detention and release.—

1044 (4) PRETRIAL DETENTION.—

1045 (c) The court may order pretrial detention if it finds a

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1046 substantial probability, based on a defendant's past and present
1047 patterns of behavior, the criteria in s. 903.046, and any other
1048 relevant facts, that any of the following circumstances exist:

1049 1. The defendant has previously violated conditions of
1050 release and that no further conditions of release are reasonably
1051 likely to assure the defendant's appearance at subsequent
1052 proceedings;

1053 2. The defendant, with the intent to obstruct the judicial
1054 process, has threatened, intimidated, or injured any victim,
1055 potential witness, juror, or judicial officer, or has attempted
1056 or conspired to do so, and that no condition of release will
1057 reasonably prevent the obstruction of the judicial process;

1058 3. The defendant is charged with trafficking in controlled
1059 substances as defined by s. 893.135, that there is a substantial
1060 probability that the defendant has committed the offense, and
1061 that no conditions of release will reasonably assure the
1062 defendant's appearance at subsequent criminal proceedings;

1063 4. The defendant is charged with DUI manslaughter, as
1064 defined by s. 316.193, and that there is a substantial
1065 probability that the defendant committed the crime and that the
1066 defendant poses a threat of harm to the community; conditions
1067 that would support a finding by the court pursuant to this
1068 subparagraph that the defendant poses a threat of harm to the
1069 community include, but are not limited to, any of the following:

1070 a. The defendant has previously been convicted of any crime
1071 under s. 316.193, or of any crime in any other state or
1072 territory of the United States that is substantially similar to
1073 any crime under s. 316.193;

1074 b. The defendant was driving with a suspended driver

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1075 license when the charged crime was committed; or

1076 c. The defendant has previously been found guilty of, or
1077 has had adjudication of guilt withheld for, driving while the
1078 defendant's driver license was suspended or revoked in violation
1079 of s. 322.34;

1080 5. The defendant poses the threat of harm to the community.
1081 The court may so conclude, if it finds that the defendant is
1082 presently charged with a dangerous crime, that there is a
1083 substantial probability that the defendant committed such crime,
1084 that the factual circumstances of the crime indicate a disregard
1085 for the safety of the community, and that there are no
1086 conditions of release reasonably sufficient to protect the
1087 community from the risk of physical harm to persons;

1088 6. The defendant was on probation, parole, or other release
1089 pending completion of sentence or on pretrial release for a
1090 dangerous crime at the time the current offense was committed;

1091 7. The defendant has violated one or more conditions of
1092 pretrial release or bond for the offense currently before the
1093 court and the violation, in the discretion of the court,
1094 supports a finding that no conditions of release can reasonably
1095 protect the community from risk of physical harm to persons or
1096 assure the presence of the accused at trial; or

1097 8.a. The defendant has ever been sentenced pursuant to s.
1098 775.082(9) or s. 775.084 as a prison releasee reoffender,
1099 habitual violent felony offender, three-time violent felony
1100 offender, or violent career criminal, or the state attorney
1101 files a notice seeking that the defendant be sentenced pursuant
1102 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
1103 habitual violent felony offender, three-time violent felony

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1104 offender, or violent career criminal;

1105 b. There is a substantial probability that the defendant
1106 committed the offense; and

1107 c. There are no conditions of release that can reasonably
1108 protect the community from risk of physical harm or ensure the
1109 presence of the accused at trial.

1110 Section 18. For the purpose of incorporating the amendment
1111 made by this act to section 893.135, Florida Statutes, in a
1112 reference thereto, paragraph (b) of subsection (1) of section
1113 921.0024, Florida Statutes, is reenacted to read:

1114 921.0024 Criminal Punishment Code; worksheet computations;
1115 scoresheets.—

1116 (1)

1117 (b) WORKSHEET KEY:

1118

1119 Legal status points are assessed when any form of legal status
1120 existed at the time the offender committed an offense before the
1121 court for sentencing. Four (4) sentence points are assessed for
1122 an offender's legal status.

1123

1124 Community sanction violation points are assessed when a
1125 community sanction violation is before the court for sentencing.
1126 Six (6) sentence points are assessed for each community sanction
1127 violation and each successive community sanction violation,
1128 unless any of the following apply:

1129 1. If the community sanction violation includes a new
1130 felony conviction before the sentencing court, twelve (12)
1131 community sanction violation points are assessed for the
1132 violation, and for each successive community sanction violation

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1133 involving a new felony conviction.

1134 2. If the community sanction violation is committed by a
1135 violent felony offender of special concern as defined in s.
1136 948.06:

1137 a. Twelve (12) community sanction violation points are
1138 assessed for the violation and for each successive violation of
1139 felony probation or community control where:

1140 I. The violation does not include a new felony conviction;
1141 and

1142 II. The community sanction violation is not based solely on
1143 the probationer or offender's failure to pay costs or fines or
1144 make restitution payments.

1145 b. Twenty-four (24) community sanction violation points are
1146 assessed for the violation and for each successive violation of
1147 felony probation or community control where the violation
1148 includes a new felony conviction.

1149
1150 Multiple counts of community sanction violations before the
1151 sentencing court shall not be a basis for multiplying the
1152 assessment of community sanction violation points.

1153
1154 Prior serious felony points: If the offender has a primary
1155 offense or any additional offense ranked in level 8, level 9, or
1156 level 10, and one or more prior serious felonies, a single
1157 assessment of thirty (30) points shall be added. For purposes of
1158 this section, a prior serious felony is an offense in the
1159 offender's prior record that is ranked in level 8, level 9, or
1160 level 10 under s. 921.0022 or s. 921.0023 and for which the
1161 offender is serving a sentence of confinement, supervision, or

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1162 other sanction or for which the offender's date of release from
1163 confinement, supervision, or other sanction, whichever is later,
1164 is within 3 years before the date the primary offense or any
1165 additional offense was committed.

1166

1167 Prior capital felony points: If the offender has one or more
1168 prior capital felonies in the offender's criminal record, points
1169 shall be added to the subtotal sentence points of the offender
1170 equal to twice the number of points the offender receives for
1171 the primary offense and any additional offense. A prior capital
1172 felony in the offender's criminal record is a previous capital
1173 felony offense for which the offender has entered a plea of nolo
1174 contendere or guilty or has been found guilty; or a felony in
1175 another jurisdiction which is a capital felony in that
1176 jurisdiction, or would be a capital felony if the offense were
1177 committed in this state.

1178

1179 Possession of a firearm, semiautomatic firearm, or machine gun:
1180 If the offender is convicted of committing or attempting to
1181 commit any felony other than those enumerated in s. 775.087(2)
1182 while having in his or her possession: a firearm as defined in
1183 s. 790.001(6), an additional eighteen (18) sentence points are
1184 assessed; or if the offender is convicted of committing or
1185 attempting to commit any felony other than those enumerated in
1186 s. 775.087(3) while having in his or her possession a
1187 semiautomatic firearm as defined in s. 775.087(3) or a machine
1188 gun as defined in s. 790.001(9), an additional twenty-five (25)
1189 sentence points are assessed.

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1191 Sentencing multipliers:

1192

1193 Drug trafficking: If the primary offense is drug trafficking
1194 under s. 893.135, the subtotal sentence points are multiplied,
1195 at the discretion of the court, for a level 7 or level 8
1196 offense, by 1.5. The state attorney may move the sentencing
1197 court to reduce or suspend the sentence of a person convicted of
1198 a level 7 or level 8 offense, if the offender provides
1199 substantial assistance as described in s. 893.135(4).

1200

1201 Law enforcement protection: If the primary offense is a
1202 violation of the Law Enforcement Protection Act under s.
1203 775.0823(2), (3), or (4), the subtotal sentence points are
1204 multiplied by 2.5. If the primary offense is a violation of s.
1205 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
1206 are multiplied by 2.0. If the primary offense is a violation of
1207 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
1208 Protection Act under s. 775.0823(10) or (11), the subtotal
1209 sentence points are multiplied by 1.5.

1210

1211 Grand theft of a motor vehicle: If the primary offense is grand
1212 theft of the third degree involving a motor vehicle and in the
1213 offender's prior record, there are three or more grand thefts of
1214 the third degree involving a motor vehicle, the subtotal
1215 sentence points are multiplied by 1.5.

1216

1217 Offense related to a criminal gang: If the offender is convicted
1218 of the primary offense and committed that offense for the
1219 purpose of benefiting, promoting, or furthering the interests of

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1220 a criminal gang as defined in s. 874.03, the subtotal sentence
1221 points are multiplied by 1.5. If applying the multiplier results
1222 in the lowest permissible sentence exceeding the statutory
1223 maximum sentence for the primary offense under chapter 775, the
1224 court may not apply the multiplier and must sentence the
1225 defendant to the statutory maximum sentence.

1226

1227 Domestic violence in the presence of a child: If the offender is
1228 convicted of the primary offense and the primary offense is a
1229 crime of domestic violence, as defined in s. 741.28, which was
1230 committed in the presence of a child under 16 years of age who
1231 is a family or household member as defined in s. 741.28(3) with
1232 the victim or perpetrator, the subtotal sentence points are
1233 multiplied by 1.5.

1234

1235 Adult-on-minor sex offense: If the offender was 18 years of age
1236 or older and the victim was younger than 18 years of age at the
1237 time the offender committed the primary offense, and if the
1238 primary offense was an offense committed on or after October 1,
1239 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
1240 violation involved a victim who was a minor and, in the course
1241 of committing that violation, the defendant committed a sexual
1242 battery under chapter 794 or a lewd act under s. 800.04 or s.
1243 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
1244 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
1245 800.04; or s. 847.0135(5), the subtotal sentence points are
1246 multiplied by 2.0. If applying the multiplier results in the
1247 lowest permissible sentence exceeding the statutory maximum
1248 sentence for the primary offense under chapter 775, the court

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1249 may not apply the multiplier and must sentence the defendant to
1250 the statutory maximum sentence.

1251 Section 19. For the purpose of incorporating the amendment
1252 made by this act to section 893.135, Florida Statutes, in a
1253 reference thereto, section 943.0585, Florida Statutes, is
1254 reenacted to read:

1255 943.0585 Court-ordered expunction of criminal history
1256 records.—The courts of this state have jurisdiction over their
1257 own procedures, including the maintenance, expunction, and
1258 correction of judicial records containing criminal history
1259 information to the extent such procedures are not inconsistent
1260 with the conditions, responsibilities, and duties established by
1261 this section. Any court of competent jurisdiction may order a
1262 criminal justice agency to expunge the criminal history record
1263 of a minor or an adult who complies with the requirements of
1264 this section. The court shall not order a criminal justice
1265 agency to expunge a criminal history record until the person
1266 seeking to expunge a criminal history record has applied for and
1267 received a certificate of eligibility for expunction pursuant to
1268 subsection (2) or subsection (5). A criminal history record that
1269 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
1270 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
1271 s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
1272 s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in
1273 s. 907.041, or any violation specified as a predicate offense
1274 for registration as a sexual predator pursuant to s. 775.21,
1275 without regard to whether that offense alone is sufficient to
1276 require such registration, or for registration as a sexual
1277 offender pursuant to s. 943.0435, may not be expunged, without

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1278 regard to whether adjudication was withheld, if the defendant
1279 was found guilty of or pled guilty or nolo contendere to the
1280 offense, or if the defendant, as a minor, was found to have
1281 committed, or pled guilty or nolo contendere to committing, the
1282 offense as a delinquent act. The court may only order expunction
1283 of a criminal history record pertaining to one arrest or one
1284 incident of alleged criminal activity, except as provided in
1285 this section. The court may, at its sole discretion, order the
1286 expunction of a criminal history record pertaining to more than
1287 one arrest if the additional arrests directly relate to the
1288 original arrest. If the court intends to order the expunction of
1289 records pertaining to such additional arrests, such intent must
1290 be specified in the order. A criminal justice agency may not
1291 expunge any record pertaining to such additional arrests if the
1292 order to expunge does not articulate the intention of the court
1293 to expunge a record pertaining to more than one arrest. This
1294 section does not prevent the court from ordering the expunction
1295 of only a portion of a criminal history record pertaining to one
1296 arrest or one incident of alleged criminal activity.

1297 Notwithstanding any law to the contrary, a criminal justice
1298 agency may comply with laws, court orders, and official requests
1299 of other jurisdictions relating to expunction, correction, or
1300 confidential handling of criminal history records or information
1301 derived therefrom. This section does not confer any right to the
1302 expunction of any criminal history record, and any request for
1303 expunction of a criminal history record may be denied at the
1304 sole discretion of the court.

1305 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
1306 petition to a court to expunge a criminal history record is

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1307 complete only when accompanied by:

1308 (a) A valid certificate of eligibility for expunction
1309 issued by the department pursuant to subsection (2).

1310 (b) The petitioner's sworn statement attesting that the
1311 petitioner:

1312 1. Has never, prior to the date on which the petition is
1313 filed, been adjudicated guilty of a criminal offense or
1314 comparable ordinance violation, or been adjudicated delinquent
1315 for committing any felony or a misdemeanor specified in s.
1316 943.051(3)(b).

1317 2. Has not been adjudicated guilty of, or adjudicated
1318 delinquent for committing, any of the acts stemming from the
1319 arrest or alleged criminal activity to which the petition
1320 pertains.

1321 3. Has never secured a prior sealing or expunction of a
1322 criminal history record under this section, s. 943.059, former
1323 s. 893.14, former s. 901.33, or former s. 943.058, unless
1324 expunction is sought of a criminal history record previously
1325 sealed for 10 years pursuant to paragraph (2)(h) and the record
1326 is otherwise eligible for expunction.

1327 4. Is eligible for such an expunction to the best of his or
1328 her knowledge or belief and does not have any other petition to
1329 expunge or any petition to seal pending before any court.

1330

1331 Any person who knowingly provides false information on such
1332 sworn statement to the court commits a felony of the third
1333 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1334 775.084.

1335 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to

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1336 petitioning the court to expunge a criminal history record, a
1337 person seeking to expunge a criminal history record shall apply
1338 to the department for a certificate of eligibility for
1339 expunction. The department shall, by rule adopted pursuant to
1340 chapter 120, establish procedures pertaining to the application
1341 for and issuance of certificates of eligibility for expunction.
1342 A certificate of eligibility for expunction is valid for 12
1343 months after the date stamped on the certificate when issued by
1344 the department. After that time, the petitioner must reapply to
1345 the department for a new certificate of eligibility. Eligibility
1346 for a renewed certification of eligibility must be based on the
1347 status of the applicant and the law in effect at the time of the
1348 renewal application. The department shall issue a certificate of
1349 eligibility for expunction to a person who is the subject of a
1350 criminal history record if that person:

1351 (a) Has obtained, and submitted to the department, a
1352 written, certified statement from the appropriate state attorney
1353 or statewide prosecutor which indicates:

1354 1. That an indictment, information, or other charging
1355 document was not filed or issued in the case.

1356 2. That an indictment, information, or other charging
1357 document, if filed or issued in the case, was dismissed or nolle
1358 prosequi by the state attorney or statewide prosecutor, or was
1359 dismissed by a court of competent jurisdiction, and that none of
1360 the charges related to the arrest or alleged criminal activity
1361 to which the petition to expunge pertains resulted in a trial,
1362 without regard to whether the outcome of the trial was other
1363 than an adjudication of guilt.

1364 3. That the criminal history record does not relate to a

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1365 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1366 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1367 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1368 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
1369 or any violation specified as a predicate offense for
1370 registration as a sexual predator pursuant to s. 775.21, without
1371 regard to whether that offense alone is sufficient to require
1372 such registration, or for registration as a sexual offender
1373 pursuant to s. 943.0435, where the defendant was found guilty
1374 of, or pled guilty or nolo contendere to any such offense, or
1375 that the defendant, as a minor, was found to have committed, or
1376 pled guilty or nolo contendere to committing, such an offense as
1377 a delinquent act, without regard to whether adjudication was
1378 withheld.

1379 (b) Remits a \$75 processing fee to the department for
1380 placement in the Department of Law Enforcement Operating Trust
1381 Fund, unless such fee is waived by the executive director.

1382 (c) Has submitted to the department a certified copy of the
1383 disposition of the charge to which the petition to expunge
1384 pertains.

1385 (d) Has never, prior to the date on which the application
1386 for a certificate of eligibility is filed, been adjudicated
1387 guilty of a criminal offense or comparable ordinance violation,
1388 or been adjudicated delinquent for committing any felony or a
1389 misdemeanor specified in s. 943.051(3)(b).

1390 (e) Has not been adjudicated guilty of, or adjudicated
1391 delinquent for committing, any of the acts stemming from the
1392 arrest or alleged criminal activity to which the petition to
1393 expunge pertains.

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1394 (f) Has never secured a prior sealing or expunction of a
1395 criminal history record under this section, s. 943.059, former
1396 s. 893.14, former s. 901.33, or former s. 943.058, unless
1397 expunction is sought of a criminal history record previously
1398 sealed for 10 years pursuant to paragraph (h) and the record is
1399 otherwise eligible for expunction.

1400 (g) Is no longer under court supervision applicable to the
1401 disposition of the arrest or alleged criminal activity to which
1402 the petition to expunge pertains.

1403 (h) Has previously obtained a court order sealing the
1404 record under this section, former s. 893.14, former s. 901.33,
1405 or former s. 943.058 for a minimum of 10 years because
1406 adjudication was withheld or because all charges related to the
1407 arrest or alleged criminal activity to which the petition to
1408 expunge pertains were not dismissed prior to trial, without
1409 regard to whether the outcome of the trial was other than an
1410 adjudication of guilt. The requirement for the record to have
1411 previously been sealed for a minimum of 10 years does not apply
1412 when a plea was not entered or all charges related to the arrest
1413 or alleged criminal activity to which the petition to expunge
1414 pertains were dismissed prior to trial.

1415 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1416 (a) In judicial proceedings under this section, a copy of
1417 the completed petition to expunge shall be served upon the
1418 appropriate state attorney or the statewide prosecutor and upon
1419 the arresting agency; however, it is not necessary to make any
1420 agency other than the state a party. The appropriate state
1421 attorney or the statewide prosecutor and the arresting agency
1422 may respond to the court regarding the completed petition to

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1423 expunge.

1424 (b) If relief is granted by the court, the clerk of the
1425 court shall certify copies of the order to the appropriate state
1426 attorney or the statewide prosecutor and the arresting agency.
1427 The arresting agency is responsible for forwarding the order to
1428 any other agency to which the arresting agency disseminated the
1429 criminal history record information to which the order pertains.
1430 The department shall forward the order to expunge to the Federal
1431 Bureau of Investigation. The clerk of the court shall certify a
1432 copy of the order to any other agency which the records of the
1433 court reflect has received the criminal history record from the
1434 court.

1435 (c) For an order to expunge entered by a court prior to
1436 July 1, 1992, the department shall notify the appropriate state
1437 attorney or statewide prosecutor of an order to expunge which is
1438 contrary to law because the person who is the subject of the
1439 record has previously been convicted of a crime or comparable
1440 ordinance violation or has had a prior criminal history record
1441 sealed or expunged. Upon receipt of such notice, the appropriate
1442 state attorney or statewide prosecutor shall take action, within
1443 60 days, to correct the record and petition the court to void
1444 the order to expunge. The department shall seal the record until
1445 such time as the order is voided by the court.

1446 (d) On or after July 1, 1992, the department or any other
1447 criminal justice agency is not required to act on an order to
1448 expunge entered by a court when such order does not comply with
1449 the requirements of this section. Upon receipt of such an order,
1450 the department must notify the issuing court, the appropriate
1451 state attorney or statewide prosecutor, the petitioner or the

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1452 petitioner's attorney, and the arresting agency of the reason
1453 for noncompliance. The appropriate state attorney or statewide
1454 prosecutor shall take action within 60 days to correct the
1455 record and petition the court to void the order. No cause of
1456 action, including contempt of court, shall arise against any
1457 criminal justice agency for failure to comply with an order to
1458 expunge when the petitioner for such order failed to obtain the
1459 certificate of eligibility as required by this section or such
1460 order does not otherwise comply with the requirements of this
1461 section.

1462 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
1463 criminal history record of a minor or an adult which is ordered
1464 expunged by a court of competent jurisdiction pursuant to this
1465 section must be physically destroyed or obliterated by any
1466 criminal justice agency having custody of such record; except
1467 that any criminal history record in the custody of the
1468 department must be retained in all cases. A criminal history
1469 record ordered expunged that is retained by the department is
1470 confidential and exempt from the provisions of s. 119.07(1) and
1471 s. 24(a), Art. I of the State Constitution and not available to
1472 any person or entity except upon order of a court of competent
1473 jurisdiction. A criminal justice agency may retain a notation
1474 indicating compliance with an order to expunge.

1475 (a) The person who is the subject of a criminal history
1476 record that is expunged under this section or under other
1477 provisions of law, including former s. 893.14, former s. 901.33,
1478 and former s. 943.058, may lawfully deny or fail to acknowledge
1479 the arrests covered by the expunged record, except when the
1480 subject of the record:

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- 1481 1. Is a candidate for employment with a criminal justice
1482 agency;
- 1483 2. Is a defendant in a criminal prosecution;
- 1484 3. Concurrently or subsequently petitions for relief under
1485 this section, s. 943.0583, or s. 943.059;
- 1486 4. Is a candidate for admission to The Florida Bar;
- 1487 5. Is seeking to be employed or licensed by or to contract
1488 with the Department of Children and Families, the Division of
1489 Vocational Rehabilitation within the Department of Education,
1490 the Agency for Health Care Administration, the Agency for
1491 Persons with Disabilities, the Department of Health, the
1492 Department of Elderly Affairs, or the Department of Juvenile
1493 Justice or to be employed or used by such contractor or licensee
1494 in a sensitive position having direct contact with children, the
1495 disabled, or the elderly;
- 1496 6. Is seeking to be employed or licensed by the Department
1497 of Education, any district school board, any university
1498 laboratory school, any charter school, any private or parochial
1499 school, or any local governmental entity that licenses child
1500 care facilities;
- 1501 7. Is seeking to be licensed by the Division of Insurance
1502 Agent and Agency Services within the Department of Financial
1503 Services; or
- 1504 8. Is seeking to be appointed as a guardian pursuant to s.
1505 744.3125.
- 1506 (b) Subject to the exceptions in paragraph (a), a person
1507 who has been granted an expunction under this section, former s.
1508 893.14, former s. 901.33, or former s. 943.058 may not be held
1509 under any provision of law of this state to commit perjury or to

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1510 be otherwise liable for giving a false statement by reason of
1511 such person's failure to recite or acknowledge an expunged
1512 criminal history record.

1513 (c) Information relating to the existence of an expunged
1514 criminal history record which is provided in accordance with
1515 paragraph (a) is confidential and exempt from the provisions of
1516 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1517 except that the department shall disclose the existence of a
1518 criminal history record ordered expunged to the entities set
1519 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their
1520 respective licensing, access authorization, and employment
1521 purposes, and to criminal justice agencies for their respective
1522 criminal justice purposes. It is unlawful for any employee of an
1523 entity set forth in subparagraph (a)1., subparagraph (a)4.,
1524 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or
1525 subparagraph (a)8. to disclose information relating to the
1526 existence of an expunged criminal history record of a person
1527 seeking employment, access authorization, or licensure with such
1528 entity or contractor, except to the person to whom the criminal
1529 history record relates or to persons having direct
1530 responsibility for employment, access authorization, or
1531 licensure decisions. Any person who violates this paragraph
1532 commits a misdemeanor of the first degree, punishable as
1533 provided in s. 775.082 or s. 775.083.

1534 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the
1535 eligibility requirements prescribed in paragraph (1)(b) and
1536 subsection (2), the department shall issue a certificate of
1537 eligibility for expunction under this subsection to a person who
1538 is the subject of a criminal history record if that person:

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1539 (a) Has obtained, and submitted to the department, on a
1540 form provided by the department, a written, certified statement
1541 from the appropriate state attorney or statewide prosecutor
1542 which states whether an information, indictment, or other
1543 charging document was not filed or was dismissed by the state
1544 attorney, or dismissed by the court, because it was found that
1545 the person acted in lawful self-defense pursuant to the
1546 provisions related to justifiable use of force in chapter 776.

1547 (b) Each petition to a court to expunge a criminal history
1548 record pursuant to this subsection is complete only when
1549 accompanied by:

1550 1. A valid certificate of eligibility for expunction issued
1551 by the department pursuant to this subsection.

1552 2. The petitioner's sworn statement attesting that the
1553 petitioner is eligible for such an expunction to the best of his
1554 or her knowledge or belief.

1555
1556 Any person who knowingly provides false information on such
1557 sworn statement to the court commits a felony of the third
1558 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1559 775.084.

1560 (c) This subsection does not confer any right to the
1561 expunction of a criminal history record, and any request for
1562 expunction of a criminal history record may be denied at the
1563 discretion of the court.

1564 (d) Subsections (3) and (4) shall apply to expunction
1565 ordered under this subsection.

1566 (e) The department shall, by rule adopted pursuant to
1567 chapter 120, establish procedures pertaining to the application

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1568 for and issuance of certificates of eligibility for expunction
1569 under this subsection.

1570 (6) STATUTORY REFERENCES.—Any reference to any other
1571 chapter, section, or subdivision of the Florida Statutes in this
1572 section constitutes a general reference under the doctrine of
1573 incorporation by reference.

1574 Section 20. For the purpose of incorporating the amendment
1575 made by this act to section 893.135, Florida Statutes, in a
1576 reference thereto, section 943.059, Florida Statutes, is
1577 reenacted to read:

1578 943.059 Court-ordered sealing of criminal history records.—
1579 The courts of this state shall continue to have jurisdiction
1580 over their own procedures, including the maintenance, sealing,
1581 and correction of judicial records containing criminal history
1582 information to the extent such procedures are not inconsistent
1583 with the conditions, responsibilities, and duties established by
1584 this section. Any court of competent jurisdiction may order a
1585 criminal justice agency to seal the criminal history record of a
1586 minor or an adult who complies with the requirements of this
1587 section. The court shall not order a criminal justice agency to
1588 seal a criminal history record until the person seeking to seal
1589 a criminal history record has applied for and received a
1590 certificate of eligibility for sealing pursuant to subsection
1591 (2). A criminal history record that relates to a violation of s.
1592 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
1593 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
1594 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
1595 s. 916.1075, a violation enumerated in s. 907.041, or any
1596 violation specified as a predicate offense for registration as a

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1597 sexual predator pursuant to s. 775.21, without regard to whether
1598 that offense alone is sufficient to require such registration,
1599 or for registration as a sexual offender pursuant to s.
1600 943.0435, may not be sealed, without regard to whether
1601 adjudication was withheld, if the defendant was found guilty of
1602 or pled guilty or nolo contendere to the offense, or if the
1603 defendant, as a minor, was found to have committed or pled
1604 guilty or nolo contendere to committing the offense as a
1605 delinquent act. The court may only order sealing of a criminal
1606 history record pertaining to one arrest or one incident of
1607 alleged criminal activity, except as provided in this section.
1608 The court may, at its sole discretion, order the sealing of a
1609 criminal history record pertaining to more than one arrest if
1610 the additional arrests directly relate to the original arrest.
1611 If the court intends to order the sealing of records pertaining
1612 to such additional arrests, such intent must be specified in the
1613 order. A criminal justice agency may not seal any record
1614 pertaining to such additional arrests if the order to seal does
1615 not articulate the intention of the court to seal records
1616 pertaining to more than one arrest. This section does not
1617 prevent the court from ordering the sealing of only a portion of
1618 a criminal history record pertaining to one arrest or one
1619 incident of alleged criminal activity. Notwithstanding any law
1620 to the contrary, a criminal justice agency may comply with laws,
1621 court orders, and official requests of other jurisdictions
1622 relating to sealing, correction, or confidential handling of
1623 criminal history records or information derived therefrom. This
1624 section does not confer any right to the sealing of any criminal
1625 history record, and any request for sealing a criminal history

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1626 record may be denied at the sole discretion of the court.

1627 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
1628 petition to a court to seal a criminal history record is
1629 complete only when accompanied by:

1630 (a) A valid certificate of eligibility for sealing issued
1631 by the department pursuant to subsection (2).

1632 (b) The petitioner's sworn statement attesting that the
1633 petitioner:

1634 1. Has never, prior to the date on which the petition is
1635 filed, been adjudicated guilty of a criminal offense or
1636 comparable ordinance violation, or been adjudicated delinquent
1637 for committing any felony or a misdemeanor specified in s.
1638 943.051(3)(b).

1639 2. Has not been adjudicated guilty of or adjudicated
1640 delinquent for committing any of the acts stemming from the
1641 arrest or alleged criminal activity to which the petition to
1642 seal pertains.

1643 3. Has never secured a prior sealing or expunction of a
1644 criminal history record under this section, s. 943.0585, former
1645 s. 893.14, former s. 901.33, or former s. 943.058.

1646 4. Is eligible for such a sealing to the best of his or her
1647 knowledge or belief and does not have any other petition to seal
1648 or any petition to expunge pending before any court.

1649
1650 Any person who knowingly provides false information on such
1651 sworn statement to the court commits a felony of the third
1652 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1653 775.084.

1654 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to

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1655 petitioning the court to seal a criminal history record, a
1656 person seeking to seal a criminal history record shall apply to
1657 the department for a certificate of eligibility for sealing. The
1658 department shall, by rule adopted pursuant to chapter 120,
1659 establish procedures pertaining to the application for and
1660 issuance of certificates of eligibility for sealing. A
1661 certificate of eligibility for sealing is valid for 12 months
1662 after the date stamped on the certificate when issued by the
1663 department. After that time, the petitioner must reapply to the
1664 department for a new certificate of eligibility. Eligibility for
1665 a renewed certification of eligibility must be based on the
1666 status of the applicant and the law in effect at the time of the
1667 renewal application. The department shall issue a certificate of
1668 eligibility for sealing to a person who is the subject of a
1669 criminal history record provided that such person:

1670 (a) Has submitted to the department a certified copy of the
1671 disposition of the charge to which the petition to seal
1672 pertains.

1673 (b) Remits a \$75 processing fee to the department for
1674 placement in the Department of Law Enforcement Operating Trust
1675 Fund, unless such fee is waived by the executive director.

1676 (c) Has never, prior to the date on which the application
1677 for a certificate of eligibility is filed, been adjudicated
1678 guilty of a criminal offense or comparable ordinance violation,
1679 or been adjudicated delinquent for committing any felony or a
1680 misdemeanor specified in s. 943.051(3)(b).

1681 (d) Has not been adjudicated guilty of or adjudicated
1682 delinquent for committing any of the acts stemming from the
1683 arrest or alleged criminal activity to which the petition to

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1684 seal pertains.

1685 (e) Has never secured a prior sealing or expunction of a
1686 criminal history record under this section, s. 943.0585, former
1687 s. 893.14, former s. 901.33, or former s. 943.058.

1688 (f) Is no longer under court supervision applicable to the
1689 disposition of the arrest or alleged criminal activity to which
1690 the petition to seal pertains.

1691 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1692 (a) In judicial proceedings under this section, a copy of
1693 the completed petition to seal shall be served upon the
1694 appropriate state attorney or the statewide prosecutor and upon
1695 the arresting agency; however, it is not necessary to make any
1696 agency other than the state a party. The appropriate state
1697 attorney or the statewide prosecutor and the arresting agency
1698 may respond to the court regarding the completed petition to
1699 seal.

1700 (b) If relief is granted by the court, the clerk of the
1701 court shall certify copies of the order to the appropriate state
1702 attorney or the statewide prosecutor and to the arresting
1703 agency. The arresting agency is responsible for forwarding the
1704 order to any other agency to which the arresting agency
1705 disseminated the criminal history record information to which
1706 the order pertains. The department shall forward the order to
1707 seal to the Federal Bureau of Investigation. The clerk of the
1708 court shall certify a copy of the order to any other agency
1709 which the records of the court reflect has received the criminal
1710 history record from the court.

1711 (c) For an order to seal entered by a court prior to July
1712 1, 1992, the department shall notify the appropriate state

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1713 attorney or statewide prosecutor of any order to seal which is
1714 contrary to law because the person who is the subject of the
1715 record has previously been convicted of a crime or comparable
1716 ordinance violation or has had a prior criminal history record
1717 sealed or expunged. Upon receipt of such notice, the appropriate
1718 state attorney or statewide prosecutor shall take action, within
1719 60 days, to correct the record and petition the court to void
1720 the order to seal. The department shall seal the record until
1721 such time as the order is voided by the court.

1722 (d) On or after July 1, 1992, the department or any other
1723 criminal justice agency is not required to act on an order to
1724 seal entered by a court when such order does not comply with the
1725 requirements of this section. Upon receipt of such an order, the
1726 department must notify the issuing court, the appropriate state
1727 attorney or statewide prosecutor, the petitioner or the
1728 petitioner's attorney, and the arresting agency of the reason
1729 for noncompliance. The appropriate state attorney or statewide
1730 prosecutor shall take action within 60 days to correct the
1731 record and petition the court to void the order. No cause of
1732 action, including contempt of court, shall arise against any
1733 criminal justice agency for failure to comply with an order to
1734 seal when the petitioner for such order failed to obtain the
1735 certificate of eligibility as required by this section or when
1736 such order does not comply with the requirements of this
1737 section.

1738 (e) An order sealing a criminal history record pursuant to
1739 this section does not require that such record be surrendered to
1740 the court, and such record shall continue to be maintained by
1741 the department and other criminal justice agencies.

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1742 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
1743 history record of a minor or an adult which is ordered sealed by
1744 a court pursuant to this section is confidential and exempt from
1745 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1746 Constitution and is available only to the person who is the
1747 subject of the record, to the subject's attorney, to criminal
1748 justice agencies for their respective criminal justice purposes,
1749 which include conducting a criminal history background check for
1750 approval of firearms purchases or transfers as authorized by
1751 state or federal law, to judges in the state courts system for
1752 the purpose of assisting them in their case-related
1753 decisionmaking responsibilities, as set forth in s. 943.053(5),
1754 or to those entities set forth in subparagraphs (a)1., 4., 5.,
1755 6., 8., 9., and 10. for their respective licensing, access
1756 authorization, and employment purposes.

1757 (a) The subject of a criminal history record sealed under
1758 this section or under other provisions of law, including former
1759 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
1760 deny or fail to acknowledge the arrests covered by the sealed
1761 record, except when the subject of the record:

- 1762 1. Is a candidate for employment with a criminal justice
1763 agency;
- 1764 2. Is a defendant in a criminal prosecution;
- 1765 3. Concurrently or subsequently petitions for relief under
1766 this section, s. 943.0583, or s. 943.0585;
- 1767 4. Is a candidate for admission to The Florida Bar;
- 1768 5. Is seeking to be employed or licensed by or to contract
1769 with the Department of Children and Families, the Division of
1770 Vocational Rehabilitation within the Department of Education,

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1771 the Agency for Health Care Administration, the Agency for
1772 Persons with Disabilities, the Department of Health, the
1773 Department of Elderly Affairs, or the Department of Juvenile
1774 Justice or to be employed or used by such contractor or licensee
1775 in a sensitive position having direct contact with children, the
1776 disabled, or the elderly;

1777 6. Is seeking to be employed or licensed by the Department
1778 of Education, a district school board, a university laboratory
1779 school, a charter school, a private or parochial school, or a
1780 local governmental entity that licenses child care facilities;

1781 7. Is attempting to purchase a firearm from a licensed
1782 importer, licensed manufacturer, or licensed dealer and is
1783 subject to a criminal history check under state or federal law;

1784 8. Is seeking to be licensed by the Division of Insurance
1785 Agent and Agency Services within the Department of Financial
1786 Services;

1787 9. Is seeking to be appointed as a guardian pursuant to s.
1788 744.3125; or

1789 10. Is seeking to be licensed by the Bureau of License
1790 Issuance of the Division of Licensing within the Department of
1791 Agriculture and Consumer Services to carry a concealed weapon or
1792 concealed firearm. This subparagraph applies only in the
1793 determination of an applicant's eligibility under s. 790.06.

1794 (b) Subject to the exceptions in paragraph (a), a person
1795 who has been granted a sealing under this section, former s.
1796 893.14, former s. 901.33, or former s. 943.058 may not be held
1797 under any provision of law of this state to commit perjury or to
1798 be otherwise liable for giving a false statement by reason of
1799 such person's failure to recite or acknowledge a sealed criminal

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1800 history record.

1801 (c) Information relating to the existence of a sealed
1802 criminal record provided in accordance with the provisions of
1803 paragraph (a) is confidential and exempt from the provisions of
1804 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1805 except that the department shall disclose the sealed criminal
1806 history record to the entities set forth in subparagraphs (a)1.,
1807 4., 5., 6., 8., 9., and 10. for their respective licensing,
1808 access authorization, and employment purposes. An employee of an
1809 entity set forth in subparagraph (a)1., subparagraph (a)4.,
1810 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,
1811 subparagraph (a)9., or subparagraph (a)10. may not disclose
1812 information relating to the existence of a sealed criminal
1813 history record of a person seeking employment, access
1814 authorization, or licensure with such entity or contractor,
1815 except to the person to whom the criminal history record relates
1816 or to persons having direct responsibility for employment,
1817 access authorization, or licensure decisions. A person who
1818 violates the provisions of this paragraph commits a misdemeanor
1819 of the first degree, punishable as provided in s. 775.082 or s.
1820 775.083.

1821 (5) STATUTORY REFERENCES.—Any reference to any other
1822 chapter, section, or subdivision of the Florida Statutes in this
1823 section constitutes a general reference under the doctrine of
1824 incorporation by reference.

1825 Section 21. For the purpose of incorporating the amendments
1826 made by this act to sections 893.13 and 893.135, Florida
1827 Statutes, in references thereto, subsection (2) of section
1828 772.12, Florida Statutes, is reenacted to read:

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1829 772.12 Drug Dealer Liability Act.—

1830 (2) A person, including any governmental entity, has a
1831 cause of action for threefold the actual damages sustained and
1832 is entitled to minimum damages in the amount of \$1,000 and
1833 reasonable attorney's fees and court costs in the trial and
1834 appellate courts, if the person proves by the greater weight of
1835 the evidence that:

1836 (a) The person was injured because of the defendant's
1837 actions that resulted in the defendant's conviction for:

1838 1. A violation of s. 893.13, except for a violation of s.
1839 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

1840 2. A violation of s. 893.135; and

1841 (b) The person was not injured by reason of his or her
1842 participation in the same act or transaction that resulted in
1843 the defendant's conviction for any offense described in
1844 subparagraph (a)1.

1845 Section 22. For the purpose of incorporating the amendments
1846 made by this act to sections 893.13 and 893.135, Florida
1847 Statutes, in references thereto, subsection (3) of section
1848 810.02, Florida Statutes, is reenacted to read:

1849 810.02 Burglary.—

1850 (3) Burglary is a felony of the second degree, punishable
1851 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
1852 course of committing the offense, the offender does not make an
1853 assault or battery and is not and does not become armed with a
1854 dangerous weapon or explosive, and the offender enters or
1855 remains in a:

1856 (a) Dwelling, and there is another person in the dwelling
1857 at the time the offender enters or remains;

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1858 (b) Dwelling, and there is not another person in the
1859 dwelling at the time the offender enters or remains;

1860 (c) Structure, and there is another person in the structure
1861 at the time the offender enters or remains;

1862 (d) Conveyance, and there is another person in the
1863 conveyance at the time the offender enters or remains;

1864 (e) Authorized emergency vehicle, as defined in s. 316.003;
1865 or

1866 (f) Structure or conveyance when the offense intended to be
1867 committed therein is theft of a controlled substance as defined
1868 in s. 893.02. Notwithstanding any other law, separate judgments
1869 and sentences for burglary with the intent to commit theft of a
1870 controlled substance under this paragraph and for any applicable
1871 possession of controlled substance offense under s. 893.13 or
1872 trafficking in controlled substance offense under s. 893.135 may
1873 be imposed when all such offenses involve the same amount or
1874 amounts of a controlled substance.

1875
1876 However, if the burglary is committed within a county that is
1877 subject to a state of emergency declared by the Governor under
1878 chapter 252 after the declaration of emergency is made and the
1879 perpetration of the burglary is facilitated by conditions
1880 arising from the emergency, the burglary is a felony of the
1881 first degree, punishable as provided in s. 775.082, s. 775.083,
1882 or s. 775.084. As used in this subsection, the term "conditions
1883 arising from the emergency" means civil unrest, power outages,
1884 curfews, voluntary or mandatory evacuations, or a reduction in
1885 the presence of or response time for first responders or
1886 homeland security personnel. A person arrested for committing a

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1887 burglary within a county that is subject to such a state of
1888 emergency may not be released until the person appears before a
1889 committing magistrate at a first appearance hearing. For
1890 purposes of sentencing under chapter 921, a felony offense that
1891 is reclassified under this subsection is ranked one level above
1892 the ranking under s. 921.0022 or s. 921.0023 of the offense
1893 committed.

1894 Section 23. For the purpose of incorporating the amendments
1895 made by this act to sections 893.13 and 893.135, Florida
1896 Statutes, in references thereto, paragraph (c) of subsection (2)
1897 of section 812.014, Florida Statutes, is reenacted to read:

1898 812.014 Theft.—

1899 (2)

1900 (c) It is grand theft of the third degree and a felony of
1901 the third degree, punishable as provided in s. 775.082, s.
1902 775.083, or s. 775.084, if the property stolen is:

- 1903 1. Valued at \$300 or more, but less than \$5,000.
- 1904 2. Valued at \$5,000 or more, but less than \$10,000.
- 1905 3. Valued at \$10,000 or more, but less than \$20,000.
- 1906 4. A will, codicil, or other testamentary instrument.
- 1907 5. A firearm.
- 1908 6. A motor vehicle, except as provided in paragraph (a).
- 1909 7. Any commercially farmed animal, including any animal of
1910 the equine, bovine, or swine class or other grazing animal; a
1911 bee colony of a registered beekeeper; and aquaculture species
1912 raised at a certified aquaculture facility. If the property
1913 stolen is aquaculture species raised at a certified aquaculture
1914 facility, then a \$10,000 fine shall be imposed.
- 1915 8. Any fire extinguisher.

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1916 9. Any amount of citrus fruit consisting of 2,000 or more
1917 individual pieces of fruit.

1918 10. Taken from a designated construction site identified by
1919 the posting of a sign as provided for in s. 810.09(2)(d).

1920 11. Any stop sign.

1921 12. Anhydrous ammonia.

1922 13. Any amount of a controlled substance as defined in s.
1923 893.02. Notwithstanding any other law, separate judgments and
1924 sentences for theft of a controlled substance under this
1925 subparagraph and for any applicable possession of controlled
1926 substance offense under s. 893.13 or trafficking in controlled
1927 substance offense under s. 893.135 may be imposed when all such
1928 offenses involve the same amount or amounts of a controlled
1929 substance.

1930

1931 However, if the property is stolen within a county that is
1932 subject to a state of emergency declared by the Governor under
1933 chapter 252, the property is stolen after the declaration of
1934 emergency is made, and the perpetration of the theft is
1935 facilitated by conditions arising from the emergency, the
1936 offender commits a felony of the second degree, punishable as
1937 provided in s. 775.082, s. 775.083, or s. 775.084, if the
1938 property is valued at \$5,000 or more, but less than \$10,000, as
1939 provided under subparagraph 2., or if the property is valued at
1940 \$10,000 or more, but less than \$20,000, as provided under
1941 subparagraph 3. As used in this paragraph, the term "conditions
1942 arising from the emergency" means civil unrest, power outages,
1943 curfews, voluntary or mandatory evacuations, or a reduction in
1944 the presence of or the response time for first responders or

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1945 homeland security personnel. For purposes of sentencing under
 1946 chapter 921, a felony offense that is reclassified under this
 1947 paragraph is ranked one level above the ranking under s.
 1948 921.0022 or s. 921.0023 of the offense committed.

1949 Section 24. For the purpose of incorporating the amendments
 1950 made by this act to sections 893.13 and 893.135, Florida
 1951 Statutes, in references thereto, subsections (1) and (2) of
 1952 section 893.1351, Florida Statutes, are reenacted to read:

1953 893.1351 Ownership, lease, rental, or possession for
 1954 trafficking in or manufacturing a controlled substance.—

1955 (1) A person may not own, lease, or rent any place,
 1956 structure, or part thereof, trailer, or other conveyance with
 1957 the knowledge that the place, structure, trailer, or conveyance
 1958 will be used for the purpose of trafficking in a controlled
 1959 substance, as provided in s. 893.135; for the sale of a
 1960 controlled substance, as provided in s. 893.13; or for the
 1961 manufacture of a controlled substance intended for sale or
 1962 distribution to another. A person who violates this subsection
 1963 commits a felony of the third degree, punishable as provided in
 1964 s. 775.082, s. 775.083, or s. 775.084.

1965 (2) A person may not knowingly be in actual or constructive
 1966 possession of any place, structure, or part thereof, trailer, or
 1967 other conveyance with the knowledge that the place, structure,
 1968 or part thereof, trailer, or conveyance will be used for the
 1969 purpose of trafficking in a controlled substance, as provided in
 1970 s. 893.135; for the sale of a controlled substance, as provided
 1971 in s. 893.13; or for the manufacture of a controlled substance
 1972 intended for sale or distribution to another. A person who
 1973 violates this subsection commits a felony of the second degree,

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1974 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1975 Section 25. For the purpose of incorporating the amendments
1976 made by this act to sections 893.13 and 893.135, Florida
1977 Statutes, in references thereto, section 903.133, Florida
1978 Statutes, is reenacted to read:

1979 903.133 Bail on appeal; prohibited for certain felony
1980 convictions.—Notwithstanding the provisions of s. 903.132, no
1981 person adjudged guilty of a felony of the first degree for a
1982 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
1983 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
1984 violation of s. 794.011(2) or (3), shall be admitted to bail
1985 pending review either by posttrial motion or appeal.

1986 Section 26. This act shall take effect October 1, 2017.