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LEGISLATIVE ACTION

Senate

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House

Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective July 1, 2019, paragraph (c) is added
to subsection (4) and paragraph (e) is added to subsection (5)
of section 16.555, Florida Statutes, to read:

16.555 Crime Stoppers Trust Fund; rulemaking.—

(4)

(c) After an initial distribution of funds to the judicial
circuit in which they were collected, up to 50 percent of the



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unencumbered funds returned to the Crime Stoppers Trust Fund from that circuit from a previous grant year, may, in subsequent grant years, be reallocated to other judicial circuits for special crime stoppers initiatives or other programs of the Florida Association of Crime Stoppers, as prioritized and determined by the department and the Florida Association of Crime Stoppers.

(5)

(e) A county that is awarded a grant under this section may use such funds to pay rewards for tips that result in any of the following:

1. An arrest.

2. The recovery of stolen property.

3. The recovery of illegal narcotics.

4. The recovery of the body of a homicide victim.

5. The recovery of a human trafficking victim or a missing person connected to criminal activity.

6. The recovery of an illegal firearm or an illegal weapon on a K-12 school campus.

7. The prevention of a terrorist act.

8. The solving and closing of a criminal case involving a homicide or other violent felony offense that remains unsolved for 1 year or more after being reported to a law enforcement agency and that has no viable and unexplored investigatory leads.

Section 2. Section 16.557, Florida Statutes, is created to read:

16.557 Crime stoppers organizations; disclosure of privileged communications or protected information.—



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

42 (a) "Crime stoppers organization" means a private not-for-
43 profit organization that collects and expends donations for
44 rewards to persons who report to the organization information
45 concerning criminal activity, and forwards that information to
46 appropriate law enforcement agencies.

47 (b) "Privileged communication" means the act of providing
48 information to a crime stoppers organization for the purpose of
49 reporting alleged criminal activity.

50 (c) "Protected information" includes the identity of a
51 person who engages in privileged communication with a crime
52 stoppers organization and any records, recordings, oral or
53 written statements, papers, documents, or other tangible items
54 provided to or collected by a crime stoppers organization, a law
55 enforcement crime stoppers coordinator or his or her staff, or a
56 law enforcement agency in connection with such privileged
57 communication.

58 (2) (a) Except pursuant to criminal discovery or as provided
59 in paragraph (b), a person who discloses a privileged
60 communication or protected information or any information
61 concerning a privileged communication or protected information
62 commits a felony of the third degree, punishable as provided in
63 s. 775.082, s. 775.083, or s. 775.084.

64 (b) This subsection does not apply to:

65 1. The person who provides the privileged communication or
66 protected information; or

67 2. A law enforcement officer or an employee of a law
68 enforcement agency or the Department of Legal Affairs when he or
69 she is acting within the scope of his or her official duties.



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(c) This subsection does not limit the right of any criminal defendant to criminal discovery.

Section 3. Effective July 1, 2019, section 25.025, Florida Statutes, is created to read:

25.025 Headquarters.—

(1) (a) A Supreme Court justice who permanently resides outside Leon County shall, if he or she so requests, have a district court of appeal courthouse, a county courthouse, or another appropriate facility in his or her district of residence designated as his or her official headquarters pursuant to s. 112.061. This official headquarters may serve only as the justice's private chambers.

(b) A justice for whom an official headquarters is designated in his or her district of residence under this subsection is eligible for subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the Supreme Court Building for the conduct of the business of the court. In addition to the subsistence allowance, a justice is eligible for reimbursement for transportation expenses as provided in s. 112.061(7) for travel between the justice's official headquarters and the Supreme Court Building for the conduct of the business of the court.

(c) Payment of subsistence and reimbursement for transportation expenses relating to travel between a justice's official headquarters and the Supreme Court Building must be made to the extent that appropriated funds are available, as determined by the Chief Justice.

(2) The Chief Justice shall coordinate with each affected



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justice and other state and local officials as necessary to
implement paragraph (1)(a).

(3)(a) This section does not require a county to provide
space in a county courthouse for a justice. A county may enter
into an agreement with the Supreme Court governing the use of
space in a county courthouse.

(b) The Supreme Court may not use state funds to lease
space in a district court of appeal courthouse, county
courthouse, or other facility to allow a justice to establish an
official headquarters pursuant to subsection (1).

Section 4. Section 43.51, Florida Statutes, is created to
read:

43.51 Problem-solving court reports.—

(1) The Office of the State Courts Administrator shall
provide an annual report to the President of the Senate and the
Speaker of the House of Representatives which details the number
of participants in each problem-solving court for each fiscal
year the court has been operating and the types of services
provided, identifies each source of funding for each court
during each fiscal year, and provides information on the
performance of each court based upon outcome measures
established by the courts.

(2) For purposes of this section, the term "problem-solving
court" includes, but is not limited to, a drug court pursuant to
s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.
948.20; a military veterans' and servicemembers' court pursuant
to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental
health court program pursuant to s. 394.47892, s. 948.01, s.
948.06, s. 948.08, or s. 948.16; a community court pursuant to



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s. 948.081; or a delinquency pretrial intervention court program pursuant to s. 985.345.

Section 5. Subsection (8) is added to section 57.105, Florida Statutes, to read:

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

(8) Attorney fees may not be awarded under this section in proceedings for an injunction for protection pursuant to s. 741.30, s. 784.046, or s. 784.0485, unless the court finds by clear and convincing evidence that the petitioner knowingly made a false statement or allegation in the petition with regard to a material matter as defined in s. 837.011(3).

Section 6. Paragraph (c) of subsection (1) of section 61.13016, Florida Statutes, is amended to read:

61.13016 Suspension of driver licenses and motor vehicle registrations.—

(1) The driver license and motor vehicle registration of a support obligor who is delinquent in payment or who has failed to comply with subpoenas or a similar order to appear or show cause relating to paternity or support proceedings may be suspended. When an obligor is 15 days delinquent making a payment in support or failure to comply with a subpoena, order to appear, order to show cause, or similar order in IV-D cases, the Title IV-D agency may provide notice to the obligor of the delinquency or failure to comply with a subpoena, order to appear, order to show cause, or similar order and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway



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Safety and Motor Vehicles. When an obligor is 15 days delinquent in making a payment in support in non-IV-D cases, and upon the request of the obligee, the depository or the clerk of the court must provide notice to the obligor of the delinquency and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles. In either case, the notice must state:

(c) That notification will be given to the Department of Highway Safety and Motor Vehicles to suspend the obligor's driver license and motor vehicle registration unless, within 20 days after the date that the notice is mailed, the obligor:

1.a. Pays the delinquency in full and any other costs and fees accrued between the date of the notice and the date the delinquency is paid;

b. Enters into a written agreement for payment with the obligee in non-IV-D cases or with the Title IV-D agency in IV-D cases; or in IV-D cases, complies with a subpoena or order to appear, order to show cause, or a similar order, which may include a reasonable period of payment deferral to accommodate an obligor's good faith job-seeking efforts;

c. Files a petition with the circuit court to contest the delinquency action;

d. Demonstrates that he or she receives reemployment assistance or unemployment compensation pursuant to chapter 443;

e. Demonstrates that he or she is disabled and incapable of self-support or that he or she receives benefits under the federal Supplemental Security Income program or Social Security Disability Insurance program;



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f. Demonstrates that he or she receives temporary cash assistance pursuant to chapter 414; or

g. Demonstrates that he or she is making payments in accordance with a confirmed bankruptcy plan under chapter 11, chapter 12, or chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.; and

2. Pays any applicable delinquency fees.

If an obligor in a non-IV-D case enters into a written agreement for payment before the expiration of the 20-day period, the obligor must provide a copy of the signed written agreement to the depository or the clerk of the court. If an obligor seeks to satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-subparagraph 1.f., or sub-subparagraph 1.g. before expiration of the 20-day period, the obligor must provide the applicable documentation or proof to the depository or the clerk of the court.

Section 7. Subsection (2) of section 212.15, Florida Statutes, is amended to read:

212.15 Taxes declared state funds; penalties for failure to remit taxes; due and delinquent dates; judicial review.—

(2) Any person who, with intent to unlawfully deprive or defraud the state of its moneys or the use or benefit thereof, fails to remit taxes collected under this chapter commits ~~is guilty of~~ theft of state funds, punishable as follows:

(a) If the total amount of stolen revenue is less than \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction, the offender commits ~~is guilty of~~ a



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misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction, the offender commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the total amount of stolen revenue is \$1,000 ~~\$300~~ or more, but less than \$20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the total amount of stolen revenue is \$20,000 or more, but less than \$100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) If the total amount of stolen revenue is \$100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Subsection (3) of section 287.095, Florida Statutes, is amended to read:

287.095 Department of Corrections; prison industry programs.—

(3) All products offered for purchase to a state agency by the corporation organized under chapter 946 shall be produced in majority part by inmate labor, except for products not made by inmates which products are contractually allied to products made by inmates which are offered by the corporation, ~~provided the value of the products not made by inmates do not exceed 2 percent of the total sales of the corporation in any year.~~

Section 9. Present subsections (41) through (46) of section 322.01, Florida Statutes, are redesignated as subsections (42) through (47), respectively, and a new subsection (41) is added



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to that section, to read:

322.01 Definitions.—As used in this chapter:

(41) "Suspension or revocation equivalent status" is a designation for a person who does not have a driver license or driving privilege but would qualify for suspension or revocation of his or her driver license or driving privilege if licensed. The department may designate a person as having suspension or revocation equivalent status in the same manner as it is authorized to suspend or revoke a driver license or driving privilege by law.

Section 10. Subsections (1) through (4) of section 322.055, Florida Statutes, are amended to read:

322.055 Revocation or suspension of, or delay of eligibility for, driver license for persons 18 years of age or older convicted of certain drug offenses.—

(1) Notwithstanding s. 322.28, upon the conviction of a person 18 years of age or older for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance, the court shall direct the department to suspend ~~revoke~~ the person's driver license or driving privilege ~~of the person~~. The suspension ~~period of such revocation~~ shall be 6 months ~~1 year~~ or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, upon finding a compelling circumstance to warrant an exception ~~in its sound discretion~~, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the



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person is otherwise qualified for such a license. ~~A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on length of suspension or revocation. In no case shall a restricted license be available until 6 months of the suspension or revocation period has expired.~~

(2) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is eligible by reason of age for a driver license or privilege, the court shall direct the department to withhold issuance of such person's driver license or driving privilege for a period of 6 months ~~1 year~~ after the date the person was convicted or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, upon finding a compelling circumstance to warrant an exception ~~in its sound discretion~~, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. ~~A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license~~



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~~be available until 6 months of the suspension or revocation period has expired.~~

(3) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person's driver license or driving privilege is already under suspension or revocation for any reason, the court shall direct the department to extend the period of such suspension or revocation by an additional period of 6 months ~~1 year~~ or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, upon finding a compelling circumstance to warrant an exception ~~in its sound discretion~~, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. ~~A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until 6 months of the suspension or revocation period has expired.~~

(4) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is ineligible by reason of age for a driver license or



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driving privilege, the court shall direct the department to withhold issuance of such person's driver license or driving privilege for a period of 6 months ~~1 year~~ after the date that he or she would otherwise have become eligible or until he or she becomes eligible by reason of age for a driver license and is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families.

However, the court may, upon finding a compelling circumstance to warrant an exception ~~in its sound discretion~~, direct the

department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s.

322.271, if the person is otherwise qualified for such a license. ~~A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until 6 months of the suspension or revocation period has expired.~~

Section 11. Section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver license for persons under age 18 found guilty of ~~certain alcohol, drug, or tobacco~~ offenses; prohibition.—

(1) Notwithstanding ~~the provisions of~~ s. 322.055, if a person under 18 years of age is found guilty of or delinquent



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for a violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893,
and:

(a) The person is eligible by reason of age for a driver
license or driving privilege, the court shall direct the
department to revoke or to withhold issuance of his or her
driver license or driving privilege for a period of 6 months÷

~~1. Not less than 6 months and not more than 1 year for the
first violation.~~

~~2. Two years, for a subsequent violation.~~

(b) The person's driver license or driving privilege is
under suspension or revocation for any reason, the court shall
direct the department to extend the period of suspension or
revocation by an additional period of 6 months÷

~~1. Not less than 6 months and not more than 1 year for the
first violation.~~

~~2. Two years, for a subsequent violation.~~

(c) The person is ineligible by reason of age for a driver
license or driving privilege, the court shall direct the
department to withhold issuance of his or her driver license or
driving privilege for a period of÷

~~1. Not less than 6 months and not more than 1 year after
the date on which he or she would otherwise have become
eligible, for the first violation.~~

~~2. Two years after the date on which he or she would
otherwise have become eligible, for a subsequent violation.~~

However, the court may, upon finding a compelling circumstance
to warrant an exception ~~in its sound discretion~~, direct the
department to issue a license for driving privileges restricted



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to business or employment purposes only, as defined in s.
322.271, if the person is otherwise qualified for such a
license.

~~(2) If a person under 18 years of age is found by the court
to have committed a noncriminal violation under s. 569.11 or s.
877.112(6) or (7) and that person has failed to comply with the
procedures established in that section by failing to fulfill
community service requirements, failing to pay the applicable
fine, or failing to attend a locally available school-approved
anti-tobacco program, and:~~

~~(a) The person is eligible by reason of age for a driver
license or driving privilege, the court shall direct the
department to revoke or to withhold issuance of his or her
driver license or driving privilege as follows:~~

~~1. For the first violation, for 30 days.~~

~~2. For the second violation within 12 weeks of the first
violation, for 45 days.~~

~~(b) The person's driver license or driving privilege is
under suspension or revocation for any reason, the court shall
direct the department to extend the period of suspension or
revocation by an additional period as follows:~~

~~1. For the first violation, for 30 days.~~

~~2. For the second violation within 12 weeks of the first
violation, for 45 days.~~

~~(c) The person is ineligible by reason of age for a driver
license or driving privilege, the court shall direct the
department to withhold issuance of his or her driver license or
driving privilege as follows:~~

~~1. For the first violation, for 30 days.~~



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~~2. For the second violation within 12 weeks of the first violation, for 45 days.~~

~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in this subsection.~~

~~(3) If a person under 18 years of age is found by the court to have committed a third violation of s. 569.11 or s. 877.112(6) or (7) within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to suspend or withhold issuance of his or her driver license or driving privilege for 60 consecutive days. Any third violation of s. 569.11 or s. 877.112(6) or (7) not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in subsection (2).~~

~~(2)(4)~~ A penalty imposed under this section shall be in addition to any other penalty imposed by law.

~~(5) The suspension or revocation of a person's driver license imposed pursuant to subsection (2) or subsection (3), shall not result in or be cause for an increase of the convicted person's, or his or her parent's or legal guardian's, automobile insurance rate or premium or result in points assessed against the person's driving record.~~

Section 12. Section 322.057, Florida Statutes, is repealed.

Section 13. Subsections (2), (4), (7), paragraph (a) of subsection (8), paragraph (a) of subsection (9), subsection (10), and paragraph (a) of subsection (11) of section 322.34,



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Florida Statutes, are amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(2) Any person whose driver license or driving privilege has been canceled, suspended, or revoked as provided by law, or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status as defined in s. 322.01(41), except persons defined in s. 322.264, who, knowing of such cancellation, suspension, ~~or~~ revocation, or suspension or revocation equivalent status, drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, or while under suspension or revocation equivalent status, commits upon:

(a) A ~~first conviction is guilty of a~~ misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) 1. A second conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, upon a second or subsequent conviction, except as provided in paragraph (c).

2. A person convicted of a third or subsequent conviction, except as provided in paragraph (c), must serve a minimum of 10 days in jail.

(c) A ~~third or subsequent conviction is guilty of a~~ felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, upon a third or subsequent conviction if the current violation of this section or the most recent prior violation of the section are related to driving while license canceled, suspended, revoked, or suspension or revocation



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equivalent status resulting from a violation of:

1. Driving under the influence;

2. Refusal to submit to a urine, breath-alcohol, or blood
alcohol test;

3. A traffic offense causing death or serious bodily
injury; or

4. Fleeing or eluding.

The element of knowledge is satisfied if the person has been previously cited as provided in subsection (1); or the person admits to knowledge of the cancellation, suspension, or revocation, or suspension or revocation equivalent status; or the person received notice as provided in subsection (4). There shall be a rebuttable presumption that the knowledge requirement is satisfied if a judgment or order as provided in subsection (4) appears in the department's records for any case except for one involving a suspension by the department for failure to pay a traffic fine or for a financial responsibility violation.

(4) Any judgment or order rendered by a court or adjudicatory body or any uniform traffic citation that cancels, suspends, or revokes a person's driver license or places a person under suspension or revocation equivalent status must contain a provision notifying the person that his or her driver license has been canceled, suspended, or revoked, or of such suspension or revocation equivalent status.

(7) Any person whose driver license or driving privilege has been canceled, suspended, revoked, or disqualified, or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status, and who drives a



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commercial motor vehicle on the highways of this state while such license or privilege is canceled, suspended, revoked, or disqualified, or while under suspension or revocation equivalent status, upon:

(a) A first conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent conviction is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)(a) Upon the arrest of a person for the offense of driving while the person's driver license or driving privilege is suspended or revoked, the arresting officer shall determine:

1. Whether the person's driver license is suspended or revoked, or the person is under suspension or revocation equivalent status.

2. Whether the person's driver license has remained suspended or revoked, or the person has been under suspension or revocation equivalent status, since a conviction for the offense of driving with a suspended or revoked license.

3. Whether the suspension, ~~or~~ revocation, or suspension or revocation equivalent status was made under s. 316.646 or s. 627.733, relating to failure to maintain required security, or under s. 322.264, relating to habitual traffic offenders.

4. Whether the driver is the registered owner or coowner of the vehicle.

(9)(a) A motor vehicle that is driven by a person under the influence of alcohol or drugs in violation of s. 316.193 is subject to seizure and forfeiture under ss. 932.701-932.7062 and



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is subject to liens for recovering, towing, or storing vehicles under s. 713.78 if, at the time of the offense, the person's driver license is suspended, revoked, or canceled, or suspension or revocation equivalent status was imposed, as a result of a prior conviction for driving under the influence.

(10) (a) Notwithstanding any other provision of this section, if a person does not have a prior forcible felony conviction as defined in s. 776.08, the penalties provided in paragraph (b) apply if a person's driver license or driving privilege is canceled, suspended, or revoked, or the person is under suspension or revocation equivalent status, for:

1. Failing to pay child support as provided in s. 322.245 or s. 61.13016;

2. Failing to pay any other financial obligation as provided in s. 322.245 other than those specified in s. 322.245(1);

3. Failing to comply with a civil penalty required in s. 318.15;

4. Failing to maintain vehicular financial responsibility as required by chapter 324;

5. Failing to comply with attendance or other requirements for minors as set forth in s. 322.091; or

6. Having been designated a habitual traffic offender under s. 322.264(1)(d) as a result of suspensions of his or her driver license or driver privilege for any underlying violation listed in subparagraphs 1.-5.

(b)1. Upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled, or while under suspension or revocation equivalent status, for any of the



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underlying violations listed in subparagraphs (a)1.-6., a person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. Upon a second or subsequent conviction for the same offense of knowingly driving while his or her license is suspended, revoked, or canceled, or while under suspension or revocation equivalent status, for any of the underlying violations listed in subparagraphs (a)1.-6., a person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(11)(a) A person who does not hold a commercial driver license and who is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled, or while under suspension or revocation equivalent status, for any of the underlying violations listed in paragraph (10)(a) may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld. However, no election shall be made under this subsection if such person has made an election under this subsection during the preceding 12 months. A person may not make more than three elections under this subsection.

Section 14. Section 322.75, Florida Statutes, is created to read:

322.75 Driver License Reinstatement Days.—

(1) Each clerk of court shall establish a Driver License Reinstatement Days program for reinstating suspended driver licenses. Participants may include, but are not limited to, the



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Department of Highway Safety and Motor Vehicles, the state attorney's office, the public defender's office, the circuit and county courts, the clerk of court, and any interested community organization.

(2) The clerk of court, in consultation with other participants, shall select 1 or more days annually for an event at which a person may have his or her driver license reinstated. The clerk may work with the Florida Association of Court Clerks and Comptrollers to promote such program, develop communications, and coordinate the event. A person must pay the full license reinstatement fee; however, the clerk may reduce or waive other fees and costs, except those imposed by the court, to facilitate reinstatement.

(3) The clerk of court is encouraged to schedule at least one event on a weekend or with hours after 5 p.m. on a weekday.

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

1. Driving without a valid driver license;
2. Driving with a suspended driver license;
3. Failing to make a payment on penalties in collection;
4. Failing to appear in court for a traffic violation; or
5. Failing to comply with any provision of chapter 318 or this chapter.

(b) Notwithstanding paragraphs (5) (a)-(c), a person is eligible for reinstatement under the program if the period of suspension or revocation has elapsed, the person has completed any required course or program as described in paragraph (5) (c), and the person is otherwise eligible for reinstatement.

(5) A person is not eligible for reinstatement under the



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program if his or her driver license is suspended or revoked due to:

(a) The person's failure to fulfill a court-ordered child support obligation;

(b) A violation of s. 316.193;

(c) The person's failure to complete a driver training program, driver improvement course, or alcohol or substance abuse education or evaluation program required under s. 316.192, s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;

(d) A traffic-related felony; or

(e) The person being designated as a habitual traffic offender under s. 322.264.

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

(7) The clerk of court must collect and report to the Florida Clerks of Court Operations Corporation all of the following:

(a) Number of cases paid in full.

(b) Number of cases put on a payment plan.

(c) Number of driver license reinstatements.

(d) Number of driver licenses made eligible for reinstatement.

(e) Amount of fees and costs collected, reported by the entity receiving the funds. The Florida Clerks of Court Operations Corporation must report the aggregate funds received by the clerks of court, the local governmental entities, and state entities, including the General Revenue Fund.

(f) The personnel, operating, security, and other



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expenditures incurred by the clerk of court.

(g) The number of cases that fail to comply with a payment plan and subsequently result in driver license suspension.

(8) The Florida Clerks of Court Operations Corporation shall report the information collected in subsection (7) in its annual report required by s. 28.35.

Section 15. Subsection (2) of section 394.917, Florida Statutes, is amended to read:

394.917 Determination; commitment procedure; mistrials; housing; counsel and costs in indigent appellate cases.—

(2) If the court or jury determines that the person is a sexually violent predator, upon the expiration of the incarcerative portion of all criminal sentences and disposition of any detainers, the person shall be committed to the custody of the Department of Children and Families for control, care, ~~and treatment,~~ and rehabilitation of criminal offenders, until such time as the person's mental abnormality or personality disorder has so changed that it is safe for the person to be at large. At all times, persons who are detained or committed under this part shall be kept in a secure facility segregated from patients of the department who are not detained or committed under this part.

Section 16. Subsection (2) of section 397.334, Florida Statutes, is amended to read:

397.334 Treatment-based drug court programs.—

(2) Entry into any pretrial treatment-based drug court program shall be voluntary. When neither s. 948.08(6)(c)1. nor 2. ~~s. 948.08(6)(a)1. nor 2.~~ applies, the court may order an eligible individual to enter into a pretrial treatment-based



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drug court program only upon written agreement by the individual, which shall include a statement that the individual understands the requirements of the program and the potential sanctions for noncompliance.

Section 17. Present subsections (3) through (12) of section 455.213, Florida Statutes, are redesignated as subsections (4) through (13), respectively, subsection (2) of that section is amended, and a new subsection (3) is added to that section, to read:

455.213 General licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, except as provided in subsection (4) ~~(3)~~, the department shall issue a license to any person certified by the appropriate board, or its designee, or the department when there is no board, as having met the applicable requirements imposed by law or rule. However, an applicant who is not otherwise qualified for licensure is not entitled to licensure solely based on a passing score on a required examination. Upon a determination by the department that it erroneously issued a license, or upon the revocation of a license by the applicable board, or by the department when there is no board, the licensee must surrender his or her license to the department.

(3) (a) Notwithstanding any other law, the applicable board shall use the process in this subsection for review of an applicant's criminal record to determine his or her eligibility for licensure as:



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708 1. A barber under chapter 476;
709 2. A cosmetologist or cosmetology specialist under chapter
710 477;
711 3. Any of the following construction professions under
712 chapter 489:
713 a. Air-conditioning contractor;
714 b. Electrical contractor;
715 c. Mechanical contractor;
716 d. Plumbing contractor;
717 e. Pollutant storage systems contractor;
718 f. Roofing contractor;
719 g. Sheet metal contractor;
720 h. Solar contractor;
721 i. Swimming pool and spa contractor;
722 j. Underground utility and excavation contractor; or
723 k. Other specialty contractors; or
724 4. Any other profession for which the department issues a
725 license, provided the profession is offered in to inmates in any
726 correctional institution or correctional facility as vocational
727 training or through an industry certification program.
728 (b)1. A conviction, or any other adjudication, for a crime
729 more than 5 years before the date the application is received by
730 the applicable board may not be grounds for denial of a license
731 specified in paragraph (a). For purposes of this paragraph, the
732 term "conviction" means a determination of guilt that is the
733 result of a plea or trial, regardless of whether adjudication is
734 withheld. This paragraph does not limit the applicable board
735 from considering an applicant's criminal history that includes a
736 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but



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only if such criminal history has been found to relate to the practice of the applicable profession.

2. The applicable board may consider the criminal history of an applicant for licensure under subparagraph (a)3. if such criminal history has been found to relate to good moral character.

(c)1. A person may apply for a license before his or her lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The applicable board may not deny an application for a license solely on the basis of the applicant's current confinement or supervision.

2. After a license application is approved, the applicable board may stay the issuance of a license until the applicant is lawfully released from confinement or supervision and the applicant notifies the applicable board of such release. The applicable board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his or her confinement or supervision, the applicable board must permit the applicant to appear by teleconference or video conference, as appropriate, at any meeting of the applicable board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the Department of Corrections and the applicable board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.



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(d) Each applicable board shall compile a list of crimes that, if committed and regardless of adjudication, do not relate to the practice of the profession or the ability to practice the profession and do not constitute grounds for denial of a license. This list must be made available on the department's website and updated annually. Beginning October 1, 2019, each applicable board shall compile a list of crimes that although reported by an applicant for licensure, were not used as a basis for denial. The list must identify for each such license application the crime reported and the date of conviction and whether there was a finding of guilt, a plea, or an adjudication entered or the date of sentencing.

(e) Each applicable board shall compile a list of crimes that have been used as a basis for denial of a license in the past 2 years and shall make the list available on the department's website. Starting October 1, 2019, and updated quarterly thereafter, the applicable board shall compile a list indicating each crime used as a basis for denial. For each crime listed, the applicable board must identify the date of conviction, finding of guilt, plea, or adjudication entered, or date of sentencing. Such denials must be made available to the public upon request.

Section 18. Subsection (4) of section 474.2165, Florida Statutes, is amended to read:

474.2165 Ownership and control of veterinary medical patient records; report or copies of records to be furnished.—

(4) Except as otherwise provided in this section, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the



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client or the client's legal representative or other veterinarians involved in the care or treatment of the patient, except upon written authorization of the client. However, such records may be furnished without written authorization under the following circumstances:

(a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the client's consent.

(b) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the client or the client's legal representative by the party seeking such records.

(c) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient and the client, or provided written permission is received from the client or the client's legal representative.

(d) In any criminal action or situation where a veterinarian suspects a criminal violation. If a criminal violation is suspected, a veterinarian may, without notice to or authorization from the client, report the violation to a law enforcement officer, an animal control officer who is certified pursuant to s. 828.27(4)(a), or an agent appointed under s. 828.03. However, if a suspected violation occurs at a commercial food-producing animal operation on land classified as agricultural under s. 193.461, the veterinarian must provide notice to the client or the client's legal representative before reporting the suspected violation to an officer or agent under this paragraph. The report may not include written medical



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records except upon the issuance of an order from a court of competent jurisdiction.

Section 19. Subsections (2), (3), and (4) of section 489.126, Florida Statutes, are amended, and subsections (5) and (6) are added to that section, to read:

489.126 Moneys received by contractors.—

(2)(a) A contractor who receives, as initial payment, money totaling more than 10 percent of the contract price for repair, restoration, improvement, or construction to residential real property must:

~~1.(a)~~ Apply for permits necessary to do work within 30 days after the date payment is made, except where the work does not require a permit under the applicable codes and ordinances, and

~~2.(b)~~ Start the work within 90 days after the date all necessary permits for work, if any, are issued,

unless the contractor has just cause for failing to apply for the necessary permits, starting the work, or refunding the payment, or unless the person who made the payment agreed, in writing, to a longer period to apply for the necessary permits or start the work or to longer periods for both.

(b)1. If a contractor fails to comply with the requirements of paragraph (a), the contractee must make written demand to the contractor in the form of a letter that includes a demand to apply for the necessary permits, to start the work, or to refund the payment sent via certified mail, return receipt requested, mailed to the address listed in the contracting agreement. If there is no address for the contractor listed in the contracting agreement, or no written agreement exists, the contractee must



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mail the written demand letter to the address listed for
licensing purposes with the department or the local construction
industry licensing board, if applicable.

2. It may be inferred that a contractor does not have just
cause if the contractor fails to apply for the necessary
permits, start the work, or refund payments within 30 days of
receiving written demand to apply for the necessary permits,
start the work, or refund the payment from the person who made
the payment.

(3) (a) A contractor who receives money for repair,
restoration, addition, improvement, or construction of
residential real property in excess of the value of the work
performed ~~may shall~~ not, ~~with intent to defraud the owner,~~ fail
or refuse to perform any work for any 90-day period or for any
period that is mutually agreed upon and specified in the
contract.

(b) It is prima facie evidence ~~Proof~~ that a contractor
received money for the repair, restoration, addition,
improvement, or construction of residential real property and
that the amount received exceeds the value of the work performed
by the contractor when ~~and that:~~

1. The contractor failed to perform any of the work for
which he or she contracted during any 90-day ~~60-day~~ period or
any period that is mutually agreed upon and specified in the
contract;

2. The failure to perform any such work during the 90-day
~~60-day~~ period or such period that is mutually agreed upon and
specified in the contract was not related to the owner's
termination of the contract or a material breach of the contract



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by the owner; and

3. The contractor failed to perform for the 90-day period or such period that is mutually agreed upon and specified in the contract without just cause or terminated the contract without proper notification to the owner.

a. Proper notification of termination for purposes of this subparagraph must be made by the contractor in the form of a letter that includes the reason for termination of the contract or the reason for failure to perform sent via certified mail, return receipt requested, mailed to the address of the owner listed in the contracting agreement. If no written agreement exists, the letter must be mailed to the address where the work was to be performed or the address listed on the permit, if applicable.

b. If a contractor fails to comply with paragraph (a), written demand must be made to the contractor in the form of a letter that includes a demand to perform work, or refund the money received in excess of the value of the work performed, sent via certified mail, return receipt requested, mailed to the address listed in the contracting agreement. If there is no address for the contractor listed in the contracting agreement, or no agreement exists, the letter must be mailed to the address listed with the department for licensing purposes or the local construction industry licensing board, if applicable.

c. It may be inferred that a contractor does not have just cause if the contractor fails to perform work, or refund the money received in excess of the value of the work performed, within 30 days after receiving a written demand to perform the work, or refund the money received in excess of the value of the



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work performed, from the person who made the payment, ~~for an additional 30-day period after the date of mailing of notification as specified in paragraph (c), to perform any work for which he or she contracted,~~

~~gives rise to an inference that the money in excess of the value of the work performed was taken with the intent to defraud.~~

~~(c) Notification as contemplated in paragraph (b) consists of a certified letter, return receipt requested, mailed to the address of the contractor as listed in the written contracting agreement. The letter must indicate that the contractor has failed to perform any work for a 60-day period, that the failure to perform the work was not the result of the owner's termination of the contract or a material breach of the contract by the owner, and that the contractor must recommence construction within 30 days after the date of mailing of the letter. If there is no address for the contractor listed in the written contracting agreement, or no written agreement exists, the letter must be mailed to the address of the contractor listed in the building permit application.~~

(4) Any violation of subsection (2) or subsection (3) must be prosecuted in accordance with the thresholds established in this section and the following: ~~person who violates any provision of this section is guilty of theft and shall be prosecuted and punished under s. 812.014.~~

(a) The required intent to prove a criminal violation may be shown to exist at the time that the contractor appropriated the money to his or her own use and is not required to be proven to exist at the time of the taking of the money from the owner



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or at the time the owner makes a payment to the contractor.

(b) It may be inferred that a contractor intended to deprive the owner of the right to the money owed, or deprive the owner of the benefit from it, and inferred that the contractor appropriated the money for his or her own use, or to a person not entitled to the use of the money, if the contractor fails to refund any portion of the money owed within 30 days after receiving a written demand for such money from the owner.

(c) In a prosecution for a violation of this section, the fact that the person so charged intended to return the money owed is not a defense.

(5) A person who violates subsection (2) commits:

(a) A misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the total money received is less than \$1,000.

(b) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the total money received is \$1,000 or more, but less than \$20,000.

(c) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the total money received is \$20,000 or more, but less than \$200,000.

(d) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the total money received is \$200,000 or more.

(6) A person who violates subsection (3) commits:

(a) A misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the total money received exceeding the value of the work performed is less than \$1,000.



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(b) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the total money received exceeding the value of the work performed is \$1,000 or more, but less than \$20,000.

(c) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the total money received exceeding the value of the work performed is \$20,000 or more, but less than \$200,000.

(d) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the total money received exceeding the value of the work performed is \$200,000 or more.

Section 20. Subsections (7) through (10) are added to section 489.553, Florida Statutes, to read:

489.553 Administration of part; registration qualifications; examination.—

(7) Notwithstanding any other law, a conviction, or any other adjudication, for a crime more than 5 years before the date the application is received by the department or other applicable authority may not be grounds for denial of registration. For purposes of this subsection, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld. This subsection does not limit a board from considering an applicant's criminal history that includes any crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but only if such criminal history has been found to relate to the practice of the applicable profession, or any crime if it has been found to relate to good moral character.



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998 (8) (a) A person may apply to be registered before his or
999 her lawful release from confinement or supervision. The
1000 department or other applicable authority may not charge an
1001 applicant an additional fee for being confined or under
1002 supervision. The department or other applicable authority may
1003 not deny an application for registration solely on the basis of
1004 the applicant's current confinement or supervision.

1005 (b) After a registration application is approved, the
1006 department or other applicable authority may stay the issuance
1007 of registration until the applicant is lawfully released from
1008 confinement or supervision and the applicant notifies the board
1009 of such release. The department or other applicable authority
1010 must verify the applicant's release with the Department of
1011 Corrections before it registers such applicant.

1012 (c) If an applicant is unable to appear in person due to
1013 his or her confinement or supervision, the department or other
1014 applicable authority must permit the applicant to appear by
1015 teleconference or video conference, as appropriate, at any
1016 meeting or hearing by the department or other applicable
1017 authority concerning his or her application.

1018 (d) If an applicant is confined or under supervision, the
1019 Department of Corrections and the department or other applicable
1020 authority shall cooperate and coordinate to facilitate the
1021 appearance of the applicant at a meeting or hearing in person,
1022 by teleconference, or by video conference, as appropriate.

1023 (9) The department or other applicable authority shall
1024 compile a list of crimes that, if committed and regardless of
1025 adjudication, do not relate to the practice of the profession or
1026 the ability to practice the profession and do not constitute



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grounds for denial of registration. This list must be made available on the department's website and updated annually. Beginning October 1, 2019, and updated quarterly thereafter, the department or other applicable authority shall add to this list such crimes that although reported by an applicant for registration, were not used as a basis for denial in the past 2 years. The list must identify for each such registration application the crime reported and the date of conviction, plea, adjudication, or sentencing.

(10) The department or other applicable authority shall compile a list of crimes that have been used as a basis for denial of registration in the past 2 years and make the list available on the department's website. Beginning October 1, 2019, and updated quarterly thereafter, the department shall add to this list each crime used as a basis for denial. For each crime listed, the department must identify the date of conviction, plea, adjudication, or sentencing. Such denials must be made available to the public upon request.

Section 21. Subsection (2) of section 500.451, Florida Statutes, is amended and subsection (1) of that section is republished, to read:

500.451 Horse meat; offenses.—

(1) It is unlawful for any person to:

(a) Sell in the markets of this state horse meat for human consumption unless the horse meat is clearly stamped, marked, and described as horse meat for human consumption.

(b) Knowingly transport, distribute, sell, purchase, or possess horse meat for human consumption that is not clearly stamped, marked, and described as horse meat for human



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consumption or horse meat that is not acquired from a licensed slaughterhouse.

(2) A person that violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, except that any person who commits a violation of this section must ~~shall~~ be sentenced to a minimum mandatory fine of \$3,500 ~~and a minimum mandatory period of incarceration of 1 year.~~

Section 22. Subsection (1) of section 509.151, Florida Statutes, is amended to read:

509.151 Obtaining food or lodging with intent to defraud; penalty.—

(1) Any person who obtains food, lodging, or other accommodations having a value of less than \$1,000 ~~\$300~~ at any public food service establishment, or at any transient establishment, with intent to defraud the operator thereof, commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; if such food, lodging, or other accommodations have a value of \$1,000 ~~\$300~~ or more, such person commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 23. Paragraph (a) of subsection (1) and paragraph (c) of subsection (2) of section 562.11, Florida Statutes, are amended to read:

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; providing a proper name; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.—



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1085 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to
1086 be served alcoholic beverages to a person under 21 years of age
1087 or permit a person under 21 years of age to consume such
1088 beverages on the licensed premises. A person who violates this
1089 paragraph ~~subparagraph~~ commits a misdemeanor of the second
1090 degree, punishable as provided in s. 775.082 or s. 775.083. A
1091 person who violates this paragraph ~~subparagraph~~ a second or
1092 subsequent time within 1 year after a prior conviction commits a
1093 misdemeanor of the first degree, punishable as provided in s.
1094 775.082 or s. 775.083.

1095 ~~2. In addition to any other penalty imposed for a violation~~
1096 ~~of subparagraph 1., the court may order the Department of~~
1097 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~
1098 ~~or suspend or revoke, the driver license or driving privilege,~~
1099 ~~as provided in s. 322.057, of any person who violates~~
1100 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
1101 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
1102 ~~acting within the scope of his or her license or an employee or~~
1103 ~~agent of a licensee, as defined in s. 561.01, who violates~~
1104 ~~subparagraph 1. while engaged within the scope of his or her~~
1105 ~~employment or agency.~~

1106 ~~3. A court that withholds the issuance of, or suspends or~~
1107 ~~revokes, the driver license or driving privilege of a person~~
1108 ~~pursuant to subparagraph 2. may direct the Department of Highway~~
1109 ~~Safety and Motor Vehicles to issue the person a license for~~
1110 ~~driving privilege restricted to business purposes only, as~~
1111 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1112 (2) It is unlawful for any person to misrepresent or
1113 misstate his or her age or the age of any other person for the



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purpose of inducing any licensee or his or her agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 years of age, or for any person under 21 years of age to purchase or attempt to purchase alcoholic beverages.

(c) In addition to any other penalty imposed for a violation of this subsection, if a person uses a driver license or identification card issued by the Department of Highway Safety and Motor Vehicles in violation of this subsection, the court:

~~1. may order the person to participate in public service or a community work project for a period not to exceed 40 hours;~~
~~and~~

~~2. Shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend or revoke, the person's driver license or driving privilege, as provided in s. 322.056.~~

Section 24. Subsection (3) of section 562.111, Florida Statutes, is amended to read:

562.111 Possession of alcoholic beverages by persons under age 21 prohibited.—

~~(3) In addition to any other penalty imposed for a violation of subsection (1), the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend or revoke, the violator's driver license or driving privilege, as provided in s. 322.056.~~

Section 25. Subsection (8) of section 562.27, Florida Statutes, is amended, and subsections (1) through (7) of that section are republished, to read:



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562.27 Seizure and forfeiture.—

(1) It is unlawful for any person to have in her or his possession, custody, or control, or to own, make, construct, or repair, any still, still piping, still apparatus, or still worm, or any piece or part thereof, designed or adapted for the manufacture of an alcoholic beverage, or to have in her or his possession, custody or control any receptacle or container containing any mash, wort, or wash, or other fermented liquids whatever capable of being distilled or manufactured into an alcoholic beverage, unless such possession, custody, control, ownership, manufacture, construction, or repairing be by or for a person authorized by law to manufacture such alcoholic beverage.

(2) It is unlawful for any person to have in her or his possession, custody, or control any raw materials or substance intended to be used in the distillation or manufacturing of an alcoholic beverage unless the person holds a license from the state authorizing the manufacture of the alcoholic beverage.

(3) The terms "raw material" or "substance" for the purpose of this chapter shall mean and include, but not be limited to, any of the following: Any grade or type of sugar, syrup, or molasses derived from sugarcane, sugar beets, corn, sorghum, or any other source; starch; potatoes; grain or cornmeal, corn chops, cracked corn, rye chops, middlings, shorts, bran, or any other grain derivative; malt; malt sugar or malt syrup; oak chips, charred or not charred; yeast; cider; honey; fruit; grapes; berries; fruit, grape or berry juices or concentrates; wine; caramel; burnt sugar; gin flavor; Chinese bean cake or Chinese wine cake; urea; ammonium phosphate, ammonium carbonate,



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ammonium sulphate, or any other yeast food; ethyl acetate or any other ethyl ester; any other material of the character used in the manufacture of distilled spirits or any chemical or other material suitable for promoting or accelerating fermentation; any chemical or material of the character used in the production of distilled spirits by chemical reaction; or any combination of such materials or chemicals.

(4) Any such raw materials, substance, or any still, still piping, still apparatus, or still worm, or any piece or part thereof, or any mash, wort, or wash, or other fermented liquid and the receptacle or container thereof, and any alcoholic beverage, together with all personal property used to facilitate the manufacture or production of the alcoholic beverage or to facilitate the violation of the alcoholic beverage control laws of this state or the United States, may be seized by the division or by any sheriff or deputy sheriff and shall be forfeited to the state.

(5) It shall be unlawful for any person to sell or otherwise dispose of raw materials or other substances knowing same are to be used in the distillation or manufacture of an alcoholic beverage unless such person receiving same, by purchase or otherwise, holds a license from the state authorizing the manufacture of such alcoholic beverage.

(6) Any vehicle, vessel, or aircraft used in the transportation or removal of or for the deposit or concealment of any illicit liquor still or stilling apparatus; any mash, wort, wash, or other fermented liquids capable of being distilled or manufactured into an alcoholic beverage; or any alcoholic beverage commonly known and referred to as "moonshine



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whiskey" shall be seized and may be forfeited as provided by the Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff, employee of the division, or police officer may seize any of the vehicles, vessels, or conveyances, and the same may be forfeited as provided by law.

(7) The finding of any still, still piping, still apparatus, or still worm, or any piece or part thereof, or any mash, wort, or wash or other fermented liquids in the dwelling house or place of business, or so near thereto as to lead to the reasonable belief that they are within the possession, custody, or control of the occupants of the dwelling house or place of business, shall be prima facie evidence of a violation of this section by the occupants of the dwelling house or place of business.

(8) Any person violating any provisions of this section of the law commits ~~shall be guilty of a misdemeanor felony~~ of the second ~~third~~ degree, punishable as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084~~.

Section 26. Subsections (1) and (2) of section 562.451, Florida Statutes, are amended to read:

562.451 Moonshine whiskey; ownership, possession, or control prohibited; penalties; rule of evidence.—

(1) Any person who owns or has in her or his possession or under her or his control less than 1 gallon of liquor, as defined in the Beverage Law, which was not made or manufactured in accordance with the laws in effect at the time when and place where the same was made or manufactured commits ~~shall be guilty~~ ~~of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.



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(2) Any person who owns or has in her or his possession or under her or his control 1 gallon or more of liquor, as defined in the Beverage Law, which was not made or manufactured in accordance with the laws in effect at the time when and place where the same was made or manufactured commits ~~shall be guilty~~ of a misdemeanor ~~felony~~ of the first ~~third~~ degree, punishable as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

Section 27. Subsections (1), (2), and (5) of section 569.11, Florida Statutes, are amended to read:

569.11 Possession, misrepresenting age or military service to purchase, and purchase of tobacco products by persons under 18 years of age prohibited; penalties; jurisdiction; disposition of fines.—

(1) It is unlawful for any person under 18 years of age to knowingly possess any tobacco product. Any person under 18 years of age who violates ~~the provisions of~~ this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person must attend a school-approved anti-tobacco program, if locally available; or

(b) For a second or subsequent violation within 12 weeks after ~~of~~ the first violation, a \$25 fine; ~~or~~

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.~~



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Any second or subsequent violation not within the 12-week ~~time~~ period after the first violation is punishable as provided for a first violation.

(2) It is unlawful for any person under 18 years of age to misrepresent his or her age or military service for the purpose of inducing a dealer or an agent or employee of the dealer to sell, give, barter, furnish, or deliver any tobacco product, or to purchase, or attempt to purchase, any tobacco product from a person or a vending machine. Any person under 18 years of age who violates ~~a provision of~~ this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine and, in addition, the person must attend a school-approved anti-tobacco program, if available; or

(b) For a second or subsequent violation within 12 weeks after ~~of~~ the first violation, a \$25 fine; ~~or~~

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.~~

Any second or subsequent violation not within the 12-week ~~time~~ period after the first violation is punishable as provided for a first violation.

(5) (a) If a person under 18 years of age is found by the



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court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (1)(a) or paragraph (2)(a), or attend a school-approved anti-tobacco program, if locally available, the court may ~~must~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 30 consecutive days.

(b) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (1)(b) or paragraph (2)(b), the court may ~~must~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 45 consecutive days.

Section 28. Section 713.69, Florida Statutes, is amended to read:

713.69 Unlawful to remove property upon which lien has accrued.—It is unlawful for any person to remove any property upon which a lien has accrued under ~~the provisions of~~ s. 713.68 from any hotel, apartment house, roominghouse, lodginghouse, boardinghouse or tenement house without first making full payment to the person operating or conducting the same of all sums due and payable for such occupancy or without first having the written consent of such person so conducting or operating such place to so remove such property. Any person who violates ~~violating the provisions of~~ this section ~~shall~~, if the value of ~~the~~ property removed in violation hereof is less than \$1,000 ~~be~~ ~~of the value of \$50 or less, commits~~ ~~be guilty of~~ a misdemeanor



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of the second degree, punishable as provided in s. 775.082 or s. 775.083; and if the value of the property so removed is \$1,000 or more, ~~should be of greater value than \$50 then~~ such person commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 29. Paragraph (g) of subsection (1) of section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(1) There is created a cause of action for an injunction for protection against domestic violence.

~~(g) Notwithstanding any other law, attorney fees may not be awarded in any proceeding under this section.~~

Section 30. Paragraphs (a) and (d) of subsection (9) of section 775.082, Florida Statutes, are amended to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(9)(a)1. "Prison releasee reoffender" means any defendant who commits, or attempts to commit:

- a. Treason;
- b. Murder;
- c. Manslaughter;
- d. Sexual battery;
- e. Carjacking;
- f. Home-invasion robbery;
- g. Robbery;



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h. Arson;
i. Kidnapping;
j. Aggravated assault with a deadly weapon;
k. Aggravated battery;
l. Aggravated stalking;
m. Aircraft piracy;
n. Unlawful throwing, placing, or discharging of a
destructive device or bomb;
o. Any felony that involves the use or threat of physical
force or violence against an individual;
p. Armed burglary;
q. Burglary of a dwelling or burglary of an occupied
structure; or
r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,
s. 827.071, or s. 847.0135(5);
within 3 years after being released from a state correctional
facility operated by the Department of Corrections or a private
vendor, a county detention facility following incarceration for
an offense for which the sentence pronounced was a prison
sentence, or ~~within 3 years after being released from a~~
correctional institution of another state, the District of
Columbia, the United States, any possession or territory of the
United States, or any foreign jurisdiction, following
incarceration for an offense for which the sentence is
punishable by more than 1 year in this state.
2. "Prison releasee reoffender" also means any defendant
who commits or attempts to commit any offense listed in sub-
subparagraphs (a)1.a.-r. while the defendant was serving a



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prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

a. For a felony punishable by life, by a term of imprisonment for life;

b. For a felony of the first degree, by a term of imprisonment of 30 years;

c. For a felony of the second degree, by a term of imprisonment of 15 years; and

d. For a felony of the third degree, by a term of imprisonment of 5 years.

(d)1. It is the intent of the Legislature that offenders previously released from prison or a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence who meet the criteria in



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paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.

2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.

Section 31. Paragraph (d) of subsection (1) of section 784.048, Florida Statutes, is amended, and subsections (2) through (5) and (7) of that section are republished, to read:

784.048 Stalking; definitions; penalties.—

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

(d) "Cyberstalk" means:

1. To engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person; or

2. To access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person's permission,

causing substantial emotional distress to that person and serving no legitimate purpose.

(2) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the



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offense of stalking, a misdemeanor of the first degree,
punishable as provided in s. 775.082 or s. 775.083.

(3) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) A person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



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Section 32. Subsection (1) of section 790.052, Florida Statutes, is amended to read:

790.052 Carrying concealed firearms; off-duty law enforcement officers.—

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

(b) All persons holding an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer or a correctional officer as defined in s. 943.10(1), (2), (6), (7), (8), or (9) meet the definition of "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

(c) All persons who held an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer or correctional officer as defined in s. 943.10(1), (2), (6), (7), (8), or (9), while working for an employing agency, as defined in s. 943.10(4), but have separated from service under the conditions set forth in 18 U.S.C. s. 926C(c), meet the definition of "qualified retired law enforcement officer."

(d) However, nothing in This section does not subsection shall be construed to limit the right of a law enforcement



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officer, correctional officer, or correctional probation officer to carry a concealed firearm off duty as a private citizen under the exemption provided in s. 790.06 that allows a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) to carry a concealed firearm without a concealed weapon or firearm license. The appointing or employing agency or department of an officer carrying a concealed firearm as a private citizen under s. 790.06 shall not be liable for the use of the firearm in such capacity. Nothing herein limits the authority of the appointing or employing agency or department from establishing policies limiting law enforcement officers or correctional officers from carrying concealed firearms during off-duty hours in their capacity as appointees or employees of the agency or department.

Section 33. Subsections (5) and (10) of section 790.22, Florida Statutes, are amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.—

(5)(a) A minor who violates subsection (3) commits a misdemeanor of the first degree; for a first offense, may serve a period of detention of up to 3 days in a secure detention facility; and, in addition to any other penalty provided by law, shall be required to perform 100 hours of community service; and:

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to revoke or to



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withhold issuance of the minor's driver license or driving privilege for up to 1 year.

2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period of up to 1 year.

3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 1 year after the date on which the minor would otherwise have become eligible.

(b) For a second or subsequent offense, a minor who violates subsection (3) commits a felony of the third degree and shall serve a period of detention of up to 15 days in a secure detention facility and shall be required to perform not less than 100 nor more than 250 hours of community service, and:

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 2 years.

2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period of up to 2 years.

3. If the minor is ineligible by reason of age for a driver



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license or driving privilege, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 2 years after the date on which the minor would otherwise have become eligible.

For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

(10) If a minor is found to have committed an offense under subsection (9), the court shall impose the following penalties in addition to any penalty imposed under paragraph (9)(a) or paragraph (9)(b):

(a) For a first offense:

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 1 year.

2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period for up to 1 year.

3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for



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up to 1 year after the date on which the minor would otherwise have become eligible.

(b) For a second or subsequent offense:

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 2 years.

2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period for up to 2 years.

3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 2 years after the date on which the minor would otherwise have become eligible.

Section 34. Section 800.09, Florida Statutes, is amended to read:

800.09 Lewd or lascivious exhibition in the presence of an employee.—

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

(a) "Employee" means:

1. Any person employed by or performing contractual services for a public or private entity operating a state correctional institution or private correctional facility; or

2. Any person employed by or performing contractual



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services for the corporation operating the prison industry enhancement programs or the correctional work programs under part II of chapter 946; ~~The term also includes~~

3. Any person who is a parole examiner with the Florida Commission on Offender Review; or

4. Any person employed at or performing contractual services for a county detention facility.

(b) "Facility" means a state correctional institution as defined in s. 944.02, ~~or~~ a private correctional facility as defined in s. 944.710, or a county detention facility as defined in s. 951.23.

(2) (a) A person who is detained in a facility may not:

1. Intentionally masturbate;

2. Intentionally expose the genitals in a lewd or lascivious manner; or

3. Intentionally commit any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity,

in the presence of a person he or she knows or reasonably should know is an employee.

(b) A person who violates paragraph (a) commits lewd or lascivious exhibition in the presence of an employee, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 35. Subsection (7) of section 806.13, Florida Statutes, is amended, and subsection (8) of that section is



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republished, to read:

806.13 Criminal mischief; penalties; penalty for minor.—

(7) In addition to any other penalty provided by law, if a minor is found to have committed a delinquent act under this section for placing graffiti on any public property or private property, and:

(a) The minor is eligible by reason of age for a driver license or driving privilege, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to revoke or withhold issuance of the minor's driver license or driving privilege for not more than 1 year.

(b) The minor's driver license or driving privilege is under suspension or revocation for any reason, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period of not more than 1 year.

(c) The minor is ineligible by reason of age for a driver license or driving privilege, the court may ~~shall~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for not more than 1 year after the date on which he or she would otherwise have become eligible.

(8) A minor whose driver license or driving privilege is revoked, suspended, or withheld under subsection (7) may elect to reduce the period of revocation, suspension, or withholding by performing community service at the rate of 1 day for each hour of community service performed. In addition, if the court determines that due to a family hardship, the minor's driver license or driving privilege is necessary for employment or



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medical purposes of the minor or a member of the minor's family, the court shall order the minor to perform community service and reduce the period of revocation, suspension, or withholding at the rate of 1 day for each hour of community service performed. As used in this subsection, the term "community service" means cleaning graffiti from public property.

Section 36. Paragraphs (c), (d), and (e) of subsection (2) of section 812.014, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

812.014 Theft.—

(2)

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

1. Valued at \$750 ~~\$300~~ or more, but less than \$5,000.
2. Valued at \$5,000 or more, but less than \$10,000.
3. Valued at \$10,000 or more, but less than \$20,000.
4. A will, codicil, or other testamentary instrument.
5. A firearm.
6. A motor vehicle, except as provided in paragraph (a).
7. Any commercially farmed animal, including any animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; and aquaculture species raised at a certified aquaculture facility. If the property stolen is a commercially farmed animal, including an animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; or an aquaculture species raised at a certified aquaculture facility, a \$10,000 fine shall be imposed.



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

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

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

11. Any stop sign.

12. Anhydrous ammonia.

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

However, if the property is stolen within a county that is
subject to a state of emergency declared by the Governor under
chapter 252, the property is stolen after the declaration of
emergency is made, and the perpetration of the theft is
facilitated by conditions arising from the emergency, the
offender commits a felony of the second degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084, if the
property is valued at \$5,000 or more, but less than \$10,000, as
provided under subparagraph 2., or if the property is valued at



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\$10,000 or more, but less than \$20,000, as provided under subparagraph 3. As used in this paragraph, the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or the response time for first responders or homeland security personnel. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(d) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at \$100 or more, but less than \$750 ~~\$300~~, and is taken from a dwelling as defined in s. 810.011(2) or from the unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

(e) Except as provided in paragraph (d), if the property stolen is valued at \$100 or more, but less than \$750 ~~\$300~~, the offender commits petit theft of the first degree, punishable as a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(7) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall perform a study every 5 years to determine the appropriateness of the threshold amounts included in this section. The study's scope must include, but need not be limited to, the crime trends related to theft offenses, the theft threshold amounts of other states in effect at the time of the study, the fiscal impact of any modifications to this state's threshold amounts, and the effect on economic factors, such as inflation. The study must include options for amending



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the threshold amounts if the study finds that such amounts are inconsistent with current trends. In conducting the study, OPPAGA shall consult with the Office of Economic and Demographic Research in addition to other interested entities. OPPAGA shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 1 of every 5th year.

Section 37. Subsections (8) and (9) of section 812.015, Florida Statutes, are amended, and subsections (10) and (11) are added to that section, to read:

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

(8) Except as provided in subsection (9), a person who commits retail theft commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at \$750 ~~\$300~~ or more, and the person:

(a) Individually commits retail theft, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense, which may occur through multiple acts of retail theft, in which ~~case~~ the amount of each individual theft is aggregated within a 30-day period to determine the value of the property stolen;

(b) Conspires with another person to commit retail theft with the intent to sell the stolen property for monetary or other gain, and subsequently takes or causes such property to be placed in the control of another person in exchange for



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consideration, in which the stolen property taken or placed within a 30-day period is aggregated to determine the value of the stolen property;

(c) ~~(b)~~ Individually, or in concert with one or more other persons, commits theft from more than one location within a 30-day ~~48-hour~~ period, in which ~~case~~ the amount of each individual theft is aggregated to determine the value of the property stolen;

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

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

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

(a) Violates subsection (8) and has previously been convicted of a violation of subsection (8); ~~or~~

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

(c) Conspires with another person to commit retail theft



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with the intent to sell the stolen property for monetary or other gain, and subsequently takes or causes such property to be placed in control of another person in exchange for consideration, in which the stolen property taken or placed within a 30-day period is aggregated to have a value in excess of \$3,000.

(10) If a person commits retail theft in more than one judicial circuit within a 30-day period, the value of the stolen property resulting from the thefts in each judicial circuit may be aggregated, and the person must be prosecuted by the Office of the Statewide Prosecutor in accordance with s. 16.56.

(11) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall perform a study every 5 years to determine the appropriateness of the threshold amounts included in this section. The study's scope must include, but need not be limited to, the crime trends related to theft offenses, the theft threshold amounts of other states in effect at the time of the study, the fiscal impact of any modifications to this state's threshold amounts, and the effect on economic factors, such as inflation. The study must include options for amending the threshold amounts if the study finds that such amounts are inconsistent with current trends. In conducting the study, OPPAGA shall consult with the Office of Economic and Demographic Research in addition to other interested entities. OPPAGA shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 1 of every 5th year.

Section 38. Section 812.0155, Florida Statutes, is amended to read:



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812.0155 Driver license suspension as an alternative sentence for a person under 18 years of age ~~Suspension of driver license following an adjudication of guilt for theft.-~~

~~(1) Except as provided in subsections (2) and (3), the court may order the suspension of the driver license of each person adjudicated guilty of any misdemeanor violation of s. 812.014 or s. 812.015, regardless of the value of the property stolen. Upon ordering the suspension of the driver license of the person adjudicated guilty, the court shall forward the driver license of the person adjudicated guilty to the Department of Highway Safety and Motor Vehicles in accordance with s. 322.25.~~

~~(a) The first suspension of a driver license under this subsection shall be for a period of up to 6 months.~~

~~(b) A second or subsequent suspension of a driver license under this subsection shall be for 1 year.~~

(1)(2) The court may revoke, suspend, or withhold issuance of a driver license of a person less than 18 years of age who violates s. 812.014 or s. 812.015 as an alternative to sentencing the person to:

(a) Probation as defined in s. 985.03 or commitment to the Department of Juvenile Justice, if the person is adjudicated delinquent for such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(b) Probation as defined in s. 985.03, commitment to the Department of Juvenile Justice, probation as defined in chapter 948, community control, or incarceration, if the person is convicted as an adult of such violation and has not previously



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been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(2)~~(3)~~ As used in this subsection, the term "department" means the Department of Highway Safety and Motor Vehicles. A court that revokes, suspends, or withholds issuance of a driver license under subsection (1) ~~(2)~~ shall:

(a) If the person is eligible by reason of age for a driver license or driving privilege, direct the department to revoke or withhold issuance of the person's driver license or driving privilege for not less than 6 months and not more than 1 year;

(b) If the person's driver license is under suspension or revocation for any reason, direct the department to extend the period of suspension or revocation by not less than 6 months and not more than 1 year; or

(c) If the person is ineligible by reason of age for a driver license or driving privilege, direct the department to withhold issuance of the person's driver license or driving privilege for not less than 6 months and not more than 1 year after the date on which the person would otherwise become eligible.

(3)~~(4)~~ This section does ~~Subsections (2) and (3) do not~~ preclude the court from imposing any other ~~specified or~~ ~~not specified in subsection (2) or subsection (3).~~

~~(5) A court that suspends the driver license of a person pursuant to subsection (1) may direct the Department of Highway Safety and Motor Vehicles to issue the person a license for driving privilege restricted to business purposes only, as defined in s. 322.271, if he or she is otherwise qualified.~~

Section 39. Subsection (1) of section 815.03, Florida



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Statutes, is amended to read:

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

(1) "Access" means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, a computer system, a ~~or~~ computer network, or an electronic device.

Section 40. Subsection (2) of section 815.06, Florida Statutes, is amended, and subsection (3) of that section is republished, to read:

815.06 Offenses against users of computers, computer systems, computer networks, and electronic devices.—

(2) A person commits an offense against users of computers, computer systems, computer networks, or electronic devices if he or she willfully, knowingly, and without authorization or exceeding authorization:

(a) Accesses or causes to be accessed any computer, computer system, computer network, or electronic device with knowledge that such access is unauthorized or the manner of use exceeds authorization;

(b) Disrupts or denies or causes the denial of the ability to transmit data to or from an authorized user of a computer, computer system, computer network, or electronic device, which, in whole or in part, is owned by, under contract to, or operated for, on behalf of, or in conjunction with another;

(c) Destroys, takes, injures, or damages equipment or supplies used or intended to be used in a computer, computer system, computer network, or electronic device;

(d) Destroys, injures, or damages any computer, computer



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system, computer network, or electronic device;

(e) Introduces any computer contaminant into any computer, computer system, computer network, or electronic device; or

(f) Engages in audio or video surveillance of an individual by accessing any inherent feature or component of a computer, computer system, computer network, or electronic device, including accessing the data or information of a computer, computer system, computer network, or electronic device that is stored by a third party.

(3)(a) Except as provided in paragraphs (b) and (c), a person who violates subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2) and:

1. Damages a computer, computer equipment or supplies, a computer system, or a computer network and the damage or loss is at least \$5,000;

2. Commits the offense for the purpose of devising or executing any scheme or artifice to defraud or obtain property;

3. Interrupts or impairs a governmental operation or public communication, transportation, or supply of water, gas, or other public service; or

4. Intentionally interrupts the transmittal of data to or from, or gains unauthorized access to, a computer, computer system, computer network, or electronic device belonging to any mode of public or private transit, as defined in s. 341.031.

(c) A person who violates subsection (2) commits a felony



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of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the violation:

1. Endangers human life; or

2. Disrupts a computer, computer system, computer network, or electronic device that affects medical equipment used in the direct administration of medical care or treatment to a person.

Section 41. Section 817.413, Florida Statutes, is amended to read:

817.413 Sale of used motor vehicle goods as new; penalty.—

(1) With respect to a transaction for which any charges will be paid from the proceeds of a motor vehicle insurance policy, ~~and in which the purchase price of motor vehicle goods exceeds \$100,~~ it is unlawful for the seller to knowingly misrepresent orally, in writing, or by failure to speak, that the goods are new or original when they are used or repossessed or have been used for sales demonstration.

(2) A person who violates ~~the provisions of this section,~~ if the purchase price of the motor vehicle goods is \$1,000 or more, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the purchase price of the motor vehicle goods is less than \$1,000, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 42. Paragraph (a) of subsection (2) of section 831.28, Florida Statutes, is amended to read:

831.28 Counterfeiting a payment instrument; possessing a counterfeit payment instrument; penalties.—

(2)(a) It is unlawful to counterfeit a payment instrument with the intent to defraud a financial institution, account



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holder, or any other person or organization or for a person to have any counterfeit payment instrument in such person's possession with the intent to defraud a financial institution, an account holder, or any other person or organization. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 43. Section 849.01, Florida Statutes, is amended to read:

849.01 Keeping gambling houses, etc.—Whoever by herself or himself, her or his servant, clerk or agent, or in any other manner has, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any person to play for money or other valuable thing at any game whatever, whether heretofore prohibited or not, commits ~~shall be guilty of a misdemeanor felony~~ of the second ~~third~~ degree, punishable as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

Section 44. Subsections (6) and (7) and paragraphs (c) and (d) of subsection (8) of section 877.112, Florida Statutes, are amended to read:

877.112 Nicotine products and nicotine dispensing devices; prohibitions for minors; penalties; civil fines; signage requirements; preemption.—

(6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any



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person under 18 years of age to knowingly possess any nicotine product or a nicotine dispensing device. Any person under 18 years of age who violates this subsection commits a noncriminal violation as defined in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person must attend a school-approved anti-tobacco and nicotine program, if locally available; or

(b) For a second or subsequent violation within 12 weeks after ~~of~~ the first violation, a \$25 fine. ~~or~~

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.~~

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

(7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for any person under 18 years of age to misrepresent his or her age or military service for the purpose of inducing a retailer of nicotine products or nicotine dispensing devices or an agent or employee of such retailer to sell, give, barter, furnish, or deliver any nicotine product or nicotine dispensing device, or to purchase, or attempt to purchase, any nicotine product or nicotine dispensing device from a person or a vending machine. Any person under 18 years of age who violates this subsection commits a noncriminal violation as defined in s. 775.08(3),



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punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine and, in addition, the person must attend a school-approved anti-tobacco and nicotine program, if available; or

(b) For a second violation within 12 weeks after ~~of~~ the first violation, a \$25 fine. ~~or~~

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.~~

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

(8) PENALTIES FOR MINORS.—

(c) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (6)(a) or paragraph (7)(a), or attend a school-approved anti-tobacco and nicotine program, if locally available, the court may ~~must~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for 30 consecutive days.

(d) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by



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paragraph (6)(b) or paragraph (7)(b), the court may ~~must~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for 45 consecutive days.

Section 45. Paragraph (c) of subsection (1) of section 893.135, Florida Statutes, is amended to read:

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

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

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

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

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

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



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

2. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 ~~14~~ grams or more of hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 ~~14~~ grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in hydrocodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

c. Is 100 ~~50~~ grams or more, but less than 300 ~~200~~ grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$500,000.

d. Is 300 ~~200~~ grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$750,000.

3. A person who knowingly sells, purchases, manufactures,



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delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 7 grams or more of oxycodone, as described in s. 893.03(2)(a)1.q., or any salt thereof, or 7 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in oxycodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

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

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

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

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

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

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

(IV) Sufentanil, as described in s. 893.03(2)(b)30.;



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(V) A fentanyl derivative, as described in s.
893.03(1)(a)62.;

(VI) A controlled substance analog, as described in s.
893.0356, of any substance described in sub-sub-subparagraphs
(I)-(V); or

(VII) A mixture containing any substance described in sub-
sub-subparagraphs (I)-(VI), commits a felony of the first
degree, which felony shall be known as "trafficking in
fentanyl," punishable as provided in s. 775.082, s. 775.083, or
s. 775.084.

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

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

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

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

5. A person who knowingly sells, purchases, manufactures,
delivers, or brings into this state, or who is knowingly in
actual or constructive possession of, 30 kilograms or more of
any morphine, opium, oxycodone, hydrocodone, codeine,
hydromorphone, or any salt, derivative, isomer, or salt of an
isomer thereof, including heroin, as described in s.
893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
more of any mixture containing any such substance, commits the



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

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

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

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



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

Section 46. Effective upon this act becoming a law, section 900.05, Florida Statutes, is amended to read:

900.05 Criminal justice data collection.—

(1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of the Legislature to create a model of uniform criminal justice data collection by requiring local and state criminal justice agencies to report complete, accurate, and timely data, and making such data available to the public. The Legislature finds that it is an important state interest to implement a uniform data collection process and promote criminal justice data transparency.

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

(a) "Annual felony caseload" means the yearly caseload of each full-time state attorney and assistant state attorney, ~~or~~ public defender and assistant public defender, or regional conflict counsel and assistant regional conflict counsel for cases assigned to the circuit criminal division, based on the number of felony cases reported to the Supreme Court under s. 25.075. The term does not include the appellate caseload of a public defender, ~~or~~ assistant public defender, regional conflict counsel, or assistant regional conflict counsel. Cases reported pursuant to this term must be associated with a case number, and each case number must only be reported once regardless of the number of attorney assignments that occur during the course of litigation. The caseload shall be calculated on June 30 and reported once at the beginning of the reporting agency's fiscal year.



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(b) "Annual felony conflict caseload" means the total number of felony cases the office of the public defender or office of regional conflict counsel has declined or withdrawn from in the previous calendar year due to lack of qualified counsel or due to excessive caseload. The caseload shall be calculated on June 30 and reported once at the beginning of the reporting agency's fiscal year.

~~(b)~~ (c) "Annual misdemeanor caseload" means the yearly caseload of each full-time state attorney and assistant state attorney, ~~or~~ public defender and assistant public defender, or regional conflict counsel and assistant regional conflict counsel for cases assigned to the county criminal division, based on the number of misdemeanor cases reported to the Supreme Court under s. 25.075. The term does not include the appellate caseload of a public defender, ~~or~~ assistant public defender, regional conflict counsel, or assistant regional conflict counsel. Cases reported pursuant to this term must be associated with a case number, and each case number must only be reported once regardless of the number of attorney assignments that occur during the course of litigation. The caseload shall be calculated on June 30 and reported once at the beginning of the reporting agency's fiscal year.

(d) "Annual misdemeanor conflict caseload" means the total number of misdemeanor cases the office of the public defender or office of regional conflict counsel has declined or withdrawn from in the previous calendar year due to lack of qualified counsel or due to excessive caseload. The caseload shall be calculated on June 30 and reported once at the beginning of the reporting agency's fiscal year.



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2274 (e)~~(e)~~ "Attorney assignment date" means the date a court-
2275 appointed attorney is assigned to the case or, if privately
2276 retained, the date an attorney files a notice of appearance with
2277 the clerk of court.

2278 (f)~~(d)~~ "Attorney withdrawal date" means the date the court
2279 removes court-appointed counsel from a case or, for a privately
2280 retained attorney, the date a motion to withdraw is granted by
2281 the court.

2282 (g)~~(e)~~ "Case number" means the uniform case identification
2283 number assigned by the clerk of court to a criminal case.

2284 (h)~~(f)~~ "Case status" means whether a case is open, active,
2285 inactive, closed, reclosed, or reopened due to a violation of
2286 probation or community control.

2287 (i)~~(g)~~ "Charge description" means the statement of the
2288 conduct that is alleged to have been violated, the associated
2289 statutory section establishing such conduct as criminal, and the
2290 misdemeanor or felony classification that is provided for in the
2291 statutory section alleged to have been violated.

2292 (j) "Charge disposition" means the final adjudication for
2293 each charged crime, including, but not limited to, dismissal by
2294 state attorney, dismissal by judge, acquittal, no contest plea,
2295 guilty plea, or guilty finding at trial.

2296 (k)~~(h)~~ "Charge modifier" means an aggravating circumstance
2297 of an alleged crime that enhances or reclassifies a charge to a
2298 more serious misdemeanor or felony offense level.

2299 (l)~~(i)~~ "Concurrent or consecutive sentence flag" means an
2300 indication that a defendant is serving another sentence
2301 concurrently or consecutively in addition to the sentence for
2302 which data is being reported.



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

(n) ~~(k)~~ "Defense attorney type" means whether the attorney is a public defender, regional conflict counsel, or other counsel court-appointed for the defendant; the attorney is privately retained by the defendant; or the defendant is represented pro se.

(o) ~~(l)~~ "Deferred prosecution or pretrial diversion agreement date" means the date an agreement ~~a contract~~ is signed by the parties regarding a defendant's admission into a deferred prosecution or pretrial diversion program.

(p) ~~(m)~~ "Deferred prosecution or pretrial diversion hearing date" means each date that a hearing, including a status hearing, is held on a case that is in a deferred prosecution or pretrial diversion program, if applicable.

(q) ~~(n)~~ "Disciplinary violation and action" means any conduct performed by an inmate in violation of the rules of a county detention facility or state correctional institution or facility that results in the initiation of disciplinary proceedings by the custodial entity and the consequences of such disciplinary proceedings.

(r) ~~(o)~~ "Disposition date" means the date of final judgment, adjudication, adjudication withheld, dismissal, or nolle prosequi for the case and if different dates apply, the disposition dates of each charge.

(s) "Disposition type" means the manner in which the charge



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was closed, including final judgment, adjudication, adjudication withheld, dismissal, or nolle prosequi.

(t)~~(p)~~ "Domestic violence flag" means an indication that a filed charge involves domestic violence as defined in s. 741.28.

(u)~~(q)~~ "Gang affiliation flag" means an indication that a defendant is involved in or associated with a criminal gang as defined in s. 874.03 at the time of the current offense.

(v)~~(r)~~ "Gain-time credit earned" means a credit of time awarded to an inmate in a county detention facility in accordance with s. 951.22 or a state correctional institution or facility in accordance with s. 944.275.

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

(x) "Habitual violent felony offender flag" means an indication that a defendant is a habitual violent felony offender as defined in s. 775.084.

~~(t) "Judicial transfer date" means a date on which a defendant's case is transferred to another court or presiding judge.~~

(y)~~(u)~~ "Number of contract attorneys representing indigent defendants for the office of the public defender" means the number of attorneys hired on a temporary basis, by contract, to represent indigent clients who were appointed a public defender, whereby the public defender withdraws from the case due to a conflict of interest.

(z)~~(v)~~ "Pretrial release violation flag" means an indication that the defendant has violated the terms of his or her pretrial release.



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(aa) ~~(w)~~ "Prior incarceration within the state" means any prior history of a defendant's incarceration ~~defendant being incarcerated in a county detention facility or state correctional institution or facility.~~

(bb) "Prison releasee reoffender flag" means an indication that the defendant is a prison releasee reoffender as defined in s. 775.082 or any other statute.

(dd) ~~(*)~~ "Tentative release date" means the anticipated date that an inmate will be released from incarceration after the application of adjustments for any gain-time earned or credit for time served.

(cc) ~~(y)~~ "Sexual offender flag" means an indication that a defendant was ~~is~~ required to register as a sexual predator as defined in s. 775.21 or as a sexual offender as defined in s. 943.0435.

(ee) "Three-time violent felony offender flag" means an indication that the defendant is a three-time violent felony offender as defined in s. 775.084 or any other statute.

(ff) "Violent career criminal flag" means an indication that the defendant is a violent career criminal as defined in s. 775.084 or any other statute.

(3) DATA COLLECTION AND REPORTING. ~~Beginning January 1, 2019,~~ An entity required to collect data in accordance with this subsection shall collect the specified data and ~~required of the entity on a biweekly basis. Each entity shall report them the data collected~~ in accordance with this subsection to the Department of Law Enforcement on a monthly basis.

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



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1. Case number.
2. Date that the alleged offense occurred.
- ~~3. County in which the offense is alleged to have occurred.~~
- ~~3.4.~~ Date the defendant is taken into physical custody by a law enforcement agency or is issued a notice to appear on a criminal charge, ~~if such date is different from the date the offense is alleged to have occurred.~~
4. Whether the case originated by notice to appear.
5. Date that the criminal prosecution of a defendant is formally initiated ~~through the filing, with the clerk of the court, of an information by the state attorney or an indictment issued by a grand jury.~~
6. Arraignment date.
7. Attorney appointment ~~assignment~~ date.
8. Attorney withdrawal date.
9. Case status.
10. Charge disposition.
- ~~11.10.~~ Disposition date and disposition type.
- ~~12.11.~~ Information related to each defendant, including:
 - a. Identifying information, including name, known aliases, date of birth, ~~age~~, race, ~~or~~ ethnicity, and gender.
 - b. Zip code of last known address ~~primary residence~~.
 - c. Primary language.
 - d. Citizenship.
 - e. Immigration status, if applicable.
 - f. Whether the defendant has been found ~~by a court~~ to be indigent under ~~pursuant to~~ s. 27.52.
- ~~13.12.~~ Information related to the ~~formal~~ charges filed against the defendant, including:



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- 2419 a. Charge description.
- 2420 b. Charge modifier description and statute, if applicable.
- 2421 c. Drug type for each drug charge, if known.
- 2422 d. Qualification for a flag designation as defined in this
- 2423 section, including a domestic violence flag, gang affiliation
- 2424 flag, sexual offender flag, habitual offender flag, habitual
- 2425 violent felony offender flag, ~~or~~ pretrial release violation
- 2426 flag, prison releasee reoffender flag, three-time violent felony
- 2427 offender flag, or violent career criminal flag.
- 2428 ~~14.13.~~ Information related to bail or bond and pretrial
- 2429 release determinations, including the dates of any such
- 2430 determinations:
- 2431 a. Pretrial release determination made at a first
- 2432 appearance hearing that occurs within 24 hours of arrest,
- 2433 including any ~~all~~ monetary and nonmonetary conditions of
- 2434 release.
- 2435 b. Modification of bail or bond conditions made by a court
- 2436 having jurisdiction to try the defendant or, in the absence of
- 2437 the judge of the trial court, by the circuit court, including
- 2438 modifications to any monetary and nonmonetary conditions of
- 2439 release.
- 2440 c. Cash bail or bond payment, including whether the
- 2441 defendant utilized a bond agent to post a surety bond.
- 2442 d. Date defendant is released on bail, bond, or pretrial
- 2443 release for the current case.
- 2444 e. Bail or bond revocation due to a new offense, a failure
- 2445 to appear, or a violation of the terms of bail or bond, if
- 2446 applicable.
- 2447 ~~15.14.~~ Information related to court dates and dates of



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motions and appearances, including:

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

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

c. Deferred prosecution or pretrial diversion hearing, if applicable ~~Judicial transfer date, if applicable.~~

d. Each scheduled trial date.

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

f. Speedy trial motion date and each hearing date ~~dates~~, if applicable.

g. Dismissal motion date and each hearing date ~~dates~~, if applicable.

~~16.15.~~ Defense attorney type.

~~17.16.~~ Information related to sentencing, including:

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

b. Charge sentenced to, including charge sequence number, and charge description, ~~statute, type, and charge class severity.~~

c. Sentence type and length imposed by the court in the current case, reported in years, months, and days, including, but not limited to, the total duration of incarceration ~~imprisonment~~ in a county detention facility or state correctional institution or facility, and conditions of probation or community control supervision.

d. Amount of time served in custody by the defendant related to each charge ~~the reported criminal case~~ that is credited at the time of disposition of the charge ~~case~~ to reduce the imposed ~~actual~~ length of time the defendant will serve on



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the term of incarceration ~~imprisonment~~ that is ordered by the court at disposition.

e. Total amount of court costs ~~fees~~ imposed by the court at the disposition of the case.

~~f. Outstanding balance of the defendant's court fees imposed by the court at disposition of the case.~~

~~f.g.~~ Total amount of fines imposed by the court at the disposition of the case.

~~h. Outstanding balance of the defendant's fines imposed by the court at disposition of the case.~~

~~g.i.~~ Restitution amount ordered at sentencing, including the amount collected by the court and the amount paid to the victim, if applicable.

~~j. Digitized sentencing scoresheet prepared in accordance with s. 921.0024.~~

~~18.17.~~ The sentencing judge or magistrate, or their equivalent number of judges or magistrates, or their equivalents, hearing cases in circuit or county criminal divisions of the circuit court. Judges or magistrates, or their equivalents, who solely hear appellate cases from the county eriminal division are not to be reported under this subparagraph.

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

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

a. Identifying information of the victim, including race, ~~or~~ ethnicity, gender, and age at the time of the offense.

b. Relationship to the offender, if any.



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2506 2. Number of full-time prosecutors.
2507 3. Number of part-time prosecutors.
2508 4. Annual felony caseload.
2509 5. Annual misdemeanor caseload.
2510 6. Disposition of each referred charge, such as filed,
2511 declined, or diverted ~~Any charge referred to the state attorney~~
2512 ~~by a law enforcement agency related to an episode of criminal~~
2513 ~~activity.~~
2514 7. Number of cases in which a no-information was filed.
2515 8. Information related to each defendant, including:
2516 a. Each charge referred to the state attorney by a law
2517 enforcement agency or sworn complainant related to an episode of
2518 criminal activity.
2519 b. Case number, name, and date of birth.
2520 c. ~~b.~~ Drug type for each drug charge, if applicable.
2521 d. Deferred prosecution or pretrial diversion agreement
2522 date, if applicable.
2523 (c) *Public defender.*—Each public defender shall collect the
2524 following data ~~for each criminal case:~~
2525 1. Number of full-time public defenders.
2526 2. Number of part-time public defenders.
2527 3. Number of contract attorneys representing indigent
2528 defendants for the office of the public defender.
2529 4. Annual felony caseload.
2530 5. Annual felony conflict caseload.
2531 6. ~~5.~~ Annual misdemeanor caseload.
2532 7. Annual misdemeanor conflict caseload.
2533 (d) *County detention facility.*—The administrator of each
2534 county detention facility shall collect the following data:



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- 2535 1. Maximum capacity for the county detention facility.
- 2536 2. Weekly admissions to the county detention facility for a
2537 revocation of probation or community control.
- 2538 3. Weekly admissions to the county detention facility for a
2539 revocation of pretrial release.
- 2540 4.3. Daily population of the county detention facility,
2541 including the specific number of inmates in the custody of the
2542 county that:
- 2543 a. Are awaiting case disposition.
- 2544 b. Have been sentenced by a court to a term of
2545 incarceration ~~imprisonment~~ in the county detention facility.
- 2546 c. Have been sentenced by a court to a term of imprisonment
2547 with the Department of Corrections and who are awaiting
2548 transportation to the department.
- 2549 d. Have a federal detainer, ~~or~~ are awaiting disposition of
2550 a case in federal court, or are awaiting other federal
2551 disposition.
- 2552 5.4. Information related to each inmate, including:
- 2553 a. Identifying information, including name, date of birth,
2554 race, ethnicity, gender, case number, and identification number
2555 assigned by the county detention facility.
- 2556 b.a. Date when an inmate ~~a defendant~~ is processed and
2557 booked into the county detention facility subsequent to an
2558 arrest for a new violation of law, ~~or~~ for a violation of
2559 probation or community control, or for a violation of pretrial
2560 release.
- 2561 c.b. Reason why an inmate ~~a defendant~~ is processed and
2562 booked into the county detention facility, including if it is
2563 for a new law violation, ~~or~~ a violation of probation or



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community control, or a violation of pretrial release.

~~d.e.~~ Qualification for a flag designation as defined in this section, including domestic violence flag, gang affiliation flag, habitual offender flag, habitual violent felony offender flag, pretrial release violation flag, ~~or~~ sexual offender flag, prison releasee reoffender flag, three-time violent felony offender flag, or violent career criminal flag.

~~6.5.~~ Total population of the county detention facility at year-end. This data must include the same specified classifications as subparagraph 3.

~~7.6.~~ Per diem rate for a county detention facility bed.

~~8.7.~~ Daily number of correctional officers for the county detention facility.

~~9.8.~~ Annual county detention facility budget. This information only needs to be reported once annually at the beginning of the county's fiscal year.

~~10.9.~~ Annual revenue generated for the county from the temporary incarceration of federal defendants or inmates.

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

1. Information related to each inmate, including:

a. Identifying information, including name, date of birth, race, ~~or~~ ethnicity, gender, case number, and identification number assigned by the department.

~~b. Number of children.~~

~~c.~~ Highest education level, ~~including any vocational training.~~

~~c.d.~~ Date the inmate was admitted to the custody of the department for his or her current incarceration.



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~~d.e.~~ Current institution placement and the security level assigned to the institution.

~~e.f.~~ Custody level assignment.

~~f.g.~~ Qualification for a flag designation as defined in this section, including sexual offender flag, habitual offender flag, habitual violent felony offender flag, prison releasee reoffender flag, three-time violent felony offender flag, violent career criminal flag, gang affiliation flag, or concurrent or consecutive sentence flag.

~~g.h.~~ County that committed the prisoner to the custody of the department.

~~h.i.~~ Whether the reason for admission to the department is for a new conviction or a violation of probation, community control, or parole. For an admission for a probation, community control, or parole violation, the department shall report whether the violation was technical or based on a new violation of law.

~~i.j.~~ Specific statutory citation for which the inmate was committed to the department, including, for an inmate convicted of drug trafficking under s. 893.135, the statutory citation for each specific drug trafficked.

j. Length of sentence served.

k. Length of ~~sentence or~~ concurrent or consecutive sentences served.

l. Tentative release date.

m. Gain time earned in accordance with s. 944.275.

n. Prior incarceration within the state.

o. Disciplinary violation and action.

p. Participation in rehabilitative or educational programs



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while in the custody of the department.

q. Digitized sentencing scoresheet prepared in accordance with s. 921.0024.

2. Information about each state correctional institution or facility, including:

a. Budget for each state correctional institution or facility.

b. Daily prison population of all inmates incarcerated in a state correctional institution or facility.

c. Daily number of correctional officers for each state correctional institution or facility.

3. Information related to persons supervised by the department on probation or community control, including:

a. Identifying information for each person supervised by the department on probation or community control, including his or her name, date of birth, race, ~~or~~ ethnicity, gender, case number ~~sex~~, and department-assigned case number.

b. Length of probation or community control sentence imposed and amount of time that has been served on such sentence.

c. Projected termination date for probation or community control.

d. Revocation of probation or community control due to a violation, including whether the revocation is due to a technical violation of the conditions of supervision or from the commission of a new law violation.

4. Per diem rates for:

a. Prison bed.

b. Probation.



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c. Community control.

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

(f) Justice Administrative Commission.—The Justice Administrative Commission shall collect the following data:

1. Number of private registry attorneys representing indigent adult defendants.

2. Annual felony caseload assigned to private registry contract attorneys.

3. Annual misdemeanor caseload assigned to private registry contract attorneys.

(g) Criminal regional conflict counsel.—Each office of criminal regional conflict counsel shall report the following data:

1. Number of full-time assistant regional conflict counsel handling criminal cases.

2. Number of part-time assistant regional conflict counsel handling criminal cases.

3. Number of contract attorneys representing indigent adult defendants.

4. Annual felony caseload.

5. Annual felony caseload assigned to contract attorneys.

6. Annual felony conflict caseload.

7. Annual misdemeanor caseload.

8. Annual misdemeanor caseload assigned to contract attorneys.

9. Annual misdemeanor conflict caseload.

(4) DATA PUBLICLY AVAILABLE.—~~Beginning January 1, 2019,~~ The



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Department of Law Enforcement shall publish datasets in its possession in a modern, open, electronic format that is machine-readable and readily accessible by the public on the department's website. The published data must be searchable, at a minimum, by ~~each~~ data elements ~~element~~, county, circuit, and unique identifier. Beginning March 1, 2019, the department shall publish ~~begin publishing~~ the data received under subsection (3) ~~(2)~~ in the same modern, open, electronic format that is machine-readable and readily accessible to the public on the department's website. The department shall publish all data received under subsection (3) ~~(2)~~ no later than January 1, 2020, and monthly thereafter July 1, 2019.

(5) NONCOMPLIANCE.—Notwithstanding any other ~~provision of~~ law, an entity required to collect and transmit data under subsection (3) ~~paragraph (3)(a) or paragraph (3)(d)~~ which does not comply with the requirements of this section is ineligible to receive funding from the General Appropriations Act, any state grant program administered by the Department of Law Enforcement, or any other state agency for 5 years after the date of noncompliance.

(6) CONFIDENTIALITY.—Information collected by any reporting agency which is confidential and exempt upon collection remains confidential and exempt when reported to the Department of Law Enforcement under this section.

Section 47. Section 943.0578, Florida Statutes, is created to read:

943.0578 Lawful self-defense expunction.—

(1) Notwithstanding the eligibility requirements defined in s. 943.0585(1) and (2), the department shall issue a certificate



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of eligibility for expunction under this section to a person who
is the subject of a criminal history record if that person has
obtained, and submitted to the department, on a form provided by
the department, a written, certified statement from the
appropriate state attorney or statewide prosecutor which states
whether an information, indictment, or other charging document
was not filed or was dismissed by the state attorney, or
dismissed by the court, because it was found that the person
acted in lawful self-defense pursuant to chapter 776.

(2) Each petition to expunge a criminal history record
pursuant to this section must be accompanied by:

(a) A valid certificate of eligibility for expunction
issued by the department pursuant to this section; and

(b) The petitioner's sworn statement attesting that the
petitioner is eligible for such an expunction to the best of his
or her knowledge or belief.

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

(3) This section does not confer any right to the
expunction of a criminal history record, and any request for
expunction of a criminal history record may be denied at the
discretion of the court.

(4) Sections 943.0585(5) and (6) apply to an expunction
ordered under this section.

(5) The department shall adopt rules to establish
procedures for applying for and issuing a certificate of



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eligibility for expunction under this section.

Section 48. Section 943.0581, Florida Statutes, is amended to read:

943.0581 Administrative expunction for arrests made contrary to law or by mistake.—

(1) Notwithstanding any law dealing generally with the preservation and destruction of public records, the department may adopt a rule pursuant to chapter 120 for the administrative expunction of any nonjudicial record of an arrest of a minor or an adult made contrary to law or by mistake.

(2) A law enforcement agency shall apply to the department in the manner prescribed by rule for the administrative expunction of any nonjudicial record of any arrest of a minor or an adult who is subsequently determined by the agency, at its discretion, or by the final order of a court of competent jurisdiction, to have been arrested contrary to law or by mistake.

(3) An adult or, in the case of a minor child, the parent or legal guardian of the minor child, may apply to the department in the manner prescribed by rule for the administrative expunction of any nonjudicial record of an arrest alleged to have been made contrary to law or by mistake, provided that the application is supported by the endorsement of the head of the arresting agency or his or her designee or the state attorney of the judicial circuit in which the arrest occurred or his or her designee.

(4) An application for administrative expunction shall include the date and time of the arrest, the name of the person arrested, the offender-based tracking system (OBTS) number, and



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the crime or crimes charged. The application shall be on the submitting agency's letterhead and shall be signed by the head of the submitting agency or his or her designee.

(5) If the person was arrested on a warrant, capias, or pickup order, a request for an administrative expunction may be made by the sheriff of the county in which the warrant, capias, or pickup order was issued or his or her designee or by the state attorney of the judicial circuit in which the warrant, capias, or pickup order was issued or his or her designee.

(6) An application or endorsement under this section is not admissible as evidence in any judicial or administrative proceeding and may not be construed in any way as an admission of liability in connection with an arrest.

Section 49. Section 943.0584, Florida Statutes, is created to read:

943.0584 Criminal history records ineligible for court-ordered expunction or court-ordered sealing.—

(1) As used in this section, the term "conviction" means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, or if the defendant was a minor, a finding that the defendant committed or pled guilty or nolo contendere to committing a delinquent act, regardless of whether adjudication of delinquency is withheld.

(2) A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the



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following offenses:

(a) Sexual misconduct, as defined in s. 393.135, s. 394.4593, or s. 916.1075;

(b) Illegal use of explosives, as defined in chapter 552;

(c) Terrorism, as defined in s. 775.30;

(d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09;

(e) Manslaughter or homicide, as defined in s. 782.07, s. 782.071, or s. 782.072;

(f) Assault or battery, as defined in ss. 784.011 and 784.03, respectively, of one family or household member by another family or household member, as defined in s. 741.28(3);

(g) Aggravated assault, as defined in s. 784.021;

(h) Felony battery, domestic battery by strangulation, or aggravated battery, as defined in s. 784.03, s. 784.041, and s. 784.045, respectively;

(i) Stalking or aggravated stalking, as defined in s. 784.048;

(j) Luring or enticing a child, as defined in s. 787.025;

(k) Human trafficking, as defined in s. 787.06;

(l) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02;

(m) Any offense defined in chapter 794;

(n) Procuring a person less than 18 years of age for prostitution, as defined in former s. 796.03;

(o) Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, as defined in s. 800.04;

(p) Arson, as defined in s. 806.01;



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2825 (q) Burglary of a dwelling, as defined in s. 810.02;
2826 (r) Voyeurism or video voyeurism, as defined in s. 810.14
2827 and s. 810.145, respectively;
2828 (s) Robbery or robbery by sudden snatching, as defined in
2829 s. 812.13 and s. 812.131, respectively;
2830 (t) Carjacking, as defined in s. 812.133;
2831 (u) Home-invasion robbery, as defined in s. 812.135;
2832 (v) A violation of the Florida Communications Fraud Act, as
2833 provided in s. 817.034;
2834 (w) Abuse of an elderly person or disabled adult, or
2835 aggravated abuse of an elderly person or disabled adult, as
2836 defined in s. 825.102;
2837 (x) Lewd or lascivious offenses committed upon or in the
2838 presence of an elderly person or disabled person, as defined in
2839 s. 825.1025;
2840 (y) Child abuse or aggravated child abuse, as defined in s.
2841 827.03;
2842 (z) Sexual performance by a child, as defined in s.
2843 827.071;
2844 (aa) Any offense defined in chapter 839;
2845 (bb) Certain acts in connection with obscenity, as defined
2846 in s. 847.0133;
2847 (cc) Any offense defined in s. 847.0135;
2848 (dd) Selling or buying of minors, as defined in s.
2849 847.0145;
2850 (ee) Aircraft piracy, as defined in s. 860.16;
2851 (ff) Manufacturing a controlled substance in violation of
2852 chapter 893;
2853 (gg) Drug trafficking, as defined in s. 893.135; or



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(hh) Any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, or sexual offender pursuant to s. 943.0435, without regard to whether that offense alone is sufficient to require such registration.

Section 50. Section 943.0585, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 943.0585, F.S., for present text.)
943.0585 Court-ordered expunction of criminal history records.—

(1) ELIGIBILITY.—A person is eligible to petition a court to expunge a criminal history record if:

(a) An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.

(b) An indictment, information, or other charging document was filed or issued in the case giving rise to the criminal history record, was dismissed or nolle prosequi by the state attorney or statewide prosecutor, or was dismissed by a court of competent jurisdiction or a judgment of acquittal was rendered by a judge, or a verdict of not guilty was rendered by a judge or jury.

(c) The person is not seeking to expunge a criminal history record that is ineligible for court-ordered expunction under s. 943.0584.

(d) The person has never, as of the date the application for a certificate of expunction is filed, been adjudicated guilty in this state of a criminal offense or been adjudicated



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delinquent in this state for committing any felony or any of the
following misdemeanors, unless the record of such adjudication
of delinquency has been expunged pursuant to s. 943.0515:

1. Assault, as defined in s. 784.011;
2. Battery, as defined in s. 784.03;
3. Assault on a law enforcement officer, a firefighter, or
other specified officers, as defined in s. 784.07(2)(a);
4. Carrying a concealed weapon, as defined in s. 790.01(1);
5. Open carrying of a weapon, as defined in s. 790.053;
6. Unlawful possession or discharge of a weapon or firearm
at a school-sponsored event or on school property, as defined in
s. 790.115;
7. Unlawful use of destructive devices or bombs, as defined
in s. 790.1615(1);
8. Unlawful possession of a firearm, as defined in s.
790.22(5);
9. Exposure of sexual organs, as defined in s. 800.03;
10. Arson, as defined in s. 806.031(1);
11. Petit theft, as defined in s. 812.014(3);
12. Neglect of a child, as defined in s. 827.03(1)(e); or
13. Cruelty to animals, as defined in s. 828.12(1).

(e) The person has not been adjudicated guilty of, or
adjudicated delinquent for committing, any of the acts stemming
from the arrest or alleged criminal activity to which the
petition pertains.

(f) The person is no longer under court supervision
applicable to the disposition of arrest or alleged criminal
activity to which the petition to expunge pertains.

(g) The person has never secured a prior sealing or



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expunction of a criminal history record under this section, s.
943.059, former s. 893.14, former s. 901.33, or former s.
943.058, unless expunction is sought of a criminal history
record previously sealed for 10 years pursuant to paragraph (h)
and the record is otherwise eligible for expunction.

(h) The person has previously obtained a court-ordered
sealing the criminal history record under s. 943.059, former s.
893.14, former s. 901.33, or former s. 943.058 for a minimum of
10 years because adjudication was withheld or because all
charges related to the arrest or alleged criminal activity to
which the petition to expunge pertains were not dismissed before
trial, without regard to whether the outcome of the trial was
other than an adjudication of guilt. The requirement for the
record to have previously been sealed for a minimum of 10 years
does not apply if a plea was not entered or all charges related
to the arrest or alleged criminal activity to which the petition
to expunge pertains were dismissed before trial or a judgment of
acquittal was rendered by a judge or a verdict of not guilty was
rendered by a judge or jury.

(2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
to expunge a criminal history record, a person seeking to
expunge a criminal history record must apply to the department
for a certificate of eligibility for expunction. The department
shall adopt rules to establish procedures for applying for and
issuing a certificate of eligibility for expunction.

(a) The department shall issue a certificate of eligibility
for expunction to a person who is the subject of a criminal
history record if that person:

1. Satisfies the eligibility criteria in paragraphs (1) (a)–



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(h) and is not ineligible under s. 943.0584.

2. Has submitted to the department a written certified statement from the appropriate state attorney or statewide prosecutor which confirms the criminal history record complies with the criteria in paragraph (1)(a) or paragraphs (1)(b) and (c).

3. Has submitted to the department a certified copy of the disposition of the charge to which the petition to expunge pertains.

4. Remits a \$75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless the executive director waives such fee.

(b) A certificate of eligibility for expunction is valid for 12 months after the date stamped on the certificate when issued by the department. After that time, the petitioner must reapply to the department for a new certificate of eligibility. The petitioner's status and the law in effect at the time of the renewal application determine the petitioner's eligibility.

(3) PETITION.—Each petition to expunge a criminal history record must be accompanied by:

(a) A valid certificate of eligibility issued by the department.

(b) The petitioner's sworn statement that he or she:

1. Satisfies the eligibility requirements for expunction in subsection (1).

2. Is eligible for expunction to the best of his or her knowledge and does not have any other petition to seal or expunge a criminal history record pending before any court.



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A person who knowingly provides false information on such sworn statement commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) COURT AUTHORITY.—

(a) The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent that such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section.

(b) A court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court may not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility under subsection (2).

(c) The court may order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity only, except that the court may order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction



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of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity.

(d) Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom.

(e) This section does not confer any right to expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(5) PROCESSING OF A PETITION OR AN ORDER.—

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

(b) If relief is granted by the court, the clerk of the court shall certify copies of the order to the appropriate state attorney or the statewide prosecutor and the arresting agency. The arresting agency shall forward the order to any other agency to which the arresting agency disseminated the criminal history record information to which the order pertains. The department shall forward the order to expunge to the Federal Bureau of Investigation. The clerk of the court shall certify a copy of the order to any other agency which the records of the court



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reflect has received the criminal history record from the court.

(c) The department or any other criminal justice agency is not required to act on an order to expunge entered by a court when such order does not comply with the requirements of this section. Upon receipt of such an order, the department must notify the issuing court, the appropriate state attorney or statewide prosecutor, the petitioner or the petitioner's attorney, and the arresting agency of the reason for noncompliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. No cause of action, including contempt of court, shall arise against any criminal justice agency for failure to comply with an order to expunge when the petitioner for such order failed to obtain the certificate of eligibility as required by this section or such order does not otherwise comply with the requirements of this section.

(6) EFFECT OF EXPUNCTION ORDER.—

(a) Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record, except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged which is retained by the department is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation



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indicating compliance with an order to expunge.

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

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;

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

7. Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial



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Services; or

8. Is seeking to be appointed as a guardian pursuant to s. 744.3125.

(c) Subject to the exceptions in paragraph (b), a person who has been granted an expunction under this section, former s. 893.14, former s. 901.33, or former s. 943.058 may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge an expunged criminal history record.

(d) Information relating to the existence of an expunged criminal history record which is provided in accordance with paragraph (a) is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the existence of a criminal history record ordered expunged to the entities set forth in subparagraphs (b)1., 4., 5., 6., 7., and 8. for their respective licensing, access authorization, and employment purposes and to criminal justice agencies for their respective criminal justice purposes. It is unlawful for any employee of an entity set forth in subparagraph (b)1., 4., 5., 6., 7., or 8. to disclose information relating to the existence of an expunged criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment, access authorization, or licensure decisions. A person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.



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Section 51. Section 943.059, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 943.059, F.S., for present text.)

943.059 Court-ordered sealing of criminal history records.-

(1) ELIGIBILITY.-A person is eligible to petition a court to seal a criminal history record when:

(a) The criminal history record is not ineligible for court-ordered sealing under s. 943.0584.

(b) The person has never, before the date the application for a certificate of eligibility is filed, been adjudicated guilty in this state of a criminal offense, or been adjudicated delinquent in this state for committing any felony or any of the following misdemeanor offenses, unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515:

1. Assault, as defined in s. 784.011;

2. Battery, as defined in s. 784.03;

3. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a);

4. Carrying a concealed weapon, as defined in s. 790.01(1);

5. Open carrying of a weapon, as defined in s. 790.053;

6. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as defined in s. 790.115;

7. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1);

8. Unlawful possession of a firearm by a minor, as defined in s. 790.22(5);



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9. Exposure of sexual organs, as defined in s. 800.03;

10. Arson, as defined in s. 806.031(1);

11. Petit theft, as defined in s. 812.014(3);

12. Neglect of a child, as defined in s. 827.03(1)(e); or

13. Cruelty to animals, as defined in s. 828.12(10).

(c) The person has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains.

(d) The person is no longer under court supervision applicable to the disposition of arrest or alleged criminal activity to which the petition to seal pertains.

(e) The person has never secured a prior sealing or expunction of a criminal history record under this section, s. 943.0585, former s. 893.14, former s. 901.33, or former s. 943.058.

(2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the court to seal a criminal history record, a person seeking to seal a criminal history record must apply to the department for a certificate of eligibility for sealing. The department shall adopt rules relating to the application for and issuance of certificates of eligibility for sealing.

(a) The department shall issue a certificate of eligibility for sealing to a person who is the subject of a criminal history record if that person:

1. Satisfies the eligibility criteria in paragraphs (1)(a)-(e) and is not ineligible for court-ordered sealing under s. 943.0584.

2. Has submitted to the department a certified copy of the



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disposition of charge to which the petition pertains.

3. Remits a \$75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless the executive director waives such fee.

(b) A certificate of eligibility for sealing is valid for 12 months after the date stamped on the certificate when issued by the department. After that time, the petitioner must reapply to the department for a new certificate of eligibility. The status of the applicant and the law in effect at the time of the renewal application determine the petitioner's eligibility.

(3) PETITION.—Each petition to a court to seal a criminal history record is complete only when accompanied by:

(a) A valid certificate of eligibility issued by the department pursuant to this section.

(b) The petitioner's sworn statement that the petitioner:
1. Satisfies the eligibility requirements for sealing in subsection (1).

2. Is eligible for sealing to the best of his or her knowledge and does not have any other petition to seal or expunge a criminal history record pending before any court.

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

(4) COURT AUTHORITY.—

(a) The courts of this state have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history



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information to the extent that such procedures are not
inconsistent with the conditions, responsibilities, and duties
established by this section.

(b) Any court of competent jurisdiction may order a
criminal justice agency to seal the criminal history record of a
minor or an adult who complies with the requirements of this
section. The court may not order a criminal justice agency to
seal a criminal history record until the person seeking to seal
a criminal history record has applied for and received a
certificate of eligibility pursuant to subsection (2).

(c) The court may order the sealing of a criminal history
record pertaining to one arrest or one incident of alleged
criminal activity only, except the court may order the sealing
of a criminal history record pertaining to more than one arrest
if the additional arrests directly relate to the original
arrest. If the court intends to order the sealing of records
pertaining to such additional arrests, such intent must be
specified in the order. A criminal justice agency may not seal
any record pertaining to such additional arrests if the order to
seal does not articulate the intention of the court to seal a
record pertaining to more than one arrest. This section does not
prevent the court from ordering the sealing of only a portion of
a criminal history record pertaining to one arrest or one
incident of alleged criminal activity.

(d) Notwithstanding any law to the contrary, a criminal
justice agency may comply with laws, court orders, and official
requests of other jurisdictions relating to sealing, correction,
or confidential handling of criminal history records or
information derived therefrom.



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(e) This section does not confer any right to the sealing of any criminal history record, and any request for sealing of a criminal history record may be denied at the sole discretion of the court.

(5) PROCESSING OF A PETITION OR ORDER.—

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

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

(c) The department or any other criminal justice agency is not required to act on an order to seal entered by a court when such order does not comply with the requirements of this section. Upon receipt of such an order, the department must notify the issuing court, the appropriate state attorney or



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

(6) EFFECT OF ORDER.—

(a) A criminal history record of a minor or an adult which is ordered sealed by a court pursuant to this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the following persons:

1. The subject of the record;
2. The subject's attorney;
3. Criminal justice agencies for their respective criminal justice purposes, which include conducting a criminal history background check for approval of firearms purchases or transfers as authorized by state or federal law;

4. Judges in the state courts system for the purpose of assisting them in their case-related decisionmaking responsibilities, as set forth in s. 943.053(5); or

5. To those entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9., and 10. for their respective licensing access authorization and employment purposes.



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

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;

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

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

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



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Services;

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

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

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

(d) Information relating to the existence of a sealed criminal history record provided in accordance with paragraph (b) is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the sealed criminal history record to the entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9., and 10. for their respective licensing, access authorization, and employment purposes. An employee of an entity set forth in subparagraph (b)1., (b)4., (b)5., (b)6., (b)8., (b)9., or (b)10. may not disclose information relating to the existence of a sealed criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for



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employment, access authorization, or licensure decisions. A
person who violates this paragraph commits a misdemeanor of the
first degree, punishable as provided in s. 775.082 or s.
775.083.

Section 52. Section 943.0595, Florida Statutes, is created
to read:

943.0595 Automatic sealing of criminal history records.—

(1) RULEMAKING.—Notwithstanding any law dealing generally
with the preservation and destruction of public records, the
department shall adopt rules addressing the automatic sealing of
any criminal history record of a minor or adult described in
this section.

(2) ELIGIBILITY.—

(a) The department shall automatically seal a criminal
history record that does not result from an indictment,
information, or other charging document for a forcible felony as
defined in s. 776.08 or for an offense enumerated in s.
943.0435(1)(h)1.a.(I), if:

1. An indictment, information, or other charging document
was not filed or issued in the case giving rise to the criminal
history record.

2. An indictment, information, or other charging document
was filed in the case giving rise to the criminal history
record, but was dismissed or nolle prosequi by the state
attorney or statewide prosecutor or was dismissed by a court of
competent jurisdiction. However, a person is not eligible for
automatic sealing under this section if the dismissal was
pursuant to s. 916.145 or s. 985.19.

3. A not guilty verdict was rendered by a judge or jury.



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3376 However, a person is not eligible for automatic sealing under
3377 this section if the defendant was found not guilty by reason of
3378 insanity.

3379 4. A judgment of acquittal was rendered by a judge.

3380 (b) There is no limitation on the number of times a person
3381 may obtain an automatic sealing for a criminal history record
3382 described in paragraph (a).

3383 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

3384 (a) Upon the disposition of a criminal case resulting in a
3385 criminal history record eligible for automatic sealing under
3386 paragraph (2)(a), the clerk of the court shall transmit a
3387 certified copy of the disposition of the criminal history record
3388 to the department, which shall seal the criminal history record
3389 upon receipt of the certified copy.

3390 (b) Automatic sealing of a criminal history record does not
3391 require sealing by the court or other criminal justice agencies,
3392 or that such record be surrendered to the court, and such record
3393 shall continue to be maintained by the department and other
3394 criminal justice agencies.

3395 (c) Except as provided in this section, automatic sealing
3396 of a criminal history record shall have the same effect, and the
3397 department may disclose such a record in the same manner, as a
3398 record sealed under s. 943.059.

3399 Section 53. Effective upon this act becoming a law,
3400 subsections (9) and (10) are added to section 943.6871, Florida
3401 Statutes, to read:

3402 943.6871 Criminal justice data transparency.—In order to
3403 facilitate the availability of comparable and uniform criminal
3404 justice data, the department shall:



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(9) Keep all information received by the department under s. 900.05 which is confidential and exempt when collected by the reporting agency confidential and exempt for purposes of this section and s. 900.05.

(10) (a) By October 1, 2019, assist the Criminal and Juvenile Justice Information Systems Council in developing specifications for a uniform arrest affidavit to be used by each state, county, and municipal law enforcement agency to facilitate complete, accurate, and timely collection and reporting of data from each criminal offense arrest. The uniform arrest affidavit must at a minimum include all of the following:

1. Identification of the arrestee.
2. Details of the arrest, including each charge.
3. Details of each vehicle and item seized at the time of arrest.
4. Juvenile arrestee information.
5. Release information.

The uniform arrest affidavit specifications must also include guidelines for developing a uniform criminal charge and disposition statute crosswalk table to be used by each law enforcement agency, state attorney, and jail administrator; and guidelines for developing a uniform criminal disposition and sentencing statute crosswalk table to be used by each clerk of the court.

(b) By January 1, 2020, subject to appropriation, the department shall procure a uniform arrest affidavit, a uniform criminal charge and disposition statute crosswalk table, and a uniform criminal disposition and sentencing statute crosswalk



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table following the specifications developed under paragraph
(a). The department shall provide training on use of the
affidavit and crosswalk tables to each state, county, and
municipal law enforcement agency, clerk of the court, state
attorney, and jail administrator, as appropriate.

(c) By July 1, 2020, each state, county, and municipal law
enforcement agency must use the uniform arrest affidavit, each
state attorney and jail administrator must use the uniform
criminal charge and statute crosswalk table, and each clerk of
the court must use the uniform criminal disposition and
sentencing statute crosswalk table.

Section 54. Section 944.40, Florida Statutes, is amended to
read:

944.40 Escapes; penalty.—Any prisoner confined in, or
released on furlough from, any prison, jail, private
correctional facility, road camp, or other penal institution,
whether operated by the state, a county, or a municipality, or
operated under a contract with the state, a county, or a
municipality, working upon the public roads, or being
transported to or from a place of confinement who escapes or
attempts to escape from such confinement commits a felony of the
second degree, punishable as provided in s. 775.082, s. 775.083,
or s. 775.084. The punishment of imprisonment imposed under this
section shall run consecutive to any former sentence imposed
upon any prisoner.

Section 55. Subsection (2) of section 944.47, Florida
Statutes, is amended to read:

944.47 Introduction, removal, or possession of contraband
~~certain articles unlawful~~; penalty.—



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(2) (a) A person who violates ~~any provision of~~ this section as it pertains to an article of contraband described in subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph (1)(a)6. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In all other cases,~~ a violation of ~~a provision of~~ this section is ~~constitutes~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A violation of this section by an employee, as defined in s. 944.115(2)(b), who uses or attempts to use the powers, rights, privileges, duties, or position of his or her employment in the commission of the violation is ranked one level above the ranking specified in s. 921.0022 or s. 921.0023 for the offense committed.

Section 56. Section 944.704, Florida Statutes, is amended to read:

944.704 Staff who provide transition assistance; duties.—

(1) The department shall provide a transition assistance specialist at each of the major institutions.

(2) The department may increase the number of transition assistance specialists in proportion to the number of inmates served at each of the major institutions and may increase the number of employment specialists per judicial circuit based on the number of released inmates served under community supervision in that circuit, subject to appropriations.

(3) The transition assistance specialists' ~~whose~~ duties include, but are not limited to:

(a) ~~(1)~~ Coordinating delivery of transition assistance program services at the institution and at the community



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correctional centers authorized pursuant to s. 945.091(1)(b).

~~(b)(2)~~ Assisting in the development of each inmate's
postrelease plan.

~~(c)(3)~~ Obtaining job placement information. Such
information must include identifying any job assignment
credentialing or industry certifications for which the inmate is
eligible.

~~(d)(4)~~ Providing a written medical discharge plan and
referral to a county health department.

~~(e)(5)~~ For an inmate who is known to be HIV positive,
providing a 30-day supply of all HIV/AIDS-related medication
that the inmate is taking before ~~prior to~~ release, if required
under protocols of the Department of Corrections and treatment
guidelines of the United States Department of Health and Human
Services.

~~(f)(6)~~ Facilitating placement in a private transition
housing program, if requested by any eligible inmate. If an
inmate who is nearing his or her date of release requests
placement in a contracted substance abuse transition housing
program, the transition assistance specialist shall inform the
inmate of program availability and assess the inmate's need and
suitability for transition housing assistance. If an inmate is
approved for placement, the specialist shall assist the inmate
and coordinate the release of the inmate with the selected
program. If an inmate requests and is approved for placement in
a contracted faith-based substance abuse transition housing
program, the specialist must consult with the chaplain before
~~prior to~~ such placement. In selecting inmates who are nearing
their date of release for placement in a faith-based program,



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the department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining admission to the program and that the program does not attempt to convert an inmate toward a particular faith or religious preference.

(g) ~~(7)~~ Providing a photo identification card to all inmates before ~~prior to~~ their release.

(4) A ~~The~~ transition assistance specialist may not be a correctional officer or correctional probation officer as defined in s. 943.10.

Section 57. Present subsections (3) through (6) of section 944.705, Florida Statutes, are redesignated as subsections (4) through (7), respectively, and a new subsection (3) and subsections (8) through (12) are added to that section, to read:

944.705 Release orientation program.—

(3) (a) The department shall establish a toll-free hotline for the benefit of released inmates. The hotline shall provide information to released inmates seeking to obtain post-release referrals for community-based reentry services.

(b) Before an inmate's release, the department shall provide the inmate with a comprehensive community reentry resource directory organized by county and which must include the name, address, and a description of the services offered by each reentry service provider. The directory must also include the name, address, and telephone number of existing portals of entry and the toll-free hotline number required by paragraph (a).

(c) The department shall expand the use of a department-approved risk and needs assessment system to provide inmates and offenders with community-specific reentry service provider



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referrals.

(8) A nonprofit faith-based or professional business, or a civic or community organization, may apply for registration with the department to provide inmate reentry services. Reentry services include, but are not limited to, counseling; providing information on housing and job placement; money management assistance; and programs that address substance abuse, mental health, or co-occurring conditions.

(9) The department shall adopt policies and procedures for screening, approving, and registering an organization that applies under subsection (8). The department may deny approval and registration of an organization or a representative from an organization if it determines that the organization or representative does not meet the department's policies and procedures.

(10) The department may contract with a public or private educational institution's veteran advocacy clinic or veteran legal clinic to assist qualified veteran inmates in applying for veterans' benefits upon release.

(11) The department may contract with public or private organizations to establish transitional employment programs that provide employment opportunities for released inmates.

(12) The department shall adopt rules to implement this section.

Section 58. Present subsections (4), (5), and (6) of section 944.801, Florida Statutes, are redesignated as subsections (7), (8), and (9), respectively, and new subsections (4), (5), and (6) are added to that section, to read:

944.801 Education for state prisoners.—



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(4) The department may expand the use of job assignment credentialing and industry certifications.

(5) The Correctional Education Program may establish a prison entrepreneurship program and adopt procedures for admitting student inmates. If the department elects to develop the program, it must include at least 180 days of in-prison education. The program curriculum must include a component on developing a business plan, procedures for graduation and certification of successful student inmates, and at least 90 days of transitional and postrelease continuing educational services. Transitional and postrelease continuing educational services may be offered to graduate student inmates on a voluntary basis and are not a requirement for completion of the program. The department shall enter into agreements with public or private colleges or universities, other nonprofit entities, or other authorized provider under s. 1002.45(1)(a)1. to implement the program. The program must be funded with existing resources.

(6) The Correctional education Program may work in cooperation with the Department of Agriculture and Consumer Services, Florida Forestry Service Division, and the Florida Department of Financial Services, Division of State Fire Marshall to develop a program for implementation within state correctional institutions or correctional facilities to train and certify inmates as firefighters. The program should include, but not be limited to, certification of inmates as state forest staff trained to help protect homes, forestland, and natural resources from the effects of wildfires throughout the state.

Section 59. Subsection (1) of section 948.001, Florida



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Statutes, is amended to read:

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

(1) "Administrative probation" means a form of no contact, nonreporting supervision. A court may order administrative probation, or the Department of Corrections may transfer an offender to administrative probation, as provided in s. 948.013 in which an offender who presents a low risk of harm to the community may, upon satisfactory completion of half the term of probation, be transferred by the Department of Corrections to this type of reduced level of supervision, as provided in s. 948.013.

Section 60. Subsection (1) of section 948.013, Florida Statutes, is amended to read:

948.013 Administrative probation.—

(1) The Department of Corrections may transfer an offender to administrative probation if he or she presents a low risk of harm to the community and has satisfactorily completed at least half of his or her probation term. The department ~~of Corrections~~ may establish procedures for transferring an offender to administrative probation. The department may collect an initial processing fee of up to \$50 for each probationer transferred to administrative probation. The offender is exempt from further payment for the cost of supervision as required in s. 948.09.

Section 61. Subsections (4), (5), and (6) are added to section 948.04, Florida Statutes, to read:

948.04 Period of probation; duty of probationer; early termination; conversion of term.—

(4) Except as provided in subsection (5), for defendants sentenced to probation on or after October 1, 2019, the court,



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upon motion by the probationer or the probation officer, shall either early terminate the probationer's supervision or convert the supervisory term to administrative probation if all of the following requirements are met:

(a) The probationer has completed at least half of the term of probation to which he or she was sentenced.

(b) The probationer has successfully completed all other conditions of probation.

(c) The court has not found the probationer in violation of probation pursuant to a filed affidavit of violation of probation at any point during the current supervisory term.

(d) The parties did not specifically exclude the possibility of early termination or conversion to administrative probation as part of a negotiated sentence.

(e) The probationer does not qualify as a violent felony offender of special concern under s. 948.06(8)(b).

(5) Upon making written findings that continued reporting probation is necessary to protect the community or the interests of justice, the court may decline to early terminate the probationary term or convert the term to administrative probation for a probationer who is otherwise eligible under subsection (4).

(6) Subsections (4) and (5) do not apply to an offender on community control. If an offender on community control is subsequently placed on probation, he or she must complete half of the probationary term to which he or she was sentenced, without receiving credit for time served on community control, before being eligible for mandatory early termination or conversion to administrative probation under this section.



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Section 62. Section 948.05, Florida Statutes, is amended to read:

948.05 Court to admonish or commend probationer or offender in community control; graduated incentives.—

(1) A court may at any time cause a probationer or offender in community control to appear before it to be admonished or commended, and, when satisfied that its action will be for the best interests of justice and the welfare of society, it may discharge the probationer or offender in community control from further supervision.

(2) The department shall implement a system of graduated incentives to promote compliance with the terms of supervision and prioritize the highest levels of supervision for probationers or offenders presenting the greatest risk of recidivism.

(a) As part of the graduated incentives system, the department may, without leave of court, offer the following incentives to a compliant probationer or offender in community control:

1. Up to 25 percent reduction of required community service hours;

2. Waiver of supervision fees;

3. Reduction in frequency of reporting;

4. Permission to report by mail or telephone; or

5. Transfer of an eligible offender to administrative probation as authorized under s. 948.013.

(b) The department may also incentivize positive behavior and compliance with recommendations to the court to modify the terms of supervision, including recommending:



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1. Permission to travel;

2. Reduction of supervision type;

3. Modification or cessation of curfew;

4. Reduction or cessation of substance abuse testing; or

5. Early termination of supervision.

(c) A probationer or offender who commits a subsequent violation of probation may forfeit any previously earned probation incentive, as determined appropriate by his or her probation officer.

Section 63. Present paragraphs (c) through (g) of subsection (1) of section 948.06, Florida Statutes, are redesignated as paragraphs (d) through (h), respectively, a new paragraph (c) is added to that subsection, and present paragraph (h) of that subsection is amended, present paragraphs (f) through (j) of subsection (2) are redesignated as paragraphs (g) through (k), respectively, and a new paragraph (f) is added to that subsection, and subsection (9) is added to that section, to read:

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

(1)

(c) If a probationer or offender on community control commits a technical violation, the probation officer shall determine whether the probationer or offender on community control is eligible for the alternative sanctioning program under subsection (9). If the probation officer determines that the probationer or offender on community control is eligible, the probation officer may proceed with the alternative



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sanctioning program in lieu of filing an affidavit of violation with the court. For purposes of this section, the term "technical violation" means an alleged violation of supervision that is not a new felony offense, misdemeanor offense, or criminal traffic offense.

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

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

~~a. Eligibility criteria.~~

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

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

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

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

~~a. Waive participation in the alternative sanctioning program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court in~~



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~~accordance with this section; or~~

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

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

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

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

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

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

~~4. If the offender admits to committing the technical violation and agrees with the probation officer's recommended sanction, the probation officer must, before imposing the sanction, submit the recommended sanction to the court as well as documentation reflecting the offender's admission to the technical violation and agreement with the recommended sanction.~~

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

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



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

(2)

(f)1. Except as provided in subparagraph 3. or upon waiver by the probationer, the court shall modify or continue a probationary term upon finding a probationer in violation when any of the following applies:

a. The term of supervision is probation.

b. The probationer does not qualify as a violent felony offender of special concern, as defined in paragraph (8)(b).

c. The violation is a low-risk technical violation, as defined in paragraph (9)(b).

d. The court has not previously found the probationer in violation of his or her probation pursuant to a filed violation of probation affidavit during the current term of supervision. A probationer who has successfully completed sanctions through the alternative sanctioning program is eligible for mandatory modification or continuation of his or her probation.

2. Upon modifying probation under subparagraph 1., the court may include in the sentence a maximum of 90 days in county jail as a special condition of probation.

3. Notwithstanding s. 921.0024, if a probationer has less than 90 days of supervision remaining on his or her term of probation and meets the criteria for mandatory modification or continuation in subparagraph 1., the court may revoke probation



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and sentence the probationer to a maximum of 90 days in county jail.

4. For purposes of imposing a jail sentence under this paragraph only, the court may grant credit only for time served in the county jail since the probationer's most recent arrest for the violation. However, the court may not order the probationer to a total term of incarceration greater than the maximum provided by s. 775.082.

(9)(a) Each judicial circuit shall establish an alternative sanctioning program as provided in this subsection. The chief judge of each judicial circuit may, by administrative order, define additional sanctions or eligibility criteria and specify the process for reporting technical violations through the alternative sanctioning program. Any sanctions recommended for imposition through an alternative sanctions program must be submitted to the court by the probation officer for approval before imposing the sanction.

(b) As used in this subsection, the term "low-risk violation," when committed by a probationer, means any of the following:

1. A positive drug or alcohol test result.
2. Failure to report to the probation office.
3. Failure to report a change in address or other required information.
4. Failure to attend a required class, treatment or counseling session, or meeting.
5. Failure to submit to a drug or alcohol test.
6. A violation of curfew.
7. Failure to meet a monthly quota on any required



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probation condition, including, but not limited to, making
restitution payments, paying court costs, or completing
community service hours.

8. Leaving the county without permission.

9. Failure to report a change in employment.

10. Associating with a person engaged in criminal activity.

11. Any other violation as determined by administrative
order of the chief judge of the circuit.

(c) As used in this subsection, the term "moderate-risk
violation" means any of the following:

1. A violation identified in paragraph (b), when committed
by an offender on community control.

2. Failure to remain at an approved residence by an
offender on community control.

3. A third violation identified in paragraph (b) by a
probationer within the current term of supervision.

4. Any other violation as determined by administrative
order of the chief judge of the circuit.

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

1. He or she is a violent felony offender of special
concern as defined in paragraph (8) (b);

2. The violation is a felony, misdemeanor, or criminal
traffic offense;

3. The violation is absconding;

4. The violation is of a stay-away order or no-contact
order;

5. The violation is not identified as low-risk or moderate-
risk under this subsection or by administrative order;



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

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

8. The term of supervision is scheduled to terminate in less than 90 days; or

9. The terms of the sentence prohibit alternative sanctioning.

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

1. Up to 5 days in the county jail.

2. Up to 50 additional community service hours.

3. Counseling or treatment.

4. Support group attendance.

5. Drug testing.

6. Loss of travel or other privileges.

7. Curfew for up to 30 days.

8. House arrest for up to 30 days.

9.a. Any other sanction as determined by administrative order of the chief judge of the circuit.

b. However, in no circumstance shall participation in an alternative sanctioning program convert a withheld adjudication to an adjudication of guilt.

(f) For a first moderate-risk violation, as defined in paragraph (c), within the current term of supervision, a probation officer, with a supervisor's approval, may offer an eligible probationer or offender on community control one or



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more of the following as an alternative sanction:

1. Up to 21 days in the county jail.

2. Curfew for up to 90 days.

3. House arrest for up to 90 days.

4. Electronic monitoring for up to 90 days.

5. Residential treatment for up to 90 days.

6. Any other sanction available for a low-risk violation.

7.a. Any other sanction as determined by administrative order of the chief judge of the circuit.

b. However, in no circumstance shall participation in an alternative sanctioning program convert a withheld adjudication to an adjudication of guilt.

(g) The participation of a probationer or an offender on community control in the program is voluntary. The probationer or offender on community control may waive or discontinue participation in the program at any time before the court imposes a recommended sanction.

(h)1. If a probationer or offender on community control is eligible for the alternative sanctioning program under this subsection, he or she may:

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

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



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(I) Be represented by legal counsel.

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

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

(IV) Confront and cross-examine adverse witnesses.

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

2. If the probationer or offender on community control admits to committing the technical violation and agrees with the probation officer's recommended sanction, the probation officer must, before imposing the sanction, submit the recommended sanction to the court with documentation reflecting the probationer's admission to the technical violation and agreement with the recommended sanction.

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

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

Section 64. Subsection (6) of section 948.08, Florida Statutes, is amended to read:



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948.08 Pretrial intervention program.—

(6) (a) For purposes of this subsection, the term “nonviolent felony” means a third degree felony violation of chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08.

(b) ~~Notwithstanding any provision of this section, a person who is charged with a nonviolent felony and is identified as having a substance abuse problem or is charged with a felony of the second or third degree for purchase or possession of a controlled substance under chapter 893, prostitution, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud; who has not been charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence; and who has not previously been convicted of a felony is eligible for voluntary admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to s. 397.334, approved by the chief judge of the circuit, for a period of not less than 1 year in duration, if he or she:~~

1. Is identified as having a substance abuse problem and is amenable to treatment.

2. Is charged with a nonviolent felony.

3. Has never been charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence.

4. Has two or fewer felony convictions, provided that the



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prior convictions are for nonviolent felonies.

(c) Upon motion of either party or the court's own motion, and with the agreement of the defendant, the court shall admit an eligible person into a pretrial substance abuse education and treatment intervention program, except:

1. If a defendant was previously offered admission to a pretrial substance abuse education and treatment intervention program at any time before ~~prior to~~ trial and the defendant rejected that offer on the record, ~~then~~ the court or the state attorney may deny the defendant's admission to such a program.

2. If the state attorney believes that the facts and circumstances of the case suggest the defendant's involvement in the dealing and selling of controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in the dealing or selling of controlled substances, the court shall deny the defendant's admission into a pretrial intervention program.

3. If the defendant has two or fewer prior felony convictions as provided in subparagraph (b)4., the court, in its discretion, may deny admission to such a program.

(d) ~~(b)~~ While enrolled in a pretrial intervention program authorized by this subsection, the participant is subject to a coordinated strategy developed by a drug court team under s. 397.334(4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as



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defined in s. 397.311 or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial treatment-based drug court program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under s. 943.0585.

(e)~~(e)~~ At the end of the pretrial intervention period, the court shall consider the recommendation of the administrator pursuant to subsection (5) and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to s. 397.334(4), if the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment, which may include substance abuse treatment programs offered by licensed service providers as defined in s. 397.311 or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the pretrial intervention program.

(f)~~(d)~~ Any entity, whether public or private, providing a pretrial substance abuse education and treatment intervention



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program under this subsection must contract with the county or appropriate governmental entity, and the terms of the contract must include, but need not be limited to, the requirements established for private entities under s. 948.15(3).

Section 65. Section 948.081, Florida Statutes, is created to read:

948.081 Community court programs.—

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

(a) Adopt a nonadversarial approach.

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

(c) Provide for judicial leadership and interaction.

(d) In each particular case, consider the needs of the victim, consider individualized treatment services for the defendant, and monitor the defendant's compliance.

(2) The chief judge of the judicial circuit, by administrative order, shall specify each misdemeanor offense eligible for the community court program. In making such determination, the chief judge shall consider the particular needs and concerns of the communities within the judicial circuit.

(3) A defendant's entry into any community court program must be voluntary.

(4) The chief judge shall appoint a community court resource coordinator, who shall:

(a) Coordinate the responsibilities of the participating agencies and service providers.



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(b) Provide case management services.

(c) Monitor compliance by defendants with court requirements.

(d) Manage the collection of data for program evaluation and accountability.

(5) The chief judge of the judicial circuit shall appoint members to an advisory committee for each community court. The members of the advisory committee must include, at a minimum:

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

(b) The state attorney or his or her designee.

(c) The public defender or his or her designee.

(d) The community court resource coordinator.

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

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

(7) Each judicial circuit shall report client-level and programmatic data to the Office of the State Courts Administrator annually for program evaluation. Client-level data include primary offenses resulting in the community court referral or sentence, treatment compliance, completion status, reasons for failing to complete the program, offenses committed during treatment and sanctions imposed, frequency of court



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appearances, and units of service. Programmatic data include referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources.

(8) The Department of Corrections, the Department of Juvenile Justice, the Department of Health, the Department of Law Enforcement, the Department of Education, law enforcement agencies, and other governmental entities involved in the criminal justice system shall support such community court programs.

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

Section 66. Section 951.22, Florida Statutes, is amended to read:

951.22 County detention facilities; contraband articles.—

(1) It is unlawful, except through regular channels as duly authorized by the sheriff or officer in charge, to introduce into or possess upon the grounds of any county detention facility as defined in s. 951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send therefrom any of the following articles, which are hereby declared to be contraband:

(a) ~~for the purposes of this act, to wit:~~ Any written or recorded communication. This paragraph does not apply to any document or correspondence exchanged between a lawyer,



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paralegal, or other legal staff and an inmate at a detention facility if the document or correspondence is otherwise lawfully possessed and disseminated and relates to the legal representation of the inmate.†

(b) Any currency or coin.†

(c) Any article of food or clothing.†

(d) Any tobacco products as defined in s. 210.25(12).†

(e) Any cigarette as defined in s. 210.01(1).†

(f) Any cigar.†

(g) Any intoxicating beverage or beverage ~~that~~ which causes or may cause an intoxicating effect.†

(h) Any narcotic, hypnotic, or excitative drug or drug of any kind or nature, including nasal inhalators, sleeping pills, barbiturates, and controlled substances as defined in s. 893.02(4).†

(i) Any firearm or any instrumentality customarily used or which is intended to be used as a dangerous weapon.†~~and~~

(j) Any instrumentality of any nature ~~which~~ ~~that~~ may be or is intended to be used as an aid in effecting or attempting to effect an escape from a county facility.

(k) Any cellular telephone or other portable communication device as described in s. 944.47(1)(a)6. The term does not include any device that has communication capabilities which has been approved or issued by the sheriff or officer in charge for investigative or institutional security purposes or for conducting other official business.

(2) A person who ~~Whoever~~ violates paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a



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misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates paragraph (1)(h), paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits subsection (1) shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 67. Subsection (1) of section 958.04, Florida Statutes, is amended to read:

958.04 Judicial disposition of youthful offenders.—

(1) The court may sentence as a youthful offender any person:

(a) Who is at least 18 years of age or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 985;

(b) Who is found guilty of or who has tendered, and the court has accepted, a plea of nolo contendere or guilty to a crime that is, under the laws of this state, a felony if such crime was committed before the defendant turned 21 years of age ~~the offender is younger than 21 years of age at the time sentence is imposed;~~ and

(c) Who has not previously been classified as a youthful offender under ~~the provisions of~~ this act; however, a person who has been found guilty of a capital or life felony may not be sentenced as a youthful offender under this act.

Section 68. Section 960.07, Florida Statutes, is amended to read:

960.07 Filing of claims for compensation.—

(1) A claim for compensation may be filed by a person eligible for compensation as provided in s. 960.065 or, if such person is a minor, by his or her parent or guardian or, if the



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person entitled to make a claim is mentally incompetent, by the person's guardian or such other individual authorized to administer his or her estate.

(2) Except as provided in subsections ~~subsection~~ (3) and (4), a claim must be filed in accordance with this subsection.
~~not later than 1 year after:~~

(a) 1. A claim arising from a crime occurring before October 1, 2019, must be filed within 1 year after:

a. The occurrence of the crime upon which the claim is based.

b. ~~(b)~~ The death of the victim or intervenor.

c. ~~(c)~~ The death of the victim or intervenor is determined to be the result of a crime, and the crime occurred after June 30, 1994.

2. ~~However,~~ For good cause the department may extend the time for filing a claim under subparagraph 1. for a period not exceeding 2 years after such occurrence.

(b) 1. A claim arising from a crime occurring on or after October 1, 2019, must be filed within 3 years after the later of:

a. The occurrence of the crime upon which the claim is based;

b. The death of the victim or intervenor; or

c. The death of the victim or intervenor is determined to be the result of the crime.

2. For good cause the department may extend the time for filing a claim under subparagraph 1. for a period not to exceed 5 years after such occurrence.

(3) Notwithstanding the provisions of subsection (2) ~~and~~



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~~regardless of when the crime occurred~~, if the victim or intervenor was under the age of 18 at the time the crime upon which the claim is based occurred, a claim may be filed in accordance with this subsection.

(a) The victim's or intervenor's parent or guardian may file a claim on behalf of the victim or intervenor while the victim or intervenor is less than 18 years of age; ~~or~~

(b) For a claim arising from a crime that occurred before October 1, 2019, when a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 1 year ~~within which~~ to file a claim; or

(c) For a claim arising from a crime occurring on or after October 1, 2019, when a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 3 years to file a claim.

For good cause, the department may extend the time period allowed for filing a claim under paragraph (b) for an additional period not to exceed 1 year or under paragraph (c) for an additional period not to exceed 2 years.

(4) The provisions of subsection (2) notwithstanding, ~~and regardless of when the crime occurred~~, a victim of a sexually violent offense as defined in s. 394.912, may file a claim for compensation for counseling or other mental health services within:

(a) One ~~±~~ year after the filing of a petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense, if the claim arises



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from a crime committed before October 1, 2019; or

(b) Three years after the filing of petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense, if the claim arises from a crime committed on or after October 1, 2019.

Section 69. Paragraph (b) of subsection (1) of section 960.13, Florida Statutes, is amended to read:

960.13 Awards.—

(1)

(b) In no case may an award be made when the record shows that such report was made more than:

1. Seventy-two ~~72~~ hours after the occurrence of such crime, if the crime occurred before October 1, 2019; or

2. Five days after the occurrence of such crime, if the crime occurred on or after October 1, 2019,

unless the department, for good cause shown, finds the delay to have been justified. The department, upon finding that any claimant or award recipient has not duly cooperated with the state attorney, all law enforcement agencies, and the department, may deny, reduce, or withdraw any award, as the case may be.

Section 70. Subsection (1) of section 960.195, Florida Statutes, is amended to read:

960.195 Awards to elderly persons or disabled adults for property loss.—

(1) Notwithstanding the criteria in s. 960.13, for crime victim compensation awards, the department may award a maximum of \$500 on any one claim and a lifetime maximum of \$1,000 on all



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claims to elderly persons or disabled adults who suffer a property loss that causes a substantial diminution in their quality of life when:

(a) There is proof that a criminal or delinquent act was committed;

(b) The criminal or delinquent act is reported to law enforcement authorities within:

1. Seventy-two 72 hours, if such crime or act occurred before October 1, 2019; or

2. Five days, if such crime or act occurred on or after October 1, 2019,

unless the department, for good cause shown, finds the delay to have been justified;

(c) There is proof that the tangible personal property in question belonged to the claimant;

(d) The claimant did not contribute to the criminal or delinquent act;

(e) There is no other source of reimbursement or indemnification available to the claimant; and

(f) The claimant would not be able to replace the tangible personal property in question without incurring a serious financial hardship.

Section 71. Section 960.196, Florida Statutes, is amended to read:

960.196 Relocation assistance for victims of human trafficking.—

(1) Notwithstanding the criteria specified in ss. 960.07(2) and 960.13 for crime victim compensation awards, the department



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may award a one-time payment of up to \$1,500 for any one claim and a lifetime maximum of \$3,000 to a victim of human trafficking who needs urgent assistance to escape from an unsafe environment directly related to the human trafficking offense.

(2) In order for an award to be granted to a victim for relocation assistance:

(a) There must be proof that a human trafficking offense, as described in s. 787.06(3)(b), (d), (f), or (g), was committed.

(b) 1. For a crime occurring before October 1, 2019, the crime must be reported to the proper authorities and the claim must be filed within 1 year, or 2 years with good cause, after the date of the last human trafficking offense, as described in s. 787.06(3)(b), (d), (f), or (g).

2. For a crime occurring on or after October 1, 2019, the crime must be reported to the proper authorities and the claim must be filed within 3 years, or 5 years with good cause, after the date of the last human trafficking offense, as described in s. 787.06(3)(b), (d), (f), or (g).

3. In a case that exceeds the reporting and filing 2-year requirement due to an active and ongoing investigation, a state attorney, statewide prosecutor, or federal prosecutor may certify in writing a human trafficking victim's need to relocate from an unsafe environment due to the threat of future violence which is directly related to the human trafficking offense.

(c) The victim's need must be certified by a certified domestic violence or rape crisis center in this state, except as provided in paragraph (b). The center's certification must assert that the victim is cooperating with the proper



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authorities and must include documentation that the victim has developed a safety plan.

(3) Relocation payments for a human trafficking claim shall be denied if the department has previously approved or paid out a domestic violence or sexual battery relocation claim under s. 960.198 or s. 960.199 to the same victim regarding the same incident.

Section 72. Subsection (2) of section 960.28, Florida Statutes, is amended to read:

960.28 Payment for victims' initial forensic physical examinations.—

(2) The Crime Victims' Services Office of the department shall pay for medical expenses connected with an initial forensic physical examination of a victim of sexual battery as defined in chapter 794 or a lewd or lascivious offense as defined in chapter 800. Such payment shall be made regardless of whether the victim is covered by health or disability insurance and whether the victim participates in the criminal justice system or cooperates with law enforcement. The payment shall be made only out of moneys allocated to the Crime Victims' Services Office for the purposes of this section, and the payment may not exceed \$1,000 ~~\$500~~ with respect to any violation. The department shall develop and maintain separate protocols for the initial forensic physical examination of adults and children. Payment under this section is limited to medical expenses connected with the initial forensic physical examination, and payment may be made to a medical provider using an examiner qualified under part I of chapter 464, excluding s. 464.003(14); chapter 458; or chapter 459. Payment made to the medical provider by the



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department shall be considered by the provider as payment in full for the initial forensic physical examination associated with the collection of evidence. The victim may not be required to pay, directly or indirectly, the cost of an initial forensic physical examination performed in accordance with this section.

Section 73. Effective upon this act becoming a law, paragraphs (c), (d), and (f) of subsection (2) of section 985.12, Florida Statutes, are amended to read:

985.12 Civil citation or similar prearrest diversion programs.—

(2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

(c) The state attorney of each circuit shall operate a civil citation or similar prearrest diversion program in each circuit. A sheriff, police department, county, municipality, locally authorized entity, or public or private educational institution may continue to operate an independent civil citation or similar prearrest diversion program that is in operation as of October 1, 2018, if the independent program is reviewed by the state attorney of the applicable circuit and he or she determines that the independent program is substantially similar to the civil citation or similar prearrest diversion program developed by the circuit. If the state attorney determines that the independent program is not substantially similar to the civil citation or similar prearrest diversion program developed by the circuit, the operator of the independent diversion program may revise the program and the state attorney may conduct an additional review of the independent program.



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(d) A judicial circuit may model an existing sheriff's, police department's, county's, municipality's, locally authorized entity's, or public or private educational institution's independent civil citation or similar prearrest diversion program in developing the civil citation or similar prearrest diversion program for the circuit.

(f) Each civil citation or similar prearrest diversion program shall enter the appropriate youth data into the Juvenile Justice Information System Prevention Web within 7 days after the admission of the youth into the program ~~A copy of each civil citation or similar prearrest diversion program notice issued under this section shall be provided to the department, and the department shall enter appropriate information into the juvenile offender information system.~~

Section 74. Effective upon this act becoming a law, subsection (2) and paragraph (c) of subsection (3) of section 985.126, Florida Statutes, are amended to read:

985.126 Diversion programs; data collection; denial of participation or expunged record.—

(2) Upon issuance of documentation requiring a minor to participate in a diversion program, before or without an arrest, the issuing law enforcement officer shall send a copy of such documentation to the entity designated to operate the diversion program ~~and to the department~~, which shall enter such information into the Juvenile Justice Information System Prevention Web within 7 days after the youth's admission into the program.

(3)

(c) The data required pursuant to paragraph (a) shall be



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entered into the Juvenile Justice Information System Prevention Web within 7 days after the youth's admission into the program submitted to the department quarterly.

Section 75. Effective upon this act becoming a law, paragraph (f) of subsection (1) of section 985.145, Florida Statutes, is amended to read:

985.145 Responsibilities of the department during intake; screenings and assessments.—

(1) The department shall serve as the primary case manager for the purpose of managing, coordinating, and monitoring the services provided to the child. Each program administrator within the Department of Children and Families shall cooperate with the primary case manager in carrying out the duties and responsibilities described in this section. In addition to duties specified in other sections and through departmental rules, the department shall be responsible for the following:

~~(f) Prevention web. For a child with a first-time misdemeanor offense, the department shall enter all related information into the Juvenile Justice Information System Prevention Web until such time as formal charges are filed. If formal charges are not filed, the information shall remain in the Juvenile Justice Information System Prevention Web until removed pursuant to department policies.~~

Section 76. Subsection (2) of section 985.557, Florida Statutes, is amended to read:

985.557 Direct filing of an information; discretionary and mandatory criteria.—

~~(2) MANDATORY DIRECT FILE.—~~

~~(a) With respect to any child who was 16 or 17 years of age~~



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~~at the time the alleged offense was committed, the state attorney shall file an information if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and the child is currently charged with a second or subsequent violent crime against a person.~~

~~(b) With respect to any child 16 or 17 years of age at the time an offense classified as a forcible felony, as defined in s. 776.08, was committed, the state attorney shall file an information if the child has previously been adjudicated delinquent or had adjudication withheld for three acts classified as felonies each of which occurred at least 45 days apart from each other. This paragraph does not apply when the state attorney has good cause to believe that exceptional circumstances exist which preclude the just prosecution of the juvenile in adult court.~~

~~(c) The state attorney must file an information if a child, regardless of the child's age at the time the alleged offense was committed, is alleged to have committed an act that would be a violation of law if the child were an adult, that involves stealing a motor vehicle, including, but not limited to, a violation of s. 812.133, relating to carjacking, or s. 812.014(2)(c)6., relating to grand theft of a motor vehicle, and while the child was in possession of the stolen motor vehicle the child caused serious bodily injury to or the death of a person who was not involved in the underlying offense. For~~



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~~purposes of this section, the driver and all willing passengers in the stolen motor vehicle at the time such serious bodily injury or death is inflicted shall also be subject to mandatory transfer to adult court. "Stolen motor vehicle," for the purposes of this section, means a motor vehicle that has been the subject of any criminal wrongful taking. For purposes of this section, "willing passengers" means all willing passengers who have participated in the underlying offense.~~

~~(d)1. With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been charged with committing or attempting to commit an offense listed in s. 775.087(2)(a)1.a.p., and, during the commission of or attempt to commit the offense, the child:~~

~~a. Actually possessed a firearm or destructive device, as those terms are defined in s. 790.001.~~

~~b. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)2.~~

~~c. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)3., and, as a result of the discharge, death or great bodily harm was inflicted upon any person.~~

~~2. Upon transfer, any child who is:~~

~~a. Charged under sub-subparagraph 1.a. and who has been previously adjudicated or had adjudication withheld for a forcible felony offense or any offense involving a firearm, or who has been previously placed in a residential commitment program, shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565.~~

~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~



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~~1.e., shall be subject to sentencing under s. 775.087(2)(a),
notwithstanding s. 985.565.~~

~~3. Upon transfer, any child who is charged under this
paragraph, but who does not meet the requirements specified in
subparagraph 2., shall be sentenced under s. 985.565; however,
if the court imposes a juvenile sanction, the court must commit
the child to a high-risk or maximum-risk juvenile facility.~~

~~4. This paragraph shall not apply if the state attorney has
good cause to believe that exceptional circumstances exist that
preclude the just prosecution of the child in adult court.~~

~~5. The Department of Corrections shall make every
reasonable effort to ensure that any child 16 or 17 years of age
who is convicted and sentenced under this paragraph be
completely separated such that there is no physical contact with
adult offenders in the facility, to the extent that it is
consistent with chapter 958.~~

Section 77. Subsection (3) of section 776.09, Florida
Statutes, is amended to read:

776.09 Retention of records pertaining to persons found to
be acting in lawful self-defense; expunction of criminal history
records.—

(3) Under either condition described in subsection (1) or
subsection (2), the person accused may apply for a certificate
of eligibility to expunge the associated criminal history
record, pursuant to s. 943.0578 ~~s. 943.0585(5)~~, notwithstanding
the eligibility requirements prescribed in s. 943.0585(1) ~~s.
943.0585(1)(b)~~ or (2).

Section 78. Paragraph (c) of subsection (3) of section
943.053, Florida Statutes, is amended to read:



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943.053 Dissemination of criminal justice information;
fees.—

(3)

(c)1. Criminal history information relating to juveniles,
including criminal history information consisting in whole or in
part of information that is confidential and exempt under
paragraph (b), shall be available to:

a. A criminal justice agency for criminal justice purposes
on a priority basis and free of charge;

b. The person to whom the record relates, or his or her
attorney;

c. The parent, guardian, or legal custodian of the person
to whom the record relates, provided such person has not reached
the age of majority, been emancipated by a court, or been
legally married; or

d. An agency or entity specified in s. 943.0585(6) ~~s.~~
~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~, for the purposes
specified therein, and to any person within such agency or
entity who has direct responsibility for employment, access
authorization, or licensure decisions.

2. After providing the program with all known personal
identifying information, the criminal history information
relating to a juvenile which is not confidential and exempt
under this subsection may be released to the private sector and
noncriminal justice agencies not specified in s. 943.0585(6) ~~s.~~
~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~ in the same manner as
provided in paragraph (a). Criminal history information relating
to a juvenile which is not confidential and exempt under this
subsection is the entire criminal history information relating



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to a juvenile who satisfies any of the criteria listed in sub-subparagraphs (b)1.a.-d., except for any portion of such juvenile's criminal history record which has been expunged or sealed under any law applicable to such record.

3. All criminal history information relating to juveniles, other than that provided to criminal justice agencies for criminal justice purposes, shall be provided upon tender of fees as established in this subsection and in the manner prescribed by rule of the Department of Law Enforcement.

Section 79. Paragraph (b) of subsection (2) of section 943.0582, Florida Statutes, is amended to read:

943.0582 Diversion program expunction.—

(2) As used in this section, the term:

(b) "Expunction" has the same meaning ascribed in and effect as s. 943.0585, except that:

1. Section 943.0585(6)(b) does ~~The provisions of s. 943.0585(4)(a) do~~ not apply, except that the criminal history record of a person whose record is expunged pursuant to this section shall be made available only to criminal justice agencies for the purpose of:

a. Determining eligibility for diversion programs;

b. A criminal investigation; or

c. Making a prosecutorial decision under s. 985.15.

2. Records maintained by local criminal justice agencies in the county in which the arrest occurred that are eligible for expunction pursuant to this section shall be sealed as the term is used in s. 943.059.

Section 80. Paragraphs (a) and (b) of subsection (4) of section 985.565, Florida Statutes, are amended to read:



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985.565 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—

(a) *Adult sanctions*.—

1. Cases prosecuted on indictment.—If the child is found to have committed the offense punishable by death or life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence as follows:

a. As an adult;

b. Under chapter 958; or

c. As a juvenile under this section.

2. Other cases.—If a child who has been transferred for criminal prosecution pursuant to information or waiver of juvenile court jurisdiction is found to have committed a violation of state law or a lesser included offense for which he or she was charged as a part of the criminal episode, the court may sentence as follows:

a. As an adult;

b. Under chapter 958; or

c. As a juvenile under this section.

3. Notwithstanding any other provision to the contrary, if the state attorney is required to file a motion to transfer and certify the juvenile for prosecution as an adult under s.

~~985.556(3) and that motion is granted, or if the state attorney is required to file an information under s. 985.557(2)(a) or (b),~~ the court must impose adult sanctions.



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4. Any sentence imposing adult sanctions is presumed appropriate, and the court is not required to set forth specific findings or enumerate the criteria in this subsection as any basis for its decision to impose adult sanctions.

5. When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may include the enforcement of any restitution ordered in any juvenile proceeding.

(b) *Juvenile sanctions*.—For juveniles transferred to adult court but who do not qualify for such transfer under s. 985.556(3) ~~or s. 985.557(2)(a) or (b)~~, the court may impose juvenile sanctions under this paragraph. If juvenile sentences are imposed, the court shall, under this paragraph, adjudge the child to have committed a delinquent act. Adjudication of delinquency may ~~shall~~ not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

1. Place the child in a probation program under the



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supervision of the department for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by order of the court.

2. Commit the child to the department for treatment in an appropriate program for children for an indeterminate period of time until the child is 21 or sooner if discharged by the department. The department shall notify the court of its intent to discharge no later than 14 days before ~~prior to~~ discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

3. Order disposition under ss. 985.435, 985.437, 985.439, 985.441, 985.45, and 985.455 as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.534.

Section 81. Subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
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4679	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
4680	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
4681	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount <u>\$1,000 or more</u> greater than \$300 but less than \$20,000.
4682	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
4683	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
4684	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
4685	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
	322.212	3rd	Possession of forged,



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	(1) (a) - (c)		stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
4686	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
4687	322.212 (5) (a)	3rd	False application for driver license or identification card.
4688	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
4689	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
4690	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value <u>\$1,000 or more</u> greater than \$300.
4691	517.302 (1)	3rd	Violation of the Florida Securities and Investor



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			Protection Act.
4692	562.27(1)	3rd	Possess still or still
			apparatus.
4693	713.69	3rd	Tenant removes property upon
			which lien has accrued,
			value <u>\$1,000 or more</u> than
			\$50.
4694	812.014 (3) (c)	3rd	Petit theft (3rd
			conviction); theft of any
			property not specified in
			subsection (2).
4695	812.081 (2)	3rd	Unlawfully makes or causes
			to be made a reproduction of
			a trade secret.
4696	815.04 (5) (a)	3rd	Offense against intellectual
			property (i.e., computer
			programs, data).
4697	817.52 (2)	3rd	Hiring with intent to
			defraud, motor vehicle
			services.
4698	817.569 (2)	3rd	Use of public record or
			public records information



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4699			or providing false information to facilitate commission of a felony.
4700	826.01	3rd	Bigamy.
4701	828.122 (3)	3rd	Fighting or baiting animals.
4702	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
4703	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
4704	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
4705	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
4706	838.15 (2)	3rd	Commercial bribe receiving.



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4707	838.16	3rd	Commercial bribery.
4708	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
4709	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
4710	849.01	3rd	Keeping gambling house.
4711	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
4712	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
4713	849.25 (2)	3rd	Engaging in bookmaking.
4714	860.08	3rd	Interfere with a railroad signal.
	860.13 (1) (a)	3rd	Operate aircraft while under the influence.



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4715	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
4716	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
4717	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
4718			
4719			
4720	(b) LEVEL 2		
4721			
	Florida	Felony	
	Statute	Degree	Description
4722	379.2431	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
	(1) (e) 3.		
4723	379.2431	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
	(1) (e) 4.		
4724	403.413 (6) (c)	3rd	Dumps waste litter



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			exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
4725	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
4726	590.28 (1)	3rd	Intentional burning of lands.
4727	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
4728	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
4729	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public



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4730			service.
	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
4731			
	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
4732			
	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$750</u> \$300 or more but less than \$5,000.
4733			
	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$750</u> \$300 , taken from unenclosed curtilage of dwelling.
4734			
	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
4735			
	817.234 (1) (a) 2.	3rd	False statement in support of insurance



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			claim.
4736	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
4737	817.52 (3)	3rd	Failure to redeliver hired vehicle.
4738	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
4739	817.60 (5)	3rd	Dealing in credit cards of another.
4740	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
4741	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
4742	826.04	3rd	Knowingly marries or has sexual intercourse with



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4743			person to whom related.
4744	831.01	3rd	Forgery.
4745	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
4746	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
4747	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
4748	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
4749	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.



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4750	843.08	3rd	False personation.
4751	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs other than cannabis.
4752	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.

4753
4754
4755 (c) LEVEL 3
4756

Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.

4759



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4760	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
4761	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
4762	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
4763	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
4764	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
4765	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
4766	327.35 (2) (b)	3rd	Felony BUI.



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4767	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
4768	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
4769	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
4770	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
	379.2431	3rd	Possessing any marine



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4771	(1) (e) 6.	3rd	turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
4772	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
4773	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
4774	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
4775	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
	501.001 (2) (b)	2nd	Tampers with a consumer



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4776			product or the container using materially false/misleading information.
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
4777			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
4778			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
4779			
	697.08	3rd	Equity skimming.
4780			
	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
4781			
	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
4782			



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4783	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
4784	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
4785	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
4786	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
4787	<u>812.015 (8) (b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; conspires with others.</u>
4788	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.



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4789	817.233	3rd	Burning to defraud insurer.
4790	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
4791	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
4792	817.236	3rd	Filing a false motor vehicle insurance application.
4793	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
4794	817.413 (2)	3rd	Sale of used goods <u>of</u> <u>\$1,000 or more</u> as new.
4795	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument <u>with intent to</u> <u>defraud</u> .
4796			



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4797	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
4798	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
4799	843.19	3rd	Injure, disable, or kill police dog or horse.
4800	860.15 (3)	3rd	Overcharging for repairs and parts.
4801	870.01 (2)	3rd	Riot; inciting or encouraging.
4802	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2.,



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4803			(2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of university.
	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of public housing facility.
4804			
	893.13 (4) (c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
4805			
	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
4806			
	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a



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4807			controlled substance.
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
4808			
	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
4809			
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
4810			
	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
4811			
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other



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4812			person, or owner of an animal in obtaining a controlled substance.
4813	893.13 (8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
4814	893.13 (8) (a) 4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
4815	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
4816	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
4817	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
	985.721	3rd	Escapes from a juvenile



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facility (secure detention
or residential commitment
facility).

4818

4819

4820 (d) LEVEL 4

4821

Florida

Felony

Statute

Degree

Description

4822

316.1935 (3) (a)

2nd

Driving at high speed or
with wanton disregard
for safety while fleeing
or attempting to elude
law enforcement officer
who is in a patrol
vehicle with siren and
lights activated.

4823

499.0051 (1)

3rd

Failure to maintain or
deliver transaction
history, transaction
information, or
transaction statements.

4824

499.0051 (5)

2nd

Knowing sale or
delivery, or possession
with intent to sell,
contraband prescription



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4825			drugs.
	517.07 (1)	3rd	Failure to register securities.
4826			
	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
4827			
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
4828			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
4829			
	784.075	3rd	Battery on detention or commitment facility staff.
4830			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
4831			
	784.08 (2) (c)	3rd	Battery on a person 65



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4832			years of age or older.
	784.081 (3)	3rd	Battery on specified official or employee.
4833			
	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
4834			
	784.083 (3)	3rd	Battery on code inspector.
4835			
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
4836			
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
4837			
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
4838			



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4839	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
4840	787.07	3rd	Human smuggling.
4841	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
4842	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
4843	790.115 (2) (c)	3rd	Possessing firearm on school property.
4844	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an



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4845			unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
4846			
	810.06	3rd	Burglary; possession of tools.
4847			
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
4848			
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
4849			
	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , a will, firearm, motor vehicle, livestock, etc.
4850			
	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property



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4851			stolen \$300 or more.
4852	817.505 (4) (a)	3rd	Patient brokering.
4853	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
4854	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
4855	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
4856	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
4857	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.



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4858	837.02 (1)	3rd	Perjury in official proceedings.
4859	837.021 (1)	3rd	Make contradictory statements in official proceedings.
4860	838.022	3rd	Official misconduct.
4861	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
4862	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
4863	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
4864	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.



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4865	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
4866	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
4867	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
4868	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
4869	914.14 (2)	3rd	Witnesses accepting bribes.
4870	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
	914.23 (2)	3rd	Retaliation against a witness, victim, or



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4871			informant, no bodily injury.
4872	918.12	3rd	Tampering with jurors.
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
4873	<u>944.47 (1) (a) 6.</u>	<u>3rd</u>	<u>Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.</u>
4874	<u>951.22 (1) (h) , (j) , & (k)</u>	<u>3rd</u>	<u>Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.</u>
4875			
4876			
4877	(e) LEVEL 5		



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4878	Florida	Felony	
	Statute	Degree	Description
4879	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
4880	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
4881	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
4882	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
4883	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
4884	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful



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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.

4885

379.367(4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.



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4886	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
4887	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
4888	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
4889	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
4890	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
4891	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium



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4892			collected \$20,000 or more but less than \$100,000.
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
4893			
	790.01 (2)	3rd	Carrying a concealed firearm.
4894			
	790.162	2nd	Threat to throw or discharge destructive device.
4895			
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
4896			
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
4897			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.



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4898	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
4899	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
4900	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
4901	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
4902	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
4903	812.015 (8) <u>(a), (c), (d), & (e)</u>	3rd	Retail theft; property stolen is valued at <u>\$750</u> \$300 or more and one or more specified acts.
4904	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.



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4905	812.131 (2) (b)	3rd	Robbery by sudden snatching.
4906	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
4907	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
4908	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
4909	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.
4910	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services



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			received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
4911	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
4912	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
4913	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
4914	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which



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4915			includes sexual conduct by a child.
	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
4916			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
4917			
	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.
4918			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
4919			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using



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4920			computer; offender 18 years or older.
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
4921			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
4922			
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
4923			
	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
4924			
	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.



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4925

893.13(1)(c)2.

2nd

drugs).

Sell, manufacture, or
deliver cannabis (or
other s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) drugs)
within 1,000 feet of a
child care facility,
school, or state,
county, or municipal
park or publicly owned
recreational facility or
community center.

4926

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs) within 1,000 feet
of university.

4927

893.13(1)(e)2.

2nd

Sell, manufacture, or
deliver cannabis or
other drug prohibited



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			under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
4928	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
4929	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
4930	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
4931			



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4932			
4933	(f) LEVEL 6		
4934			
	Florida	Felony	
	Statute	Degree	Description
4935			
	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
4936			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
4937			
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
4938			
	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
4939			
	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
4940			



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4941	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
4942	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
4943	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
4944	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
4945	784.041	3rd	Felony battery; domestic battery by strangulation.
4946	784.048 (3)	3rd	Aggravated stalking; credible threat.
4947	784.048 (5)	3rd	Aggravated stalking of person under 16.
4948	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent



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			predators facility staff.
4949	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
4950	784.081 (2)	2nd	Aggravated assault on specified official or employee.
4951	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
4952	784.083 (2)	2nd	Aggravated assault on code inspector.
4953	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
4954	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
4955	790.161 (2)	2nd	Make, possess, or throw



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4956			destructive device with intent to do bodily harm or damage property.
	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.
4957			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
4958			
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
4959			
	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
4960			
	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years



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4961			of age; offender less than 18 years.
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
4962			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
4963			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
4964			
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
4965			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
4966			
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
4967			



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4968	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$750</u> \$300 or more; second or subsequent conviction.
4969	812.015 (9) (b)	2nd	Retail theft; <u>aggregated property stolen within 30 days is</u> \$3,000 or more; coordination of others.
4970	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
4971	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
4972	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
4973	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled



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4974			adult.
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
4975			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
4976			
	827.03 (2) (c)	3rd	Abuse of a child.
4977			
	827.03 (2) (d)	3rd	Neglect of a child.
4978			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
4979			
	836.05	2nd	Threats; extortion.
4980			
	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
4981			
	843.12	3rd	Aids or assists person



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4982			to escape.
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
4983			
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
4984			
	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
4985			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
4986			
	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an



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4987			inmate or offender on community supervision, resulting in great bodily harm.
4988	944.40	2nd	Escapes.
4989	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
4990	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
4991	<u>951.22 (1) (i)</u>	3rd	Intoxicating drug,
4992	951.22 (1)		Firearm, or weapon
4993			introduced into county
4994	(g) LEVEL 7		<u>detention</u> facility.
4995	Florida Statute	Felony Degree	Description
	316.027 (2) (c)	1st	Accident involving death,



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			failure to stop; leaving scene.
4996	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
4997	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
4998	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
4999	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
5000	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.



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5001	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
5002	456.065 (2)	3rd	Practicing a health care profession without a license.
5003	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
5004	458.327 (1)	3rd	Practicing medicine without a license.
5005	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
5006	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
5007	461.012 (1)	3rd	Practicing podiatric medicine without a license.
5008			



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5009	462.17	3rd	Practicing naturopathy without a license.
5010	463.015 (1)	3rd	Practicing optometry without a license.
5011	464.016 (1)	3rd	Practicing nursing without a license.
5012	465.015 (2)	3rd	Practicing pharmacy without a license.
5013	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
5014	467.201	3rd	Practicing midwifery without a license.
5015	468.366	3rd	Delivering respiratory care services without a license.
5016	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
	483.901 (7)	3rd	Practicing medical physics without a license.



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5017	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
5018	484.053	3rd	Dispensing hearing aids without a license.
5019	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
5020	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
5021	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
5022	655.50 (10) (b) 1.	3rd	Failure to report



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5023			financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
5024			
	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
5025			
	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
5026			
	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
5027			
	782.07 (1)	2nd	Killing of a human being by the act, procurement,



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5028			or culpable negligence of another (manslaughter).
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
5029			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
5030			
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
5031			
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
5032			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
5033			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or



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			court order.
5034	784.048 (7)	3rd	Aggravated stalking; violation of court order.
5035	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
5036	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
5037	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
5038	784.081 (1)	1st	Aggravated battery on specified official or employee.
5039	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
5040	784.083 (1)	1st	Aggravated battery on code inspector.
5041	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and



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5042			services of an adult.
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
5043			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
5044			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
5045			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
5046			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
5047			
	790.166(3)	2nd	Possessing, selling,



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5048			using, or attempting to use a hoax weapon of mass destruction.
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
5049			
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
5050			
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
5051			
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
5052			
	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.



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5053	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
5054	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
5055	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
5056	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
5057	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.



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5058	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
5059	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
5060	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
5061	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
5062	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
5063	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.



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5064	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
5065	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
5066	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
5067	812.131 (2) (a)	2nd	Robbery by sudden snatching.
5068	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
5069	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
5070	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims



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5071			with intent to defraud.
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
5072			
	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
5073			
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
5074			
	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
5075			
	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
5076			
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult



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5077			causing great bodily harm, disability, or disfigurement.
	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
5078			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
5079			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
5080			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
5081			
	838.015	2nd	Bribery.
5082			
	838.016	2nd	Unlawful compensation or reward for official



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5083			behavior.
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
5084			
	838.22	2nd	Bid tampering.
5085			
	843.0855 (2)	3rd	Impersonation of a public officer or employee.
5086			
	843.0855 (3)	3rd	Unlawful simulation of legal process.
5087			
	843.0855 (4)	3rd	Intimidation of a public officer or employee.
5088			
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
5089			
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
5090			
	872.06	2nd	Abuse of a dead human body.
5091			
	874.05 (2) (b)	1st	Encouraging or recruiting



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5092			person under 13 to join a criminal gang; second or subsequent offense.
5092	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
5093			
5093	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
5094			
5094	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b),



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			(1) (d), (2) (a), (2) (b), or (2) (c) 5., within 1,000 feet of property used for religious services or a specified business site.
5095	893.13 (4) (a)	1st	Use or hire of minor; deliver to minor other controlled substance.
5096	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
5097	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
5098	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
5099	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, <u>28</u> 14 grams or more, less than <u>50</u> 28 grams.
5100	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, <u>50</u> 28 grams



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5101			or more, less than <u>100</u> 50 grams.
	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.a.		7 grams or more, less than 14 grams.
5102			
	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.b.		14 grams or more, less than 25 grams.
5103			
	893.135	1st	Trafficking in fentanyl, 4
	(1) (c) 4.b. (I)		grams or more, less than 14 grams.
5104			
	893.135	1st	Trafficking in
	(1) (d) 1.a.		phencyclidine, 28 grams or more, less than 200 grams.
5105			
	893.135 (1) (e) 1.	1st	Trafficking in
			methaqualone, 200 grams or more, less than 5 kilograms.
5106			
	893.135 (1) (f) 1.	1st	Trafficking in
			amphetamine, 14 grams or more, less than 28 grams.
5107			
	893.135	1st	Trafficking in



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5108	(1) (g) 1.a.		flunitrazepam, 4 grams or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
5109			
	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.a.		Butanediol, 1 kilogram or more, less than 5 kilograms.
5110			
	893.135	1st	Trafficking in
	(1) (k) 2.a.		Phenethylamines, 10 grams or more, less than 200 grams.
5111			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams or more, less than 500 grams.
5112			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
5113			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams



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			or more, less than 100 grams.
5114	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
5115	896.101(5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
5116	896.104(4) (a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
5117	943.0435(4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
5118	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting



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5119			requirements.
	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
5120			
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5121			
	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5122			
	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
5123			
	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
5124			
	944.607 (12)	3rd	Failure to report or providing false



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5125			information about a sexual offender; harbor or conceal a sexual offender.
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5126			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
5127			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5128			
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5129			
5130			



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5131	(h) LEVEL 8		
5132			
	Florida	Felony	
	Statute	Degree	Description
5133			
	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
5134			
	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
5135			
	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
5136			
	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
5137			
	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
5138			
	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.



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5139

560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
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5140

655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
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5141

777.03 (2) (a)	1st	Accessory after the fact, capital felony.
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5142

782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or
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5143			unlawfully discharging bomb.
5144	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
5145	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
5146	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
5147	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
5148	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
	787.06 (3) (c) 2.	1st	Human trafficking using



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5149			coercion for labor and services of an unauthorized alien adult.
	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
5150			
	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
5151			
	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
5152			
	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not



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5153			use physical force likely to cause serious injury.
	794.011 (5) (b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
5154			
	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
5155			
	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
5156			
	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this



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			state.
5157	800.04 (4) (b)	2nd	Lewd or lascivious battery.
5158	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
5159	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
5160	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
5161	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
5162	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.



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5163	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
5164	812.13 (2) (b)	1st	Robbery with a weapon.
5165	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
5166	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
5167	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
5168	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
5169	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is



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5170			incarcerated or under supervision.
5171	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
5172	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
5173	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
5174	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
5175	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.



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5176	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
5177	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
5178	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
5179	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
5180	860.16	1st	Aircraft piracy.
5181	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).



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5182	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .
5183	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .
5184	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
5185	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
5186	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
5187	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, <u>100</u> 50 grams or more, less than <u>300</u> 200 grams.
	893.135	1st	Trafficking in oxycodone,



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5188	(1) (c) 3.c.		25 grams or more, less than 100 grams.
	893.135	1st	Trafficking in fentanyl,
5189	(1) (c) 4.b. (II)		14 grams or more, less than 28 grams.
	893.135	1st	Trafficking in
5190	(1) (d) 1.b.		phencyclidine, 200 grams or more, less than 400 grams.
	893.135	1st	Trafficking in
5191	(1) (e) 1.b.		methaqualone, 5 kilograms or more, less than 25 kilograms.
	893.135	1st	Trafficking in
5192	(1) (f) 1.b.		amphetamine, 28 grams or more, less than 200 grams.
	893.135	1st	Trafficking in
5193	(1) (g) 1.b.		flunitrazepam, 14 grams or more, less than 28 grams.
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid



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5194			(GHB), 5 kilograms or more, less than 10 kilograms.
	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
5195			
	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
5196			
	893.135 (1) (m) 2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
5197			
	893.135 (1) (n) 2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
5198			
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.



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5199	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
5200	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
5201	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
5202	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
5203	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but



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less than \$100,000.

5204

5205

5206 (i) LEVEL 9

5207

Florida

Felony

Statute

Degree

Description

5208

316.193

1st

DUI manslaughter; failing
to render aid or give
information.

(3) (c) 3.b.

5209

327.35

1st

BUI manslaughter; failing
to render aid or give
information.

(3) (c) 3.b.

5210

409.920

1st

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

(2) (b) 1.c.

5211

499.0051 (8)

1st

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

5212

560.123 (8) (b) 3.

1st

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



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5213			money transmitter.
5213	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
5214	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
5215	775.0844	1st	Aggravated white collar crime.
5216	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
5217	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other



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5218			specified felonies.
	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3) .
5219			
	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
5220			
	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
5221			
	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
5222			
	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
5223			
	787.02 (3) (a)	1st, PBL	False imprisonment; child under age 13; perpetrator also commits aggravated



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5224			child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
5225	787.06 (3) (c) 1.	1st	Human trafficking for labor and services of an unauthorized alien child.
5226	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
5227	787.06 (3) (f) 1.	1st, PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
5228	790.161	1st	Attempted capital destructive device offense.
	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass



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			destruction.
5229	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
5230	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
5231	794.011 (4) (a)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
5232	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
5233	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.



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5234	794.011 (4) (d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
5235	794.011 (8) (b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
5236	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
5237	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
5238	812.13 (2) (a)	1st,PBL	Robbery with firearm or other deadly weapon.
5239	812.133 (2) (a)	1st,PBL	Carjacking; firearm or other deadly weapon.
5240			



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5241	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
5242	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
5243	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
5244	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an



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5245			individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
5246	827.03 (2) (a)	1st	Aggravated child abuse.
	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
5247	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
5248	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
5249	893.135	1st	Attempted capital trafficking offense.
5250	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.



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5251	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
5252	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
5253	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, <u>300</u> 200 grams or more, less than 30 kilograms.
5254	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
5255	893.135 (1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
5256	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
5257	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.



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5258	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
5259	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
5260	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
5261	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
5262	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
5263	893.135 (1) (n) 2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
5264	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding



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5265			\$100,000.
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
5266			
5267			
5268	(j) LEVEL 10		
5269			
	Florida	Felony	
	Statute	Degree	Description
5270			
	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
5271			
	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
5272			
	782.07 (3)	1st	Aggravated manslaughter of a child.
5273			
	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or



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5274			terrorize victim.
	787.01 (3) (a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
5275			
	787.06 (3) (g)	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.
5276			
	787.06 (4) (a)	Life	Selling or buying of minors into human trafficking.
5277			
	794.011 (3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
5278			
	812.135 (2) (a)	1st, PBL	Home-invasion robbery



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with firearm or other
deadly weapon.

876.32 1st Treason against the
state.

Section 82. For the purpose of incorporating the amendment made by this act to section 322.056, Florida Statutes, in a reference thereto, subsection (11) of section 322.05, Florida Statutes, is reenacted to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(11) To any person who is ineligible under s. 322.056.

Section 83. For the purpose of incorporating the amendment made by this act to section 322.34, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 316.027, Florida Statutes, is reenacted to read:

316.027 Crash involving death or personal injuries.—

(2)

(c) The driver of a vehicle involved in a crash occurring on public or private property which results in the death of a person shall immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and shall remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062. A person who is arrested for a violation of this paragraph and who has previously been convicted of a violation of this section, s. 316.061, s. 316.191, or s. 316.193, or a felony violation of s. 322.34,



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shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903. A person who willfully violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and shall be sentenced to a mandatory minimum term of imprisonment of 4 years. A person who willfully commits such a violation while driving under the influence as set forth in s. 316.193(1) shall be sentenced to a mandatory minimum term of imprisonment of 4 years.

Section 84. For the purpose of incorporating the amendment made by this act to section 322.34, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 907.041, Florida Statutes, is reenacted to read:

907.041 Pretrial detention and release.—

(4) PRETRIAL DETENTION.—

(c) The court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

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

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

3. The defendant is charged with trafficking in controlled



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substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings;

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

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

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

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

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



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

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

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

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

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

Section 85. For the purpose of incorporating the amendment made by this act to section 509.151, Florida Statutes, in a reference thereto, section 509.161, Florida Statutes, is reenacted to read:

509.161 Rules of evidence in prosecutions.—In prosecutions under s. 509.151, proof that lodging, food, or other accommodations were obtained by false pretense; by false or



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fictitious show of baggage or other property; by absconding without paying or offering to pay for such food, lodging, or accommodations; or by surreptitiously removing or attempting to remove baggage shall constitute prima facie evidence of fraudulent intent. If the operator of the establishment has probable cause to believe, and does believe, that any person has obtained food, lodging, or other accommodations at such establishment with intent to defraud the operator thereof, the failure to make payment upon demand therefor, there being no dispute as to the amount owed, shall constitute prima facie evidence of fraudulent intent in such prosecutions.

Section 86. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 790.065, Florida Statutes, is reenacted to read:

790.065 Sale and delivery of firearms.—

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against her or him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046, or has been arrested for a dangerous crime as specified in s. 907.041(4)(a) or for any of



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the following enumerated offenses:

- a. Criminal anarchy under ss. 876.01 and 876.02.
- b. Extortion under s. 836.05.
- c. Explosives violations under s. 552.22(1) and (2).
- d. Controlled substances violations under chapter 893.
- e. Resisting an officer with violence under s. 843.01.
- f. Weapons and firearms violations under this chapter.
- g. Treason under s. 876.32.
- h. Assisting self-murder under s. 782.08.
- i. Sabotage under s. 876.38.
- j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the



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department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or

b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

Section 87. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, subsection (1) of section 794.056, Florida Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be



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used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 88. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, subsection (4) of section 847.0141, Florida Statutes, is reenacted to read:

847.0141 Sexting; prohibited acts; penalties.—

(4) This section does not prohibit the prosecution of a minor for a violation of any law of this state if the photograph or video that depicts nudity also includes the depiction of sexual conduct or sexual excitement, and does not prohibit the prosecution of a minor for stalking under s. 784.048.



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Section 89. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, subsection (5) of section 901.41, Florida Statutes, is reenacted to read:

901.41 Prearrest diversion programs.—

(5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime of domestic violence, as defined in s. 741.28, or a misdemeanor under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or s. 784.049 does not qualify for a civil citation or prearrest diversion program.

Section 90. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, section 938.08, Florida Statutes, is reenacted to read:

938.08 Additional cost to fund programs in domestic violence.—In addition to any sanction imposed for a violation of s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, s. 794.011, or for any offense of domestic violence described in s. 741.28, the court shall impose a surcharge of \$201. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$85 of the surcharge shall be deposited into the Domestic Violence Trust Fund established in s. 741.01. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office. The remainder of the surcharge shall be provided to the governing board of the county and must be used only to defray the costs of incarcerating persons sentenced under s.



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741.283 and provide additional training to law enforcement personnel in combating domestic violence.

Section 91. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, section 938.085, Florida Statutes, is reenacted to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 92. For the purpose of incorporating the amendment



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made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (c) of subsection (8) of section 948.06, Florida Statutes, is reenacted to read:

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

(8)

(c) For purposes of this section, the term “qualifying offense” means any of the following:

1. Kidnapping or attempted kidnapping under s. 787.01, false imprisonment of a child under the age of 13 under s. 787.02(3), or luring or enticing a child under s. 787.025(2)(b) or (c).

2. Murder or attempted murder under s. 782.04, attempted felony murder under s. 782.051, or manslaughter under s. 782.07.

3. Aggravated battery or attempted aggravated battery under s. 784.045.

4. Sexual battery or attempted sexual battery under s. 794.011(2), (3), (4), or (8)(b) or (c).

5. Lewd or lascivious battery or attempted lewd or lascivious battery under s. 800.04(4), lewd or lascivious molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious conduct under s. 800.04(6)(b), lewd or lascivious exhibition under s. 800.04(7)(b), or lewd or lascivious exhibition on computer under s. 847.0135(5)(b).

6. Robbery or attempted robbery under s. 812.13, carjacking or attempted carjacking under s. 812.133, or home invasion robbery or attempted home invasion robbery under s. 812.135.

7. Lewd or lascivious offense upon or in the presence of an



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elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person under s. 825.1025.

8. Sexual performance by a child or attempted sexual performance by a child under s. 827.071.

9. Computer pornography under s. 847.0135(2) or (3), transmission of child pornography under s. 847.0137, or selling or buying of minors under s. 847.0145.

10. Poisoning food or water under s. 859.01.

11. Abuse of a dead human body under s. 872.06.

12. Any burglary offense or attempted burglary offense that is either a first degree felony or second degree felony under s. 810.02(2) or (3).

13. Arson or attempted arson under s. 806.01(1).

14. Aggravated assault under s. 784.021.

15. Aggravated stalking under s. 784.048(3), (4), (5), or (7).

16. Aircraft piracy under s. 860.16.

17. Unlawful throwing, placing, or discharging of a destructive device or bomb under s. 790.161(2), (3), or (4).

18. Treason under s. 876.32.

19. Any offense committed in another jurisdiction which would be an offense listed in this paragraph if that offense had been committed in this state.

Section 93. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, subsection (1) of section 948.062, Florida Statutes, is reenacted to read:

948.062 Reviewing and reporting serious offenses committed



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by offenders placed on probation or community control.—

(1) The department shall review the circumstances related to an offender placed on probation or community control who has been arrested while on supervision for the following offenses:

(a) Any murder as provided in s. 782.04;

(b) Any sexual battery as provided in s. 794.011 or s. 794.023;

(c) Any sexual performance by a child as provided in s. 827.071;

(d) Any kidnapping, false imprisonment, or luring of a child as provided in s. 787.01, s. 787.02, or s. 787.025;

(e) Any lewd and lascivious battery or lewd and lascivious molestation as provided in s. 800.04(4) or (5);

(f) Any aggravated child abuse as provided in s. 827.03(2) (a);

(g) Any robbery with a firearm or other deadly weapon, home invasion robbery, or carjacking as provided in s. 812.13(2) (a), s. 812.135, or s. 812.133;

(h) Any aggravated stalking as provided in s. 784.048(3), (4), or (5);

(i) Any forcible felony as provided in s. 776.08, committed by a person on probation or community control who is designated as a sexual predator; or

(j) Any DUI manslaughter as provided in s. 316.193(3) (c), or vehicular or vessel homicide as provided in s. 782.071 or s. 782.072, committed by a person who is on probation or community control for an offense involving death or injury resulting from a driving incident.

Section 94. For the purpose of incorporating the amendment



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made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 960.001, Florida Statutes, is reenacted to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Florida Commission on Offender Review, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(b) *Information for purposes of notifying victim or appropriate next of kin of victim or other designated contact of victim.*—In the case of a homicide, pursuant to chapter 782; or a sexual offense, pursuant to chapter 794; or an attempted murder or sexual offense, pursuant to chapter 777; or stalking, pursuant to s. 784.048; or domestic violence, pursuant to s. 25.385:

1. The arresting law enforcement officer or personnel of an organization that provides assistance to a victim or to the appropriate next of kin of the victim or other designated contact must request that the victim or appropriate next of kin of the victim or other designated contact complete a victim notification card. However, the victim or appropriate next of



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kin of the victim or other designated contact may choose not to complete the victim notification card.

2. Unless the victim or the appropriate next of kin of the victim or other designated contact waives the option to complete the victim notification card, a copy of the victim notification card must be filed with the incident report or warrant in the sheriff's office of the jurisdiction in which the incident report or warrant originated. The notification card shall, at a minimum, consist of:

- a. The name, address, and phone number of the victim; or
- b. The name, address, and phone number of the appropriate next of kin of the victim; or
- c. The name, address, and telephone number of a designated contact other than the victim or appropriate next of kin of the victim; and
- d. Any relevant identification or case numbers assigned to the case.

3. The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact within 4 hours following the release of the defendant on bail or, in the case of a juvenile offender, upon the release from residential detention or commitment. If the chief administrator, or designee, is unable to contact the alleged victim or appropriate next of kin of the alleged victim or other designated contact by telephone, the chief administrator, or designee, must send to the alleged victim or



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appropriate next of kin of the alleged victim or other designated contact a written notification of the defendant's release.

4. Unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, the information contained on the victim notification card must be sent by the chief administrator, or designee, of the appropriate facility to the subsequent correctional or residential commitment facility following the sentencing and incarceration of the defendant, and unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, he or she must be notified of the release of the defendant from incarceration as provided by law.

5. If the defendant was arrested pursuant to a warrant issued or taken into custody pursuant to s. 985.101 in a jurisdiction other than the jurisdiction in which the defendant is being released, and the alleged victim or appropriate next of kin of the alleged victim or other designated contact does not waive the option for notification of release, the chief correctional officer or chief administrator of the facility releasing the defendant shall make a reasonable attempt to immediately notify the chief correctional officer of the jurisdiction in which the warrant was issued or the juvenile was taken into custody pursuant to s. 985.101, and the chief correctional officer of that jurisdiction shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact, as provided in this paragraph, that the defendant has been or will be released.



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Section 95. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 985.265, Florida Statutes, is reenacted to read:

985.265 Detention transfer and release; education; adult jails.—

(3)

(b) When a juvenile is released from secure detention or transferred to nonsecure detention, detention staff shall immediately notify the appropriate law enforcement agency, school personnel, and victim if the juvenile is charged with committing any of the following offenses or attempting to commit any of the following offenses:

1. Murder, under s. 782.04;
2. Sexual battery, under chapter 794;
3. Stalking, under s. 784.048; or
4. Domestic violence, as defined in s. 741.28.

Section 96. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 1006.147, Florida Statutes, is reenacted to read:

1006.147 Bullying and harassment prohibited.—

(3) For purposes of this section:

(e) Definitions in s. 815.03 and the definition in s. 784.048(1)(d) relating to stalking are applicable to this section.

Section 97. For the purpose of incorporating the amendment made by this act to section 806.13, Florida Statutes, in a reference thereto, subsection (1) of section 316.0775, Florida



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Statutes, is reenacted to read:

316.0775 Interference with official traffic control devices or railroad signs or signals.—

(1) A person may not, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. A violation of this subsection is a criminal violation pursuant to s. 318.17 and shall be punishable as set forth in s. 806.13 related to criminal mischief and graffiti, beginning on or after July 1, 2000.

Section 98. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (10) of section 95.18, Florida Statutes, is reenacted to read:

95.18 Real property actions; adverse possession without color of title.—

(10) A person who occupies or attempts to occupy a residential structure solely by claim of adverse possession under this section and offers the property for lease to another commits theft under s. 812.014.

Section 99. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 373.6055, Florida Statutes, is reenacted to read:

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

(3)

(c) In addition to other requirements for employment or



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access established by any water management district pursuant to its water management district's security plan for buildings, facilities, and structures, each water management district's security plan shall provide that:

1. Any person who has within the past 7 years been convicted, regardless of whether adjudication was withheld, for a forcible felony as defined in s. 776.08; an act of terrorism as defined in s. 775.30; planting of a hoax bomb as provided in s. 790.165; any violation involving the manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction as provided in s. 790.166; dealing in stolen property; any violation of s. 893.135; any violation involving the sale, manufacturing, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance; burglary; robbery; any felony violation of s. 812.014; any violation of s. 790.07; any crime an element of which includes use or possession of a firearm; any conviction for any similar offenses under the laws of another jurisdiction; or conviction for conspiracy to commit any of the listed offenses may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district's security plan as restricted access areas.

2. Any person who has at any time been convicted of any of the offenses listed in subparagraph 1. may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district's security plan as restricted access areas unless, after release from incarceration and any supervision



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imposed as a sentence, the person remained free from a subsequent conviction, regardless of whether adjudication was withheld, for any of the listed offenses for a period of at least 7 years prior to the employment or access date under consideration.

Section 100. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (3) of section 400.9935, Florida Statutes, is reenacted to read:

400.9935 Clinic responsibilities.—

(3) A charge or reimbursement claim made by or on behalf of a clinic that is required to be licensed under this part but that is not so licensed, or that is otherwise operating in violation of this part, regardless of whether a service is rendered or whether the charge or reimbursement claim is paid, is an unlawful charge and is noncompensable and unenforceable. A person who knowingly makes or causes to be made an unlawful charge commits theft within the meaning of and punishable as provided in s. 812.014.

Section 101. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (10) of section 550.6305, Florida Statutes, is reenacted to read:

550.6305 Intertrack wagering; guest track payments; accounting rules.—

(10) All races or games conducted at a permitholder's facility, all broadcasts of such races or games, and all broadcast rights relating thereto are owned by the permitholder at whose facility such races or games are conducted and



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constitute the permitholder's property as defined in s. 812.012(4). Transmission, reception of a transmission, exhibition, use, or other appropriation of such races or games, broadcasts of such races or games, or broadcast rights relating thereto without the written consent of the permitholder constitutes a theft of such property under s. 812.014; and in addition to the penal sanctions contained in s. 812.014, the permitholder has the right to avail itself of the civil remedies specified in ss. 772.104, 772.11, and 812.035 in addition to any other remedies available under applicable state or federal law.

Section 102. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 627.743, Florida Statutes, is reenacted to read:

627.743 Payment of third-party claims.—

(2) When making any payment on a third party claim for damage to an automobile for a partial loss, the insurer shall have printed on the loss estimate, if prepared by the insurer, the following: "Failure to use the insurance proceeds in accordance with the security agreement, if any, could be a violation of s. 812.014, Florida Statutes. If you have any questions, contact your lending institution." However, this subsection does not apply if the insurer does not prepare the loss estimate.

Section 103. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 634.421, Florida Statutes, is reenacted to read:

634.421 Reporting and accounting for funds.—



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(2) Any sales representative who, not being entitled thereto, diverts or appropriates funds or any portion thereof to her or his own use commits theft as provided in s. 812.014.

Section 104. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 642.038, Florida Statutes, is reenacted to read:

642.038 Reporting and accounting for funds.—

(2) Any sales representative who, not being entitled thereto, diverts or appropriates such funds or any portion thereof to his or her own use commits theft as provided in s. 812.014.

Section 105. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (4) of section 705.102, Florida Statutes, is reenacted to read:

705.102 Reporting lost or abandoned property.—

(4) Any person who unlawfully appropriates such lost or abandoned property to his or her own use or refuses to deliver such property when required commits theft as defined in s. 812.014, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 106. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (7) of section 812.14, Florida Statutes, is reenacted to read:

812.14 Trespass and larceny with relation to utility fixtures; theft of utility services.—

(7) An owner, lessor, or sublessor who willfully violates



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subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Prosecution for a violation of subsection (5) does not preclude prosecution for theft pursuant to subsection (8) or s. 812.014.

Section 107. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (3) of section 893.138, Florida Statutes, is reenacted to read:

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

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

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

(b) Section 810.02, relating to burglary;

(c) Section 812.014, relating to theft;

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

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

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

Section 108. For the purpose of incorporating the amendment made by this act to section 812.015, Florida Statutes, in a reference thereto, subsection (5) of section 538.09, Florida Statutes, is reenacted to read:



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538.09 Registration.—

(5) In addition to the fine provided in subsection (4), registration under this section may be denied or any registration granted may be revoked, restricted, or suspended by the department if the department determines that the applicant or registrant:

(a) Has violated any provision of this chapter or any rule or order made pursuant to this chapter;

(b) Has made a material false statement in the application for registration;

(c) Has been guilty of a fraudulent act in connection with any purchase or sale or has been or is engaged in or is about to engage in any practice, purchase, or sale which is fraudulent or in violation of the law;

(d) Has made a misrepresentation or false statement to, or concealed any essential or material fact from, any person in making any purchase or sale;

(e) Is making purchases or sales through any business associate not registered in compliance with the provisions of this chapter;

(f) Has, within the preceding 10-year period for new registrants who apply for registration on or after October 1, 2006, been convicted of, or has entered a plea of guilty or nolo contendere to, or had adjudication withheld for, a crime against the laws of this state or any other state or of the United States which relates to registration as a secondhand dealer or which involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, any



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felony drug offense, any violation of s. 812.015, or any fraudulent dealing;

(g) Has had a final judgment entered against her or him in a civil action upon grounds of fraud, embezzlement, misrepresentation, or deceit; or

(h) Has failed to pay any sales tax owed to the Department of Revenue.

In the event the department determines to deny an application or revoke a registration, it shall enter a final order with its findings on the register of secondhand dealers and their business associates, if any; and denial, suspension, or revocation of the registration of a secondhand dealer shall also deny, suspend, or revoke the registration of such secondhand dealer's business associates.

Section 109. For the purpose of incorporating the amendment made by this act to section 812.015, Florida Statutes, in a reference thereto, subsection (2) of section 538.23, Florida Statutes, is reenacted to read:

538.23 Violations and penalties.—

(2) A secondary metals recycler is presumed to know upon receipt of stolen regulated metals property in a purchase transaction that the regulated metals property has been stolen from another if the secondary metals recycler knowingly and intentionally fails to maintain the information required in s. 538.19 and shall, upon conviction of a violation of s. 812.015, be punished as provided in s. 812.014(2) or (3).

Section 110. For the purpose of incorporating the amendment made by this act to section 815.03, Florida Statutes, in a



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reference thereto, paragraph (e) of subsection (3) of section 1006.147, Florida Statutes, is reenacted to read:

1006.147 Bullying and harassment prohibited.—

(3) For purposes of this section:

(e) Definitions in s. 815.03 and the definition in s. 784.048(1)(d) relating to stalking are applicable to this section.

Section 111. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (2) of section 316.80, Florida Statutes, is reenacted to read:

316.80 Unlawful conveyance of fuel; obtaining fuel fraudulently.—

(2) A person who violates subsection (1) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she has attempted to or has fraudulently obtained motor or diesel fuel by:

(a) Presenting a credit card or a credit card account number in violation of ss. 817.57-817.685;

(b) Using unauthorized access to any computer network in violation of s. 815.06; or

(c) Using a fraudulently scanned or lost or stolen payment access device, whether credit card or contactless device.

Section 112. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in references thereto, subsections (1) and (2) of section 775.30, Florida Statutes, are reenacted to read:

775.30 Terrorism; defined; penalties.—

(1) As used in this chapter and the Florida Criminal Code,



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the terms "terrorism" or "terrorist activity" mean an activity that:

(a) Involves:

1. A violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

2. A violation of s. 815.06; and

(b) Is intended to:

1. Intimidate, injure, or coerce a civilian population;

2. Influence the policy of a government by intimidation or coercion; or

3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

(2) A person who violates s. 782.04(1)(a)1. or (2), s. 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s. 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s. 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s. 859.01, or s. 876.34, in furtherance of intimidating or coercing the policy of a government, or in furtherance of affecting the conduct of a government by mass destruction, assassination, or kidnapping, commits the crime of terrorism, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 113. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (2) of section 775.33, Florida Statutes, is reenacted to read:

775.33 Providing material support or resources for



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terrorism or to terrorist organizations.—

(2) A person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person:

(a) Provides material support or resources or conceals or disguises the nature, location, source, or ownership of the material support or resources, knowing or intending that the support or resources are to be used in preparation for or in carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s. 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s. 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32, s. 876.34, or s. 876.36;

(b) Conceals an escape from the commission of a violation of paragraph (a); or

(c) Attempts or conspires to commit a violation of paragraph (a).

Section 114. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (5) of section 782.04, Florida Statutes, is reenacted to read:

782.04 Murder.—

(5) As used in this section, the term "terrorism" means an activity that:

(a)1. Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

2. Involves a violation of s. 815.06; and

(b) Is intended to:

1. Intimidate, injure, or coerce a civilian population;



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2. Influence the policy of a government by intimidation or coercion; or

3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

Section 115. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (3) of section 934.07, Florida Statutes, is reenacted to read:

934.07 Authorization for interception of wire, oral, or electronic communications.—

(3) As used in this section, the term "terrorism" means an activity that:

(a)1. Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

2. Involves a violation of s. 815.06; and

(b) Is intended to:

1. Intimidate, injure, or coerce a civilian population;

2. Influence the policy of a government by intimidation or coercion; or

3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

Section 116. For the purpose of incorporating the amendment made by this act to section 849.01, Florida Statutes, in a reference thereto, section 849.02, Florida Statutes, is reenacted to read:

849.02 Agents or employees of keeper of gambling house.—
Whoever acts as servant, clerk, agent, or employee of any person in the violation of s. 849.01 shall be punished in the manner



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and to the extent therein mentioned.

Section 117. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 373.6055, Florida Statutes, is reenacted to read:

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

(3)

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

1. Any person who has within the past 7 years been convicted, regardless of whether adjudication was withheld, for a forcible felony as defined in s. 776.08; an act of terrorism as defined in s. 775.30; planting of a hoax bomb as provided in s. 790.165; any violation involving the manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction as provided in s. 790.166; dealing in stolen property; any violation of s. 893.135; any violation involving the sale, manufacturing, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance; burglary; robbery; any felony violation of s. 812.014; any violation of s. 790.07; any crime an element of which includes use or possession of a firearm; any conviction for any similar offenses under the laws of another jurisdiction; or conviction for conspiracy to commit any of the listed offenses may not be qualified for



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initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district's security plan as restricted access areas.

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

Section 118. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (6) of section 397.4073, Florida Statutes, is reenacted to read:

397.4073 Background checks of service provider personnel.—

(6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State funds may not be disseminated to any service provider owned or operated by an owner, director, or chief financial officer who has been convicted of, has entered a plea of guilty or nolo contendere to, or has had adjudication withheld for, a violation of s. 893.135 pertaining to trafficking in controlled substances, or a violation of the law of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction which is substantially similar in elements and penalties to a trafficking



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offense in this state, unless the owner's or director's civil rights have been restored.

Section 119. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (1) of section 414.095, Florida Statutes, is reenacted to read:

414.095 Determining eligibility for temporary cash assistance.—

(1) ELIGIBILITY.—An applicant must meet eligibility requirements of this section before receiving services or temporary cash assistance under this chapter, except that an applicant shall be required to register for work and engage in work activities in accordance with s. 445.024, as designated by the local workforce development board, and may receive support services or child care assistance in conjunction with such requirement. The department shall make a determination of eligibility based on the criteria listed in this chapter. The department shall monitor continued eligibility for temporary cash assistance through periodic reviews consistent with the food assistance eligibility process. Benefits may not be denied to an individual solely based on a felony drug conviction, unless the conviction is for trafficking pursuant to s. 893.135. To be eligible under this section, an individual convicted of a drug felony must be satisfactorily meeting the requirements of the temporary cash assistance program, including all substance abuse treatment requirements. Within the limits specified in this chapter, the state opts out of the provision of Pub. L. No. 104-193, s. 115, that eliminates eligibility for temporary cash assistance and food assistance for any individual convicted of a



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controlled substance felony.

Section 120. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (2) of section 772.12, Florida Statutes, is reenacted to read:

772.12 Drug Dealer Liability Act.—

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

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

1. A violation of s. 893.13, except for a violation of s. 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or
2. A violation of s. 893.135; and

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

Section 121. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in references thereto, paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 775.087, Florida Statutes, are reenacted to read:

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

(2)(a)1. Any person who is convicted of a felony or an



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attempt to commit a felony, regardless of whether the use of a
weapon is an element of the felony, and the conviction was for:

- a. Murder;
- b. Sexual battery;
- c. Robbery;
- d. Burglary;
- e. Arson;
- f. Aggravated battery;
- g. Kidnapping;
- h. Escape;
- i. Aircraft piracy;
- j. Aggravated child abuse;
- k. Aggravated abuse of an elderly person or disabled adult;
- l. Unlawful throwing, placing, or discharging of a
destructive device or bomb;
- m. Carjacking;
- n. Home-invasion robbery;
- o. Aggravated stalking;
- p. Trafficking in cannabis, trafficking in cocaine, capital
importation of cocaine, trafficking in illegal drugs, capital
importation of illegal drugs, trafficking in phencyclidine,
capital importation of phencyclidine, trafficking in
methaqualone, capital importation of methaqualone, trafficking
in amphetamine, capital importation of amphetamine, trafficking
in flunitrazepam, trafficking in gamma-hydroxybutyric acid
(GHB), trafficking in 1,4-Butanediol, trafficking in
Phenethylamines, or other violation of s. 893.135(1); or
- q. Possession of a firearm by a felon



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and during the commission of the offense, such person actually possessed a "firearm" or "destructive device" as those terms are defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 10 years, except that a person who is convicted for possession of a firearm by a felon or burglary of a conveyance shall be sentenced to a minimum term of imprisonment of 3 years if such person possessed a "firearm" or "destructive device" during the commission of the offense. However, if an offender who is convicted of the offense of possession of a firearm by a felon has a previous conviction of committing or attempting to commit a felony listed in s. 775.084(1)(b)1. and actually possessed a firearm or destructive device during the commission of the prior felony, the offender shall be sentenced to a minimum term of imprisonment of 10 years.

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

3. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs (a)1.a.-p., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a "firearm" or "destructive device" as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of



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imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

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

- a. Murder;
- b. Sexual battery;
- c. Robbery;
- d. Burglary;
- e. Arson;
- f. Aggravated battery;
- g. Kidnapping;
- h. Escape;
- i. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;
- j. Aircraft piracy;
- k. Aggravated child abuse;
- l. Aggravated abuse of an elderly person or disabled adult;
- m. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- n. Carjacking;
- o. Home-invasion robbery;
- p. Aggravated stalking; or
- q. Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking



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in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1);

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 15 years.

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

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

Section 122. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in references thereto, paragraph (a) of subsection (1) and



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subsections (3) and (4) of section 782.04, Florida Statutes, are reenacted to read:

782.04 Murder.—

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

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

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

a. Trafficking offense prohibited by s. 893.135(1),

b. Arson,

c. Sexual battery,

d. Robbery,

e. Burglary,

f. Kidnapping,

g. Escape,

h. Aggravated child abuse,

i. Aggravated abuse of an elderly person or disabled adult,

j. Aircraft piracy,

k. Unlawful throwing, placing, or discharging of a destructive device or bomb,

l. Carjacking,

m. Home-invasion robbery,

n. Aggravated stalking,

o. Murder of another human being,

p. Resisting an officer with violence to his or her person,

q. Aggravated fleeing or eluding with serious bodily injury or death,

r. Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s.



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775.32, s. 775.33, s. 775.34, or s. 775.35, or
s. Human trafficking; or
3. Which resulted from the unlawful distribution by a
person 18 years of age or older of any of the following
substances, or mixture containing any of the following
substances, when such substance or mixture is proven to be the
proximate cause of the death of the user:
a. A substance controlled under s. 893.03(1);
b. Cocaine, as described in s. 893.03(2)(a)4.;
c. Opium or any synthetic or natural salt, compound,
derivative, or preparation of opium;
d. Methadone;
e. Alfentanil, as described in s. 893.03(2)(b)1.;
f. Carfentanil, as described in s. 893.03(2)(b)6.;
g. Fentanyl, as described in s. 893.03(2)(b)9.;
h. Sufentanil, as described in s. 893.03(2)(b)30.; or
i. A controlled substance analog, as described in s.
893.0356, of any substance specified in sub-subparagraphs a.-h.,
is murder in the first degree and constitutes a capital felony,
punishable as provided in s. 775.082.
(3) When a human being is killed during the perpetration
of, or during the attempt to perpetrate, any:
(a) Trafficking offense prohibited by s. 893.135(1),
(b) Arson,
(c) Sexual battery,
(d) Robbery,
(e) Burglary,
(f) Kidnapping,



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(g) Escape,
(h) Aggravated child abuse,
(i) Aggravated abuse of an elderly person or disabled adult,
(j) Aircraft piracy,
(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,
(l) Carjacking,
(m) Home-invasion robbery,
(n) Aggravated stalking,
(o) Murder of another human being,
(p) Aggravated fleeing or eluding with serious bodily injury or death,
(q) Resisting an officer with violence to his or her person, or
(r) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,
by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony commits murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.
(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony



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6435 other than any:
6436 (a) Trafficking offense prohibited by s. 893.135(1),
6437 (b) Arson,
6438 (c) Sexual battery,
6439 (d) Robbery,
6440 (e) Burglary,
6441 (f) Kidnapping,
6442 (g) Escape,
6443 (h) Aggravated child abuse,
6444 (i) Aggravated abuse of an elderly person or disabled
6445 adult,
6446 (j) Aircraft piracy,
6447 (k) Unlawful throwing, placing, or discharging of a
6448 destructive device or bomb,
6449 (l) Unlawful distribution of any substance controlled under
6450 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
6451 opium or any synthetic or natural salt, compound, derivative, or
6452 preparation of opium by a person 18 years of age or older, when
6453 such drug is proven to be the proximate cause of the death of
6454 the user,
6455 (m) Carjacking,
6456 (n) Home-invasion robbery,
6457 (o) Aggravated stalking,
6458 (p) Murder of another human being,
6459 (q) Aggravated fleeing or eluding with serious bodily
6460 injury or death,
6461 (r) Resisting an officer with violence to his or her
6462 person, or
6463 (s) Felony that is an act of terrorism or is in furtherance



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of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 123. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (3) of section 810.02, Florida Statutes, is reenacted to read:

810.02 Burglary.—

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

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

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

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

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

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

(f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance as defined



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in s. 893.02. Notwithstanding any other law, separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under this paragraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the burglary is committed within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary within a county that is subject to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 124. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (d) of subsection (8) of section



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893.13, Florida Statutes, is reenacted to read:

893.13 Prohibited acts; penalties.—

(8)

(d) Notwithstanding paragraph (c), if a prescribing practitioner has violated paragraph (a) and received \$1,000 or more in payment for writing one or more prescriptions or, in the case of a prescription written for a controlled substance described in s. 893.135, has written one or more prescriptions for a quantity of a controlled substance which, individually or in the aggregate, meets the threshold for the offense of trafficking in a controlled substance under s. 893.135, the violation is reclassified as a felony of the second degree and ranked in level 4 of the Criminal Punishment Code.

Section 125. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in references thereto, subsections (1) and (2) of section 893.1351, Florida Statutes, are reenacted to read:

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

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



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(2) A person may not knowingly be in actual or constructive possession of any place, structure, or part thereof, trailer, or other conveyance with the knowledge that the place, structure, or part thereof, trailer, or conveyance will be used for the purpose of trafficking in a controlled substance, as provided in s. 893.135; for the sale of a controlled substance, as provided in s. 893.13; or for the manufacture of a controlled substance intended for sale or distribution to another. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 126. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 900.05, Florida Statutes, is reenacted to read:

900.05 Criminal justice data collection.—

(3) DATA COLLECTION AND REPORTING.—Beginning January 1, 2019, an entity required to collect data in accordance with this subsection shall collect the specified data required of the entity on a biweekly basis. Each entity shall report the data collected in accordance with this subsection to the Department of Law Enforcement on a monthly basis.

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

1. Information related to each inmate, including:

a. Identifying information, including name, date of birth, race or ethnicity, and identification number assigned by the department.

b. Number of children.

c. Education level, including any vocational training.



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d. Date the inmate was admitted to the custody of the department.

e. Current institution placement and the security level assigned to the institution.

f. Custody level assignment.

g. Qualification for a flag designation as defined in this section, including sexual offender flag, habitual offender flag, gang affiliation flag, or concurrent or consecutive sentence flag.

h. County that committed the prisoner to the custody of the department.

i. Whether the reason for admission to the department is for a new conviction or a violation of probation, community control, or parole. For an admission for a probation, community control, or parole violation, the department shall report whether the violation was technical or based on a new violation of law.

j. Specific statutory citation for which the inmate was committed to the department, including, for an inmate convicted of drug trafficking under s. 893.135, the statutory citation for each specific drug trafficked.

k. Length of sentence or concurrent or consecutive sentences served.

l. Tentative release date.

m. Gain time earned in accordance with s. 944.275.

n. Prior incarceration within the state.

o. Disciplinary violation and action.

p. Participation in rehabilitative or educational programs while in the custody of the department.



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2. Information about each state correctional institution or facility, including:

a. Budget for each state correctional institution or facility.

b. Daily prison population of all inmates incarcerated in a state correctional institution or facility.

c. Daily number of correctional officers for each state correctional institution or facility.

3. Information related to persons supervised by the department on probation or community control, including:

a. Identifying information for each person supervised by the department on probation or community control, including his or her name, date of birth, race or ethnicity, sex, and department-assigned case number.

b. Length of probation or community control sentence imposed and amount of time that has been served on such sentence.

c. Projected termination date for probation or community control.

d. Revocation of probation or community control due to a violation, including whether the revocation is due to a technical violation of the conditions of supervision or from the commission of a new law violation.

4. Per diem rates for:

a. Prison bed.

b. Probation.

c. Community control.

This information only needs to be reported once annually at the



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time the most recent per diem rate is published.

Section 127. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, section 903.133, Florida Statutes, is reenacted to read:

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

Section 128. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 907.041, Florida Statutes, is reenacted to read:

907.041 Pretrial detention and release.—

(4) PRETRIAL DETENTION.—

(c) The court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

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

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted



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or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;

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

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

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

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

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

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard



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for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons;

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

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

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

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

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

Section 129. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (9) of section 921.141, Florida Statutes, is reenacted to read:



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921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(9) APPLICABILITY.—This section does not apply to a person convicted or adjudicated guilty of a capital drug trafficking felony under s. 893.135.

Section 130. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (2) of section 921.142, Florida Statutes, is reenacted to read:

921.142 Sentence of death or life imprisonment for capital drug trafficking felonies; further proceedings to determine sentence.—

(2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon conviction or adjudication of guilt of a defendant of a capital felony under s. 893.135, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the



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character of the defendant and shall include matters relating to any of the aggravating factors enumerated in subsection (7) and for which notice has been provided pursuant to s. 782.04(1)(b) or mitigating circumstances enumerated in subsection (8). Any such evidence that the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Constitution of the State of Florida. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death.

Section 131. For the purpose of incorporating the amendment made by this act to section 944.704, Florida Statutes, in a reference thereto, paragraph (a) of subsection (3) of section 944.026, Florida Statutes, is reenacted to read:

944.026 Community-based facilities and programs.—

(3)(a) The department shall develop and implement procedures to diagnose offenders prior to sentencing, for the purpose of recommending to the sentencing court suitable candidates for placement in a community-based residential drug treatment facility or probation and restitution center as provided in this section. The department shall also develop and implement procedures to properly identify inmates prior to release who demonstrate the need for or interest in and suitability for placement in a community-based substance abuse transition housing program as provided in this section and



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pursuant to ss. 944.4731 and 944.704.

Section 132. For the purpose of incorporating the amendment made by this act to section 944.705, Florida Statutes, in a reference thereto, subsection (6) of section 944.4731, Florida Statutes, is reenacted to read:

944.4731 Addiction-Recovery Supervision Program.—

(6) Six months before an offender is released, the chaplain and transition assistance specialist at the institution where the offender is incarcerated shall initiate the prerelease screening process in addition to the basic release orientation required under s. 944.705.

(a) The transition assistance specialist and the chaplain shall provide a list of contracted private providers, including faith-based providers, to the offender and facilitate the application process. The transition assistance specialist shall inform the offender of program availability and assess the offender's need and suitability for substance abuse transition housing assistance. If an offender is approved for placement, the specialist shall assist the offender and coordinate the release of the offender with the selected program. If an offender requests and is approved for placement in a contracted faith-based substance abuse transition housing program, the specialist must consult with the chaplain prior to such placement. A right to substance abuse program services is not stated, intended, or otherwise implied by this section.

(b) If an offender has participated in a faith-based program while incarcerated or housed at a community correctional center and the same or a similar faith-based provider offers a contracted substance abuse transition housing program, the



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department shall make every attempt to maintain this continuum of care.

Section 133. For the purpose of incorporating the amendment made by this act to section 944.801, Florida Statutes, in a reference thereto, subsection (2) of section 447.203, Florida Statutes, is reenacted to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor shall be deemed to be the public employer; and the Board of Governors of the State University System, or the board's designee, shall be deemed to be the public employer with respect to all public employees of each constituent state university. The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Governor shall be deemed to be the public employer with respect to all employees in the Correctional



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Education Program of the Department of Corrections established pursuant to s. 944.801.

Section 134. For the purpose of incorporating the amendment made by this act to section 948.013, Florida Statutes, in a reference thereto, paragraph (n) of subsection (1) of section 921.187, Florida Statutes, is reenacted to read:

921.187 Disposition and sentencing; alternatives; restitution.—

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

(n) Impose split probation whereby upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation pursuant to s. 948.013 for the remainder of the term of supervision.

Section 135. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 948.012, Florida Statutes, is reenacted to read:

948.012 Split sentence of probation or community control and imprisonment.—

(2) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(b) If the offender does not meet the terms and conditions



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of probation or community control, the court may revoke, modify, or continue the probation or community control as provided in s. 948.06. If the probation or community control is revoked, the court may impose any sentence that it could have imposed at the time the offender was placed on probation or community control. The court may not provide credit for time served for any portion of a probation or community control term toward a subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses pending before the court for sentencing, would exceed the maximum penalty allowable as provided in s. 775.082. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

Section 136. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, subsection (3) of section 948.10, Florida Statutes, is reenacted to read:

948.10 Community control programs; home confinement.—

(3) Procedures governing violations of community control are the same as those described in s. 948.06 with respect to probation.

Section 137. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, subsection (3) of section 948.20, Florida Statutes, is reenacted to read:



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948.20 Drug offender probation.—

(3) Offenders placed on drug offender probation are subject to revocation of probation as provided in s. 948.06.

Section 138. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, section 958.14, Florida Statutes, is reenacted to read:

958.14 Violation of probation or community control program.—A violation or alleged violation of probation or the terms of a community control program shall subject the youthful offender to the provisions of s. 948.06. However, no youthful offender shall be committed to the custody of the department for a substantive violation for a period longer than the maximum sentence for the offense for which he or she was found guilty, with credit for time served while incarcerated, or for a technical or nonsubstantive violation for a period longer than 6 years or for a period longer than the maximum sentence for the offense for which he or she was found guilty, whichever is less, with credit for time served while incarcerated.

Section 139. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 796.07, Florida Statutes, is reenacted to read:

796.07 Prohibiting prostitution and related acts.—

(4)

(b) A person who is charged with a third or subsequent violation of this section, other than paragraph (2)(f), shall be offered admission to a pretrial intervention program or a substance abuse treatment program as provided in s. 948.08.



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Section 140. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 944.026, Florida Statutes, is reenacted to read:

944.026 Community-based facilities and programs.—

(3)

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

Section 141. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in a reference thereto, subsection (1) of section 948.036, Florida Statutes, is reenacted to read:

948.036 Work programs as a condition of probation, community control, or other court-ordered community supervision.—

(1) Whenever an offender is required by the court to participate in any work program under the provisions of this chapter, enters into the pretrial intervention program pursuant to s. 948.08, or volunteers to work in a supervised work program conducted by a specified state, county, municipal, or community service organization or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or community control program, the offender shall be considered an employee of the state for the purposes of chapter 440.

Section 142. For the purpose of incorporating the amendments made by this act to section 948.08. Florida Statutes, in a reference thereto, subsection (2) of section 394.47892,



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Florida Statutes, is reenacted to read:

394.47892 Mental health court programs.—

(2) Mental health court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, postadjudicatory mental health court programs as provided in ss. 948.01 and 948.06, and review of the status of compliance or noncompliance of sentenced defendants through a mental health court program.

Section 143. For the purpose of incorporating the amendments made by this act to section 948.08, Florida Statutes, in a reference thereto, subsection (5) of section 397.334, Florida Statutes, is reenacted to read:

397.334 Treatment-based drug court programs.—

(5) Treatment-based drug court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, treatment-based drug court programs authorized in chapter 39, postadjudicatory programs as provided in ss. 948.01, 948.06, and 948.20, and review of the status of compliance or noncompliance of sentenced offenders through a treatment-based drug court program. While enrolled in a treatment-based drug court program, the participant is subject to a coordinated strategy developed by a drug court team under subsection (4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311 or in a jail-based treatment program or serving a period of secure detention under chapter 985 if a



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child or a period of incarceration within the time limits established for contempt of court if an adult. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a treatment-based drug court program.

Section 144. For the purpose of incorporating the amendments made by this act to section 948.08, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) of section 910.035, Florida Statutes, is reenacted to read:

910.035 Transfer from county for plea, sentence, or participation in a problem-solving court.—

(5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

(a) For purposes of this subsection, the term "problem-solving court" means a drug court pursuant to s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans' and servicemembers' court pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a delinquency pretrial intervention court program pursuant to s. 985.345.

Section 145. For the purpose of incorporating the amendment made by this act to section 958.04, Florida Statutes, in a reference thereto, subsection (5) of section 958.03, Florida Statutes, is reenacted to read:

958.03 Definitions.—As used in this act:

(5) "Youthful offender" means any person who is sentenced as such by the court or is classified as such by the department pursuant to s. 958.04.

Section 146. For the purpose of incorporating the amendment



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made by this act to section 958.04, Florida Statutes, in a reference thereto, paragraph (a) of subsection (8) of section 958.045, Florida Statutes, is reenacted to read:

958.045 Youthful offender basic training program.—

(8) (a) The Assistant Secretary for Youthful Offenders shall continuously screen all institutions, facilities, and programs for any inmate who meets the eligibility requirements for youthful offender designation specified in s. 958.04, whose age does not exceed 24 years. The department may classify and assign as a youthful offender any inmate who meets the criteria of s. 958.04.

Section 147. For the purpose of incorporating the amendment made by this act to section 958.04, Florida Statutes, in a reference thereto, section 958.046, Florida Statutes, is reenacted to read:

958.046 Placement in county-operated boot camp programs for youthful offenders.—In counties where there are county-operated youthful offender boot camp programs, other than boot camps described in s. 958.04, the court may sentence a youthful offender to such a boot camp. In county-operated youthful offender boot camp programs, juvenile offenders shall not be commingled with youthful offenders.

Section 148. For the purpose of incorporating the amendment made by this act to section 958.04, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 985.565, Florida Statutes, is reenacted to read:

985.565 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—



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(c) *Adult sanctions upon failure of juvenile sanctions.*—If a child proves not to be suitable to a commitment program, juvenile probation program, or treatment program under paragraph (b), the department shall provide the sentencing court with a written report outlining the basis for its objections to the juvenile sanction and shall simultaneously provide a copy of the report to the state attorney and the defense counsel. The department shall schedule a hearing within 30 days. Upon hearing, the court may revoke the previous adjudication, impose an adjudication of guilt, and impose any sentence which it may lawfully impose, giving credit for all time spent by the child in the department. The court may also classify the child as a youthful offender under s. 958.04, if appropriate. For purposes of this paragraph, a child may be found not suitable to a commitment program, community control program, or treatment program under paragraph (b) if the child commits a new violation of law while under juvenile sanctions, if the child commits any other violation of the conditions of juvenile sanctions, or if the child's actions are otherwise determined by the court to demonstrate a failure of juvenile sanctions.

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.534.

Section 149. For the purpose of incorporating the amendment made by this act to section 985.557, Florida Statutes, in a reference thereto, subsection (3) of section 985.556, Florida Statutes, is reenacted to read:



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985.556 Waiver of juvenile court jurisdiction; hearing.—

(3) INVOLUNTARY MANDATORY WAIVER.—

(a) If the child was 14 years of age or older, and if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, aggravated assault, or burglary with an assault or battery, and the child is currently charged with a second or subsequent violent crime against a person; or

(b) If the child was 14 years of age or older at the time of commission of a fourth or subsequent alleged felony offense and the child was previously adjudicated delinquent or had adjudication withheld for or was found to have committed, or to have attempted or conspired to commit, three offenses that are felony offenses if committed by an adult, and one or more of such felony offenses involved the use or possession of a firearm or violence against a person;

the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such request, or proceed under s. 985.557(1). Upon the state attorney's request, the court shall either enter an order transferring the case and certifying the case for trial as if the child were an adult or provide written reasons for not issuing such an order.

Section 150. For the purpose of incorporating the amendment made by this act to section 985.557, Florida Statutes, in a



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reference thereto, subsection (1) of section 985.15, Florida Statutes, is reenacted to read:

985.15 Filing decisions.—

(1) The state attorney may in all cases take action independent of the action or lack of action of the juvenile probation officer and shall determine the action that is in the best interest of the public and the child. If the child meets the criteria requiring prosecution as an adult under s. 985.556, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such a request. In all other cases, the state attorney may:

- (a) File a petition for dependency;
- (b) File a petition under chapter 984;
- (c) File a petition for delinquency;
- (d) File a petition for delinquency with a motion to transfer and certify the child for prosecution as an adult;
- (e) File an information under s. 985.557;
- (f) Refer the case to a grand jury;
- (g) Refer the child to a diversionary, pretrial intervention, arbitration, or mediation program, or to some other treatment or care program if such program commitment is voluntarily accepted by the child or the child's parents or legal guardian; or
- (h) Decline to file.

Section 151. For the purpose of incorporating the amendment made by this act to section 985.557, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 985.26, Florida Statutes, is reenacted to read:



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985.26 Length of detention.—

(2)

(c) A prolific juvenile offender under s. 985.255(1)(j) shall be placed on nonsecure detention care with electronic monitoring or in secure detention care under a special detention order until disposition. If secure detention care is ordered by the court, it must be authorized under this part and may not exceed:

1. Twenty-one days unless an adjudicatory hearing for the case has been commenced in good faith by the court or the period is extended by the court pursuant to paragraph (b); or

2. Fifteen days after the entry of an order of adjudication.

As used in this paragraph, the term "disposition" means a declination to file under s. 985.15(1)(h), the entry of nolle prosequi for the charges, the filing of an indictment under s. 985.56 or an information under s. 985.557, a dismissal of the case, or an order of final disposition by the court.

Section 152. Criminal Punishment Code Task Force.—

(1) The Task Force on the Criminal Punishment Code, a task force as defined in s. 20.03(8), Florida Statutes, is created adjunct to the Department of Legal Affairs. The Legislature finds that there is a need to review sentencing for noncapital felony offenses under the Criminal Punishment Code. Therefore, the task force is created for the purpose of reviewing, evaluating, and making recommendations regarding sentencing for and ranking of noncapital felony offenses under the Criminal Punishment Code, including, but not limited to, whether current



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sentencing for noncapital felony offenses is appropriate to the level of the crime committed, whether current enhancements for those offenses are appropriate, and whether judicial discretion should be allowed with regard to mandatory minimum sentences for those offenses. The task force shall include an analysis of best practices in its review.

(2) The task force is composed of the following members:

(a) The Attorney General, or a designee of the Attorney General, who shall serve as chair of the task force.

(b) The Secretary of Corrections, or a designee of the secretary.

(c) Two members appointed by the President of the Senate, one of whom must be a public defender.

(d) Two members appointed by the Speaker of the House of Representatives, one of whom must be a state attorney.

(e) Two members appointed by the Chief Justice of the Supreme Court, one of whom must be a circuit judge currently assigned to a felony division.

Any vacancies on the task force shall be filled in the same manner as the original appointments. Appointments to the task force shall be made no later than July 15, 2019.

(3) The task force shall endeavor to meet at least twice monthly throughout its duration and is encouraged to take input from all stakeholders involved in the criminal justice system. The first meeting of the task force shall occur no later than August 15, 2019. The Attorney General shall designate staff of the Department of Legal Affairs to provide support to the task force.



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(4) Upon the Attorney General's request, the Department of Corrections and the Office of the State Courts Administrator shall provide necessary data collection and analysis, research, and support services to the task force.

(5) Members of the task force may not receive compensation other than their usual salaries received from their employers, but are entitled to reimbursement for per diem and travel expenses from their employers in accordance with s. 112.061, Florida Statutes.

(6) The task force shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court no later than June 30, 2020, which must include, at a minimum, the issues considered by the task force, any recommendations for legislative changes, and an analysis of the expected impact of such recommendations if enacted by the Legislature. The task force is dissolved upon submission of the report.

(7) This section expires July 1, 2020.

Section 153. For the 2019-2020 fiscal year, the sum of \$250,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Legal Affairs for the purpose of implementing the Criminal Punishment Code Task Force.

Section 154. Except as otherwise expressly provided in this act, and except for this section, which shall take effect upon this act becoming a law, this act shall take effect October 1, 2019.

=====T I T L E A M E N D M E N T=====

And the title is amended as follows:



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Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to public safety; amending s. 16.555, F.S.; providing for reallocation of unencumbered funds returned to the Crime Stoppers Trust Fund; specifying permissible uses for funds awarded to counties from the trust fund; creating s. 16.557, F.S.; defining terms; providing criminal penalties for disclosure of privileged communications or protected information or information concerning such communications or information; providing exceptions; creating s. 25.025, F.S.; authorizing certain Supreme Court justices to have an appropriate facility in their district of residence designated as their official headquarters; providing that an official headquarters may serve only as a justice's private chambers; providing that such justices are eligible for a certain subsistence allowance and reimbursement for certain transportation expenses; requiring that such allowance and reimbursement be made to the extent appropriated funds are available, as determined by the Chief Justice; requiring the Chief Justice to coordinate with certain persons in designating official headquarters; providing that a county is not required to provide space for a justice in a county courthouse; authorizing counties to enter into agreements with the Supreme Court for the use of county courthouse space; prohibiting the Supreme Court from using state funds



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7247 to lease space in specified facilities to allow a
7248 justice to establish an official headquarters;
7249 creating s. 43.51, F.S.; requiring the Office of the
7250 State Courts Administrator to provide an annual report
7251 containing certain information to the Legislature;
7252 defining the term "problem-solving court"; amending s.
7253 57.105, F.S.; prohibiting the awarding of attorney
7254 fees for certain proceedings for injunctions for
7255 protection under specified provisions; providing an
7256 exception; amending s. 61.13016, F.S.; providing that
7257 a written agreement for payment may include a
7258 reasonable period of payment deferral to accommodate
7259 an obligor's good faith job-seeking efforts; amending
7260 s. 212.15, F.S.; increasing threshold amounts for
7261 certain theft offenses; amending s. 287.095, F.S.;
7262 deleting a provision that provides a limitation on the
7263 total sales by a specified corporation of certain
7264 products offered for purchase to a state agency;
7265 amending s. 322.01, F.S.; defining the term
7266 "suspension or revocation equivalent status"; amending
7267 s. 322.055, F.S.; reducing the length of driver
7268 license revocation for possession or sale of,
7269 trafficking in, or conspiracy to possess, sell, or
7270 traffic in a controlled substance; deleting provisions
7271 authorizing a driver to petition the Department of
7272 Highway Safety and Motor Vehicles for restoration of
7273 his or her driving privilege; amending s. 322.056,
7274 F.S.; reducing the period for revocation or suspension
7275 of, or delay of eligibility for, driver licenses or



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7276 driving privileges for certain persons found guilty of
7277 certain drug offenses; deleting requirements relating
7278 to the revocation or suspension of, or delay of
7279 eligibility for, driver licenses or driving privileges
7280 for certain persons found guilty of certain alcohol or
7281 tobacco offenses; deleting provisions relating to the
7282 suspension or revocation of certain persons' driver
7283 licenses; repealing s. 322.057, F.S., relating to
7284 discretionary revocation or suspension of a driver
7285 license for certain persons who provide alcohol to
7286 persons under a specified age; amending s. 322.34,
7287 F.S.; revising criminal penalties for the third or
7288 subsequent offense of driving while license suspended,
7289 revoked, canceled, or disqualified; creating s.
7290 322.75, F.S.; requiring each clerk of court to
7291 establish a Driver License Reinstatement Days program
7292 for reinstating suspended driver licenses in certain
7293 circumstances; providing duties of the clerks of the
7294 circuit courts and the department; authorizing such
7295 clerks to compromise on or waive certain fees and
7296 costs; authorizing such clerks to schedule a Driver
7297 License Reinstatement Days event on certain days or
7298 times; providing eligibility requirements; requiring
7299 such clerks and the Department of Highway Safety and
7300 Motor Vehicles to verify information necessary to
7301 reinstate a driver license under the program;
7302 requiring the clerks of court to collect specified
7303 data and report such data to the Florida Clerks of
7304 Court Operations Corporation; requiring the Florida



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7305 Clerks of Court Operations Corporation to report
7306 specified information in a certain annual report the
7307 annual report required by s. 28.35, F.S.; amending s.
7308 394.917, F.S.; requiring the Department of Children
7309 and Families to provide rehabilitation to criminal
7310 offenders designated as sexually violent predators;
7311 amending s. 397.334, F.S.; conforming provisions to
7312 changes made by the act; amending s. 455.213, F.S.;
7313 requiring certain boards and entities within the
7314 Divisions of Certified Public Accounting, Professions,
7315 or Real Estate of the Department of Business and
7316 Professional Regulation to use a specified process for
7317 the review of an applicant's criminal record to
7318 determine the applicant's eligibility for certain
7319 licenses; prohibiting the conviction, or any other
7320 adjudication, of a crime before a specified date from
7321 being grounds for the denial of certain licenses;
7322 defining the term "conviction"; providing
7323 construction; authorizing a person to apply for a
7324 license before his or her lawful release from
7325 confinement or supervision; prohibiting the department
7326 from charging an applicant who is confined or under
7327 supervision an additional fee; prohibiting a board
7328 from basing a denial of a license application solely
7329 on the applicant's current confinement or supervision;
7330 authorizing a board to stay the issuance of an
7331 approved license under certain circumstances;
7332 requiring a board to verify an applicant's release
7333 with the Department of Corrections; requiring the



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7334 applicable board or the Department of Business and
7335 Professional Regulation to allow certain applicants to
7336 appear by teleconference or video conference at
7337 certain meetings; requiring the Department of
7338 Corrections to cooperate and coordinate with the
7339 applicable board to facilitate the appearance of
7340 certain applicants at certain meetings in person, by
7341 teleconference, or by video conference, as
7342 appropriate; requiring a board or the department to
7343 provide certain lists on the department's website
7344 specifying how certain crimes do or do not affect an
7345 applicant's eligibility for licensure; providing that
7346 certain information be identified for the crimes on
7347 such list; requiring such lists to be available to the
7348 public upon request; amending s. 474.2165, F.S.;

7349 authorizing a veterinarian to report certain suspected
7350 criminal violations without notice to or authorization
7351 from a client; providing an exception; amending s.
7352 489.126, F.S.; providing that a contractor has a just
7353 cause defense for criminal offenses and disciplinary
7354 violations; providing an inference; deleting an intent
7355 requirement for contractor offenses; revising elements
7356 of offenses; revising criminal penalties for
7357 contractor offenses; amending s. 489.553, F.S.;

7358 prohibiting the conviction, or any other adjudication,
7359 of a crime before a specified date from being grounds
7360 for the denial of registration under certain
7361 circumstances; defining the term "conviction";
7362 providing construction; authorizing a person to apply



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for registration before his or her lawful release from
confinement or supervision; prohibiting the department
or other applicable authority from charging an
applicant who is confined or under supervision an
additional fee; prohibiting the department or other
applicable authority from basing the denial of
registration solely on the applicant's current
confinement or supervision; authorizing the department
or other applicable authority to stay the issuance of
an approved registration under certain circumstances;
requiring the department or other applicable authority
to verify an applicant's release with the Department
of Corrections; requiring the Department of Business
and Professional Regulation or other applicable
authority to allow certain applicants to appear by
teleconference or video conference at certain
meetings; requiring the Department of Corrections to
cooperate and coordinate with the department or
applicable authority to facilitate the appearance of
certain applicants at certain meetings in person, by
teleconference, or by video conference, as
appropriate; requiring the department or other
applicable authority to provide certain lists on its
website specifying how certain crimes do or do not
affect an applicant's eligibility for registration;
providing that certain information be identified for
each crime on such lists; requiring such lists to be
available to the public upon request; amending s.
500.451, F.S.; abolishing mandatory minimum sentence



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7392 for the sale of horse meat for human consumption;
7393 amending s. 509.151, F.S.; increasing threshold
7394 amounts for certain theft offenses; amending s.
7395 562.11, F.S.; deleting provisions relating to
7396 withholding, suspending, or revoking the driving
7397 privilege of a person who provides alcoholic beverages
7398 to a person under 21 years of age; amending s.
7399 562.111, F.S.; deleting provisions relating to
7400 withholding, suspending, or revoking the driving
7401 privilege of a person under 21 years of age who
7402 possesses alcoholic beverages; amending s. 562.27,
7403 F.S.; reducing the offense severity of certain crimes
7404 related to the possession of a still or related
7405 apparatus; amending s. 562.451, F.S.; reducing the
7406 offense severity for possession of one or more gallons
7407 of certain liquors; amending s. 569.11, F.S.;
7408 conforming provisions to changes made by the act;
7409 revising penalties; amending s. 713.69, F.S.;
7410 increasing threshold amounts for certain theft
7411 offenses; amending s. 741.30, F.S.; conforming a
7412 provision to changes made by the act; amending s.
7413 775.082, F.S.; revising legislative intent that
7414 certain offenders released from incarceration from
7415 county detention facilities qualify as prison releasee
7416 reoffenders; amending s. 784.048, F.S.; revising the
7417 definition of the term "cyberstalk"; providing
7418 criminal penalties; amending s. 790.052, F.S.;
7419 specifying that certain law enforcement and
7420 correctional officers meet the definition of



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7421 "qualified law enforcement officer" for the purposes
7422 of qualifying for certain rights during off-duty
7423 hours; specifying that certain persons meet the
7424 definition of "qualified retired law enforcement
7425 officer" for the purposes of qualifying for certain
7426 rights during off-duty hours; amending s. 790.22,
7427 F.S.; authorizing, rather than requiring, a court to
7428 withhold issuance of or suspend a person's driver
7429 license or driving privilege for a minor who possesses
7430 or uses a firearm in certain circumstances; amending
7431 s. 800.09, F.S.; revising the definitions of the terms
7432 "employee" and "facility"; prohibiting certain lewd or
7433 lascivious acts in the presence of county correctional
7434 personnel; providing criminal penalties; amending s.
7435 806.13, F.S.; authorizing, rather than requiring, a
7436 court to withhold issuance of or suspend a person's
7437 driver license or driving privilege for committing
7438 criminal mischief by a minor; amending s. 812.014,
7439 F.S.; increasing the threshold amount for certain
7440 theft offenses; revising the list of items the theft
7441 of which constitutes a felony of the third degree;
7442 requiring the Office of Program Policy Analysis and
7443 Government Accountability (OPPAGA) to perform a study
7444 about certain threshold amounts on a specified
7445 schedule; providing study requirements; requiring
7446 OPPAGA to consult with the Office of Economic and
7447 Demographic Research and other interested entities;
7448 requiring OPPAGA to submit a report to the Governor
7449 and the Legislature by a certain date and on a



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7450 specified basis; amending s. 812.015, F.S.; revising
7451 the circumstances under which an offense of retail
7452 theft constitutes a felony of the second or third
7453 degree; authorizing the aggregation of retail thefts
7454 that occur in more than one judicial circuit within a
7455 30-day period into one total value and requiring
7456 prosecution of such thefts by the Office of the
7457 Statewide Prosecutor in accordance with s. 16.56,
7458 F.S.; requiring OPPAGA to perform a study about
7459 certain threshold amounts on a specified schedule;
7460 providing study requirements; requiring OPPAGA to
7461 consult with the Office of Economic and Demographic
7462 Research and other interested entities; requiring
7463 OPPAGA to submit a report to the Governor and the
7464 Legislature by a certain date and on a specified
7465 basis; amending s. 812.0155, F.S.; removing a court's
7466 authority to suspend a driver license for a
7467 misdemeanor theft adjudication of guilt for a person
7468 18 years of age or older; allowing a court to suspend
7469 a driver license for a person 18 years of age or
7470 younger as an alternative to other possible sentences;
7471 amending s. 815.03, F.S.; revising the definition of
7472 the term "access" for purposes of provisions relating
7473 to computer crimes; amending s. 815.06, F.S.; revising
7474 conduct constituting an offense against users of
7475 computers, computer systems, computer networks, or
7476 electronic devices; providing criminal penalties;
7477 amending s. 817.413, F.S.; increasing threshold
7478 amounts for certain theft offenses; amending s.



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7479 831.28, F.S.; criminalizing possession of a
7480 counterfeit instrument with intent to defraud;
7481 amending s. 849.01, F.S.; reducing the offense
7482 severity of certain crimes relating to keeping a
7483 gambling house or possessing certain gambling
7484 apparatuses; amending s. 877.112, F.S.; removing
7485 driver license revocation or suspension as a penalty
7486 for certain offenses involving nicotine products;
7487 amending s. 893.135, F.S.; revising threshold amounts
7488 for trafficking in specified substances ; amending s.
7489 900.05, F.S.; revising and providing definitions;
7490 revising and providing data required to be collected
7491 and reported to the Department of Law Enforcement by
7492 specified entities; requiring the department to
7493 publish data received from reporting agencies by a
7494 specified date; imposing penalties on reporting
7495 agencies for noncompliance with data reporting
7496 requirements; declaring information that is
7497 confidential and exempt upon collection by a reporting
7498 agency remains confidential and exempt when reported
7499 to the department; creating s. 943.0578, F.S.;
7500 establishing eligibility criteria for expunction of a
7501 criminal history record by a person found to have
7502 acted in lawful self-defense; requiring the department
7503 to issue a certificate of eligibility for expunction
7504 if specified criteria are fulfilled; specifying
7505 requirements for a petition to expunge; creating a
7506 penalty for providing false information on such
7507 petition; requiring the department to adopt rules



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7508 relating to a certificate of expunction for lawful
7509 self-defense; amending s. 943.0581, F.S.; clarifying
7510 that administrative expunction applies to criminal
7511 history records resulting from an arrest made contrary
7512 to law or by mistake; creating s. 943.0584, F.S.;
7513 providing a definition; specifying criminal history
7514 records that are ineligible for court-ordered
7515 expunction or court-ordered sealing; amending s.
7516 943.0585, F.S.; providing eligibility criteria for
7517 court-ordered expunction of a criminal history record;
7518 requiring the department to issue a certificate of
7519 eligibility to petitioners meeting eligibility
7520 criteria; specifying requirements for a petition for
7521 court-ordered expunction; specifying a court's
7522 authority to expunge criminal history records;
7523 specifying the process for a petition to expunge a
7524 criminal history record; specifying the process
7525 following the issuance of an order to expunge a
7526 criminal history record; specifying the effect of an
7527 order to expunge a criminal history record; amending
7528 s. 943.059, F.S.; providing eligibility criteria for
7529 court-ordered sealing of a criminal history record;
7530 requiring the department to issue a certificate of
7531 eligibility to petitioners meeting eligibility
7532 criteria; specifying requirements for a petition for
7533 court-ordered sealing; specifying a court's authority
7534 to seal criminal history records; specifying the
7535 process for a petition to seal a criminal history
7536 record; specifying the effect of an order to seal a



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7537 criminal history record; creating s. 943.0595, F.S.;

7538 requiring the department to adopt rules to implement

7539 administrative sealing of specified criminal history

7540 records; providing eligibility criteria for

7541 administrative sealing of criminal history records;

7542 specifying ineligible criminal history records;

7543 providing that there is no limitation on the number of

7544 times a person with an eligible criminal history

7545 record may obtain an automatic administrative sealing;

7546 requiring the clerk of court to transmit a certified

7547 copy of an eligible criminal history record to the

7548 department upon the resolution of a criminal case;

7549 specifying that the effect of automatic sealing is the

7550 same as court-ordered sealing; amending s. 943.6871,

7551 F.S.; declaring information received by the department

7552 from a reporting agency that is confidential and

7553 exempt upon collection remains confidential and

7554 exempt; requiring the Criminal and Juvenile Justice

7555 Information Systems Council to develop specifications

7556 for a uniform arrest affidavit; providing requirements

7557 for such affidavits; requiring the council to develop

7558 specifications for a uniform criminal charge and

7559 disposition statute crosswalk table and uniform

7560 criminal disposition and sentencing crosswalk table;

7561 requiring the department to procure the affidavit and

7562 statute crosswalk tables by a certain date; requiring

7563 the department to provide training on the use of the

7564 affidavit and crosswalk tables; requiring law

7565 enforcement agencies to use the uniform arrest



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7566 affidavit and other agencies to use the statute
7567 crosswalk tables by a certain date; amending s.
7568 944.40, F.S.; including escape while on furlough in
7569 the offense of escape; providing criminal penalties;
7570 amending s. 944.47, F.S.; providing enhanced penalties
7571 for offenses involving introduction of contraband in
7572 correctional facilities when committed by correctional
7573 facility employees; amending s. 944.704, F.S.;
7574 authorizing the department to increase the number of
7575 employees serving as transition specialists and
7576 employment specialists; requiring transition
7577 assistance staff to provide job assignment
7578 credentialing and industry certification information
7579 to inmates before their release; amending s. 944.705,
7580 F.S.; requiring the department to establish a
7581 telephone hotline for released offenders; requiring
7582 that the department provide an inmate with a
7583 comprehensive community reentry resource directory
7584 organized by county before the inmate's release;
7585 requiring the department to use certain programming
7586 data to notify inmates about reentry resources before
7587 release; authorizing a nonprofit faith-based or
7588 professional business or a civic or community
7589 organization to apply for registration with the
7590 department to provide inmate reentry services;
7591 requiring the department to adopt certain policies and
7592 procedures; authorizing the department to deny
7593 approval and registration of an organization or
7594 representative of an organization under certain



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7595 circumstances; authorizing the department to contract
7596 with a public or private educational institution's
7597 veteran advocacy clinic or veteran legal clinic for
7598 certain purposes; authorizing the department to
7599 contract with public or private organizations to
7600 establish transitional employment programs that
7601 provide employment opportunities to recently released
7602 inmates; requiring the department to adopt certain
7603 rules; amending s. 944.801, F.S.; authorizing the
7604 Correctional Education Program to establish a Prison
7605 Entrepreneurship Program and adopt procedures for
7606 admitting student inmates; providing requirements for
7607 the program; authorizing transitional and postrelease
7608 continuing educational services to be offered under
7609 certain circumstances; requiring the department to
7610 enter into certain agreements to implement the
7611 program; requiring that the program be funded with
7612 existing resources; authorizing the Department of
7613 Corrections to develop a program, in cooperation with
7614 the Department of Agriculture and Consumer Service,
7615 the Florida Forestry Division, and the Florida
7616 Department of Financial Services, Division of State
7617 Fire Marshall, to train and certify inmates to become
7618 firefighters; amending s. 948.001, F.S.; redefining
7619 the term "administrative probation"; amending s.
7620 948.013, F.S.; authorizing the department to transfer
7621 an offender to administrative probation under certain
7622 circumstances; amending s. 948.04, F.S.; requiring a
7623 court to early terminate a term of probation or



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7624 convert the term to administrative probation under
7625 certain circumstances; authorizing a court to continue
7626 reporting probation upon making written findings;
7627 amending s. 948.05, F.S.; requiring the department to
7628 implement a graduated incentives program for
7629 probationers and offenders on community control;
7630 authorizing the department to issue certain incentives
7631 without leave of court; amending s. 948.06, F.S.;
7632 requiring a probation officer to determine whether a
7633 probationer or offender on community control who
7634 commits a technical violation is eligible for a
7635 certain alternative sanctioning program; authorizing
7636 the probation officer to take certain actions if such
7637 probationer or offender is eligible; defining the term
7638 "technical violation"; requiring a court to modify or
7639 continue a probationary term under certain
7640 circumstances; requiring that judicial circuits
7641 establish an alternative sanctioning program;
7642 authorizing the chief judge of each judicial circuit
7643 to issue specified administrative orders; requiring a
7644 probation officer to submit to the court for approval
7645 any recommended sanctions against a probationer or
7646 offender determined to be eligible for the program;
7647 defining the terms "low-risk violation" and "moderate-
7648 risk violation"; specifying circumstances under which
7649 a probationer or offender on community control is not
7650 eligible for an alternative sanction; authorizing a
7651 probation officer to offer an eligible probationer one
7652 or more specified alternative sanctions for a first or



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7653 second low-risk violation; authorizing a probation
7654 officer, under certain circumstances, to offer an
7655 eligible probationer or offender on community control
7656 one or more specified alternative sanctions for a
7657 first moderate-risk violation; providing that the
7658 participation of a probationer or offender on
7659 community control in the alternative sanctioning
7660 program is voluntary, subject to certain requirements;
7661 specifying actions that a probationer or offender on
7662 community control may take if he or she is eligible
7663 for an alternative sanctioning program; requiring that
7664 a probation officer, under certain circumstances,
7665 submit a recommended sanction to the court;
7666 authorizing the court to impose the recommended
7667 sanction or direct the department to submit a
7668 violation report, affidavit, and warrant to the court;
7669 authorizing a probation officer to submit a violation
7670 report, affidavit, and warrant to the court under
7671 certain circumstances; prohibiting certain evidence in
7672 subsequent proceedings; amending s. 948.08, F.S.;
7673 expanding eligibility criteria for pretrial substance
7674 abuse education programs to include a person with two
7675 or fewer convictions for nonviolent felonies; creating
7676 s. 948.081, F.S.; authorizing community court
7677 programs; providing program requirements; amending s.
7678 951.22, F.S.; providing an exception to a prohibition
7679 on contraband for certain legal documents; prohibiting
7680 introduction into or possession of certain cellular
7681 telephones or other portable communication devices on



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7682 the grounds of any county detention facility;
7683 providing criminal penalties; amending s. 958.04,
7684 F.S.; revising the criteria authorizing a court to
7685 sentence as a youthful offender a person who is found
7686 guilty of, or who pled nolo contendere or guilty to,
7687 committing a felony before the person turned 21 years
7688 of age; amending s. 960.07, F.S.; increasing the
7689 timeframe for filing a crime victim compensation
7690 claim; providing an extension for good cause for a
7691 specified period; increasing the timeframe to file a
7692 claim for a victim or intervenor who was under a
7693 certain age at the time of the crime; providing an
7694 extension of a certain timeframe for good cause;
7695 increasing the timeframe a victim of a sexually
7696 violent offense may file a claim for victim
7697 compensation; amending s. 960.13, F.S.; increasing the
7698 timeframe for prompt reporting of a crime to be
7699 eligible for a victim compensation award; amending s.
7700 960.195, F.S.; increasing the timeframe for reporting
7701 a criminal or delinquent act resulting in property
7702 loss of an elderly person or disabled adult; amending
7703 s. 960.196, F.S.; increasing the timeframe to report
7704 certain human trafficking offenses to be eligible for
7705 a victim relocation assistance award; providing an
7706 extension for good cause; amending s. 960.28, F.S.,
7707 increasing the maximum monetary reimbursement amount
7708 to certain medical providers for an initial forensic
7709 physical examination of certain victims; amending s.
7710 985.12, F.S.; providing that locally authorized



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7711 entities may continue to operate an independent civil
7712 citation or similar prearrest diversion program that
7713 is in operation as of October 1, 2018; requiring each
7714 civil citation or similar diversion program to enter
7715 appropriate youth data into the Juvenile Justice
7716 Information System Prevention Web within a specified
7717 period after the admission of the youth into the
7718 program; amending s. 985.126, F.S.; removing the
7719 requirement for law enforcement officers to submit a
7720 copy of specified documentation to the Department of
7721 Juvenile Justice; requiring certain information be
7722 entered into the Juvenile Justice Information System
7723 Prevention Web within a specified timeframe; amending
7724 s. 985.145, F.S.; deleting the requirement that the
7725 department must enter certain information into the
7726 Juvenile Justice Information System Prevention Web in
7727 specified instances; amending s. 985.557, F.S.;
7728 deleting provisions requiring the mandatory direct
7729 filing of charges in adult court against juveniles
7730 under certain circumstances; amending ss. 776.09,
7731 943.053, and 943.0582, F.S.; conforming cross-
7732 references; amending s. 985.565, F.S.; conforming
7733 provisions to changes made by the act; amending s.
7734 921.0022, F.S.; listing on levels 3 and 4 certain
7735 felonies on the offense severity ranking chart of the
7736 Criminal Punishment Code; conforming provisions to
7737 changes made by the act; reenacting s. 322.05(11),
7738 F.S., relating to prohibiting the issuance of a driver
7739 license to certain persons, to incorporate the



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7740 amendment made to s. 322.056, F.S., in a reference
7741 thereto; reenacting s. 316.027(2)(c) and
7742 907.041(4)(c), F.S., relating to a crash involving
7743 death or personal injuries and pretrial detention and
7744 release, respectively, to incorporate the amendment
7745 made to s. 322.34, F.S., in references thereto;
7746 reenacting s. 509.161, F.S., relating to rules of
7747 evidence in certain prosecutions, to incorporate the
7748 amendment made to s. 509.151, F.S., in a reference
7749 thereto; reenacting ss. 790.065(2)(c), 794.056(1),
7750 847.0141(4), 901.41(5), 938.08, 938.085,
7751 943.325(2)(g), 948.06(8)(c), 948.062(1),
7752 960.001(1)(b), 985.265(3)(b), and 1006.147(3)(e),
7753 F.S., relating to the sale and delivery of firearms,
7754 the Rape Crisis Program Trust Fund, sexting, prearrest
7755 diversion programs, additional costs to fund programs
7756 in domestic violence and rape crisis centers, the DNA
7757 database, the definition of the term "qualifying
7758 offense" as it relates to the violation of probation
7759 or community control and failure to pay restitution or
7760 cost of supervision, reviewing and reporting serious
7761 offenses committed by offenders placed on probation or
7762 community control, guidelines for fair treatment of
7763 victims and witnesses in the criminal justice and
7764 juvenile justice systems, detention transfer and
7765 release, education, and adult jails, and the
7766 prohibition of bullying and harassment, respectively,
7767 to incorporate the amendment made to s. 784.048, F.S.,
7768 in references thereto; reenacting s. 316.0775(1),



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7769 F.S., relating to interference with official traffic
7770 control devices or railroad signs or signals, to
7771 incorporate the amendment made to s. 806.13, F.S., in
7772 a reference thereto; reenacting ss. 95.18(10),
7773 373.6055(3)(c), 400.9935(3), 550.6305(10), 627.743(2),
7774 634.421(2), 642.038(2), 705.102(4), 812.14(7), and
7775 893.138(3), F.S., relating to real property actions
7776 and adverse possession without color of title,
7777 criminal history checks for certain water management
7778 district employees and others, clinic
7779 responsibilities, intertrack wagering, guest track
7780 payments, and accounting rules, the payment of third-
7781 party claims, reporting and accounting for funds,
7782 reporting lost or abandoned property, trespass and
7783 larceny with relation to utility fixtures and the
7784 theft of utility services, and local administrative
7785 action to abate drug-related, prostitution-related, or
7786 stolen-property-related public nuisances and criminal
7787 gang activity, respectively, to incorporate the
7788 amendment made to s. 812.014, F.S., in references
7789 thereto; reenacting ss. 538.09(5) and 538.23(2), F.S.,
7790 relating to the registration of and violations and
7791 penalties for secondhand dealers, respectively, to
7792 incorporate the amendment made to s. 812.015, F.S., in
7793 references thereto; reenacting s. 1006.147(3)(e),
7794 F.S., relating to the prohibition of bullying and
7795 harassment, to incorporate the amendment made to s.
7796 815.03, F.S., in a reference thereto; reenacting ss.
7797 316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5),



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and 934.07(3), F.S., relating to the unlawful conveyance of fuel and obtaining fuel fraudulently, terrorism, providing material support or resources for terrorism or to terrorist organizations, the definition of the term "terrorism" as it relates to murder, and the authorization for interception of wire, oral, or electronic communications, respectively, to incorporate the amendment made to s. 815.06, F.S., in references thereto; reenacting s. 849.02, F.S., relating to agents or employees of keepers of gambling houses, to incorporate the amendment made to s. 849.01, F.S., in a reference thereto; reenacting ss. 373.6055(3)(c), 397.4073(6), 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3), and (4), 810.02(3), 893.13(8)(d), 893.1351(1) and (2), 900.05(3)(e), 903.133, 907.041(4)(c), 921.141(9), and 921.142(2), F.S., relating to criminal history checks for certain water management district employees and others, background checks of service provider personnel, determining eligibility for temporary cash assistance, the Drug Dealer Liability Act, possession or use of a weapon, aggravated battery, felony reclassifications, and minimum sentencing, murder, burglary, prohibited acts and penalties relating to controlled substances, the ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance, criminal justice data collection, the prohibition of bail on appeal for certain felony



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7827 convictions, pretrial detention and release, the
7828 sentence of death or life imprisonment for capital
7829 felonies and further proceedings to determine
7830 sentences, and the sentence of death or life
7831 imprisonment for capital drug trafficking felonies and
7832 further proceedings to determine sentences,
7833 respectively, to incorporate the amendment made to s.
7834 893.135, F.S., in references thereto; reenacting s.
7835 944.026(3)(a), F.S., relating to community-based
7836 facilities and programs, to incorporate the amendment
7837 made to s. 944.704, F.S., in a reference thereto;
7838 reenacting s. 944.4731(6), F.S., relating to the
7839 Addiction-Recovery Supervision Program, to incorporate
7840 the amendment made to s. 944.705, F.S., in a reference
7841 thereto; reenacting s. 447.203(2), F.S., relating to
7842 the definition of the terms "public employer" or
7843 "employer," to incorporate the amendment made to s.
7844 944.801, F.S., in a reference thereto; reenacting s.
7845 921.187(1)(n), F.S., relating to disposition and
7846 sentencing alternatives, to incorporate the amendment
7847 made to s. 948.013, F.S., in a reference thereto;
7848 reenacting ss. 948.012(2)(b), 948.10(3), 948.20(3),
7849 and 958.14, F.S., relating to split sentencing of
7850 probation or community control and imprisonment,
7851 procedures governing violations of community control,
7852 revocation of drug offender probation, and violations
7853 of probation or community control programs,
7854 respectively, to incorporate the amendment made to s.
7855 948.06, F.S., in references thereto; reenacting ss.



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796.07(4)(b), 944.026(3)(b), and 948.036(1), F.S., relating to charges of prostitution and related acts, certain pretrial intervention programs, and work programs, respectively, to incorporate the amendment made to s. 948.08, F.S., in references thereto; reenacting ss. 394.47892(2), 397.334(5), and 910.035(5)(a), F.S., relating to mental health court programs, treatment-based drug court programs, and transfer for participation in a problem-solving court, respectively, to incorporate the amendments made to ss. 948.08 and 948.16, F.S., in references thereto; reenacting ss. 958.03(5), 958.045(8)(a), 958.046, and 985.565(4)(c), F.S., relating to the definition of the term "youthful offender," the youthful offender basic training program, county-operated youthful offender boot camp programs, and adult sanctions upon failure of juvenile sanctions, to incorporate the amendment made to s. 958.04, F.S., in references thereto; reenacting s. 985.556(3), F.S., relating to involuntary mandatory waiver, to incorporate the amendment made to s. 985.557, F.S., in a reference thereto; reenacting ss. 985.15(1), and 985.26(2)(c), F.S., relating to filing decisions of state attorneys in the prosecution of a child, and length of detention for prolific juvenile offenders, respectively, to incorporate the amendment made to s. 985.557, F.S., in references thereto; creating the Task Force on the Criminal Punishment Code adjunct to the Department of Legal Affairs; providing a legislative finding;



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7885 specifying the task force's purpose; requiring that
7886 the task force analyze best practices; providing for
7887 membership of the task force and the filling of any
7888 vacancies; providing meeting requirements; providing
7889 for staff support; requiring specified governmental
7890 entities to provide certain information and support
7891 services upon request of the Attorney General;
7892 providing for reimbursement of per diem and travel
7893 expenses; prescribing reporting requirements;
7894 providing for dissolution of the task force; providing
7895 an appropriation; providing effective dates.