

By the Committees on Appropriations; and Criminal Justice; and
Senator Brandes

576-04145-18

20181218c2

1 A bill to be entitled
2 An act relating to public safety; amending s. 14.32,
3 F.S.; creating the Florida Correctional Operations
4 Oversight Council within the Office of Chief Inspector
5 General; specifying the purpose of the council;
6 requiring the Office of Chief Inspector General to
7 provide administrative support to the council;
8 specifying the composition of the council; providing
9 terms of office and requirements regarding the
10 council's membership; prescribing the duties and
11 responsibilities of the council; prohibiting the
12 council from interfering with the operations of the
13 Department of Corrections or the Department of
14 Juvenile Justice; authorizing the council to appoint
15 an executive director; authorizing reimbursement for
16 per diem and travel expenses for members of the
17 council; establishing certain restrictions applicable
18 to members of the council and council staff; providing
19 an appropriation; amending s. 23.1225, F.S.;
20 authorizing a mutual aid agreement in the event of a
21 declared state of emergency for certain law
22 enforcement purposes; amending s. 30.15, F.S.; making
23 sheriffs responsible for providing security for trial
24 court facilities in their respective counties;
25 requiring a sheriff to coordinate with the chief judge
26 of the judicial circuit on trial court facility
27 security matters; providing that certain provisions do
28 not affect or erode the authority of the counties
29 under s. 14, Article V of the State Constitution or s.

576-04145-18

20181218c2

30 29.08, F.S., to provide and fund the security of
31 facilities; deeming sheriffs and their deputies,
32 employees, and contractors officers of the court when
33 providing security; granting the chief judge of the
34 judicial circuit authority to protect due process
35 rights in certain circumstances; amending s. 57.105,
36 F.S.; limiting attorney fee awards in civil
37 proceedings in certain circumstances; creating s.
38 322.75, F.S.; requiring each judicial circuit to
39 establish a Driver License Reinstatement Days program
40 for reinstating suspended driver licenses in certain
41 circumstances; providing duties of the clerks of court
42 and the Department of Highway Safety and Motor
43 Vehicles; authorizing the clerk of court to compromise
44 on certain fees and costs; providing for program
45 eligibility; amending s. 784.046, F.S.; prohibiting
46 attorney fee awards in certain proceedings; amending
47 s. 784.0485, F.S.; prohibiting attorney fee awards in
48 certain proceedings; amending s. 812.014, F.S.;
49 increasing threshold amounts for certain theft
50 offenses; revising the list of items the theft of
51 which constitutes a felony of the third degree;
52 amending s. 812.015, F.S.; increasing threshold
53 amounts for certain theft offenses; revising
54 circumstances under which an offense of retail theft
55 by a person with a prior conviction of retail theft
56 constitutes a felony of the second degree; amending s.
57 893.135, F.S.; authorizing a court to impose a
58 sentence other than a mandatory minimum term of

576-04145-18

20181218c2

59 imprisonment and mandatory fine for a person convicted
60 of trafficking if the court makes certain findings on
61 the record; creating s. 900.05, F.S.; providing
62 legislative intent; providing definitions; requiring
63 specified entities to collect specific data monthly
64 beginning on a certain date; requiring specified
65 entities to transmit certain collected data to the
66 Department of Law Enforcement quarterly; requiring the
67 Department of Law Enforcement to compile, maintain,
68 and make publicly accessible such data beginning on a
69 certain date; creating a pilot project in a specified
70 judicial circuit to improve criminal justice data
71 transparency and ensure data submitted under s.
72 900.05, F.S., is accurate, valid, reliable, and
73 structured; authorizing certain persons to enter into
74 a memorandum of understanding with a national,
75 nonpartisan, not-for-profit entity meeting certain
76 criteria for the purpose of embedding a data fellow in
77 the office or agency; establishing data fellow duties
78 and responsibilities; providing for the expiration of
79 the pilot project; providing an appropriation;
80 creating s. 907.042, F.S.; providing legislative
81 findings; authorizing the establishment of a
82 supervised bond program in each county; requiring that
83 the terms of such programs be developed with the
84 concurrence of the chief judge, county's chief
85 correctional officer, state attorney, and public
86 defender; providing that a county that has already
87 established and implemented a supervised bond program

576-04145-18

20181218c2

88 may continue to operate without such concurrence;
89 providing specified program components; providing
90 guidelines for the risk assessment instrument;
91 authorizing the county to contract with the Department
92 of Corrections to develop or modify a risk assessment
93 instrument if such instrument meets certain
94 requirements; authorizing a county to develop or use
95 an existing risk assessment instrument if validated by
96 the department and such instrument meets certain
97 requirements; authorizing a county to contract with
98 another county for the use of a risk assessment
99 instrument if validated and such instrument meets
100 certain requirements; authorizing the county to
101 contract with an independent entity for use of a risk
102 assessment instrument if validated and such instrument
103 meets certain requirements; specifying requirements
104 for the use, implementation, and distribution of the
105 risk assessment instrument; requiring each county that
106 establishes a supervised bond program to submit a
107 report annually by a certain date to the Office of
108 Program Policy Analysis and Government Accountability
109 (OPPAGA); requiring OPPAGA to compile the reports and
110 include such information in a report sent to the
111 Governor, President of the Senate, and Speaker of the
112 House of Representatives in accordance with s.
113 907.044, F.S.; creating s. 907.0421, F.S.; providing
114 legislative findings; requiring the Department of
115 Corrections to develop a risk assessment instrument;
116 authorizing the department to use or modify an

576-04145-18

20181218c2

117 existing risk assessment instrument; requiring the
118 department to develop or modify the risk assessment
119 instrument by a certain date; specifying requirements
120 for the use, implementation, and distribution of the
121 risk assessment instrument; creating the Risk
122 Assessment Pilot Program for a specified period;
123 specifying the participating counties; requiring each
124 participating county's chief correctional officer to
125 contract with the department to administer the risk
126 assessment instrument; requiring all counties to
127 administer the risk assessment instrument to all
128 persons arrested for a felony; requiring each
129 participating county to submit a report annually by a
130 certain date to the department with specified
131 information; requiring the department to compile the
132 information of the findings from the participating
133 counties and submit an annual report by a certain date
134 to the Governor and the Legislature; authorizing the
135 department, in consultation with specified persons, to
136 adopt rules; amending s. 907.043, F.S.; requiring each
137 pretrial release program to include in its annual
138 report the types of criminal charges of defendants
139 accepted into a pretrial release program, the number
140 of defendants accepted into a pretrial release program
141 who paid a bail or bond, the number of defendants
142 accepted into a pretrial release program with no prior
143 criminal conviction, and the number of defendants for
144 whom a pretrial risk assessment tool was used or was
145 not used; creating a pilot project in a specified

576-04145-18

20181218c2

146 judicial circuit to improve criminal justice data
147 transparency and ensure that data submitted under s.
148 900.05, F.S., is accurate, valid, reliable, and
149 structured; authorizing certain persons to enter into
150 a memorandum of understanding with a national,
151 nonpartisan, not-for-profit entity meeting certain
152 criteria for the purpose of embedding a data fellow in
153 the office or agency; establishing data fellow duties
154 and responsibilities; providing for the expiration of
155 the pilot project; providing an appropriation;
156 amending s. 921.0024, F.S.; requiring scoresheets
157 prepared for all criminal defendants to be digitized;
158 requiring the Department of Corrections to develop and
159 submit revised digitized scoresheets to the Supreme
160 Court for approval; requiring digitized scoresheets to
161 include individual data cells for each field on the
162 scoresheet; requiring the clerk of court to
163 electronically transmit the digitized scoresheet used
164 in each sentencing proceeding to the Department of
165 Corrections; amending s. 932.7061, F.S.; revising the
166 deadline for submitting an annual report by law
167 enforcement agencies concerning property seized or
168 forfeited under the Florida Contraband Forfeiture Act;
169 creating s. 943.687, F.S.; requiring the Department of
170 Law Enforcement to collect, compile, maintain, and
171 manage data collected pursuant to s. 900.05, F.S.;
172 requiring the Department of Law Enforcement to make
173 data comparable, transferable, and readily usable;
174 requiring the department to create a unique identifier

576-04145-18

20181218c2

175 for each criminal case received from the clerks of
176 court; requiring the department to create and maintain
177 a certain Internet-based database; providing
178 requirements for data searchability and sharing;
179 requiring the department to establish certain rules;
180 requiring the department to monitor data collection
181 procedures and test data quality; providing for data
182 archiving, editing, retrieval, and verification;
183 amending s. 944.704, F.S.; requiring transition
184 assistance staff to include information about job
185 assignment credentialing and industry certification in
186 job placement information given to an inmate; amending
187 s. 944.705, F.S.; requiring the Department of
188 Corrections to provide a comprehensive community
189 reentry resource directory to each inmate prior to
190 release; requiring the department to allow nonprofit
191 faith-based, business and professional, civic, and
192 community organizations to apply to be registered to
193 provide inmate reentry services; requiring the
194 department to adopt policies for screening, approving,
195 and registering organizations that apply; authorizing
196 the department to contract with public or private
197 educational institutions to assist veteran inmates in
198 applying for certain benefits; amending s. 944.801,
199 F.S.; requiring the department to develop a Prison
200 Entrepreneurship Program and adopt procedures for
201 student inmate admission; specifying requirements for
202 the program; requiring the department to enter into
203 agreements with certain entities to carry out duties

576-04145-18

20181218c2

204 associated with the program; authorizing the
205 department to contract with certain entities to
206 provide education services for the Correctional
207 Education Program; creating s. 944.805, F.S.; creating
208 definitions relating to a certificate of achievement
209 and employability; creating s. 944.8055, F.S.;

210 establishing eligibility requirements; establishing a
211 timeframe for an eligible inmate to apply for a
212 certificate; establishing eligibility requirements for
213 an inmate under probation or post-control sanction;
214 establishing a timeframe for an eligible inmate under
215 probation or post-control sanction to apply for a
216 certificate; requiring the department to notify a
217 licensing agency upon the filing of an application and
218 provide the opportunity to object to issuing a
219 certificate; authorizing the department to issue a
220 certificate; excluding mandatory civil impacts for
221 which a certificate will not provide relief; requiring
222 the department to adopt rules; creating s. 944.806,
223 F.S.; providing that a certificate of achievement and
224 employability converts a mandatory civil impact into a
225 discretionary civil impact for purposes of determining
226 licensure or certification; providing that a
227 certificate converts a mandatory civil impact into a
228 discretionary civil impact for purposes of determining
229 licensure or certification for an employer who has
230 hired a certificate holder; creating s. 944.8065,
231 F.S.; requiring the department to adopt rules
232 governing revocation of a certificate of achievement

576-04145-18

20181218c2

233 and employability; creating s. 945.041, F.S.;

234 requiring the Department of Corrections to publish

235 quarterly on its website inmate admissions based on

236 offense type and the recidivism rate and rate of

237 probation revocation within a specified period after

238 release from incarceration; amending s. 947.005, F.S.;

239 defining the terms "electronic monitoring device" and

240 "conditional medical release"; amending s. 947.149,

241 F.S.; defining the terms "inmate with a debilitating

242 illness" and "medically frail inmate"; amending the

243 definition of "terminally ill inmate"; expanding

244 eligibility for conditional medical release to include

245 inmates with debilitating illnesses; renaming the

246 current conditional medical release process as

247 "permissive conditional medical release"; requiring

248 the Department of Corrections to refer eligible

249 inmates; authorizing the Florida Commission on

250 Offender Review to release eligible inmates; creating

251 mandatory conditional medical release; specifying

252 eligibility criteria for mandatory conditional medical

253 release; requiring the department to refer an eligible

254 inmate to the commission; requiring that certain

255 inmates whose eligibility is verified by the

256 commission be placed on conditional medical release;

257 requiring the commission to review the information and

258 verify an inmate's eligibility within a certain

259 timeframe; requiring that the department's referral

260 for release include certain information; requiring

261 that release consider specified factors related to

576-04145-18

20181218c2

262 placement upon release; authorizing electronic
263 monitoring for an inmate on conditional medical
264 release; amending s. 948.001, F.S.; revising a
265 definition; amending s. 948.013, F.S.; authorizing the
266 Department of Corrections to transfer an offender to
267 administrative probation in certain circumstances;
268 amending s. 948.03, F.S.; requiring the Department of
269 Corrections to include conditions of probation in the
270 Florida Crime Information Center database; amending s.
271 948.06, F.S.; requiring each judicial circuit to
272 establish an alternative sanctioning program; defining
273 low- and moderate-risk level technical violations of
274 probation; establishing permissible sanctions for low-
275 and moderate-risk violations of probation under the
276 program; establishing eligibility criteria;
277 authorizing a probationer who allegedly committed a
278 technical violation to waive participation in or elect
279 to participate in the program, admit to the violation,
280 agree to comply with the recommended sanction, and
281 agree to waive certain rights; requiring a probation
282 officer to submit the recommended sanction and certain
283 documentation to the court if the probationer admits
284 to committing the violation; authorizing the court to
285 impose the recommended sanction or direct the
286 department to submit a violation report, affidavit,
287 and warrant to the court; specifying that a
288 probationer's participation in the program is
289 voluntary; authorizing a probation officer to submit a
290 violation report, affidavit, and warrant to the court

576-04145-18

20181218c2

291 in certain circumstances; creating s. 948.081, F.S.;

292 authorizing the establishment of community court

293 programs; detailing program criteria; amending s.

294 893.03, F.S.; conforming a cross-reference; amending

295 s. 921.0022, F.S.; conforming provisions of the

296 offense severity ranking chart of the Criminal

297 Punishment Code to changes made by the act; reenacting

298 s. 932.7062, F.S., relating to a penalty for

299 noncompliance with reporting requirements, to

300 incorporate the amendment made to s. 932.7061, F.S.,

301 in a reference thereto; reenacting ss. 447.203(3),

302 F.S., and 944.026(3), F.S., relating to definitions

303 and community-based facilities, to incorporate the

304 amendment made to s. 944.801, F.S., in references

305 thereto; reenacting ss. 316.1935(6), 775.084(4)(k),

306 775.087(2)(b) and(3)(b), 784.07(3), 790.235(1),

307 794.0115(7), 893.135(1)(b), (c), and (g) and (3),

308 921.0024(2), 944.605(7)(b), 944.70(1)(b),

309 947.13(1)(h), and 947.141(1), (2), and (7), F.S., all

310 relating to authorized conditional medical release

311 granted under s. 947.149, F.S., to incorporate the

312 amendment made to s. 947.149, F.S., in references

313 thereto; providing an effective date.

314

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

316

317 Section 1. Subsection (6) is added to section 14.32,

318 Florida Statutes, to read:

319 14.32 Office of Chief Inspector General.—

576-04145-18

20181218c2

320 (6) The Florida Correctional Operations Oversight Council,
321 a council as defined in s. 20.03, is created within the Office
322 of Chief Inspector General. The council is created for the
323 purpose of overseeing matters relating to the corrections and
324 juvenile justice continuum with an emphasis on the safe and
325 effective operations of major institutions and facilities under
326 the purview of the Department of Corrections and the Department
327 of Juvenile Justice. However, in instances in which the policies
328 of other components of the criminal justice system affect
329 corrections or the juvenile justice continuum, the council shall
330 advise and make recommendations. The Office of Chief Inspector
331 General shall provide administrative support to the council. The
332 council is not subject to control, supervision, or direction by
333 the Chief Inspector General in the performance of its duties,
334 but is governed by the classification plan and salary and
335 benefits plan approved by the Executive Office of the Governor.

336 (a) The council is composed of the following members:

337 1. Three members appointed by the Governor.

338 2. Three members appointed by the President of the Senate.

339 3. Three members appointed by the Speaker of the House of
340 Representatives.

341
342 The initial members of the council shall be appointed by January
343 1, 2019. Members of the council shall be appointed for terms of
344 4 years. However, to achieve staggered terms, one appointee of
345 each of the appointing authorities shall be appointed for an
346 initial 2-year term. Members must be appointed in a manner that
347 ensures equitable representation of different geographic regions
348 of the state, and members must be residents of this state.

576-04145-18

20181218c2

349 Members of the council must act on behalf of the state as a
350 whole and may not subordinate the needs of the state to those of
351 a particular region. The council's membership should, to the
352 greatest extent possible, include persons with a background in
353 prison operations, county detention facility management, or the
354 juvenile justice continuum of services.

355 (b) The council's primary duties and responsibilities
356 include:

357 1. Evaluating, investigating, and overseeing the daily
358 operations of correctional and juvenile facilities.

359 2. Conducting announced and unannounced inspections of
360 correctional and juvenile facilities, including facilities
361 operated by private contractors. Members of the council may
362 enter any facility where prisoners, residents, or juveniles are
363 kept. Members shall be immediately admitted to such places as
364 they request and may consult and confer with any prisoner,
365 resident, or juvenile privately with adequate security in place.

366 3. Identifying and monitoring high-risk and problematic
367 correctional or juvenile facilities, and reporting findings and
368 recommendations relating to such facilities.

369 4. Providing technical assistance when appropriate.

370 5. Submitting an annual report to the Governor, the
371 President of the Senate, and the Speaker of the House of
372 Representatives by each November 1, beginning in 2019. The
373 report must include statutory, budgetary, and operational
374 recommendations to the Legislature which address problems
375 identified by the council.

376 6. Conducting confidential interviews with staff, officers,
377 inmates, juveniles, volunteers, and public officials relating to

576-04145-18

20181218c2

378 the operations and conditions of correctional and juvenile
379 facilities.

380 7. Developing and implementing a monitoring tool that will
381 be used to assess the performance of each correctional and
382 juvenile facility.

383 8. Conducting on-site visits to correctional and juvenile
384 facilities on a regular basis.

385 (c) The council may not interfere with the day-to-day
386 operations of the Department of Corrections and the Department
387 of Juvenile Justice, but shall conduct investigations and
388 provide recommendations for improvement.

389 (d) The council shall appoint an executive director who
390 shall serve under the direction of the members of the council.

391 (e) Members of the council shall serve without compensation
392 but are entitled to receive reimbursement for per diem and
393 travel expenses as provided in s. 112.061.

394 (f) Members of the council or its staff may not have
395 immediate family members working for the Department of
396 Corrections, the Department of Juvenile Justice, or a private
397 institution, facility, or provider under contract with either
398 department. A member of the council may not have any direct or
399 indirect interest in a contract, subcontract, franchise,
400 privilege, or other benefit granted or awarded by either
401 department while serving as a member of the council.

402 Section 2. For the 2018-2019 fiscal year, the sums of
403 \$168,074 in recurring funds and \$37,855 in nonrecurring funds
404 are appropriated from the General Revenue Fund to the Executive
405 Office of the Governor, and one full-time equivalent position
406 with associated salary rate of 70,000 is authorized, for the

576-04145-18

20181218c2

407 purpose of administering the Florida Correctional Operations
408 Oversight Council.

409 Section 3. Subsection (5) of section 23.1225, Florida
410 Statutes, is amended to read:

411 23.1225 Mutual aid agreements.—

412 (5) In the event of a disaster or emergency such that a
413 state of emergency is declared by the Governor pursuant to
414 chapter 252, a mutual aid agreement may be used to increase the
415 presence of law enforcement to aid in traffic and crowd control,
416 emergency response, and evacuation support. The requirement that
417 a requested operational assistance agreement be a written
418 agreement for rendering of assistance in a law enforcement
419 emergency may be waived by the participating agencies for a
420 period of up to 90 days from the declaration of the disaster.

421 (a) When a law enforcement agency lends assistance pursuant
422 to this subsection, all powers, privileges, and immunities
423 listed in s. 23.127, except with regard to interstate mutual aid
424 agreements, apply to the agency or entity, if the law
425 enforcement employees rendering services are being requested and
426 coordinated by the affected local law enforcement executive in
427 charge of law enforcement operations.

428 (b) A listing of such agencies or entities and the officers
429 and employees of such agencies or entities rendering assistance
430 pursuant to this subsection must be maintained by the agency or
431 entity requesting such assistance and filed at the end of the
432 90-day period with the Florida Department of Law Enforcement.

433 Section 4. Subsection (4) is added to section 30.15,
434 Florida Statutes, to read:

435 30.15 Powers, duties, and obligations.—

576-04145-18

20181218c2

436 (4) (a) The sheriff and the governing board of the county
437 shall provide security for trial court facilities located within
438 each county of a judicial circuit. The sheriff and the county
439 shall coordinate with the chief judge of the applicable judicial
440 circuit on security matters for such facilities, but the sheriff
441 and county shall retain operational control over the manner in
442 which security is provided, as applicable, in such facilities.
443 Nothing in this subsection shall be construed to affect or erode
444 the authority of counties under s. 14, Article V of the State
445 Constitution or s. 29.008, to provide and fund the security of
446 facilities as defined s. 29.008(1) (e).

447 (b) Pursuant to s. 26.49, sheriffs and their deputies,
448 employees, and contractors are officers of the court when
449 providing security for trial court facilities under this
450 subsection.

451 (c) The chief judge of the judicial circuit shall have
452 decisionmaking authority to ensure the protection of due process
453 rights, including, but not limited to, the scheduling and
454 conduct of trials and other judicial proceedings, as part of his
455 or her responsibility for the administrative supervision of the
456 trial courts pursuant to s. 43.26.

457 Section 5. Subsection (1) of section 57.105, Florida
458 Statutes, is amended to read:

459 57.105 Attorney's fee; sanctions for raising unsupported
460 claims or defenses; exceptions; service of motions; damages for
461 delay of litigation.—

462 (1) Unless otherwise provided, upon the court's initiative
463 or motion of any party, the court shall award a reasonable
464 attorney's fee, including prejudgment interest, to be paid to

576-04145-18

20181218c2

465 the prevailing party in equal amounts by the losing party and
466 the losing party's attorney on any claim or defense at any time
467 during a civil proceeding or action in which the court finds
468 that the losing party or the losing party's attorney knew or
469 should have known that a claim or defense when initially
470 presented to the court or at any time before trial:

471 (a) Was not supported by the material facts necessary to
472 establish the claim or defense; or

473 (b) Would not be supported by the application of then-
474 existing law to those material facts.

475 Section 6. Section 322.75, Florida Statutes, is created to
476 read:

477 322.75 Driver License Reinstatement Days.-

478 (1) Each judicial circuit shall establish a Driver License
479 Reinstatement Days program for reinstating suspended driver
480 licenses. Participants shall include the Department of Highway
481 Safety and Motor Vehicles, the state attorney's office, the
482 public defender's office, the circuit and county courts, the
483 clerk of court, and any interested community organization.

484 (2) The clerk of court, in consultation with other
485 participants, shall select one or more days for an event at
486 which a person may have his or her driver license reinstated. A
487 person must pay the full license reinstatement fee; however, the
488 clerk may compromise or waive other fees and costs to facilitate
489 reinstatement.

490 (3) (a) A person is eligible for reinstatement under the
491 program if his or her license was suspended due to:

- 492 1. Driving without a valid driver license;
493 2. Driving with a suspended driver license;

576-04145-18

20181218c2

494 3. Failing to make a payment on penalties in collection;
495 4. Failing to appear in court for a traffic violation; or
496 5. Failing to comply with provisions of chapter 318 or this
497 chapter.

498 (b) Notwithstanding paragraphs (4) (a) through (c), a person
499 is eligible for reinstatement under the program if the period of
500 suspension or revocation has elapsed, the person has completed
501 any required course or program as described in paragraph (4) (c),
502 and the person is otherwise eligible for reinstatement.

503 (4) A person is not eligible for reinstatement under the
504 program if his or her driver license is suspended or revoked:

505 (a) Because the person failed to fulfill a court-ordered
506 child support obligation;

507 (b) For a violation of s. 316.193;

508 (c) Because the person has not completed a driver training
509 program, driver improvement course, or alcohol or substance
510 abuse education or evaluation program required under ss.
511 316.192, 316.193, 322.2616, 322.271, or 322.264;

512 (d) For a traffic-related felony; or

513 (e) Because the person is a habitual traffic offender under
514 s. 322.264.

515 (5) The clerk of court and the Department of Highway Safety
516 and Motor Vehicles shall verify any information necessary for
517 reinstatement of a driver license under the program.

518 Section 7. Paragraph (f) is added to subsection (2) of
519 section 784.046, Florida Statutes, to read:

520 784.046 Action by victim of repeat violence, sexual
521 violence, or dating violence for protective injunction; dating
522 violence investigations, notice to victims, and reporting;

576-04145-18

20181218c2

523 pretrial release violations; public records exemption.—

524 (2) There is created a cause of action for an injunction
 525 for protection in cases of repeat violence, there is created a
 526 separate cause of action for an injunction for protection in
 527 cases of dating violence, and there is created a separate cause
 528 of action for an injunction for protection in cases of sexual
 529 violence.

530 (f) Notwithstanding any other law, attorney fees may not be
 531 awarded in any proceeding under this section.

532 Section 8. Paragraph (d) is added to subsection (2) of
 533 section 784.0485, Florida Statutes, to read:

534 784.0485 Stalking; injunction; powers and duties of court
 535 and clerk; petition; notice and hearing; temporary injunction;
 536 issuance of injunction; statewide verification system;
 537 enforcement.—

538 (2)

539 (d) Notwithstanding any other law, attorney fees may not be
 540 awarded in any proceeding under this section.

541 Section 9. Paragraphs (c), (d), and (e) of subsection (2)
 542 and paragraphs (a), (b), and (c) of subsection (3) of section
 543 812.014, Florida Statutes, are amended to read:

544 812.014 Theft.—

545 (2)

546 (c) It is grand theft of the third degree and a felony of
 547 the third degree, punishable as provided in s. 775.082, s.
 548 775.083, or s. 775.084, if the property stolen is:

- 549 1. Valued at \$1,000 ~~\$300~~ or more, but less than \$5,000.
- 550 2. Valued at \$5,000 or more, but less than \$10,000.
- 551 3. Valued at \$10,000 or more, but less than \$20,000.

576-04145-18

20181218c2

552 ~~4. A will, codicil, or other testamentary instrument.~~
553 4.5. A firearm.
554 ~~5.6.~~ A motor vehicle, except as provided in paragraph (a).
555 ~~6.7.~~ Any commercially farmed animal, including any animal
556 of the equine, bovine, or swine class or other grazing animal,
557 or any animal of the avian class; a bee colony of a registered
558 beekeeper; and aquaculture species raised at a certified
559 aquaculture facility. If the property stolen is aquaculture
560 species raised at a certified aquaculture facility, then a
561 \$10,000 fine shall be imposed.
562 ~~8. Any fire extinguisher.~~
563 ~~7.9.~~ Any amount of citrus fruit consisting of 2,000 or more
564 individual pieces of fruit.
565 ~~10. Taken from a designated construction site identified by~~
566 ~~the posting of a sign as provided for in s. 810.09(2)(d).~~
567 ~~11. Any stop sign.~~
568 ~~8.12.~~ Anhydrous ammonia.
569 ~~9.13.~~ Any amount of a controlled substance as defined in s.
570 893.02. Notwithstanding any other law, separate judgments and
571 sentences for theft of a controlled substance under this
572 subparagraph and for any applicable possession of controlled
573 substance offense under s. 893.13 or trafficking in controlled
574 substance offense under s. 893.135 may be imposed when all such
575 offenses involve the same amount or amounts of a controlled
576 substance.
577 10. A utility service under s. 812.14.
578
579 However, if the property is stolen within a county that is
580 subject to a state of emergency declared by the Governor under

576-04145-18

20181218c2

581 chapter 252, the property is stolen after the declaration of
582 emergency is made, and the perpetration of the theft is
583 facilitated by conditions arising from the emergency, the
584 offender commits a felony of the second degree, punishable as
585 provided in s. 775.082, s. 775.083, or s. 775.084, if the
586 property is valued at \$5,000 or more, but less than \$10,000, as
587 provided under subparagraph 2., or if the property is valued at
588 \$10,000 or more, but less than \$20,000, as provided under
589 subparagraph 3. As used in this paragraph, the term "conditions
590 arising from the emergency" means civil unrest, power outages,
591 curfews, voluntary or mandatory evacuations, or a reduction in
592 the presence of or the response time for first responders or
593 homeland security personnel. For purposes of sentencing under
594 chapter 921, a felony offense that is reclassified under this
595 paragraph is ranked one level above the ranking under s.
596 921.0022 or s. 921.0023 of the offense committed.

597 (d) It is grand theft of the third degree and a felony of
598 the third degree, punishable as provided in s. 775.082, s.
599 775.083, or s. 775.084, if the property stolen is valued at
600 \$1,000 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken
601 from a dwelling as defined in s. 810.011(2) or from the
602 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

603 (e) Except as provided in paragraph (d), if the property
604 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,000
605 ~~\$300~~, the offender commits petit theft of the first degree,
606 punishable as a misdemeanor of the first degree, as provided in
607 s. 775.082 or s. 775.083.

608 (3) (a) Theft of any property not specified in subsection
609 (2) is petit theft of the second degree and a misdemeanor of the

576-04145-18

20181218c2

610 second degree, punishable as provided in s. 775.082 or s.
611 775.083, and as provided in subsection (5), as applicable.

612 (b) A person who commits petit theft and who has previously
613 been convicted of any theft commits a misdemeanor of the first
614 degree, punishable as provided in s. 775.082 or s. 775.083.

615 (c) A person who commits petit theft in the first degree,
616 ~~and~~ who has previously been convicted two or more times as an
617 adult of any theft, and if the third or subsequent petit theft
618 offense occurred within 3 years of the expiration of his or her
619 sentence for the most recent theft conviction, commits a felony
620 of the third degree, punishable as provided in s. 775.082 or s.
621 775.083.

622 Section 10. Subsections (8) and (9) of section 812.015,
623 Florida Statutes, are amended to read:

624 812.015 Retail and farm theft; transit fare evasion;
625 mandatory fine; alternative punishment; detention and arrest;
626 exemption from liability for false arrest; resisting arrest;
627 penalties.—

628 (8) Except as provided in subsection (9), a person who
629 commits retail theft commits a felony of the third degree,
630 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
631 if the property stolen is valued at \$1,000 ~~\$300~~ or more, and the
632 person:

633 (a) Individually, or in concert with one or more other
634 persons, coordinates the activities of one or more individuals
635 in committing the offense, in which case the amount of each
636 individual theft is aggregated to determine the value of the
637 property stolen;

638 (b) Commits theft from more than one location within a 48-

576-04145-18

20181218c2

639 hour period, in which case the amount of each individual theft
640 is aggregated to determine the value of the property stolen;

641 (c) Acts in concert with one or more other individuals
642 within one or more establishments to distract the merchant,
643 merchant's employee, or law enforcement officer in order to
644 carry out the offense, or acts in other ways to coordinate
645 efforts to carry out the offense; or

646 (d) Commits the offense through the purchase of merchandise
647 in a package or box that contains merchandise other than, or in
648 addition to, the merchandise purported to be contained in the
649 package or box.

650 (9) A person commits a felony of the second degree,
651 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
652 if the person:

653 (a) Violates subsection (8) as an adult and has previously
654 been convicted of a violation of subsection (8) within 3 years
655 of the expiration of his or her sentence for the conviction; or

656 (b) Individually, or in concert with one or more other
657 persons, coordinates the activities of one or more persons in
658 committing the offense of retail theft where the stolen property
659 has a value in excess of \$3,000.

660 Section 11. Present subsections (6) and (7) of section
661 893.135, Florida Statutes, are redesignated as subsections (7)
662 and (8), respectively, and a new subsection (6) is added to that
663 section, to read:

664 893.135 Trafficking; mandatory sentences; suspension or
665 reduction of sentences; conspiracy to engage in trafficking.—

666 (6) Notwithstanding any provision of this section, a court
667 may impose a sentence for a violation of this section other than

576-04145-18

20181218c2

668 the mandatory minimum term of imprisonment and mandatory fine if
669 the court finds on the record that all of the following
670 circumstances exist:

671 (a) The person did not engage in a continuing criminal
672 enterprise as defined in s. 893.20(1).

673 (b) The person did not use or threaten violence or use a
674 weapon during the commission of the crime.

675 (c) The person did not cause a death or serious bodily
676 injury.

677 Section 12. Section 900.05, Florida Statutes, is created to
678 read:

679 900.05 Criminal justice data collection.—It is the intent
680 of the Legislature to create a model of uniform criminal justice
681 data collection by requiring local and state criminal justice
682 agencies to report complete, accurate, and timely data, and to
683 make such data available to the public.

684 (1) DEFINITIONS.—As used in this section, the term:

685 (a) "Annual felony caseload" means the yearly caseload of
686 each full-time state attorney and assistant state attorney or
687 public defender and assistant public defender for cases assigned
688 to the circuit criminal division, based on the number of felony
689 cases reported to the Supreme Court under s. 25.075. The term
690 does not include the appellate caseload of a public defender or
691 assistant public defender. Cases reported pursuant to this term
692 must be associated with a case number and each case number must
693 only be reported once regardless of the number of attorney
694 assignments that occur during the course of litigation.

695 (b) "Annual misdemeanor caseload" means the yearly caseload
696 of each full-time state attorney and assistant state attorney or

576-04145-18

20181218c2

697 public defender and assistant public defender for cases assigned
698 to the county criminal division, based on the number of
699 misdemeanor cases reported to the Supreme Court under s. 25.075.
700 The term does not include the appellate caseload of a public
701 defender or assistant public defender. Cases reported pursuant
702 to this term must be associated with a case number and each case
703 number must only be reported once regardless of the number of
704 attorney assignments that occur during the course of litigation.

705 (c) "Attorney assignment date" means the date a court-
706 appointed attorney is assigned to the case or, if privately
707 retained, the date an attorney files a notice of appearance with
708 the clerk of court.

709 (d) "Attorney withdrawal date" means the date the court
710 removes court-appointed counsel from a case or, for a privately
711 retained attorney, the date a motion to withdraw is granted by
712 the court.

713 (e) "Case number" means the identification number assigned
714 by the clerk of court to a criminal case.

715 (f) "Case status" means whether a case is open, inactive,
716 closed, or reopened due to a violation of probation or community
717 control.

718 (g) "Charge description" means the statement of the conduct
719 that is alleged to have been violated, the associated statutory
720 section establishing such conduct as criminal, and the
721 misdemeanor or felony classification that is provided for in the
722 statutory section alleged to have been violated.

723 (h) "Charge modifier" means an aggravating circumstance of
724 an alleged crime that enhances or reclassifies a charge to a
725 more serious misdemeanor or felony offense level.

576-04145-18

20181218c2

726 (i) "Concurrent or consecutive sentence flag" means an
727 indication that a defendant is serving another sentence
728 concurrently or consecutively in addition to the sentence for
729 which data is being reported.

730 (j) "Daily number of correctional officers" means the
731 number of full-time, part-time, and auxiliary correctional
732 officers who are actively providing supervision, protection,
733 care, custody, and control of inmates in a county detention
734 facility or state correctional institution or facility each day.

735 (k) "Deferred prosecution or pretrial diversion agreement
736 date" means the date a contract is signed by the parties
737 regarding a defendant's admission into a deferred prosecution or
738 pretrial diversion program.

739 (l) "Deferred prosecution or pretrial diversion hearing
740 date" means each date that a hearing, including a status
741 hearing, is held on a case that is in a deferred prosecution or
742 pretrial diversion program, if applicable.

743 (m) "Disciplinary violation and action" means any conduct
744 performed by an inmate in violation of the rules of a county
745 detention facility or state correctional institution or facility
746 that results in the initiation of disciplinary proceedings by
747 the custodial entity and the consequences of such disciplinary
748 proceedings.

749 (n) "Disposition date" means the date of final judgment,
750 adjudication, adjudication withheld, dismissal, or nolle
751 prosequi for the case and if different dates apply, the
752 disposition dates of each charge.

753 (o) "Domestic violence flag" means an indication that a
754 charge involves domestic violence as defined in s. 741.28.

576-04145-18

20181218c2

755 (p) "Gang affiliation flag" means an indication that a
756 defendant is involved in or associated with a criminal gang as
757 defined in s. 874.03.

758 (q) "Gain-time credit earned" means a credit of time
759 awarded to an inmate in a county detention facility in
760 accordance with s. 951.22 or a state correctional institution or
761 facility in accordance with s. 944.275.

762 (r) "Habitual offender flag" means an indication that a
763 defendant is a habitual felony offender as defined in s. 775.084
764 or a habitual misdemeanor offender as defined in s. 775.0837.

765 (s) "Judicial transfer date" means a date on which a
766 defendant's case is transferred to another court or presiding
767 judge.

768 (t) "Number of contract attorneys representing indigent
769 defendants for the office of the public defender" means the
770 number of attorneys hired on a temporary basis, by contract, to
771 represent indigent clients who were appointed a public defender.

772 (u) "Pretrial release violation flag" means an indication
773 that the defendant has violated the terms of his or her pretrial
774 release.

775 (v) "Prior incarceration within the state" means any prior
776 history of a defendant being incarcerated in a county detention
777 facility or state correctional institution or facility.

778 (w) "Tentative release date" means the anticipated date
779 that an inmate will be released from incarceration after the
780 application of adjustments for any gain-time earned or credit
781 for time served.

782 (x) "Sexual offender flag" means an indication that a
783 defendant required to register as a sexual predator as defined

576-04145-18

20181218c2

784 in s. 775.21 or as a sexual offender as defined in s. 943.0435.

785 (2) DATA COLLECTION AND REPORTING.—Beginning January 1,
786 2019, an entity required to collect data in accordance with this
787 subsection shall collect the specified data required of the
788 entity on a monthly basis. Each entity shall report the data
789 collected in accordance with this subsection to the Department
790 of Law Enforcement on a quarterly basis.

791 (a) Clerk of the Court.—Each clerk of court shall collect
792 the following data for each criminal case:

793 1. Case number.

794 2. Date that the alleged offense occurred.

795 3. County in which the offense is alleged to have occurred.

796 4. Date the defendant is taken into physical custody by a
797 law enforcement agency or is issued a notice to appear on a
798 criminal charge, if such date is different from the date the
799 offense is alleged to have occurred.

800 5. Date that the criminal prosecution of a defendant is
801 formally initiated through the filing, with the clerk of the
802 court, of an information by the state attorney or an indictment
803 issued by a grand jury.

804 6. Arraignment date.

805 7. Attorney assignment date.

806 8. Attorney withdrawal date.

807 9. Case status.

808 10. Disposition date.

809 11. Information related to each defendant, including:

810 a. Identifying information, including name, date of birth,
811 age, race or ethnicity, and gender.

812 b. Zip code of primary residence.

576-04145-18

20181218c2

- 813 c. Primary language.
- 814 d. Citizenship.
- 815 e. Immigration status, if applicable.
- 816 f. Whether the defendant has been found by a court to be
817 indigent pursuant to s. 27.52.
- 818 12. Information related to the formal charges filed against
819 the defendant, including:
- 820 a. Charge description.
- 821 b. Charge modifier, if applicable.
- 822 c. Drug type for each drug charge, if known.
- 823 d. Qualification for a flag designation as defined in this
824 section, including a domestic violence flag, gang affiliation
825 flag, sexual offender flag, habitual offender flag, or pretrial
826 release violation flag.
- 827 13. Information related to bail or bond and pretrial
828 release determinations, including the dates of any such
829 determinations:
- 830 a. Pretrial release determination made at a first
831 appearance hearing that occurs within 24 hours of arrest,
832 including all monetary and nonmonetary conditions of release.
- 833 b. Modification of bail or bond conditions made by a court
834 having jurisdiction to try the defendant or, in the absence of
835 the judge of the trial court, by the circuit court, including
836 modifications to any monetary and nonmonetary conditions of
837 release.
- 838 c. Cash bail or bond payment, including whether the
839 defendant utilized a bond agent to post a surety bond.
- 840 d. Date defendant is released on bail, bond, or pretrial
841 release.

576-04145-18

20181218c2

842 e. Bail or bond revocation due to a new offense, a failure
843 to appear, or a violation of the terms of bail or bond, if
844 applicable.

845 14. Information related to court dates and dates of motions
846 and appearances, including:

847 a. Date of any court appearance and the type of proceeding
848 scheduled for each date reported.

849 b. Date of any failure to appear in court, if applicable.

850 c. Judicial transfer date, if applicable.

851 d. Trial date.

852 e. Date that a defendant files a notice to participate in
853 discovery.

854 f. Speedy trial motion and hearing dates, if applicable.

855 g. Dismissal motion and hearing dates, if applicable.

856 15. Whether the attorney representing the defendant is
857 court-appointed to or privately retained by a defendant, or
858 whether the defendant is represented pro se.

859 16. Information related to sentencing, including:

860 a. Date that a court enters a sentence against a defendant.

861 b. Sentence type and length imposed by the court,
862 including, but not limited to, the total duration of
863 imprisonment in a county detention facility or state
864 correctional institution or facility, and conditions probation
865 or community control supervision.

866 c. Amount of time served in custody by the defendant
867 related to the reported criminal case that is credited at the
868 time of disposition of the case to reduce the actual length of
869 time the defendant will serve on the term of imprisonment that
870 is ordered by the court at disposition.

576-04145-18

20181218c2

871 d. Total amount of court fees imposed by the court at the
872 disposition of the case.

873 e. Outstanding balance of the defendant's court fees
874 imposed by the court at disposition of the case.

875 f. Total amount of fines imposed by the court at the
876 disposition of the case.

877 g. Outstanding balance of the defendant's fines imposed by
878 the court at disposition of the case.

879 h. Restitution amount ordered, including the amount
880 collected by the court and the amount paid to the victim, if
881 applicable.

882 i. Digitized sentencing scoresheet prepared in accordance
883 with s. 921.0024.

884 17. The number of judges or magistrates, or their
885 equivalents, hearing cases in circuit or county criminal
886 divisions of the circuit court. Judges or magistrates, or their
887 equivalents, who solely hear appellate cases from the county
888 criminal division are not to be reported under this
889 subparagraph.

890 (b) State attorney.—Each state attorney shall collect the
891 following data:

892 1. Information related to a human victim of a criminal
893 offense, including:

894 a. Identifying information of the victim, including race or
895 ethnicity, gender, and age.

896 b. Relationship to the offender, if any.

897 2. Number of full-time prosecutors.

898 3. Number of part-time prosecutors.

899 4. Annual felony caseload.

576-04145-18

20181218c2

900 5. Annual misdemeanor caseload.

901 6. Any charge referred to the state attorney by a law
902 enforcement agency related to an episode of criminal activity.

903 7. Number of cases in which a no-information was filed.

904 8. Information related to each defendant, including:

905 a. Each charge referred to the state attorney by a law
906 enforcement agency related to an episode of criminal activity.

907 b. Drug type for each drug charge, if applicable.

908 c. Deferred prosecution or pretrial diversion agreement
909 date, if applicable.

910 d. Deferred prosecution or pretrial diversion hearing date,
911 if applicable.

912 (c) Public defender.—Each public defender shall collect the
913 following data for each criminal case:

914 1. Number of full-time public defenders.

915 2. Number of part-time public defenders.

916 3. Number of contract attorneys representing indigent
917 defendants for the office of the public defender.

918 4. Annual felony caseload.

919 5. Annual misdemeanor caseload.

920 (d) County detention facility.—The administrator of each
921 county detention facility shall collect the following data:

922 1. Maximum capacity for the county detention facility.

923 2. Weekly admissions to the county detention facility for a
924 revocation of probation or community control.

925 3. Daily population of the county detention facility,
926 including the specific number of inmates in the custody of the
927 county that:

928 a. Are awaiting case disposition.

576-04145-18

20181218c2

929 b. Have been sentenced by a court to a term of imprisonment
930 in the county detention facility.

931 c. Have been sentenced by a court to a term of imprisonment
932 with the Department of Corrections and who are awaiting
933 transportation to the department.

934 d. Have a federal detainer or are awaiting disposition of a
935 case in federal court.

936 4. Information related to each inmate, including:

937 a. Date a defendant is processed into the county detention
938 facility subsequent to an arrest for a new violation of law or
939 for a violation of probation or community control.

940 b. Qualification for a flag designation as defined in this
941 section, including domestic violence flag, gang affiliation
942 flag, habitual offender flag, pretrial release violation flag,
943 or sexual offender flag.

944 5. Total population of the county detention facility at
945 year-end. This data must include the same specified
946 classifications as subparagraph 3.

947 6. Per diem rate for a county detention facility bed.

948 7. Daily number of correctional officers for the county
949 detention facility.

950 8. Annual county detention facility budget. This
951 information only needs to be reported once annually at the
952 beginning of the county's fiscal year.

953 9. Revenue generated for the county from the temporary
954 incarceration of federal defendants or inmates.

955 (e) Department of Corrections.—The Department of
956 Corrections shall collect the following data:

957 1. Information related to each inmate, including:

576-04145-18

20181218c2

- 958 a. Identifying information, including name, date of birth,
959 race or ethnicity, and identification number assigned by the
960 department.
- 961 b. Number of children.
- 962 c. Education level, including any vocational training.
- 963 d. Date the inmate was admitted to the custody of the
964 department.
- 965 e. Current institution placement and the security level
966 assigned to the institution.
- 967 f. Custody level assignment.
- 968 g. Qualification for a flag designation as defined in this
969 section, including sexual offender flag, habitual offender flag,
970 gang affiliation flag, or concurrent or consecutive sentence
971 flag.
- 972 h. County that committed the prisoner to the custody of the
973 department.
- 974 i. Whether the reason for admission to the department is
975 for a new conviction or a violation of probation, community
976 control, or parole. For an admission for a probation, community
977 control, or parole violation, the department shall report
978 whether the violation was technical or based on a new violation
979 of law.
- 980 j. Specific statutory citation for which the inmate was
981 committed to the department, including, for an inmate convicted
982 of drug trafficking under s. 893.135, the statutory citation for
983 each specific drug trafficked.
- 984 k. Length of sentence or concurrent or consecutive
985 sentences served.
- 986 l. Tentative release date.

576-04145-18

20181218c2

- 987 m. Gain time earned in accordance with s. 944.275.
- 988 n. Prior incarceration within the state.
- 989 o. Disciplinary violation and action.
- 990 p. Participation in rehabilitative or educational programs
991 while in the custody of the department.
- 992 2. Information about each state correctional institution or
993 facility, including:
- 994 a. Budget for each state correctional institution or
995 facility.
- 996 b. Daily prison population of all inmates incarcerated in a
997 state correctional institution or facility.
- 998 c. Daily number of correctional officers for each state
999 correctional institution or facility.
- 1000 3. Information related to persons supervised by the
1001 department on probation or community control, including:
- 1002 a. Identifying information for each person supervised by
1003 the department on probation or community control, including his
1004 or her name, date of birth, race or ethnicity, sex, and
1005 department-assigned case number.
- 1006 b. Length of probation or community control sentence
1007 imposed and amount of time that has been served on such
1008 sentence.
- 1009 c. Projected termination date for probation or community
1010 control.
- 1011 d. Revocation of probation or community control due to a
1012 violation, including whether the revocation is due to a
1013 technical violation of the conditions of supervision or from the
1014 commission of a new law violation.
- 1015 4. Per diem rates for:

576-04145-18

20181218c2

- 1016 a. Prison bed.
1017 b. Probation.
1018 c. Community control.
1019

1020 This information only needs to be reported once annually at the
1021 time the most recent per diem rate is published.

1022 (3) DATA PUBLICLY AVAILABLE.—Beginning January 1, 2019, the
1023 Department of Law Enforcement shall publish datasets in its
1024 possession in a modern, open, electronic format that is machine-
1025 readable and readily accessible by the public on the
1026 department's website. The published data must be searchable, at
1027 a minimum, by each data element, county, circuit, and unique
1028 identifier. Beginning March 1, 2019, the department shall begin
1029 publishing the data received under subsection (2) in the same
1030 modern, open, electronic format that is machine-readable and
1031 readily accessible to the public on the department's website.
1032 The department shall publish all data received under subsection
1033 (2) no later than July 1, 2019.

1034 Section 13. A pilot project is established in the Sixth
1035 Judicial Circuit for the purpose of improving criminal justice
1036 data transparency and ensuring that data submitted under s.
1037 900.05, Florida Statutes, is accurate, valid, reliable, and
1038 structured. The clerk of court, the state attorney, the public
1039 defender, or a sheriff in the circuit may enter into a
1040 memorandum of understanding with a national, nonpartisan, not-
1041 for-profit entity which provides data and measurement for
1042 county-level criminal justice systems to establish the duties
1043 and responsibilities of a data fellow, completely funded by the
1044 entity, to be embedded with the office or agency. The data

576-04145-18

20181218c2

1045 fellow shall assist with data extraction, validation, and
1046 quality and shall publish such data consistent with the terms of
1047 the memorandum. The data fellow shall assist the office or
1048 agency in compiling and reporting data pursuant to s. 900.05,
1049 Florida Statutes, in compliance with rules established by the
1050 Department of Law Enforcement. The pilot project shall expire as
1051 provided in the memorandum.

1052 Section 14. For the 2018-2019 fiscal year, nine full-time
1053 equivalent positions with associated salary rate of 476,163 are
1054 authorized and the recurring sum of \$665,884 and the
1055 nonrecurring sum of \$1,084,116 is appropriated from the General
1056 Revenue Fund to the Department of Law Enforcement for the
1057 purposes of implementing ss. 900.05(3) and 943.687, Florida
1058 Statutes, transitioning to incident-based crime reporting, and
1059 collecting and submitting crime statistics that meet the
1060 requirements of the Federal Bureau of Investigation under the
1061 National Incident-Based Reporting System.

1062 Section 15. Section 907.042, Florida Statutes, is created
1063 to read:

1064 907.042 Supervised bond program.—

1065 (1) LEGISLATIVE FINDINGS.—The Legislature finds that there
1066 is a need to use evidence-based methods to identify defendants
1067 that can successfully comply with specified pretrial release
1068 conditions. The Legislature finds that the use of actuarial
1069 instruments that evaluate criminogenic based needs and classify
1070 defendants according to levels of risk provides a more
1071 consistent and accurate assessment of a defendant's risk of
1072 noncompliance while on pretrial release pending trial. The
1073 Legislature also finds that both the community and a defendant

576-04145-18

20181218c2

1074 are better served when a defendant, who poses a low risk to
1075 society, is provided the opportunity to fulfill employment and
1076 familial responsibilities in the community under a structured
1077 pretrial release plan that ensures the best chance of remaining
1078 compliant with all pretrial conditions rather than remaining in
1079 custody. The Legislature finds that there is a benefit to
1080 establishing a supervised bond program in each county for the
1081 purpose of providing pretrial release to certain defendants who
1082 may not otherwise be eligible for pretrial release on
1083 unsupervised nonmonetary conditions and who do not have the
1084 ability to satisfy the bond imposed by the court. The
1085 Legislature finds that the creation of such a program will
1086 reduce the likelihood of defendants remaining unnecessarily in
1087 custody pending trial.

1088 (2) CREATION.—A supervised bond program may be established
1089 in each county with the terms of each program to be developed
1090 with concurrence of the chief judge of the circuit, the county's
1091 chief correctional officer, the state attorney, and the public
1092 defender. A county that has already established and implemented
1093 a supervised bond program whose program and risk assessment
1094 instrument is in compliance with subsections (3) and (4) may
1095 continue to operate without such concurrence.

1096 (3) PROGRAM REQUIREMENTS.—A supervised bond program, at a
1097 minimum, shall:

1098 (a) Require the county's chief correctional officer to
1099 administer the supervised bond program.

1100 (b) Provide that a risk assessment instrument may be
1101 utilized to determine eligible defendants and determine an
1102 appropriate level of supervision for each defendant upon

576-04145-18

20181218c2

1103 release.

1104 (c) Require the county's chief correctional officer, or his
1105 or her designee, to administer the risk assessment instrument to
1106 a potential defendant if a county elects to utilize a risk
1107 assessment instrument for its supervised bond program.

1108 (d) Provide that the findings of a risk assessment
1109 instrument may be used to create an individualized supervision
1110 plan for each eligible defendant that is tailored to the
1111 defendant's risk level and supervision needs.

1112 (e) Require the appropriate court to make a final
1113 determination regarding whether a defendant will be placed into
1114 the supervised bond program and, if the court makes such a
1115 determination, the court must also:

1116 1. Determine the conditions of the individualized
1117 supervision plan for which the defendant must comply as a part
1118 of the supervised bond program, including, but not limited to,
1119 the requirement that the defendant:

1120 a. Be placed on active electronic monitoring or active
1121 continuous alcohol monitoring, or both, dependent upon the level
1122 of risk indicated by the risk assessment instrument;

1123 b. Communicate weekly, via telephone or in person contact
1124 as determined by the court, with the office of the county's
1125 chief correctional officer; and

1126 2. Review the bond of a defendant who is being accepted
1127 into the supervised bond program to determine if a reduction of
1128 the court-ordered bond, up to its entirety, is appropriate.

1129 (f) Establish procedures for reassessing or terminating
1130 defendants from the supervised bond program who do not comply
1131 with the terms of the individualized supervision plan imposed

576-04145-18

20181218c2

1132 through the program.

1133 (4) RISK ASSESSMENT INSTRUMENT.—

1134 (a) Each county that establishes a supervised bond program
1135 may utilize a risk assessment instrument that conducts a
1136 criminogenic assessment for use in evaluating the proper level
1137 of supervision appropriate to ensure compliance with pretrial
1138 conditions and safety to the community. The risk assessment
1139 instrument must consider, but need not be limited to, the
1140 following criteria:

1141 1. The nature and circumstances of the offense the
1142 defendant is alleged to have committed.

1143 2. The nature and extent of the defendant's prior criminal
1144 history, if any.

1145 3. Any prior history of the defendant failing to appear in
1146 court.

1147 4. The defendant's employment history, employability
1148 skills, and employment interests.

1149 5. The defendant's educational, vocational, and technical
1150 training.

1151 6. The defendant's background, including his or her family,
1152 home, and community environment.

1153 7. The defendant's physical and mental health history,
1154 including any substance use.

1155 8. An evaluation of the defendant's criminal thinking,
1156 criminal associates, and social awareness.

1157 (b) A county may contract with the Department of
1158 Corrections to develop a risk assessment instrument or modify an
1159 instrument that has already been developed by the department,
1160 provided the instrument contains the criteria enumerated in

576-04145-18

20181218c2

1161 paragraph (a). If a county elects to utilize a risk assessment
1162 instrument developed or modified by the department in accordance
1163 with this paragraph, the county's chief correctional officer
1164 shall enter into a contract with the department for such use.

1165 (c) Each county may create its own risk assessment
1166 instrument for the purpose of operating a supervised bond
1167 program or may utilize a risk assessment instrument that has
1168 previously been developed for a similar purpose as provided for
1169 in this section. Additionally, a county may utilize a risk
1170 assessment instrument that has been developed by another county
1171 for a similar purpose as provided for in this section. To
1172 utilize a risk assessment instrument developed by a county in
1173 accordance with this paragraph, the risk assessment instrument
1174 must be validated by the Department of Corrections and contain
1175 the criteria enumerated in paragraph (a). If a county elects to
1176 utilize a risk assessment instrument developed or modified by
1177 another county in accordance with this paragraph, the counties'
1178 chief correctional officers shall enter into a contract for such
1179 use.

1180 (d) A county may contract with an independent entity to
1181 utilize a risk assessment instrument that has previously been
1182 developed for a similar purpose as provided for in this section.
1183 To utilize a risk assessment instrument developed by an
1184 independent entity in accordance with this paragraph, the risk
1185 assessment instrument must be validated by the Department of
1186 Corrections and contain the criteria enumerated in paragraph
1187 (a). If a county elects to utilize a risk assessment instrument
1188 developed or modified by an independent entity in accordance
1189 with this paragraph, the county's chief correctional officer

576-04145-18

20181218c2

1190 shall enter into a contract with the independent entity for such
1191 use.

1192 (e) A county that elects to utilize a risk assessment
1193 instrument in its supervised bond program may begin to implement
1194 the program immediately upon securing a contract for the
1195 utilization of or the completion of development or modification,
1196 and if applicable, validation of, a risk assessment instrument.
1197 A county that intends to utilize a risk assessment instrument it
1198 has already developed or modified may implement a supervised
1199 bond program immediately upon validation of the risk assessment
1200 instrument. A county that has already implemented a supervised
1201 bond program may continue to operate such program while the risk
1202 assessment instrument it utilizes is being validated.
1203 Implementation must include training of all county staff that
1204 will administer the risk assessment instrument.

1205 (5) REPORTING.—Each county that establishes a supervised
1206 bond program pursuant to this section, or has an existing
1207 supervised bond program that operates in compliance with this
1208 section, shall provide an annual report to the Office of Program
1209 Policy Analysis and Government Accountability that details the
1210 results of the administration of the risk assessment instrument,
1211 programming used for defendants who received the assessment and
1212 were accepted into the supervised bond program, the success rate
1213 of such program, and savings realized by the county as a result
1214 of such defendants being released from custody pending trial.
1215 The annual report from the county must be submitted to OPPAGA by
1216 October 1 each year. OPPAGA shall compile the results of the
1217 counties reports for inclusion in an independent section of its
1218 annual report developed and submitted to the Governor, the

576-04145-18

20181218c2

1219 President of the Senate, and the Speaker of the House of
1220 Representatives in accordance with s. 907.044.

1221 Section 16. Section 907.0421, Florida Statutes, is created
1222 to read:

1223 907.0421 Risk Assessment Pilot Program.—

1224 (1) LEGISLATIVE FINDINGS.—The Legislature finds that there
1225 is a need to use evidence-based methods to reduce recidivism.
1226 The Legislature finds that the use of actuarial instruments that
1227 classify offenders according to levels of risk to reoffend
1228 provides a more consistent and accurate assessment of an
1229 offender's risk and needs. The Legislature also finds that
1230 research indicates that using accurate risk and needs assessment
1231 instruments to identify appropriate interventions and
1232 programming for offenders reduces recidivism.

1233 (2) RISK ASSESSMENT INSTRUMENT.—

1234 (a) The Department of Corrections shall develop a risk
1235 assessment instrument that conducts a criminogenic assessment
1236 for use in evaluating the proper placement and programming needs
1237 for a person who is arrested. The risk assessment instrument
1238 must consider, but need not be limited to, the following
1239 criteria:

1240 1. The nature and circumstances of the offense the person
1241 committed.

1242 2. The nature and extent of the person's prior criminal
1243 history, if any.

1244 3. Any prior history of the person failing to appear in
1245 court.

1246 4. The person's employment history, employability skills,
1247 and employment interests.

576-04145-18

20181218c2

1248 5. The person's educational, vocational, and technical
1249 training.

1250 6. The person's background, including his or her family,
1251 home, and community environment.

1252 7. The person's physical and mental health history,
1253 including any substance use.

1254 8. An evaluation of the person's criminal thinking,
1255 criminal associates, and social awareness.

1256 (b) The Department of Corrections may use or modify an
1257 existing risk assessment instrument, if the instrument contains
1258 the criteria enumerated in paragraph (a).

1259 (c) The Department of Corrections shall complete the
1260 development or modification of a risk assessment instrument no
1261 later than March 1, 2019. The department may begin to implement
1262 the risk assessment instrument immediately upon completion.
1263 Implementation, including training all staff that will
1264 administer the risk assessment instrument, must be completed by
1265 June 30, 2019.

1266 (d) A representative of the county's chief correctional
1267 officer shall administer the risk assessment instrument as early
1268 as reasonably possible after a person's arrest, but no later
1269 than 10 business days after the arrest. If a person is released
1270 from jail pursuant to chapter 903 before the administration of
1271 the risk assessment instrument, the chief correctional officer,
1272 or his or her representative, must schedule and provide written
1273 notification of a date and time for the person to return to the
1274 jail for the administration of the risk assessment instrument.
1275 The date and time must be provided in writing upon the person's
1276 pretrial release. The risk assessment instrument may be

576-04145-18

20181218c2

1277 conducted by video teleconference.

1278 (e) A risk assessment instrument report must be made
1279 available to the person to whom the instrument is administered,
1280 his or her legal counsel, and the state attorney upon completion
1281 of the report. The Department of Corrections shall submit to the
1282 court the risk assessment instrument report, but the court may
1283 not review it without the consent of the person who is the
1284 subject of the report and his or her legal counsel.

1285 (3) CREATION.—Contingent upon appropriations and a contract
1286 with each participating county, it is the intent of the
1287 Legislature to establish a 3-year Risk Assessment Pilot Program
1288 to perform a risk assessment evaluation on all persons arrested
1289 for a felony in participating counties.

1290 (4) PARTICIPATING COUNTIES.—Participation in the pilot
1291 program is limited to Hillsborough, Pasco, and Pinellas
1292 Counties. Each participating county's chief correctional officer
1293 shall enter into a 3-year contract with the Department of
1294 Corrections for the ability to utilize the risk assessment
1295 instrument that is developed in accordance with this section.

1296 (5) PILOT PROGRAM REQUIREMENTS.—

1297 (a) The participating counties shall administer the risk
1298 assessment instrument to all persons arrested for a felony and
1299 utilize the results of such risk assessment instrument as a tool
1300 for determining appropriate programming and sentencing with the
1301 goal of reducing recidivism.

1302 (b) Each county participating in the pilot program shall
1303 provide an annual report to the Department of Corrections by
1304 July 1 of each year of the pilot program which details the
1305 results of the administration of the risk assessment instrument,

576-04145-18

20181218c2

1306 programming used for persons who received the assessment, and
1307 the success rate of such programming. The department shall
1308 compile the county reports and submit one annual report to the
1309 Governor, the President of the Senate, and the Speaker of the
1310 House of Representatives by October 1 of each year of the pilot
1311 program.

1312 (6) RULEMAKING.—The Department of Corrections, in
1313 consultation with a participating county's chief correctional
1314 officer, chief judge, state attorney, and public defender, may
1315 adopt rules to administer this section.

1316 Section 17. Paragraph (b) of subsection (4) of section
1317 907.043, Florida Statutes, is amended to read:

1318 907.043 Pretrial release; citizens' right to know.—

1319 (4)

1320 (b) The annual report must contain, but need not be limited
1321 to:

1322 1. The name, location, and funding sources of the pretrial
1323 release program, including the amount of public funds, if any,
1324 received by the pretrial release program.

1325 2. The operating and capital budget of each pretrial
1326 release program receiving public funds.

1327 3.a. The percentage of the pretrial release program's total
1328 budget representing receipt of public funds.

1329 b. The percentage of the total budget which is allocated to
1330 assisting defendants obtain release through a nonpublicly funded
1331 program.

1332 c. The amount of fees paid by defendants to the pretrial
1333 release program.

1334 4. The number of persons employed by the pretrial release

576-04145-18

20181218c2

1335 program.

1336 5. The number of defendants assessed and interviewed for
1337 pretrial release.

1338 6. The number of defendants recommended for pretrial
1339 release.

1340 7. The number of defendants for whom the pretrial release
1341 program recommended against nonsecured release.

1342 8. The number of defendants granted nonsecured release
1343 after the pretrial release program recommended nonsecured
1344 release.

1345 9. The number of defendants assessed and interviewed for
1346 pretrial release who were declared indigent by the court.

1347 10. The number of defendants accepted into a pretrial
1348 release program who paid a surety or cash bail or bond.

1349 11. The number of defendants for whom a risk assessment
1350 tool was used in determining whether the defendant should be
1351 released pending the disposition of the case and the number of
1352 defendants for whom a risk assessment tool was not used.

1353 12. The specific statutory citation for each criminal
1354 charge related to a defendant whose case is accepted into a
1355 pretrial release program, including, at a minimum, the number of
1356 defendants charged with dangerous crimes as defined in s.
1357 907.041; nonviolent felonies; or misdemeanors only. A
1358 "nonviolent felony" for purposes of this subparagraph excludes
1359 the commission of, an attempt to commit, or a conspiracy to
1360 commit any of the following:

1361 a. An offense enumerated in s. 775.084(1)(c);

1362 b. An offense that requires a person to register as a
1363 sexual predator in accordance with s. 775.21 or as a sexual

576-04145-18

20181218c2

- 1364 offender in accordance with s. 943.0435;
- 1365 c. Failure to register as a sexual predator in violation of
- 1366 s. 775.21 or as a sexual offender in violation of s. 943.0435;
- 1367 d. Facilitating or furthering terrorism in violation of s.
- 1368 775.31;
- 1369 e. A forcible felony as described in s. 776.08;
- 1370 f. False imprisonment in violation of s. 787.02;
- 1371 g. Burglary of a dwelling or residence in violation of s.
- 1372 810.02(3).
- 1373 h. Abuse, aggravated abuse, and neglect of an elderly
- 1374 person or disabled adult in violation of s. 825.102;
- 1375 i. Abuse, aggravated abuse, and neglect of a child in
- 1376 violation of s. 827.03;
- 1377 j. Poisoning of food or water in violation of s. 859.01;
- 1378 k. Abuse of a dead human body in violation of s. 872.06;
- 1379 l. A capital offense in violation of chapter 893;
- 1380 m. An offense that results in serious bodily injury or
- 1381 death to another human; or
- 1382 n. A felony offense in which the defendant used a weapon or
- 1383 firearm in the commission of the offense.
- 1384 13. The number of defendants accepted into a pretrial
- 1385 release program with no prior criminal conviction.
- 1386 14.10. The name and case number of each person granted
- 1387 nonsecured release who:
- 1388 a. Failed to attend a scheduled court appearance.
- 1389 b. Was issued a warrant for failing to appear.
- 1390 c. Was arrested for any offense while on release through
- 1391 the pretrial release program.
- 1392 15.11. Any additional information deemed necessary by the

576-04145-18

20181218c2

1393 governing body to assess the performance and cost efficiency of
1394 the pretrial release program.

1395 Section 18. Subsections (3) through (7) of section
1396 921.0024, Florida Statutes, are amended to read:

1397 921.0024 Criminal Punishment Code; worksheet computations;
1398 scoresheets.—

1399 (3) A single digitized scoresheet shall be prepared for
1400 each defendant to determine the permissible range for the
1401 sentence that the court may impose, except that if the defendant
1402 is before the court for sentencing for more than one felony and
1403 the felonies were committed under more than one version or
1404 revision of the guidelines or the code, separate digitized
1405 scoresheets must be prepared. The scoresheet or scoresheets must
1406 cover all the defendant's offenses pending before the court for
1407 sentencing. The state attorney shall prepare the digitized
1408 scoresheet or scoresheets, which must be presented to the
1409 defense counsel for review for accuracy in all cases unless the
1410 judge directs otherwise. The defendant's scoresheet or
1411 scoresheets must be approved and signed by the sentencing judge.

1412 (4) The Department of Corrections, in consultation with the
1413 Office of the State Courts Administrator, state attorneys, and
1414 public defenders, must develop and submit the revised digitized
1415 Criminal Punishment Code scoresheet to the Supreme Court for
1416 approval by June 15 of each year, as necessary. The digitized
1417 scoresheet shall have individual, structured data cells for each
1418 data field on the scoresheet. Upon the Supreme Court's approval
1419 of the revised digitized scoresheet, the Department of
1420 Corrections shall produce and provide ~~sufficient copies~~ of the
1421 revised digitized scoresheets by September 30 of each year, as

576-04145-18

20181218c2

1422 necessary. Digitized scoresheets must include individual data
1423 cells to indicate ~~item entries for the scoresheet preparer's use~~
1424 ~~in indicating~~ whether any prison sentence imposed includes a
1425 mandatory minimum sentence or the sentence imposed was a
1426 downward departure from the lowest permissible sentence under
1427 the Criminal Punishment Code.

1428 (5) The Department of Corrections shall make available
1429 ~~distribute sufficient copies of~~ the digitized Criminal
1430 Punishment Code scoresheets to those persons charged with the
1431 responsibility for preparing scoresheets.

1432 (6) The clerk of the circuit court shall transmit a
1433 complete, and accurate digitized, ~~and legible~~ copy of the
1434 Criminal Punishment Code scoresheet used in each sentencing
1435 proceeding to the Department of Corrections. Scoresheets must be
1436 electronically transmitted no less frequently than monthly, by
1437 the first of each month, and may be sent collectively.

1438 (7) A digitized sentencing scoresheet must be prepared for
1439 every defendant who is sentenced for a felony offense. ~~A copy of~~
1440 The individual offender's digitized Criminal Punishment Code
1441 scoresheet and any attachments thereto prepared pursuant to Rule
1442 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal
1443 Procedure, or any other rule pertaining to the preparation and
1444 submission of felony sentencing scoresheets, must be included
1445 with ~~attached to the copy of~~ the uniform judgment and sentence
1446 form provided to the Department of Corrections.

1447 Section 19. Subsection (1) of section 932.7061, Florida
1448 Statutes, is amended to read:

1449 932.7061 Reporting seized property for forfeiture.—

1450 (1) Every law enforcement agency shall submit an annual

576-04145-18

20181218c2

1451 report to the Department of Law Enforcement indicating whether
1452 the agency has seized or forfeited property under the Florida
1453 Contraband Forfeiture Act. A law enforcement agency receiving or
1454 expending forfeited property or proceeds from the sale of
1455 forfeited property in accordance with the Florida Contraband
1456 Forfeiture Act shall submit a completed annual report by
1457 December 1 ~~October 10~~ documenting the receipts and expenditures.
1458 The report shall be submitted in an electronic form, maintained
1459 by the Department of Law Enforcement in consultation with the
1460 Office of Program Policy Analysis and Government Accountability,
1461 to the entity that has budgetary authority over such agency and
1462 to the Department of Law Enforcement. The annual report must, at
1463 a minimum, specify the type, approximate value, court case
1464 number, type of offense, disposition of property received, and
1465 amount of any proceeds received or expended.

1466 Section 20. Section 943.687, Florida Statutes, is created
1467 to read:

1468 943.687 Criminal justice data transparency.—In order to
1469 facilitate the availability of comparable and uniform criminal
1470 justice data, the department shall:

1471 (1) Collect, compile, maintain, and manage the data
1472 submitted by local and state entities pursuant to s. 900.05 and
1473 coordinate related activities to collect and submit data. The
1474 department shall create a unique identifier for each criminal
1475 case received from the clerks of court which identifies the
1476 person who is the subject of the criminal case. The unique
1477 identifier must be the same for that person in any court case
1478 and used across local and state entities for all information
1479 related to that person at any time. The unique identifier shall

576-04145-18

20181218c2

1480 be randomly created and may not include any portion of the
1481 person's social security number or date of birth.

1482 (2) Promote criminal justice data sharing by making such
1483 data received under s. 900.05 comparable, transferable, and
1484 readily usable.

1485 (3) Create and maintain an Internet-based database of
1486 criminal justice data received under s. 900.05 in a modern,
1487 open, electronic format that is machine-readable and readily
1488 accessible through an application program interface. The
1489 database must allow the public to search, at a minimum, by each
1490 data element, county, judicial circuit, or unique identifier.
1491 The department may not require a license or charge a fee to
1492 access or receive information from the database.

1493 (4) Develop written agreements with local, state, and
1494 federal agencies to facilitate criminal justice data sharing.

1495 (5) Establish by rule:

1496 (a) Requirements for the entities subject to the
1497 requirements of s. 900.05 to submit data through an application
1498 program interface.

1499 (b) A data catalog defining data objects, describing data
1500 fields, and detailing the meaning of and options for each data
1501 element reported pursuant to s. 900.05.

1502 (c) How data collected pursuant to s. 900.05 is compiled,
1503 processed, structured, used, or shared. The rule shall provide
1504 for the tagging of all information associated with each case
1505 number and unique identifier.

1506 (d) Requirements for implementing and monitoring the
1507 Internet-based database established under subsection (3).

1508 (e) How information contained in the Internet-based

576-04145-18

20181218c2

1509 database established under subsection (3) is accessed by the
1510 public.

1511 (6) Consult with local, state, and federal criminal justice
1512 agencies and other public and private users of the database
1513 established under subsection (3) on the data elements collected
1514 under s. 900.05, the use of such data, and adding data elements
1515 to be collected.

1516 (7) Monitor data collection procedures and test data
1517 quality to facilitate the dissemination of accurate, valid,
1518 reliable, and complete criminal justice data.

1519 (8) Develop methods for archiving data, retrieving archived
1520 data, and data editing and verification.

1521 Section 21. Subsection (3) of section 944.704, Florida
1522 Statutes, is amended to read:

1523 944.704 Staff who provide transition assistance; duties.—
1524 The department shall provide a transition assistance specialist
1525 at each of the major institutions whose duties include, but are
1526 not limited to:

1527 (3) Obtaining job placement information, ~~which~~ which must
1528 include identifying any job assignment credentialing or industry
1529 certifications for which an inmate is eligible.

1530
1531 The transition assistance specialist may not be a correctional
1532 officer or correctional probation officer as defined in s.
1533 943.10.

1534 Section 22. Subsections (3) through (6) of section 944.705,
1535 Florida Statutes, are renumbered as subsections (4), (5), (6),
1536 and (10), respectively, and new subsections (3), (7), (8), (9),
1537 and (11) are added to that section, to read:

576-04145-18

20181218c2

1538 944.705 Release orientation program.—

1539 (3) Each inmate shall receive a comprehensive community
1540 reentry resource directory organized by the county to which the
1541 inmate is being released. The directory shall include the name,
1542 address, and telephone number of each provider, and a
1543 description of services offered. The directory must also include
1544 the name, address, and telephone number of existing portals of
1545 entry.

1546 (7) The department shall allow a nonprofit faith-based,
1547 business and professional, civic, or community organization to
1548 apply to be registered under this section to provide inmate
1549 reentry services. Reentry services include, but are not limited
1550 to, counseling; providing information on housing and job
1551 placement; money management assistance; and programs addressing
1552 substance abuse, mental health, or co-occurring conditions.

1553 (8) The department shall adopt policies and procedures for
1554 screening, approving, and registering an organization that
1555 applies to be registered to provide inmate reentry services
1556 under subsection (7). The department may deny approval and
1557 registration of an organization or a representative from an
1558 organization if it determines that the organization or
1559 representative does not meet the department's policies or
1560 procedures.

1561 (9) The department may contract with a public or private
1562 educational institution's Veteran's Advocacy Clinic or Veteran's
1563 Legal Clinic to assist qualified veteran inmates in applying for
1564 veteran's assistance benefits upon release.

1565 (11) The department shall adopt rules to implement this
1566 section.

576-04145-18

20181218c2

1567 Section 23. Subsections (4) and (5) of section 944.801,
1568 Florida Statutes, are renumbered (5) and (6), respectively, and
1569 new subsection (4) is added to that section to read:

1570 944.801 Education for state prisoners.—

1571 (4) The Correctional Education Program may develop a Prison
1572 Entrepreneurship Program and adopt procedures for admitting
1573 student inmates. If the department elects to develop the
1574 program, it must include at least 180 days of in-prison
1575 education. Program curriculum must include a component on
1576 developing a business plan, procedures for graduation and
1577 certification of successful student inmates, and at least 90
1578 days of transitional and postrelease continuing education
1579 services. Transitional and postrelease continuing education
1580 services may be offered to graduate student inmates on a
1581 voluntary basis and shall not be a requirement for completion of
1582 the program. The department shall enter into agreements with
1583 public or private community colleges, junior colleges, colleges,
1584 universities, or other non-profit entities to implement the
1585 program. The program shall be funded within existing resources.

1586 Section 24. Section 944.805, Florida Statutes, is created
1587 to read:

1588 944.805 Certificate of achievement and employability;
1589 definitions.—

1590 (1) As used in this section and ss. 944.806-944.8065, the
1591 term:

1592 (a) "Discretionary civil impact" means any Florida statute
1593 or rule that creates a penalty, disability, or disadvantage to
1594 which all of the following apply:

1595 1. The impact is triggered in whole or in part by a

576-04145-18

20181218c2

1596 person's conviction of an offense, whether or not the penalty,
1597 disability, or disadvantage is included in the judgment or
1598 sentence.

1599 2. The impact is imposed on a person, licensing agency, or
1600 employer.

1601 3. The impact permits, but does not require, that a
1602 convicted person have a license denied or revoked, permits an
1603 agency to deny or revoke a license or certification to a
1604 convicted person, or permits a business to refuse to employ a
1605 convicted person.

1606
1607 The term does not include imprisonment, probation, parole,
1608 supervised release, forfeiture, restitution, fine, assessment,
1609 or costs of prosecution.

1610 (b) "Eligible inmate" means a person who is serving a
1611 prison term in a state correctional institution or facility;
1612 under the supervision of the department on probation or
1613 community control; or under a postrelease control sanction; and
1614 who is eligible to apply to the department for a certificate of
1615 achievement and employability.

1616 (c) "Licensing agency" means any regulatory or licensing
1617 entity with authority to issue, suspend, or revoke any
1618 professional license or certification.

1619 (d) "Mandatory civil impact" means any Florida statute or
1620 rule that creates a penalty, disability, or disadvantage to
1621 which all of the following apply:

1622 1. The impact is triggered automatically solely by a
1623 person's conviction of an offense, whether or not the penalty,
1624 disability, or disadvantage is included in the judgment or

576-04145-18

20181218c2

1625 sentence.

1626 2. The impact is imposed on a person, licensing agency, or
1627 employer.

1628 3. The impact precludes a convicted person from maintaining
1629 or obtaining licensure or employment, precludes a licensing
1630 agency from issuing a license or certification to a convicted
1631 person, or precludes a business from being certified or from
1632 employing a convicted person.

1633
1634 The term does not include imprisonment, probation, parole,
1635 supervised release, forfeiture, restitution, fine, assessment,
1636 or costs of prosecution.

1637 Section 25. Section 944.8055, Florida Statutes, is created
1638 to read:

1639 944.8055 Certificate of achievement and employability;
1640 eligibility.-

1641 (1) An eligible inmate may apply to the department at a
1642 time specified in paragraph (2)(a) for a certificate of
1643 achievement and employability if the inmate:

1644 (a) Has satisfactorily completed one or more in-prison
1645 vocational programs approved by the department.

1646 (b) Has demonstrated exemplary performance as determined by
1647 completion of one or more cognitive or behavioral improvement
1648 programs approved by the department while incarcerated in a
1649 state correctional institution or facility or under supervision,
1650 or during both periods of time.

1651 (c) Shows other evidence of achievement and rehabilitation.

1652 (d) Is not currently serving a sentence for or has not been
1653 previously convicted of a violation of a dangerous crime as

576-04145-18

20181218c2

1654 defined in s. 907.041, or a violation specified as a predicate
1655 offense for registration as a sexual predator under s. 775.21 or
1656 for registration as a sexual offender under s. 943.0435.

1657 (2) (a) An eligible inmate may apply for a certificate of
1658 achievement and employability no earlier than one year prior to
1659 the date of his or her release from department custody and no
1660 later than the actual date of release.

1661 (b) An inmate released from a state correctional
1662 institution or facility, or under supervision or postrelease
1663 control sanction, and who satisfies all the criteria set forth
1664 in subsection (1), is eligible to apply to the department for a
1665 certificate of achievement and employability at any time while
1666 under supervision or postrelease control sanction.

1667 (3) When applying for a certificate of achievement and
1668 employability, an eligible inmate shall specify the mandatory
1669 civil impacts for which he or she is seeking relief through a
1670 certificate. If a mandatory civil impact of a licensing agency
1671 is affected by issuing the certificate, the department shall
1672 notify the licensing agency, provide the licensing agency with a
1673 copy of the application and documentation that the department
1674 has concerning the eligible inmate, and afford the licensing
1675 agency an opportunity to object in writing to issuing the
1676 certificate.

1677 (4) The department shall consider the eligible inmate's
1678 application and all objections to issuing the certificate of
1679 achievement and employability. If the department determines that
1680 the inmate is eligible, the application was filed timely, and
1681 all objections to issuing the certificate are insufficient, it
1682 shall issue the certificate.

576-04145-18

20181218c2

1683 (5) A certificate of achievement or employability does not
1684 affect the mandatory civil impacts under s. 4, Art. VI of the
1685 State Constitution, or ss. 775.13, 775.21, 943.0435, and
1686 944.292.

1687 (6) The department is not liable for a claim for damages
1688 arising from issuing, denying, or revoking a certificate of
1689 achievement and employability or for failing to revoke a
1690 certificate under the circumstances described in s. 944.0865.

1691 (7) The department shall adopt rules to implement this
1692 section.

1693 Section 26. Section 944.806, Florida Statutes, is created
1694 to read:

1695 944.806 Certificate of achievement and employability;
1696 effect.-

1697 (1) A certificate holder who applies to a licensing agency
1698 and has a conviction or guilty plea that otherwise would bar
1699 licensure or certification because of a mandatory civil impact
1700 shall be given individualized consideration by the licensing
1701 agency. The certificate constitutes a rebuttable presumption
1702 that the certificate holder's conviction alone is insufficient
1703 evidence that he or she is unfit for the license or
1704 certification. Notwithstanding the presumption established under
1705 this section, the licensing agency may deny the license or
1706 certification if it determines that the certificate holder is
1707 unfit for licensure or certification after considering all
1708 relevant facts and circumstances.

1709 (2) If an employer that has hired a certificate holder
1710 applies to a licensing agency and the certificate holder has a
1711 conviction or guilty plea that otherwise would bar his or her

576-04145-18

20181218c2

1712 employment with the employer, or would bar the employer's
1713 licensure or certification because of a mandatory civil impact,
1714 the agency shall give the certificate holder individualized
1715 consideration for licensure or certification. The mandatory
1716 civil impact shall be deemed a discretionary civil impact, and
1717 the certificate constitutes a rebuttable presumption that the
1718 holder's criminal convictions are insufficient evidence that he
1719 or she is unfit for the employment, or that the employer is
1720 unfit for the licensure or certification. The agency may deny
1721 the employer licensure or certification if it determines that
1722 the certificate holder is unfit for employment or that the
1723 employer is unfit for licensure or certification.

1724 Section 27. Section 944.8065, Florida Statutes, is created
1725 to read:

1726 944.8065 Certificate of achievement and employability;
1727 revocation.—The department shall adopt rules governing
1728 revocation of a certificate of achievement and employability
1729 issued under s. 944.8055. The rules shall, at a minimum, require
1730 revocation if a certificate holder is convicted of or pleads
1731 guilty to a felony subsequent to the issuance of the certificate
1732 of eligibility. The department shall determine which additional
1733 offenses require revocation, considering the nature of the
1734 offense and the employment of a certificate holder.

1735 Section 28. Section 945.041, Florida Statutes, is created
1736 to read:

1737 945.041 Department of Corrections reports.—The department
1738 shall publish on its website and make available to the public
1739 the following information, updated on a quarterly basis:

1740 (1) Inmate admissions by offense type. Burglary of dwelling

576-04145-18

20181218c2

1741 offenses under s. 810.02(2), (3)(a), and (3)(b) must be reported
1742 as a separate category from all other property crimes.

1743 (2) The recidivism rate, defined as rearrest, reconviction,
1744 reincarceration, and probation revocation in the state within a
1745 3-year time period following release from incarceration.

1746 Section 29. Present subsections (4), (5), and (6) through
1747 (15) of section 947.005, Florida Statutes, are redesignated as
1748 subsections (5), (6), and (8) through (17), respectively, and
1749 new subsections (4) and (7) are added to that section, to read:

1750 947.005 Definitions.—As used in this chapter, unless the
1751 context clearly indicates otherwise:

1752 (4) "Conditional medical release" means the release from a
1753 state correctional institution or facility under this chapter
1754 for medical or mental health treatment pursuant to s. 947.149.

1755 (7) "Electronic monitoring device" means an electronic or
1756 telecommunications device that is used to track and supervise
1757 the location of a person. Such devices include, but are not
1758 limited to, voice tracking systems, position tracking systems,
1759 position location systems, or biometric tracking systems.

1760 Section 30. Section 947.149, Florida Statutes, is amended
1761 to read:

1762 947.149 Conditional medical release.—

1763 (1) ELIGIBILITY.—The commission shall, in conjunction with
1764 the department, establish the conditional medical release
1765 program. An inmate is eligible for supervised ~~consideration for~~
1766 release under the conditional medical release program when the
1767 inmate, because of an existing medical or physical condition, is
1768 determined by the department to be within one of the ~~following~~
1769 designations provided for in subsection (2) and meet the

576-04145-18

20181218c2

1770 qualifications of subsection (3) or subsection (4).‡

1771 (2) DESIGNATIONS.—

1772 (a) "Inmate with a debilitating illness," which means an
1773 inmate who is determined to be suffering from a significant and
1774 permanent terminal or nonterminal condition, disease, or
1775 syndrome that has rendered the inmate so physically or
1776 cognitively debilitated or incapacitated as to create a
1777 reasonable probability that the inmate does not constitute a
1778 danger to herself or himself or others.

1779 (b) "Medically frail inmate," which means an inmate whose
1780 physical or mental health has deteriorated to a point that
1781 creates a reasonable probability that the inmate does not
1782 constitute a danger to herself or himself or others, as
1783 determined by a risk assessment completed by a qualified
1784 practitioner, and whose deterioration is the direct result of
1785 the inmate's:

1786 1. Impairment of the mental or emotional processes that
1787 exercise conscious control of one's actions or of the ability to
1788 perceive or understand reality, where such impairment
1789 substantially interferes with the person's ability to meet the
1790 ordinary demands of living;

1791 2. History of substance abuse, as defined in s.
1792 397.311(45); or

1793 3. Requirement of acute long-term medical or mental health
1794 treatment or services.

1795 (c) ~~(a)~~ "Permanently incapacitated inmate," which means an
1796 inmate who has a condition caused by injury, disease, or illness
1797 which, to a reasonable degree of medical certainty, renders the
1798 inmate permanently and irreversibly physically incapacitated to

576-04145-18

20181218c2

1799 the extent that the inmate does not constitute a danger to
1800 herself or himself or others.

1801 (d)~~(b)~~ "Terminally ill inmate," which means an inmate who
1802 has a condition caused by injury, disease, or illness which, to
1803 a reasonable degree of medical certainty, renders the inmate
1804 terminally ill to the extent that there can be no recovery and
1805 death is expected within 12 months ~~is imminent~~, so that the
1806 inmate does not constitute a danger to herself or himself or
1807 others.

1808 (3)~~(2)~~ PERMISSIVE CONDITIONAL MEDICAL RELEASE.-

1809 (a) Notwithstanding any provision to the contrary, an
1810 inmate that is sentenced to the custody of the department and
1811 who qualifies for one of the designations defined in subsection
1812 (2) any person determined eligible under this section and
1813 sentenced to the custody of the department may, upon referral by
1814 the department, be considered for conditional medical release by
1815 the commission, in addition to any parole consideration for
1816 which the inmate may be considered, except that conditional
1817 medical release is not authorized for an inmate who is under
1818 sentence of death. ~~No inmate has a right to conditional medical~~
1819 ~~release or to a medical evaluation to determine eligibility for~~
1820 ~~such release.~~

1821 (b)~~(3)~~ The authority and whether or not to grant
1822 conditional medical release and establish additional conditions
1823 of conditional medical release under this subsection rests
1824 solely within the discretion of the commission, in accordance
1825 with the provisions of this section, together with the authority
1826 to approve the release plan to include necessary medical care
1827 and attention.

576-04145-18

20181218c2

1828 (c) The department shall identify inmates who may be
1829 eligible for conditional medical release based upon available
1830 medical information and shall refer them to the commission for
1831 consideration.

1832 (d) In considering an inmate for conditional medical
1833 release in accordance with this subsection, the commission may
1834 require that additional medical evidence be produced or that
1835 additional medical examinations be conducted, and may require
1836 such other investigations to be made as may be warranted.

1837 (4) MANDATORY CONDITIONAL MEDICAL RELEASE.-

1838 (a) An inmate is eligible for mandatory conditional medical
1839 release under this subsection if he or she qualifies for one of
1840 the designations defined in subsection (2) and the department
1841 determines that he or she meets all of the following criteria:

1842 1. Has served at least 50 percent of his or her sentence.

1843 2. Has no current or prior conviction for:

1844 a. A capital, life, or first degree felony.

1845 b. A sexual offense specified in s. 775.21(4)(a)1. or s.
1846 943.0435(1)(h)1.a.(I).

1847 c. An offense involving a child.

1848 3. Has not received a disciplinary report within the
1849 previous 6 months.

1850 4. Has never received a disciplinary report for a violent
1851 act.

1852 5. Has renounced any gang affiliation.

1853 (b) Any person sentenced to the custody of the department
1854 who is determined to be eligible for placement on mandatory
1855 conditional medical release in accordance with this subsection
1856 must be referred by the department to the commission. Upon

576-04145-18

20181218c2

1857 receiving a referral from the department, the commission shall
1858 verify the eligibility of an inmate and, upon verification, such
1859 inmate must be placed on conditional medical release.

1860 (c) In verifying the inmate's eligibility for mandatory
1861 conditional medical release, the commission shall review the
1862 information provided by the department.

1863 (d) The commission must finish its verification of an
1864 inmate's eligibility within 60 days after the department refers
1865 the inmate for conditional medical release.

1866 (5) RIGHTS NOT CONFERRED.—An inmate does not have a right
1867 to conditional medical release or to a medical evaluation to
1868 determine eligibility for such release.

1869 (6) REFERRAL REQUIREMENTS.—The department's referral of an
1870 inmate to the commission for release under this section must
1871 include all of the following information on the inmate:

1872 (a) The proposed conditional medical release plan.

1873 (b) Any relevant medical history, including current medical
1874 prognosis.

1875 (c) Criminal history. The criminal history must include all
1876 of the following information:

1877 1. The inmate's claim of innocence, if any.

1878 2. The degree to which the inmate accepts responsibility
1879 for his or her actions leading to the conviction of the crime.

1880 3. How any claim of responsibility has affected the
1881 inmate's feelings of remorse.

1882 (d) If authorized by the inmate, any history of substance
1883 abuse and mental health issues that is collected by the
1884 department in accordance with 42 C.F.R. s. 2.

1885 (e) Any disciplinary action taken against the inmate while

576-04145-18

20181218c2

1886 in prison.

1887 (f) Any participation in prison work and other prison
1888 programs.

1889 (g) Any other information that the department deems
1890 necessary.

1891 (7) PLACEMENT REQUIREMENT.—A determination to approve a
1892 release on conditional medical release must take into
1893 consideration conditions such as whether:

1894 (a) A placement option has been secured for the inmate in
1895 the community. A placement option may include, but is not
1896 limited to, home confinement or a medical or mental health
1897 facility that is not a public institution as defined at Title
1898 42, Chapter IV, Subchapter C, Part 434, Subpart K of the Code of
1899 Federal Regulations. A placement option need not involve any
1900 type of supervision of the inmate by an employee or a private
1901 contractor of the department or otherwise be considered a secure
1902 facility. A placement option may involve the use of an
1903 electronic monitoring device as defined in 947.005(6).

1904 (b) The placement option secured under this section poses a
1905 minimal risk to society.

1906 (c) The department has made a reasonable effort to
1907 determine whether expenses related to the placement option
1908 secured under this subsection are covered by Medicaid, a health
1909 care policy, a certificate of insurance, or another source for
1910 the payment of medical expenses or whether the inmate has
1911 sufficient income or assets to pay for the expenses related to
1912 the placement.

1913 (d) The department has provided notice to the prosecutor's
1914 office in the county in which the prisoner was sentenced and to

576-04145-18

20181218c2

1915 each victim entitled to notice under s. 16(b), Art. I of the
1916 State Constitution.

1917 (8)-(4) EFFECT OF RELEASE ON CONDITIONAL MEDICAL RELEASE.-

1918 The conditional medical release term of an inmate released on
1919 conditional medical release is for the remainder of the inmate's
1920 sentence, without diminution of sentence for good behavior.
1921 Supervision of the medical releasee must include a release plan
1922 as proposed by the department and approved by the commission and
1923 periodic medical evaluations. Supervision may also include
1924 electronic monitoring at intervals determined by the commission
1925 at the time of release.

1926 (9)-(5)-(a) REVOCATION AND RECOMMITMENT.-

1927 (a) If it is discovered during the conditional medical
1928 release that the medical or physical condition of the medical
1929 releasee has improved to the extent that she or he would no
1930 longer be eligible for conditional medical release under this
1931 section, the commission may order that the releasee be returned
1932 to the custody of the department for a conditional medical
1933 release revocation hearing, in accordance with s. 947.141. If
1934 conditional medical release is revoked due to improvement in the
1935 medical or physical condition of the releasee, she or he shall
1936 serve the balance of her or his sentence with credit for the
1937 time served on conditional medical release and without
1938 forfeiture of any gain-time accrued prior to conditional medical
1939 release. If the person whose conditional medical release is
1940 revoked due to an improvement in medical or physical condition
1941 would otherwise be eligible for parole or any other release
1942 program, the person may be considered for such release program
1943 pursuant to law.

576-04145-18

20181218c2

1944 (b) In addition to revocation of conditional medical
 1945 release pursuant to paragraph (a), conditional medical release
 1946 may also be revoked for violation of any condition of the
 1947 release established by the commission, in accordance with s.
 1948 947.141, and the releasee's gain-time may be forfeited pursuant
 1949 to s. 944.28(1).

1950 (10)~~(6)~~ RULEMAKING.—The department and the commission shall
 1951 adopt rules as necessary to implement the conditional medical
 1952 release program.

1953 Section 31. Subsection (1) of section 948.001, Florida
 1954 Statutes, is amended to read:

1955 948.001 Definitions.—As used in this chapter, the term:

1956 (1) "Administrative probation" means a form of no contact,
 1957 nonreporting supervision ~~in which an offender who presents a low~~
 1958 ~~risk of harm to the community may, upon satisfactory completion~~
 1959 ~~of half the term of probation, be transferred by the Department~~
 1960 ~~of Corrections to this type of reduced level of supervision, as~~
 1961 ~~provided in s. 948.013.~~

1962 Section 32. Subsection (1) of section 948.013, Florida
 1963 Statutes, is amended to read:

1964 948.013 Administrative probation.—

1965 (1) The Department of Corrections may transfer an offender
 1966 to administrative probation if he or she presents a low risk of
 1967 harm to the community and has satisfactorily completed at least
 1968 half of the probation term. The department ~~of Corrections~~ may
 1969 establish procedures for transferring an offender to
 1970 administrative probation. The department may collect an initial
 1971 processing fee of up to \$50 for each probationer transferred to
 1972 administrative probation. The offender is exempt from further

576-04145-18

20181218c2

1973 payment for the cost of supervision as required in s. 948.09.

1974 Section 33. Subsection (3) is added to section 948.03,
1975 Florida Statutes, to read:

1976 948.03 Terms and conditions of probation.—

1977 (3) The Department of Corrections shall include all
1978 conditions of probation for each probationer, as determined by
1979 the court, in the Florida Crime Information Center database.

1980 Section 34. Subsection (1) of section 948.06, Florida
1981 Statutes, is amended, and subsection (9) is added to that
1982 section, to read:

1983 948.06 Violation of probation or community control;
1984 revocation; modification; continuance; failure to pay
1985 restitution or cost of supervision.—

1986 (1)(a) Whenever within the period of probation or community
1987 control there are reasonable grounds to believe that a
1988 probationer or offender in community control has violated his or
1989 her probation or community control in a material respect, any
1990 law enforcement officer who is aware of the probationary or
1991 community control status of the probationer or offender in
1992 community control or any probation officer may arrest or request
1993 any county or municipal law enforcement officer to arrest such
1994 probationer or offender without warrant wherever found and
1995 return him or her to the court granting such probation or
1996 community control.

1997 (b) Any committing trial court judge may issue a warrant,
1998 upon the facts being made known to him or her by affidavit of
1999 one having knowledge of such facts, for the arrest of the
2000 probationer or offender, returnable forthwith before the court
2001 granting such probation or community control. In lieu of issuing

576-04145-18

20181218c2

2002 a warrant for arrest, the committing trial court judge may issue
2003 a notice to appear if the probationer or offender in community
2004 control has never been convicted of committing, and is not
2005 currently alleged to have committed, a qualifying offense as
2006 defined in this section.

2007 (c) If a probationer or offender on community control
2008 commits a technical violation, the probation officer shall
2009 determine whether he or she is eligible for the alternative
2010 sanctioning program under subsection (9). If the probationer or
2011 offender on community control is eligible, the probation officer
2012 may proceed with the alternative sanctioning program in lieu of
2013 filing an affidavit of violation with the court. For purposes of
2014 this section, the term "technical violation" means an alleged
2015 violation of supervision that is not a new felony offense,
2016 misdemeanor offense, or criminal traffic offense.

2017 (d)~~(e)~~ If a judge finds reasonable grounds to believe that
2018 a probationer or an offender has violated his or her probation
2019 or community control in a material respect by committing a new
2020 violation of law, the judge may issue a warrant for the arrest
2021 of the person.

2022 (e)~~(d)~~ 1. At a first appearance hearing for an offender who
2023 has been arrested for violating his or her probation or
2024 community control in a material respect by committing a new
2025 violation of law the court:

2026 a. Shall inform the person of the violation.

2027 b. May order the person to be taken before the court that
2028 granted the probation or community control if the person admits
2029 the violation.

2030 2. If the probationer or offender does not admit the

576-04145-18

20181218c2

2031 violation at the first appearance hearing, the court:

2032 a. May commit the probationer or offender or may release
2033 the person with or without bail to await further hearing,
2034 notwithstanding s. 907.041, relating to pretrial detention and
2035 release; or

2036 b. May order the probationer or offender to be brought
2037 before the court that granted the probation or community
2038 control.

2039 3. In determining whether to require or set the amount of
2040 bail, and notwithstanding s. 907.041, relating to pretrial
2041 detention and release, the court may consider whether the
2042 probationer or offender is more likely than not to receive a
2043 prison sanction for the violation.

2044
2045 This paragraph does not apply to a probationer or offender on
2046 community control who is subject to the hearing requirements
2047 under subsection (4) or paragraph (8) (e).

2048 (f)~~(e)~~ Any probation officer, any officer authorized to
2049 serve criminal process, or any peace officer of this state is
2050 authorized to serve and execute such warrant. Any probation
2051 officer is authorized to serve such notice to appear.

2052 (g)~~(f)~~ Upon the filing of an affidavit alleging a violation
2053 of probation or community control and following issuance of a
2054 warrant for such violation, a warrantless arrest under this
2055 section, or a notice to appear under this section, the
2056 probationary period is tolled until the court enters a ruling on
2057 the violation. Notwithstanding the tolling of probation, the
2058 court shall retain jurisdiction over the offender for any
2059 violation of the conditions of probation or community control

576-04145-18

20181218c2

2060 that is alleged to have occurred during the tolling period. The
2061 probation officer is permitted to continue to supervise any
2062 offender who remains available to the officer for supervision
2063 until the supervision expires pursuant to the order of probation
2064 or community control or until the court revokes or terminates
2065 the probation or community control, whichever comes first.

2066 (h)~~(g)~~ The chief judge of each judicial circuit may direct
2067 the department to use a notification letter of a technical
2068 violation in appropriate cases in lieu of a violation report,
2069 affidavit, and warrant or a notice to appear when the alleged
2070 violation is not a new felony or misdemeanor offense. Such
2071 direction must be in writing and must specify the types of
2072 specific technical violations which are to be reported by a
2073 notification letter of a technical violation, any exceptions to
2074 those violations, and the required process for submission. At
2075 the direction of the chief judge, the department shall send the
2076 notification letter of a technical violation to the court.

2077 ~~(h)1. The chief judge of each judicial circuit, in
2078 consultation with the state attorney, the public defender, and
2079 the department, may establish an alternative sanctioning program
2080 in which the department, after receiving court approval, may
2081 enforce specified sanctions for certain technical violations of
2082 supervision. For purposes of this paragraph, the term "technical
2083 violation" means any alleged violation of supervision that is
2084 not a new felony offense, misdemeanor offense, or criminal
2085 traffic offense.~~

2086 ~~2. To establish an alternative sanctioning program, the
2087 chief judge must issue an administrative order specifying:~~

2088 ~~a. Eligibility criteria.~~

576-04145-18

20181218c2

2089 ~~b. The technical violations that are eligible for the~~
2090 ~~program.~~

2091 ~~e. The sanctions that may be recommended by a probation~~
2092 ~~officer for each technical violation.~~

2093 ~~d. The process for reporting technical violations through~~
2094 ~~the alternative sanctioning program, including approved forms.~~

2095 ~~3. If an offender is alleged to have committed a technical~~
2096 ~~violation of supervision that is eligible for the program, the~~
2097 ~~offender may:~~

2098 ~~a. Waive participation in the alternative sanctioning~~
2099 ~~program, in which case the probation officer may submit a~~
2100 ~~violation report, affidavit, and warrant to the court in~~
2101 ~~accordance with this section; or~~

2102 ~~b. Elect to participate in the alternative sanctioning~~
2103 ~~program after receiving written notice of an alleged technical~~
2104 ~~violation and a disclosure of the evidence against the offender,~~
2105 ~~admit to the technical violation, agree to comply with the~~
2106 ~~probation officer's recommended sanction if subsequently ordered~~
2107 ~~by the court, and agree to waive the right to:~~

2108 ~~(I) Be represented by legal counsel.~~

2109 ~~(II) Require the state to prove his or her guilt before a~~
2110 ~~neutral and detached hearing body.~~

2111 ~~(III) Subpoena witnesses and present to a judge evidence in~~
2112 ~~his or her defense.~~

2113 ~~(IV) Confront and cross-examine adverse witnesses.~~

2114 ~~(V) Receive a written statement from a factfinder as to the~~
2115 ~~evidence relied on and the reasons for the sanction imposed.~~

2116 ~~4. If the offender admits to committing the technical~~
2117 ~~violation and agrees with the probation officer's recommended~~

576-04145-18

20181218c2

2118 ~~sanction, the probation officer must, before imposing the~~
2119 ~~sanction, submit the recommended sanction to the court as well~~
2120 ~~as documentation reflecting the offender's admission to the~~
2121 ~~technical violation and agreement with the recommended sanction.~~

2122 ~~5. The court may impose the recommended sanction or may~~
2123 ~~direct the department to submit a violation report, affidavit,~~
2124 ~~and warrant to the court in accordance with this section.~~

2125 ~~6. An offender's participation in an alternative~~
2126 ~~sanctioning program is voluntary. The offender may elect to~~
2127 ~~waive or discontinue participation in an alternative sanctioning~~
2128 ~~program at any time before the issuance of a court order~~
2129 ~~imposing the recommended sanction.~~

2130 ~~7. If an offender waives or discontinues participation in~~
2131 ~~an alternative sanctioning program, the probation officer may~~
2132 ~~submit a violation report, affidavit, and warrant to the court~~
2133 ~~in accordance with this section. The offender's prior admission~~
2134 ~~to the technical violation may not be used as evidence in~~
2135 ~~subsequent proceedings.~~

2136 (i) The court may allow the department to file an
2137 affidavit, notification letter, violation report, or other
2138 report under this section by facsimile or electronic submission.

2139 (9) (a) For a first or second low-risk violation, as defined
2140 in paragraph (b), within the current term of supervision, a
2141 probation officer may offer an eligible probationer one or more
2142 of the following as an alternative sanction:

- 2143 1. Up to five days in the county detention facility;
2144 2. Up to fifty additional community service hours;
2145 3. Counseling or treatment;
2146 4. Support group attendance;

576-04145-18

20181218c2

2147 5. Drug testing;
2148 6. Loss of travel or other privileges;
2149 7. Curfew for up to thirty days;
2150 8. House arrest for up to thirty days; or
2151 9. Any other sanction as determined by administrative order
2152 by the chief judge of the circuit.

2153 (b) When committed by a probationer, a low-risk violation
2154 includes:

2155 1. Positive drug or alcohol test result;
2156 2. Failure to report to the probation office;
2157 3. Failure to report a change in address or other required
2158 information;
2159 4. Failure to attend a required class, treatment or
2160 counseling session, or meeting;
2161 5. Failure to submit to a drug or alcohol test;
2162 6. Violation of curfew;
2163 7. Failure to meet a monthly quota on any required
2164 probation condition, including, but not limited to, making
2165 restitution payments, payment of court costs, and completing
2166 community service hours;
2167 8. Leaving the county without permission;
2168 9. Failure to report a change in employment;
2169 10. Associating with a person engaged in criminal activity;
2170 or
2171 11. Any other violation as determined by administrative
2172 order of the chief judge of the circuit.

2173 (c) For a first time moderate-risk violation, as defined in
2174 paragraph (d), within the current term of supervision, a
2175 probation officer, with supervisor approval, may offer an

576-04145-18

20181218c2

2176 eligible probationer or offender on community control one or
2177 more of the following as an alternative sanction:

- 2178 1. Up to 21 days in the county detention facility;
- 2179 2. Curfew for up to 90 days;
- 2180 3. House arrest for up to 90 days;
- 2181 4. Electronic monitoring for up to 90 days;
- 2182 5. Residential treatment for up to 90 days;
- 2183 6. Any other sanction available for a low-risk violation;

2184 or

- 2185 7. Any other sanction as determined by administrative order
2186 of the chief judge of the circuit.

2187 (d) A moderate-risk violation includes:

- 2188 1. A violation listed under paragraph (b) when committed by
2189 an offender on community control;
- 2190 2. Failure to remain at an approved residence by an
2191 offender on community control;
- 2192 3. A third violation listed under paragraph (b) by a
2193 probationer within the current term of supervision; or
- 2194 4. Any other violation as determined by administrative
2195 order by the chief judge of the circuit.

2196 (e) A probationer or offender on community control is not
2197 eligible for an alternative sanction if:

- 2198 1. He or she is a violent felony offender of special
2199 concern, as defined in paragraph (8) (b).
- 2200 2. The violation is a felony, misdemeanor, or criminal
2201 traffic offense.
- 2202 3. The violation is absconding.
- 2203 4. The violation is of a stay-away order or no-contact
2204 order.

576-04145-18

20181218c2

2205 5. The violation is not identified as low-risk or moderate-
2206 risk under this paragraph or by administrative order.

2207 6. He or she has a prior moderate-risk level violation
2208 during the current term of supervision.

2209 7. He or she has three prior low-risk level violations
2210 during the same term of supervision.

2211 8. The term of supervision is scheduled to terminate in
2212 less than 90 days.

2213 9. The terms of the sentence prohibit alternative
2214 sanctioning.

2215 (f) If a probationer or offender on community control is
2216 eligible for the alternative sanctioning program, he or she may:

2217 1. Waive participation in the program, in which case the
2218 probation officer may submit a violation report, affidavit, and
2219 warrant to the court; or

2220 2. Elect to participate in the program after receiving
2221 written notice of an alleged technical violation and disclosure
2222 of the evidence against him or her, admit to the technical
2223 violation, agree to comply with the probation officer's
2224 recommended sanction if subsequently ordered by the court, and
2225 agree to waive the right to:

2226 a. Be represented by legal counsel.

2227 b. Require the state to prove his or her guilt before a
2228 neutral and detached hearing body.

2229 c. Subpoena witnesses and present to a judge evidence in
2230 his or her defense.

2231 d. Confront and cross-examine adverse witnesses.

2232 e. Receive a written statement from a judge as to the
2233 evidence relied on and the reasons for the sanction imposed.

576-04145-18

20181218c2

2234 3. If the probationer or offender on community control
2235 admits to committing the technical violation and agrees with the
2236 probation officer's recommended sanction, the probation officer
2237 must, before imposing the sanction, submit the recommended
2238 sanction to the court with documentation reflecting the
2239 probationer's admission to the technical violation and agreement
2240 with the recommended sanction.

2241 (g) The court may impose the recommended sanction or direct
2242 the department to submit a violation report, affidavit, and
2243 warrant to the court.

2244 (h) An offender's participation in the program is
2245 voluntary. The probationer or offender on community control may
2246 waive or discontinue participation in the program at any time
2247 before the court imposes a recommended sanction.

2248 (i) If a probationer or offender on community control
2249 waives or discontinues participation in the program or fails to
2250 complete successfully all alternative sanctions within 90 days
2251 of imposition or within the timeframe specified in the agreed
2252 upon sanction, the probation officer may submit a violation
2253 report, affidavit, and warrant to the court. A prior admission
2254 by the probationer or offender on community control to a
2255 technical violation may not be used as evidence in subsequent
2256 proceedings.

2257 (j) Each judicial circuit shall establish an alternative
2258 sanctioning program as provided in this subsection. The chief
2259 judge of each judicial circuit may, by administrative order,
2260 define additional sanctions or eligibility criteria and specify
2261 the process for reporting technical violations through the
2262 alternative sanctioning program.

576-04145-18

20181218c2

2263 Section 35. Section 948.081, Florida Statutes, is created
2264 to read:

2265 948.081 Community court programs.-

2266 (1) Each judicial circuit may establish a community court
2267 program for defendants charged with certain misdemeanor
2268 offenses. Each community court shall, at a minimum:

2269 (a) Adopt a nonadversarial approach.

2270 (b) Establish an advisory committee to recommend solutions
2271 and sanctions in each case.

2272 (c) Consider the needs of the victim.

2273 (d) Consider individualized treatment services for the
2274 defendant.

2275 (e) Provide for judicial leadership and interaction.

2276 (f) Monitor the defendant's compliance.

2277 (2) In the event a county elects to establish a community
2278 court program pursuant to this section, the chief judge of the
2279 judicial circuit shall, by administrative order, specify each
2280 misdemeanor crime eligible for the community court program. In
2281 making such determination, the chief judge shall consider the
2282 particular needs and concerns of the communities within the
2283 judicial circuit.

2284 (3) The Department of Corrections, Department of Juvenile
2285 Justice, Department of Health, Department of Law Enforcement,
2286 Department of Education, law enforcement agencies, and other
2287 government entities involved in the criminal justice system
2288 shall support such community court programs.

2289 (4) A defendant's entry into a community court program
2290 shall be voluntary.

2291 (5) Each community court program shall have a resource

576-04145-18

20181218c2

2292 coordinator who:

2293 (a) Coordinates the responsibilities of the participating
2294 agencies and service providers;

2295 (b) Provides case management services;

2296 (c) Monitors compliance by defendants with court
2297 requirements; and

2298 (d) Manages the collection of data for program evaluation
2299 and accountability.

2300 (6) The chief judge of the judicial circuit shall appoint
2301 an advisory committee for each community court. Membership must
2302 include, at a minimum:

2303 (a) The chief judge or a community court judge designated
2304 by the chief judge, who shall serve as chair;

2305 (b) The state attorney;

2306 (c) The public defender; and

2307 (d) The community court resource coordinator.

2308

2309 The committee may also include community stakeholders, treatment
2310 representatives, and other persons the chair deems appropriate.

2311 (7) The advisory committee shall review each defendant's
2312 case. Each committee member may make recommendations to the
2313 judge, including appropriate sanctions and treatment solutions
2314 for the defendant. The judge shall consider such recommendations
2315 and make the final decision concerning sanctions and treatment
2316 with respect to each defendant.

2317 (8) Each judicial circuit that establishes a community
2318 court program pursuant to this section shall report client-level
2319 and programmatic data to the Office of State Courts
2320 Administrator annually for program evaluation. Client-level data

576-04145-18

20181218c2

2321 include primary offenses resulting in the community court
2322 referral or sentence, treatment compliance, completion status,
2323 reasons for failing to complete the program, offenses committed
2324 during treatment and sanctions imposed, frequency of court
2325 appearances, and units of service. Programmatic data include
2326 referral and screening procedures, eligibility criteria, type
2327 and duration of treatment offered, and residential treatment
2328 resources.

2329 (9) Community court program funding must be secured from
2330 sources other than the state for costs not assumed by the state
2331 under s. 29.004. However, this subsection does not preclude the
2332 use of funds provided for treatment and other services through
2333 state executive branch agencies.

2334 Section 36. Paragraph (c) of subsection (3) of section
2335 893.03, Florida Statutes, is amended to read:

2336 893.03 Standards and schedules.—The substances enumerated
2337 in this section are controlled by this chapter. The controlled
2338 substances listed or to be listed in Schedules I, II, III, IV,
2339 and V are included by whatever official, common, usual,
2340 chemical, trade name, or class designated. The provisions of
2341 this section shall not be construed to include within any of the
2342 schedules contained in this section any excluded drugs listed
2343 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
2344 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
2345 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
2346 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
2347 Anabolic Steroid Products."

2348 (3) SCHEDULE III.—A substance in Schedule III has a
2349 potential for abuse less than the substances contained in

576-04145-18

20181218c2

2350 Schedules I and II and has a currently accepted medical use in
2351 treatment in the United States, and abuse of the substance may
2352 lead to moderate or low physical dependence or high
2353 psychological dependence or, in the case of anabolic steroids,
2354 may lead to physical damage. The following substances are
2355 controlled in Schedule III:

2356 (c) Unless specifically excepted or unless listed in
2357 another schedule, any material, compound, mixture, or
2358 preparation containing limited quantities of any of the
2359 following controlled substances or any salts thereof:

2360 1. Not more than 1.8 grams of codeine per 100 milliliters
2361 or not more than 90 milligrams per dosage unit, with an equal or
2362 greater quantity of an isoquinoline alkaloid of opium.

2363 2. Not more than 1.8 grams of codeine per 100 milliliters
2364 or not more than 90 milligrams per dosage unit, with recognized
2365 therapeutic amounts of one or more active ingredients which are
2366 not controlled substances.

2367 3. Not more than 300 milligrams of hydrocodone per 100
2368 milliliters or not more than 15 milligrams per dosage unit, with
2369 a fourfold or greater quantity of an isoquinoline alkaloid of
2370 opium.

2371 4. Not more than 300 milligrams of hydrocodone per 100
2372 milliliters or not more than 15 milligrams per dosage unit, with
2373 recognized therapeutic amounts of one or more active ingredients
2374 that are not controlled substances.

2375 5. Not more than 1.8 grams of dihydrocodeine per 100
2376 milliliters or not more than 90 milligrams per dosage unit, with
2377 recognized therapeutic amounts of one or more active ingredients
2378 which are not controlled substances.

576-04145-18

20181218c2

2379 6. Not more than 300 milligrams of ethylmorphine per 100
 2380 milliliters or not more than 15 milligrams per dosage unit, with
 2381 one or more active, nonnarcotic ingredients in recognized
 2382 therapeutic amounts.

2383 7. Not more than 50 milligrams of morphine per 100
 2384 milliliters or per 100 grams, with recognized therapeutic
 2385 amounts of one or more active ingredients which are not
 2386 controlled substances.

2387
 2388 For purposes of charging a person with a violation of s. 893.135
 2389 involving any controlled substance described in subparagraph 3.
 2390 or subparagraph 4., the controlled substance is a Schedule III
 2391 controlled substance pursuant to this paragraph but the weight
 2392 of the controlled substance per milliliters or per dosage unit
 2393 is not relevant to the charging of a violation of s. 893.135.
 2394 The weight of the controlled substance shall be determined
 2395 pursuant to s. 893.135(7) ~~s. 893.135(6)~~.

2396 Section 37. Paragraphs (b), (e), and (f) of subsection (3)
 2397 of section 921.0022, Florida Statutes, are amended to read:

2398 921.0022 Criminal Punishment Code; offense severity ranking
 2399 chart.—

2400 (3) OFFENSE SEVERITY RANKING CHART

2401 (b) LEVEL 2

2402

2403

Florida	Felony	Description
Statute	Degree	

2404

379.2431	3rd	Possession of 11 or fewer
----------	-----	---------------------------

576-04145-18

20181218c2

(1) (e) 3.

marine turtle eggs in violation of the Marine Turtle Protection Act.

2405

379.2431

3rd

Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

(1) (e) 4.

2406

403.413 (6) (c)

3rd

Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

2407

517.07 (2)

3rd

Failure to furnish a prospectus meeting requirements.

2408

590.28 (1)

3rd

Intentional burning of lands.

2409

784.05 (3)

3rd

Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

2410

787.04 (1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

2411

576-04145-18 20181218c2

2412

806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.

2413

810.061(2) 3rd Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

2414

810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.

2415

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$1,000 ~~\$300~~ or more but less than \$5,000.

2416

812.014(2)(d) 3rd Grand theft, 3rd degree; \$1,000 ~~\$100~~ or more but less than \$5,000 ~~\$300~~, taken from unenclosed curtilage of dwelling.

2417

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

576-04145-18 20181218c2

2418
2419
2420
2421
2422
2423
2424
2425

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

817.481(3)(a) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

817.52(3) 3rd Failure to redeliver hired vehicle.

817.54 3rd With intent to defraud, obtain mortgage note, etc., by false representation.

817.60(5) 3rd Dealing in credit cards of another.

817.60(6)(a) 3rd Forgery; purchase goods, services with false card.

817.61 3rd Fraudulent use of credit cards over \$100 or more within 6 months.

826.04 3rd Knowingly marries or has sexual intercourse with person to whom related.

576-04145-18

20181218c2

2426

831.01 3rd Forgery.

2427

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

2428

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

2429

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

2430

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

2431

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

2432

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

2433

843.08 3rd False personation.

893.13 (2) (a) 2. 3rd Purchase of any s.
893.03 (1) (c), (2) (c) 1.,
(2) (c) 2., (2) (c) 3., (2) (c) 5.,

576-04145-18

20181218c2

(2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs
 other than cannabis.

2434

893.147(2) 3rd Manufacture or delivery of drug
 paraphernalia.

2435

2436

2437 (e) LEVEL 5

2438

2439

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

2440

316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
---------------	-----	--

2441

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
----------------	-----	--------------------------------

2442

316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
-----------	-----	--

2443

322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
-----------	-----	---

2444

576-04145-18

20181218c2

2445

327.30 (5) 3rd Vessel accidents involving personal injury; leaving scene.

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.

2446

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

2447

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

2448

576-04145-18 20181218c2

2449 381.0041(11)(b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

2450 440.10(1)(g) 2nd Failure to obtain workers'
compensation coverage.

2451 440.105(5) 2nd Unlawful solicitation for the
purpose of making workers'
compensation claims.

2452 440.381(2) 2nd Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

2453 624.401(4)(b)2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

2454 626.902(1)(c) 2nd Representing an unauthorized
insurer; repeat offender.

2455 790.01(2) 3rd Carrying a concealed firearm.

2456 790.162 2nd Threat to throw or discharge
destructive device.

576-04145-18

20181218c2

2457

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

2458

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

2459

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

2460

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

2461

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

2462

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

2463

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

812.0145 (2) (b) 2nd Theft from person 65 years of

576-04145-18

20181218c2

2464

age or older; \$10,000 or more
but less than \$50,000.

812.015 (8)

3rd

Retail theft; property stolen
is valued at \$1,000 ~~\$300~~ or
more and one or more specified
acts.

2465

812.019 (1)

2nd

Stolen property; dealing in or
trafficking in.

2466

812.131 (2) (b)

3rd

Robbery by sudden snatching.

2467

812.16 (2)

3rd

Owning, operating, or
conducting a chop shop.

2468

817.034 (4) (a) 2.

2nd

Communications fraud, value
\$20,000 to \$50,000.

2469

817.234 (11) (b)

2nd

Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

2470

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.

576-04145-18

20181218c2

2471

817.568 (2) (b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

2472

817.611 (2) (a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

2473

817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

2474

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

2475

827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

2476

576-04145-18

20181218c2

2477

827.071 (5)

3rd

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

2478

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.

2479

843.01

3rd

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

2480

847.0135 (5) (b)

2nd

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

2481

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

2482

847.0138
(2) & (3)

3rd

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

874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal

576-04145-18

20181218c2

2483

gang; second or subsequent offense.

874.05(2)(a)

2nd

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

2484

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).

2485

893.13(1)(c)2.

2nd

Sell, manufacture, or deliver cannabis (or other 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), 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.

2486

893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),

576-04145-18

20181218c2

2487

(2) (a), (2) (b), or (2) (c) 4.
drugs) within 1,000 feet of
university.

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

2488

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.

2489

893.13(4)(b)

2nd

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

2490

893.1351(1)

3rd

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

576-04145-18

20181218c2

2491

2492

(f) LEVEL 6

2493

Florida
Statute

Felony
Degree

Description

2494

316.027 (2) (b)

2nd

Leaving the scene of a crash
involving serious bodily
injury.

2495

316.193 (2) (b)

3rd

Felony DUI, 4th or subsequent
conviction.

2496

400.9935 (4) (c)

2nd

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

2497

499.0051 (2)

2nd

Knowing forgery of transaction
history, transaction
information, or transaction
statement.

2498

499.0051 (3)

2nd

Knowing purchase or receipt of
prescription drug from
unauthorized person.

2499

499.0051 (4)

2nd

Knowing sale or transfer of
prescription drug to
unauthorized person.

576-04145-18

20181218c2

2500
2501
2502
2503
2504
2505
2506
2507
2508
2509

775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048 (3)	3rd	Aggravated stalking; credible threat.
784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.

576-04145-18

20181218c2

2510

784.081 (2) 2nd Aggravated assault on specified official or employee.

2511

784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.

2512

784.083 (2) 2nd Aggravated assault on code inspector.

2513

787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

2514

790.115 (2) (d) 2nd Discharging firearm or weapon on school property.

2515

790.161 (2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

2516

790.164 (1) 2nd False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.

576-04145-18

20181218c2

2524	812.014 (2) (b) 1.	2nd	offense. Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
2525	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
2526	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$1,000</u> \$300 or more; second or subsequent <u>adult</u> conviction <u>in specified period</u> .
2527	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
2528	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
2529	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
2530	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
2531			

576-04145-18

20181218c2

2532

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

2533

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

2534

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

2535

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

2536

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

2537

827.03 (2) (d) 3rd Neglect of a child.

2538

827.071 (2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

2539

836.05 2nd Threats; extortion.

2540

836.10 2nd Written threats to kill or do bodily injury.

843.12 3rd Aids or assists person to escape.

576-04145-18

20181218c2

2571 Statutes, is reenacted to read:

2572 447.203 Definitions.—As used in this part:

2573 (2) "Public employer" or "employer" means the state or any
2574 county, municipality, or special district or any subdivision or
2575 agency thereof which the commission determines has sufficient
2576 legal distinctiveness properly to carry out the functions of a
2577 public employer. With respect to all public employees determined
2578 by the commission as properly belonging to a statewide
2579 bargaining unit composed of State Career Service System
2580 employees or Selected Professional Service employees, the
2581 Governor shall be deemed to be the public employer; and the
2582 Board of Governors of the State University System, or the
2583 board's designee, shall be deemed to be the public employer with
2584 respect to all public employees of each constituent state
2585 university. The board of trustees of a community college shall
2586 be deemed to be the public employer with respect to all
2587 employees of the community college. The district school board
2588 shall be deemed to be the public employer with respect to all
2589 employees of the school district. The Board of Trustees of the
2590 Florida School for the Deaf and the Blind shall be deemed to be
2591 the public employer with respect to the academic and academic
2592 administrative personnel of the Florida School for the Deaf and
2593 the Blind. The Governor shall be deemed to be the public
2594 employer with respect to all employees in the Correctional
2595 Education Program of the Department of Corrections established
2596 pursuant to s. 944.801.

2597 Section 40. For the purpose of incorporating the amendment
2598 made by this act to section 944.704, Florida Statutes, in a
2599 reference thereto, subsection (3) of section 944.026, Florida

576-04145-18

20181218c2

2600 Statutes, is reenacted to read:

2601 944.026 Community-based facilities and programs.—

2602 (3) (a) The department shall develop and implement
2603 procedures to diagnose offenders prior to sentencing, for the
2604 purpose of recommending to the sentencing court suitable
2605 candidates for placement in a community-based residential drug
2606 treatment facility or probation and restitution center as
2607 provided in this section. The department shall also develop and
2608 implement procedures to properly identify inmates prior to
2609 release who demonstrate the need for or interest in and
2610 suitability for placement in a community-based substance abuse
2611 transition housing program as provided in this section and
2612 pursuant to ss. 944.4731 and 944.704.

2613 (b) Pretrial intervention programs in appropriate counties
2614 to provide early counseling and supervision services to
2615 specified offenders as provided in s. 948.08.

2616 Section 41. For the purpose of incorporating the amendment
2617 made by this act to section 947.149, Florida Statutes, in a
2618 reference thereto, subsection (6) of section 316.1935, Florida
2619 Statutes, is reenacted to read:

2620 316.1935 Fleeing or attempting to elude a law enforcement
2621 officer; aggravated fleeing or eluding.—

2622 (6) Notwithstanding s. 948.01, no court may suspend, defer,
2623 or withhold adjudication of guilt or imposition of sentence for
2624 any violation of this section. A person convicted and sentenced
2625 to a mandatory minimum term of incarceration under paragraph
2626 (3) (b) or paragraph (4) (b) is not eligible for statutory gain-
2627 time under s. 944.275 or any form of discretionary early
2628 release, other than pardon or executive clemency or conditional

576-04145-18

20181218c2

2629 medical release under s. 947.149, prior to serving the mandatory
2630 minimum sentence.

2631 Section 42. For the purpose of incorporating the amendment
2632 made by this act to section 947.149, Florida Statutes, in a
2633 reference thereto, paragraph (k) of subsection (4) of section
2634 775.084, Florida Statutes, is reenacted to read:

2635 775.084 Violent career criminals; habitual felony offenders
2636 and habitual violent felony offenders; three-time violent felony
2637 offenders; definitions; procedure; enhanced penalties or
2638 mandatory minimum prison terms.-

2639 (4)

2640 (k)1. A defendant sentenced under this section as a
2641 habitual felony offender, a habitual violent felony offender, or
2642 a violent career criminal is eligible for gain-time granted by
2643 the Department of Corrections as provided in s. 944.275(4)(b).

2644 2. For an offense committed on or after October 1, 1995, a
2645 defendant sentenced under this section as a violent career
2646 criminal is not eligible for any form of discretionary early
2647 release, other than pardon or executive clemency, or conditional
2648 medical release granted pursuant to s. 947.149.

2649 3. For an offense committed on or after July 1, 1999, a
2650 defendant sentenced under this section as a three-time violent
2651 felony offender shall be released only by expiration of sentence
2652 and shall not be eligible for parole, control release, or any
2653 form of early release.

2654 Section 43. For the purpose of incorporating the amendment
2655 made by this act to section 947.149, Florida Statutes, in
2656 references thereto, paragraph (b) of subsection (2) and
2657 paragraph (b) of subsection (3) of section 775.087, Florida

576-04145-18

20181218c2

2658 Statutes, are reenacted to read:

2659 775.087 Possession or use of weapon; aggravated battery;
2660 felony reclassification; minimum sentence.-

2661 (2)

2662 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
2663 (a)3. does not prevent a court from imposing a longer sentence
2664 of incarceration as authorized by law in addition to the minimum
2665 mandatory sentence, or from imposing a sentence of death
2666 pursuant to other applicable law. Subparagraph (a)1.,
2667 subparagraph (a)2., or subparagraph (a)3. does not authorize a
2668 court to impose a lesser sentence than otherwise required by
2669 law.

2670

2671 Notwithstanding s. 948.01, adjudication of guilt or imposition
2672 of sentence shall not be suspended, deferred, or withheld, and
2673 the defendant is not eligible for statutory gain-time under s.
2674 944.275 or any form of discretionary early release, other than
2675 pardon or executive clemency, or conditional medical release
2676 under s. 947.149, prior to serving the minimum sentence.

2677 (3)

2678 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
2679 (a)3. does not prevent a court from imposing a longer sentence
2680 of incarceration as authorized by law in addition to the minimum
2681 mandatory sentence, or from imposing a sentence of death
2682 pursuant to other applicable law. Subparagraph (a)1.,
2683 subparagraph (a)2., or subparagraph (a)3. does not authorize a
2684 court to impose a lesser sentence than otherwise required by
2685 law.

2686

576-04145-18

20181218c2

2687 Notwithstanding s. 948.01, adjudication of guilt or imposition
2688 of sentence shall not be suspended, deferred, or withheld, and
2689 the defendant is not eligible for statutory gain-time under s.
2690 944.275 or any form of discretionary early release, other than
2691 pardon or executive clemency, or conditional medical release
2692 under s. 947.149, prior to serving the minimum sentence.

2693 Section 44. For the purpose of incorporating the amendment
2694 made by this act to section 947.149, Florida Statutes, in a
2695 reference thereto, subsection (3) of section 784.07, Florida
2696 Statutes, is reenacted to read:

2697 784.07 Assault or battery of law enforcement officers,
2698 firefighters, emergency medical care providers, public transit
2699 employees or agents, or other specified officers;
2700 reclassification of offenses; minimum sentences.-

2701 (3) Any person who is convicted of a battery under
2702 paragraph (2)(b) and, during the commission of the offense, such
2703 person possessed:

2704 (a) A "firearm" or "destructive device" as those terms are
2705 defined in s. 790.001, shall be sentenced to a minimum term of
2706 imprisonment of 3 years.

2707 (b) A semiautomatic firearm and its high-capacity
2708 detachable box magazine, as defined in s. 775.087(3), or a
2709 machine gun as defined in s. 790.001, shall be sentenced to a
2710 minimum term of imprisonment of 8 years.

2711
2712 Notwithstanding s. 948.01, adjudication of guilt or imposition
2713 of sentence shall not be suspended, deferred, or withheld, and
2714 the defendant is not eligible for statutory gain-time under s.
2715 944.275 or any form of discretionary early release, other than

576-04145-18

20181218c2

2716 pardon or executive clemency, or conditional medical release
2717 under s. 947.149, prior to serving the minimum sentence.

2718 Section 45. For the purpose of incorporating the amendment
2719 made by this act to section 947.149, Florida Statutes, in a
2720 reference thereto, subsection (1) of section 790.235, Florida
2721 Statutes, is reenacted to read:

2722 790.235 Possession of firearm or ammunition by violent
2723 career criminal unlawful; penalty.—

2724 (1) Any person who meets the violent career criminal
2725 criteria under s. 775.084(1)(d), regardless of whether such
2726 person is or has previously been sentenced as a violent career
2727 criminal, who owns or has in his or her care, custody,
2728 possession, or control any firearm, ammunition, or electric
2729 weapon or device, or carries a concealed weapon, including a
2730 tear gas gun or chemical weapon or device, commits a felony of
2731 the first degree, punishable as provided in s. 775.082, s.
2732 775.083, or s. 775.084. A person convicted of a violation of
2733 this section shall be sentenced to a mandatory minimum of 15
2734 years' imprisonment; however, if the person would be sentenced
2735 to a longer term of imprisonment under s. 775.084(4)(d), the
2736 person must be sentenced under that provision. A person
2737 convicted of a violation of this section is not eligible for any
2738 form of discretionary early release, other than pardon,
2739 executive clemency, or conditional medical release under s.
2740 947.149.

2741 Section 46. For the purpose of incorporating the amendment
2742 made by this act to section 947.149, Florida Statutes, in a
2743 reference thereto, subsection (7) of section 794.0115, Florida
2744 Statutes, is reenacted to read:

576-04145-18

20181218c2

2745 794.0115 Dangerous sexual felony offender; mandatory
2746 sentencing.—

2747 (7) A defendant sentenced to a mandatory minimum term of
2748 imprisonment under this section is not eligible for statutory
2749 gain-time under s. 944.275 or any form of discretionary early
2750 release, other than pardon or executive clemency, or conditional
2751 medical release under s. 947.149, before serving the minimum
2752 sentence.

2753 Section 47. For the purpose of incorporating the amendment
2754 made by this act to section 947.149, Florida Statutes, in a
2755 reference thereto, paragraphs (b), (c), and (g) of subsection
2756 (1) and subsection (3) of section 893.135, Florida Statutes, are
2757 reenacted to read:

2758 893.135 Trafficking; mandatory sentences; suspension or
2759 reduction of sentences; conspiracy to engage in trafficking.—

2760 (1) Except as authorized in this chapter or in chapter 499
2761 and notwithstanding the provisions of s. 893.13:

2762 (b)1. Any person who knowingly sells, purchases,
2763 manufactures, delivers, or brings into this state, or who is
2764 knowingly in actual or constructive possession of, 28 grams or
2765 more of cocaine, as described in s. 893.03(2)(a)4., or of any
2766 mixture containing cocaine, but less than 150 kilograms of
2767 cocaine or any such mixture, commits a felony of the first
2768 degree, which felony shall be known as "trafficking in cocaine,"
2769 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2770 If the quantity involved:

2771 a. Is 28 grams or more, but less than 200 grams, such
2772 person shall be sentenced to a mandatory minimum term of
2773 imprisonment of 3 years, and the defendant shall be ordered to

576-04145-18

20181218c2

2774 pay a fine of \$50,000.

2775 b. Is 200 grams or more, but less than 400 grams, such
2776 person shall be sentenced to a mandatory minimum term of
2777 imprisonment of 7 years, and the defendant shall be ordered to
2778 pay a fine of \$100,000.

2779 c. Is 400 grams or more, but less than 150 kilograms, such
2780 person shall be sentenced to a mandatory minimum term of
2781 imprisonment of 15 calendar years and pay a fine of \$250,000.

2782 2. Any person who knowingly sells, purchases, manufactures,
2783 delivers, or brings into this state, or who is knowingly in
2784 actual or constructive possession of, 150 kilograms or more of
2785 cocaine, as described in s. 893.03(2)(a)4., commits the first
2786 degree felony of trafficking in cocaine. A person who has been
2787 convicted of the first degree felony of trafficking in cocaine
2788 under this subparagraph shall be punished by life imprisonment
2789 and is ineligible for any form of discretionary early release
2790 except pardon or executive clemency or conditional medical
2791 release under s. 947.149. However, if the court determines that,
2792 in addition to committing any act specified in this paragraph:

2793 a. The person intentionally killed an individual or
2794 counseled, commanded, induced, procured, or caused the
2795 intentional killing of an individual and such killing was the
2796 result; or

2797 b. The person's conduct in committing that act led to a
2798 natural, though not inevitable, lethal result,

2799
2800 such person commits the capital felony of trafficking in
2801 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
2802 person sentenced for a capital felony under this paragraph shall

576-04145-18

20181218c2

2803 also be sentenced to pay the maximum fine provided under
2804 subparagraph 1.

2805 3. Any person who knowingly brings into this state 300
2806 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
2807 and who knows that the probable result of such importation would
2808 be the death of any person, commits capital importation of
2809 cocaine, a capital felony punishable as provided in ss. 775.082
2810 and 921.142. Any person sentenced for a capital felony under
2811 this paragraph shall also be sentenced to pay the maximum fine
2812 provided under subparagraph 1.

2813 (c)1. A person who knowingly sells, purchases,
2814 manufactures, delivers, or brings into this state, or who is
2815 knowingly in actual or constructive possession of, 4 grams or
2816 more of any morphine, opium, hydromorphone, or any salt,
2817 derivative, isomer, or salt of an isomer thereof, including
2818 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
2819 (3)(c)4., or 4 grams or more of any mixture containing any such
2820 substance, but less than 30 kilograms of such substance or
2821 mixture, commits a felony of the first degree, which felony
2822 shall be known as "trafficking in illegal drugs," punishable as
2823 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2824 quantity involved:

2825 a. Is 4 grams or more, but less than 14 grams, such person
2826 shall be sentenced to a mandatory minimum term of imprisonment
2827 of 3 years and shall be ordered to pay a fine of \$50,000.

2828 b. Is 14 grams or more, but less than 28 grams, such person
2829 shall be sentenced to a mandatory minimum term of imprisonment
2830 of 15 years and shall be ordered to pay a fine of \$100,000.

2831 c. Is 28 grams or more, but less than 30 kilograms, such

576-04145-18

20181218c2

2832 person shall be sentenced to a mandatory minimum term of
2833 imprisonment of 25 years and shall be ordered to pay a fine of
2834 \$500,000.

2835 2. A person who knowingly sells, purchases, manufactures,
2836 delivers, or brings into this state, or who is knowingly in
2837 actual or constructive possession of, 14 grams or more of
2838 hydrocodone, as described in s. 893.03(2)(a)1.j., codeine, as
2839 described in s. 893.03(2)(a)1.g., or any salt thereof, or 14
2840 grams or more of any mixture containing any such substance,
2841 commits a felony of the first degree, which felony shall be
2842 known as "trafficking in hydrocodone," punishable as provided in
2843 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

2844 a. Is 14 grams or more, but less than 28 grams, such person
2845 shall be sentenced to a mandatory minimum term of imprisonment
2846 of 3 years and shall be ordered to pay a fine of \$50,000.

2847 b. Is 28 grams or more, but less than 50 grams, such person
2848 shall be sentenced to a mandatory minimum term of imprisonment
2849 of 7 years and shall be ordered to pay a fine of \$100,000.

2850 c. Is 50 grams or more, but less than 200 grams, such
2851 person shall be sentenced to a mandatory minimum term of
2852 imprisonment of 15 years and shall be ordered to pay a fine of
2853 \$500,000.

2854 d. Is 200 grams or more, but less than 30 kilograms, such
2855 person shall be sentenced to a mandatory minimum term of
2856 imprisonment of 25 years and shall be ordered to pay a fine of
2857 \$750,000.

2858 3. A person who knowingly sells, purchases, manufactures,
2859 delivers, or brings into this state, or who is knowingly in
2860 actual or constructive possession of, 7 grams or more of

576-04145-18

20181218c2

2861 oxycodone, as described in s. 893.03(2)(a)1.o., or any salt
2862 thereof, or 7 grams or more of any mixture containing any such
2863 substance, commits a felony of the first degree, which felony
2864 shall be known as "trafficking in oxycodone," punishable as
2865 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2866 quantity involved:

2867 a. Is 7 grams or more, but less than 14 grams, such person
2868 shall be sentenced to a mandatory minimum term of imprisonment
2869 of 3 years and shall be ordered to pay a fine of \$50,000.

2870 b. Is 14 grams or more, but less than 25 grams, such person
2871 shall be sentenced to a mandatory minimum term of imprisonment
2872 of 7 years and shall be ordered to pay a fine of \$100,000.

2873 c. Is 25 grams or more, but less than 100 grams, such
2874 person shall be sentenced to a mandatory minimum term of
2875 imprisonment of 15 years and shall be ordered to pay a fine of
2876 \$500,000.

2877 d. Is 100 grams or more, but less than 30 kilograms, such
2878 person shall be sentenced to a mandatory minimum term of
2879 imprisonment of 25 years and shall be ordered to pay a fine of
2880 \$750,000.

2881 4.a. A person who knowingly sells, purchases, manufactures,
2882 delivers, or brings into this state, or who is knowingly in
2883 actual or constructive possession of, 4 grams or more of:

2884 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2885 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2886 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2887 (IV) Sufentanil, as described in s. 893.03(2)(b)29.;

2888 (V) A fentanyl derivative, as described in s.

2889 893.03(1)(a)62.;

576-04145-18

20181218c2

2890 (VI) A controlled substance analog, as described in s.
2891 893.0356, of any substance described in sub-sub-subparagraphs
2892 (I)-(V); or
2893 (VII) A mixture containing any substance described in sub-
2894 sub-subparagraphs (I)-(VI),
2895
2896 commits a felony of the first degree, which felony shall be
2897 known as "trafficking in fentanyl," punishable as provided in s.
2898 775.082, s. 775.083, or s. 775.084.

2899 b. If the quantity involved under sub-subparagraph a.:

2900 (I) Is 4 grams or more, but less than 14 grams, such person
2901 shall be sentenced to a mandatory minimum term of imprisonment
2902 of 3 years, and shall be ordered to pay a fine of \$50,000.

2903 (II) Is 14 grams or more, but less than 28 grams, such
2904 person shall be sentenced to a mandatory minimum term of
2905 imprisonment of 15 years, and shall be ordered to pay a fine of
2906 \$100,000.

2907 (III) Is 28 grams or more, such person shall be sentenced
2908 to a mandatory minimum term of imprisonment of 25 years, and
2909 shall be ordered to pay a fine of \$500,000.

2910 5. A person who knowingly sells, purchases, manufactures,
2911 delivers, or brings into this state, or who is knowingly in
2912 actual or constructive possession of, 30 kilograms or more of
2913 any morphine, opium, oxycodone, hydrocodone, codeine,
2914 hydromorphone, or any salt, derivative, isomer, or salt of an
2915 isomer thereof, including heroin, as described in s.
2916 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
2917 more of any mixture containing any such substance, commits the
2918 first degree felony of trafficking in illegal drugs. A person

576-04145-18

20181218c2

2919 who has been convicted of the first degree felony of trafficking
2920 in illegal drugs under this subparagraph shall be punished by
2921 life imprisonment and is ineligible for any form of
2922 discretionary early release except pardon or executive clemency
2923 or conditional medical release under s. 947.149. However, if the
2924 court determines that, in addition to committing any act
2925 specified in this paragraph:

2926 a. The person intentionally killed an individual or
2927 counseled, commanded, induced, procured, or caused the
2928 intentional killing of an individual and such killing was the
2929 result; or

2930 b. The person's conduct in committing that act led to a
2931 natural, though not inevitable, lethal result,

2932
2933 such person commits the capital felony of trafficking in illegal
2934 drugs, punishable as provided in ss. 775.082 and 921.142. A
2935 person sentenced for a capital felony under this paragraph shall
2936 also be sentenced to pay the maximum fine provided under
2937 subparagraph 1.

2938 6. A person who knowingly brings into this state 60
2939 kilograms or more of any morphine, opium, oxycodone,
2940 hydrocodone, codeine, hydromorphone, or any salt, derivative,
2941 isomer, or salt of an isomer thereof, including heroin, as
2942 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
2943 60 kilograms or more of any mixture containing any such
2944 substance, and who knows that the probable result of such
2945 importation would be the death of a person, commits capital
2946 importation of illegal drugs, a capital felony punishable as
2947 provided in ss. 775.082 and 921.142. A person sentenced for a

576-04145-18

20181218c2

2948 capital felony under this paragraph shall also be sentenced to
2949 pay the maximum fine provided under subparagraph 1.

2950 (g)1. Any person who knowingly sells, purchases,
2951 manufactures, delivers, or brings into this state, or who is
2952 knowingly in actual or constructive possession of, 4 grams or
2953 more of flunitrazepam or any mixture containing flunitrazepam as
2954 described in s. 893.03(1)(a) commits a felony of the first
2955 degree, which felony shall be known as "trafficking in
2956 flunitrazepam," punishable as provided in s. 775.082, s.
2957 775.083, or s. 775.084. If the quantity involved:

2958 a. Is 4 grams or more but less than 14 grams, such person
2959 shall be sentenced to a mandatory minimum term of imprisonment
2960 of 3 years, and the defendant shall be ordered to pay a fine of
2961 \$50,000.

2962 b. Is 14 grams or more but less than 28 grams, such person
2963 shall be sentenced to a mandatory minimum term of imprisonment
2964 of 7 years, and the defendant shall be ordered to pay a fine of
2965 \$100,000.

2966 c. Is 28 grams or more but less than 30 kilograms, such
2967 person shall be sentenced to a mandatory minimum term of
2968 imprisonment of 25 calendar years and pay a fine of \$500,000.

2969 2. Any person who knowingly sells, purchases, manufactures,
2970 delivers, or brings into this state or who is knowingly in
2971 actual or constructive possession of 30 kilograms or more of
2972 flunitrazepam or any mixture containing flunitrazepam as
2973 described in s. 893.03(1)(a) commits the first degree felony of
2974 trafficking in flunitrazepam. A person who has been convicted of
2975 the first degree felony of trafficking in flunitrazepam under
2976 this subparagraph shall be punished by life imprisonment and is

576-04145-18

20181218c2

2977 ineligible for any form of discretionary early release except
2978 pardon or executive clemency or conditional medical release
2979 under s. 947.149. However, if the court determines that, in
2980 addition to committing any act specified in this paragraph:

2981 a. The person intentionally killed an individual or
2982 counseled, commanded, induced, procured, or caused the
2983 intentional killing of an individual and such killing was the
2984 result; or

2985 b. The person's conduct in committing that act led to a
2986 natural, though not inevitable, lethal result,

2987
2988 such person commits the capital felony of trafficking in
2989 flunitrazepam, punishable as provided in ss. 775.082 and
2990 921.142. Any person sentenced for a capital felony under this
2991 paragraph shall also be sentenced to pay the maximum fine
2992 provided under subparagraph 1.

2993 (3) Notwithstanding the provisions of s. 948.01, with
2994 respect to any person who is found to have violated this
2995 section, adjudication of guilt or imposition of sentence shall
2996 not be suspended, deferred, or withheld, nor shall such person
2997 be eligible for parole prior to serving the mandatory minimum
2998 term of imprisonment prescribed by this section. A person
2999 sentenced to a mandatory minimum term of imprisonment under this
3000 section is not eligible for any form of discretionary early
3001 release, except pardon or executive clemency or conditional
3002 medical release under s. 947.149, prior to serving the mandatory
3003 minimum term of imprisonment.

3004 Section 48. For the purpose of incorporating the amendment
3005 made by this act to section 947.149, Florida Statutes, in a

576-04145-18

20181218c2

3006 reference thereto, subsection (2) of section 921.0024, Florida
3007 Statutes, is reenacted to read:

3008 921.0024 Criminal Punishment Code; worksheet computations;
3009 scoresheets.-

3010 (2) The lowest permissible sentence is the minimum sentence
3011 that may be imposed by the trial court, absent a valid reason
3012 for departure. The lowest permissible sentence is any nonstate
3013 prison sanction in which the total sentence points equals or is
3014 less than 44 points, unless the court determines within its
3015 discretion that a prison sentence, which may be up to the
3016 statutory maximums for the offenses committed, is appropriate.
3017 When the total sentence points exceeds 44 points, the lowest
3018 permissible sentence in prison months shall be calculated by
3019 subtracting 28 points from the total sentence points and
3020 decreasing the remaining total by 25 percent. The total sentence
3021 points shall be calculated only as a means of determining the
3022 lowest permissible sentence. The permissible range for
3023 sentencing shall be the lowest permissible sentence up to and
3024 including the statutory maximum, as defined in s. 775.082, for
3025 the primary offense and any additional offenses before the court
3026 for sentencing. The sentencing court may impose such sentences
3027 concurrently or consecutively. However, any sentence to state
3028 prison must exceed 1 year. If the lowest permissible sentence
3029 under the code exceeds the statutory maximum sentence as
3030 provided in s. 775.082, the sentence required by the code must
3031 be imposed. If the total sentence points are greater than or
3032 equal to 363, the court may sentence the offender to life
3033 imprisonment. An offender sentenced to life imprisonment under
3034 this section is not eligible for any form of discretionary early

576-04145-18

20181218c2

3035 release, except executive clemency or conditional medical
3036 release under s. 947.149.

3037 Section 49. For the purpose of incorporating the amendment
3038 made by this act to section 947.149, Florida Statutes, in a
3039 reference thereto, paragraph (b) of subsection (7) of section
3040 944.605, Florida Statutes, is reenacted to read:

3041 944.605 Inmate release; notification; identification card.-
3042 (7)

3043 (b) Paragraph (a) does not apply to inmates who:

3044 1. The department determines have a valid driver license or
3045 state identification card, except that the department shall
3046 provide these inmates with a replacement state identification
3047 card or replacement driver license, if necessary.

3048 2. Have an active detainer, unless the department
3049 determines that cancellation of the detainer is likely or that
3050 the incarceration for which the detainer was issued will be less
3051 than 12 months in duration.

3052 3. Are released due to an emergency release or a
3053 conditional medical release under s. 947.149.

3054 4. Are not in the physical custody of the department at or
3055 within 180 days before release.

3056 5. Are subject to sex offender residency restrictions, and
3057 who, upon release under such restrictions, do not have a
3058 qualifying address.

3059 Section 50. For the purpose of incorporating the amendment
3060 made by this act to section 947.149, Florida Statutes, in a
3061 reference thereto, paragraph (b) of subsection (1) of section
3062 944.70, Florida Statutes, is reenacted to read:

3063 944.70 Conditions for release from incarceration.-

576-04145-18

20181218c2

3064 (1)

3065 (b) A person who is convicted of a crime committed on or

3066 after January 1, 1994, may be released from incarceration only:

3067 1. Upon expiration of the person's sentence;

3068 2. Upon expiration of the person's sentence as reduced by

3069 accumulated meritorious or incentive gain-time;

3070 3. As directed by an executive order granting clemency;

3071 4. Upon placement in a conditional release program pursuant

3072 to s. 947.1405 or a conditional medical release program pursuant

3073 to s. 947.149; or

3074 5. Upon the granting of control release, including

3075 emergency control release, pursuant to s. 947.146.

3076 Section 51. For the purpose of incorporating the amendment

3077 made by this act to section 947.149, Florida Statutes, in a

3078 reference thereto, paragraph (h) of subsection (1) of section

3079 947.13, Florida Statutes, is reenacted to read:

3080 947.13 Powers and duties of commission.—

3081 (1) The commission shall have the powers and perform the

3082 duties of:

3083 (h) Determining what persons will be released on

3084 conditional medical release under s. 947.149, establishing the

3085 conditions of conditional medical release, and determining

3086 whether a person has violated the conditions of conditional

3087 medical release and taking action with respect to such a

3088 violation.

3089 Section 52. For the purpose of incorporating the amendment

3090 made by this act to section 947.149, Florida Statutes, in a

3091 reference thereto, subsections (1), (2), and (7) of section

3092 947.141, Florida Statutes, are reenacted to read:

576-04145-18

20181218c2

3093 947.141 Violations of conditional release, control release,
3094 or conditional medical release or addiction-recovery
3095 supervision.—

3096 (1) If a member of the commission or a duly authorized
3097 representative of the commission has reasonable grounds to
3098 believe that an offender who is on release supervision under s.
3099 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
3100 the terms and conditions of the release in a material respect,
3101 such member or representative may cause a warrant to be issued
3102 for the arrest of the releasee; if the offender was found to be
3103 a sexual predator, the warrant must be issued.

3104 (2) Upon the arrest on a felony charge of an offender who
3105 is on release supervision under s. 947.1405, s. 947.146, s.
3106 947.149, or s. 944.4731, the offender must be detained without
3107 bond until the initial appearance of the offender at which a
3108 judicial determination of probable cause is made. If the trial
3109 court judge determines that there was no probable cause for the
3110 arrest, the offender may be released. If the trial court judge
3111 determines that there was probable cause for the arrest, such
3112 determination also constitutes reasonable grounds to believe
3113 that the offender violated the conditions of the release. Within
3114 24 hours after the trial court judge's finding of probable
3115 cause, the detention facility administrator or designee shall
3116 notify the commission and the department of the finding and
3117 transmit to each a facsimile copy of the probable cause
3118 affidavit or the sworn offense report upon which the trial court
3119 judge's probable cause determination is based. The offender must
3120 continue to be detained without bond for a period not exceeding
3121 72 hours excluding weekends and holidays after the date of the

576-04145-18

20181218c2

3122 probable cause determination, pending a decision by the
3123 commission whether to issue a warrant charging the offender with
3124 violation of the conditions of release. Upon the issuance of the
3125 commission's warrant, the offender must continue to be held in
3126 custody pending a revocation hearing held in accordance with
3127 this section.

3128 (7) If a law enforcement officer has probable cause to
3129 believe that an offender who is on release supervision under s.
3130 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
3131 the terms and conditions of his or her release by committing a
3132 felony offense, the officer shall arrest the offender without a
3133 warrant, and a warrant need not be issued in the case.

3134 Section 53. This act shall take effect October 1, 2018.