

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 49 — Incarcerated Women

by Criminal Justice Subcommittee and Reps. Jones, Mercado, and others (CS/SB 332 by Criminal Justice Committee and Senators Pizzo, Rodriguez, Book, Thurston, Taddeo, Farmer, Brandes, Gibson, Torres, Rouson, Braynon, Perry, and Bracy)

The bill is cited as the “Dignity for Incarcerated Women Act.”

The bill requires all correctional facilities to make “health care products” available to each incarcerated woman. The bill defines “correctional facility” to mean any part of the correctional system, any county detention facility, juvenile detention center or residential facility, temporary holding center, or other criminal detention facility operated by or on behalf of the state or any political subdivision. Additionally, the bill defines “health care products” to include the following:

- Feminine hygiene products, including tampons.
- Moisturizing soap that is not lye-based.
- Toothbrushes.
- Toothpaste.
- Any other health care product the correctional facility deems appropriate.

These items must be available in common housing areas and medical care facilities, at no cost, and in a quantity that is appropriate to the needs of the woman.

Additionally, the bill provides that a male correctional facility employee:

- Is prohibited from conducting a pat-down or body cavity search on an incarcerated woman except in situations where the incarcerated woman is presenting an immediate risk of harm and a female correctional facility employee is not available to do the search;
- Must announce his presence upon entering a housing unit for incarcerated women; and
- With the exception of specified circumstances, must not enter specified areas of the correctional facility in which an incarcerated woman may be in a state of undress or an area where an incarcerated woman in a state of undress may be viewed.

The bill requires male correctional employees to document any incident that violates the above-mentioned provisions within three days. Such documentation must include details of the circumstances that necessitated the employee’s actions.

The bill defines additional terms to provide clarity to the provisions of the act, including “correctional facility employee” and “state of undress.”

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 37-0; House 114-0

THE FLORIDA SENATE
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Committee on Criminal Justice

CS/CS/SB 96 — Police, Fire, and Search and Rescue Dogs and Police Horses

by Rules Committee; Criminal Justice Committee; and Senators Bean, Hutson, Book, Wright, and Perry

The bill (Chapter 2019-9, L.O.F.) increases the penalty from a third degree felony to a second degree felony for intentionally and knowingly, without lawful cause or justification, causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, a police, fire, or search and rescue (SAR) canine, or a police horse. The bill makes corresponding changes to the offense severity ranking chart.

The bill expands the definitions of police canine and SAR canine to include a canine that is owned, or the service of which is employed, by a correctional agency.

The bill also replaces the word “dog” with the word “canine” in ss. 767.16 and 843.19, F.S.

These provisions were approved by the Governor and take effect October 1, 2019.

Vote: Senate 39-0; House 116-0

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 160 — Prohibited Acts in Connection with Obscene or Lewd Materials

by Criminal Justice Committee and Senator Book

The bill prohibits a person from knowingly selling, lending, giving away, distributing, transmitting, showing, or transmuting; offering to sell, lend, give away, distribute, transmit, show, or transmute; having in his or her possession, custody, or control with the intent to sell, lend, give away, distribute, transmit, show, or transmute; or advertising in any manner an obscene child-like sex doll. A first violation is punishable as a felony of the third degree and a second or subsequent violation is punishable as a felony of the second degree.

The bill also prohibits a person from knowingly having in his or her possession, custody, or control an obscene, child-like sex doll. A first violation is punishable as a misdemeanor of the first degree and a second or subsequent violation is punishable as a felony of the third degree.

If approved by the Governor, these provisions take effect October 1, 2019.

Vote: Senate 40-0; House 113-0

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

SB 186 — Public Records/Victim of Mass Violence

by Senators Lee, Book, and Stewart

The bill amends s. 406.136, F.S., and transfers this section to s. 119.071, F.S. The bill retains an existing public record exemption which provides that a photograph or video or audio recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties is confidential and exempt from public disclosure. The bill creates a new public records exemption which provides that a photograph or video or audio recording that depicts or records the killing of a victim of mass violence is confidential and exempt from public disclosure. The existing exemption and the new exemption only apply to photographs and video and audio recordings held by an agency.

The bill defines the term “killing of a victim of mass violence” as events that depict either a victim being killed or the body of a victim killed in an incident in which three or more persons, not including the perpetrator, are killed by the perpetrator of an intentional act of violence.

The bill retains provisions relevant to the existing exemption and applies them to the new exemption, including:

- Specifying who may obtain such photograph or video or audio recording, the process of obtaining them pursuant to a court order when good cause is shown, and factors a court must consider in determining good cause;
- Providing that it is a third degree felony for any custodian of such photograph or video or audio recording to willfully and knowingly violate exemption requirements;
- Specifying that the exemption is retroactive and applies to all such photographs or video or audio recordings; and
- Providing that the exemption does not overturn or abrogate or alter any existing orders duly entered into by any court of this state, as of the effective date of this act, which restrict or limit access to such photographs or video or audio recordings.

The bill specifies that a surviving spouse, parent, or adult child of the victim is not precluded from sharing or publicly releasing such photograph or video or audio recording.

The bill provides a public necessity statement as required by the State Constitution. The statement includes legislative findings regarding photographs and video and audio recordings that depict or record the killing of a victim of mass violence. These findings indicate:

- Such photographs and video or audio recordings render a graphic and often disturbing visual or aural representation of the deceased which, if heard, viewed, copied, or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased and detract from the memory of the deceased;
- Widespread unauthorized dissemination of such photographs and video and audio recordings would subject the immediate family of the deceased to continuous injury;
- Dissemination of such photographs and video and audio recordings is harmful to the public because terrorists will use them to attract followers, bring attention to their cause,

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and inspire others to kill, and such dissemination may also educe violent acts by the mentally ill or morally corrupt;

- Other types of available information, such as crime scene reports, continue to be available and are less intrusive and injurious to the immediate family of the deceased and continue to provide for public oversight; and
- The exemption should be given retroactive application because it is remedial in nature.

Finally, the bill provides for repeal of the exemption on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 108-6

THE FLORIDA SENATE
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Committee on Criminal Justice

CS/CS/CS/SB 248 — Public Records/Civilian Personnel Employed by a Law Enforcement Agency

by Rules Committee; Governmental Oversight and Accountability Committee; Criminal Justice Committee; and Senators Hooper, Baxley, Simpson, Perry, and Book

The bill (Chapter 2019-12, L.O.F.) amends s. 119.071(4)(d), F.S., which contains several public records exemptions for home addresses and various other information identifying specified agency personnel and officials and their families. The bill expands these public records exemptions by defining the term “home addresses,” a previously undefined term, as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

The bill also amends s. 119.071(4)(d)2.a., F.S., to create a new public records exemption for:

- Home addresses, telephone numbers, dates of birth, and photographs of active or former civilian personnel employed by a law enforcement agency;
- Names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and
- Names and locations of schools and day care facilities attended by the children of such personnel.

The bill allows an officer, employee, justice, judge, or other person covered by the public records exemptions to file a written request for release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party that is authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

The bill provides statements of public necessity for expanding public records exemptions and creating a new public records exemption as required by the State Constitution.

The bill provides that the public records exemptions in s. 119.071(4)(d), F.S., are subject to the Open Government Sunset Review Act, and stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

These provisions were approved by the Governor and take effect July 1, 2019.

Vote: Senate 39-1; House 116-0

THE FLORIDA SENATE
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Committee on Criminal Justice

CS/CS/HB 595 — Alcohol or Drug Overdose Prosecutions

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Silvers and others (SB 530 by Senators Brandes and Stewart)

The bill creates s. 562.112, F.S., which provides immunity from arrest, charge, prosecution, or penalty for selling, giving, or serving alcohol to a person under 21 years of age or possession of alcohol by such person. This immunity applies to:

- A person who gives alcohol to an individual under 21 years of age and who, acting in good faith, seeks medical assistance for the individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose, if the evidence for such offense was obtained as a result of the person's seeking medical assistance. The person must remain at the scene until emergency medical services personnel arrive and must cooperate with such personnel and law enforcement officers at the scene.
- A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of medical assistance, if the evidence for such offense was obtained as a result of the person's seeking medical assistance.

The bill also amends s. 893.21, F.S., to provide immunity from arrest, charge, prosecution, or penalty for use or possession of drug paraphernalia or drug possession, excluding possession of 10 grams or more of certain Schedule I or Schedule II controlled substances. This immunity applies to:

- A person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose, if the evidence for such offense was obtained as a result of the person's seeking medical assistance.
- A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of medical assistance, if the evidence for such offense was obtained as a result of the person's seeking medical assistance. Such person may not be penalized for a violation of a condition of pretrial release, probation, or parole if the evidence for such violation was obtained as a result of their seeking medical assistance.

Protection under s. 562.112, F.S., or s. 893.21, F.S., from arrest, charge, prosecution, or penalization may not be grounds for suppression of evidence in other criminal prosecutions.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 39-0; House 115-0

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CS/SB 828 — Lewd or Lascivious Exhibition

by Criminal Justice Committee and Senators Rader and Rouson

The bill prohibits lewd or lascivious exhibition in the presence of any person employed at or performing contractual services for a county detention facility. This is an expansion of current law, which prohibits such conduct in a state correctional institution or private correctional facility.

The bill also revises the current definition of employee for the purposes of such prohibited conduct to include any person employed by or performing contractual services for a public or private entity operating a state correctional institution or private correctional facility.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 37-0; House 115-0

THE FLORIDA SENATE
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CS/CS/CS/HB 851 — Human Trafficking

by Judiciary Committee; Appropriations Committee; Criminal Justice Subcommittee; and Rep. Fitzenhagen and others (CS/CS/SB 540 by Community Affairs Committee; Criminal Justice Committee; and Senators Book, Berman, and Rader)

The bill establishes a number of requirements related to human trafficking. Specifically, the bill:

- Requires the Department of Legal Affairs (DLA) to establish a direct-support organization (DSO) tasked with providing assistance, funding, and support to the Statewide Council on Human Trafficking;
- Requires the licensee or certificate holder of the following healthcare establishments to complete a 1-hour continuing education course on human trafficking:
 - o Acupuncture (ch. 457, F.S.);
 - o Medical practice (ch. 458, F.S.);
 - o Osteopathic medicine (ch. 459, F.S.);
 - o Chiropractic medicine (ch. 460, F.S.);
 - o Podiatric medicine (ch. 461, F.S.);
 - o Optometry (ch. 463, F.S.);
 - o Pharmacy (ch. 465, F.S.);
 - o Dentistry, dental hygiene, and dental laboratories (ch. 466, F.S.);
 - o Nursing home administration (ch. 468, part II, F.S.);
 - o Occupational therapy (ch. 468, part III, F.S.);
 - o Respiratory therapy (ch. 468, part V, F.S.);
 - o Dietetics and nutrition practice (ch. 468, part X, F.S.);
 - o Massage practice (ch. 480, F.S.); and
 - o Physical therapy practice (ch. 486, F.S.);
- Requires certain entities, by January 1, 2021, to post in their place of work, in a conspicuous place accessible to employees, a sign that instructs a person to call the National Human Trafficking Resource Center if there is suspected prostitution or human trafficking activity;
- Defines “establishment owner” as a person who has ownership interest in a massage establishment and “designated establishment manager” as a massage therapist who holds a clear and active license without restriction, who is responsible for the operation of a massage establishment in accordance with ch. 480, F.S., and who is designated the manager by rules or practices at the establishment;
- Requires a massage establishment to have a designated establishment manager in order to obtain licensure and requires a massage establishment that is licensed before July 1, 2019, to identify a designated establishment manager by January 1, 2020, or be subject to a summary suspension;
- Requires the Board of Massage Therapy to revoke or suspend the license of a massage establishment or deny subsequent licensure to such an establishment if the establishment owner, the designated establishment manager, or any individual providing massage

therapy service for the establishment has been subjected to criminal punishment for committing an act involving prostitution;

- Requires massage and public lodging establishments to implement procedures for reporting suspected human trafficking to the National Human Trafficking Hotline by January 1, 2021;
- Requires a public lodging establishment to provide annual training regarding human trafficking awareness to certain employees by January 1, 2021, or within 60 days after a new employee begins employment;
- Creates the Soliciting for Prostitution Public Database and requires the clerk of the court to forward the criminal history record of a person who is found guilty as a result of a trial or who enters a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, of soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation, provided there is evidence that such person provided a form of payment or arranged for the payment of such services, to the Florida Department of Law Enforcement for inclusion in the database;
- Provides for the automatic removal of the criminal history record of a person from the database if, after 5 years following the commission of an offense that required such record to be included in the database, such person has not subsequently committed a violation that meets such criteria or any other offense within that time that would constitute a sexual offense;
- Requires the Office of Program Policy Analysis and Government Accountability to perform a study on the effectiveness of the database and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2023, that provides a recommendation as to any change needed to the database or if it should be repealed;
- Provides that the database is repealed January 1, 2024, unless reviewed and saved from repeal by reenactment by the Legislature;
- Requires each certified law enforcement officer to complete 4 hours of training in identifying and investigating human trafficking within 1 year after beginning employment;
- Expands the definition of an adult theater and provides that an owner, operator, or manager of an adult theater who knowingly violates the law relating to verifying the age and identity of each of its employees or independent contractors commits a first degree misdemeanor; and
- Allocates \$250,000 in nonrecurring funds to the DLA for the purposes of implementing and administering the DSO created by the bill.

If approved by the Governor, these provisions take effect July 1, 2019, except where otherwise provided.

Vote: Senate 36-0; House 108-1

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CS/HB 1021 — DNA Database

by Criminal Justice Subcommittee and Rep. Latvala and others (CS/SB 920 by Criminal Justice Committee and Senator Pizzo)

The bill amends the Legislative Intent found in s. 943.325(1)(b), F.S., of the DNA Database statute. The bill adds language making it possible to use the match between casework evidence DNA samples from a criminal investigation and DNA samples from a state or federal DNA database to find probable cause to obtain a warrant for an offender's arrest.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 39-0; House 114-0

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CS/CS/CS/SB 1080 — Hazing

by Appropriations Committee; Education Committee; Criminal Justice Committee; and Senators Book, Stewart, and Rader

The bill amends and reorganizes the definition of hazing in s. 1006.63, F.S., to include the perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of a postsecondary institution.

Currently, s. 1006.63, F.S., protects persons who are members of or applicants to a student organization from hazing. The bill adds a person who is a former member of the organization as a person who is protected under s. 1006.63, F.S.

Persons who solicit others to commit the crime of hazing or who plan any act of hazing may be prosecuted as if they actively participated in the hazing event under the provisions in the bill. If the hazing results in a permanent injury to the victim, the crime is a third degree felony.

The bill provides that a person who provides aid, before medical assistance, law enforcement, or campus security arrive on the scene or if an individual is the first to call 911 seeking medical attention for a hazing victim, and who otherwise cooperates with and assists first responders may not be prosecuted for the crime of hazing. These provisions are named “Andrew’s Law” by the bill.

If approved by the Governor, these provisions take effect October 1, 2019.

Vote: Senate 40-0; House 114-0

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SB 1136 — Cyberharassment

by Senators Harrell and Perry

The bill amends s. 784.049, F.S., which punishes sexual cyberharassment. The bill modifies legislative findings in this section to indicate:

- A depicted person in a sexually explicit image may retain a reasonable expectation that image will remain private despite sharing the image with another person, such as an intimate partner;
- Conduct prohibited by this section includes dissemination of a sexually explicit image through electronic means in addition to publication of such image on an Internet website;
- Dissemination of a sexually explicit image may occur through electronic means; and
- Publication or dissemination of such sexually explicit images is contrary to the depicted person's reasonable expectation of privacy and without the consent of all parties depicted in such image.

The bill amends the definition of “personal identification information,” which pertains to the personal identification information of the person depicted in a sexually explicit image, to mean any information that identifies an individual, and includes, but is not limited to, any name, postal or electronic mail address, telephone number, social security number, date of birth, or any unique physical representation.

The bill amends the definition of “sexually cyberharass” to mean publishing to an Internet website or disseminating through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

Finally, the bill provides that evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for such image.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 38-1; House 113-0

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CS/HB 7057 — Corrections

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Roach (CS/SB 7046 by Governmental Oversight and Accountability Committee and Criminal Justice Committee)

The bill amends various statutes to address security and staffing concerns found within critical infrastructure facilities.

The bill prohibits the use of drones over, within a distance of, or to make contact with a critical infrastructure facility. The bill adds the following to the definition of critical infrastructure facility:

- State correctional institution;
- Private correctional facility;
- Secure juvenile detention center or facility;
- Nonsecure, high-risk, or maximum-risk residential facility; or
- County detention facility.

The bill also lowers the minimum age for employment as a full-time, part-time, or auxiliary correctional officer from 19 years of age to 18 years of age.

The bill also reenacts a number of sections relating to employment qualifications for certain officers to incorporate the changes made to s. 943.13, F.S.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 37-0; House 115-0

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HB 7059 — OGSR/Concealed Carry License/DACS

by Oversight, Transparency and Public Management Subcommittee and Reps. Yarborough and others (SB 7044 by Criminal Justice Committee)

The bill saves the public records exemption in s. 790.0601(2), F.S., from repeal. The public records exemption for the personal identifying information of persons who apply for a concealed weapon or firearm license, or renew an existing license, through a local tax collector's office was created in 2014. The exemption was created in conjunction with s. 790.0625, F.S., which authorizes the Division of Licensing (DOL) of the Department of Agriculture and Consumer Services (DACS) to enter into agreements with local tax collector's offices to accept and submit concealed weapon or firearm license applications or renewal applications to the DOL of the DACS for processing and decisions on whether the license should be issued.

The same information is exempted from the public records law if the applicant provides it directly to the DOL of the DACS at one of the DACS regional offices.

If approved by the Governor, these provisions take effect October 1, 2019.

Vote: Senate 39-0; House 116-0

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Committee on Criminal Justice

CS/HB 7107 — Controlled Substances

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Sabatini (SB 7082 by Criminal Justice Committee)

The bill amends s. 893.03, F.S., Florida’s controlled substance schedules, to reschedule the following substance from Schedule I to Schedule V: a drug product in finished dosage formulation which has been approved by the United States Food and Drug Administration (FDA) and which contains cannabidiol (CBD) derived from cannabis and no more than 0.1 percent tetrahydrocannabinols.

This scheduling language currently applies only to Epidiolex®, a pharmaceutical oral solution which contains highly purified CBD and which is used for the treatment of seizures associated with two rare and severe forms of epilepsy. Epidiolex® is the only CBD product currently approved by the FDA.

The bill codifies an emergency rule adopted by the Florida Attorney General, which reschedules the described drug product from Schedule I to Schedule V. This rescheduling is consistent with federal law.

The bill also amends the definition of the term “cannabis” in s. 893.02, F.S., to indicate that the term does not apply to Epidiolex® or any future CBD-derived drug product that may be covered by the Schedule V drug scheduling language created by the bill. This change is consistent with an exception to that term that covers medical marijuana manufactured, possessed, sold, purchased, delivered, distributed, or dispensed from a medical marijuana dispensary in conformance with s. 381.986, F.S. Epidiolex® is a prescription medication and is dispensed from a pharmacy pursuant to a physician’s prescription.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 112-0

THE FLORIDA SENATE
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Committee on Criminal Justice

CS/HB 7125 — Administration of Justice

by Appropriations Committee; Judiciary Committee; and Reps. Renner, Daniels, and others (CS/CS/SB 642 by Appropriations Committee; Criminal Justice Committee; and Senators Brandes, Gruters, Rouson, Perry, Broxson, Taddeo, and Cruz)

The bill makes a number of changes to various provisions related to Florida's criminal justice system, courts, and public safety, including:

- Providing the Crime Stoppers Trust Fund reallocation authority and criminal penalties for the disclosure of certain privileged communications;
- Requiring the Office of the State Courts Administrator to provide an annual report providing details about each problem-solving court for each fiscal year of operation;
- Providing that attorney's fees may not be awarded in certain proceedings for injunction if the petitioner or respondent provide false statements with regard to material matter in the petition or asserted defense, respectively;
- Allowing a written agreement or order deferring child support payments to include a reasonable period of payment deferral to accommodate an obligor's good faith job seeking effort;
- Removing the percentage cap for certain goods provided by PRIDE Industries;
- Increasing the threshold amounts of various theft offenses and requiring the Office of Program Policy Analysis and Government Accountability to review specified threshold amounts periodically and report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives;
- Reducing lengths of time for various revocations and suspensions of a driver license;
- Limiting the application of felony penalties for 3rd or subsequent violations of driving while license suspended or revoked to certain suspensions and providing all other 3rd or subsequent offenses are a first degree misdemeanor with a mandatory minimum 10 days in jail;
- Requiring each clerk of court to establish a Driver License Reinstatement Day Program to assist people seeking to have their driver license reinstated and allowing the clerks to waive certain fines and fees;
- Ensuring the Sexually Violent Predator Program is considered to serve a criminal justice function to maintain its access to the National Crime Information Center database;
- Prohibiting specified entities from considering convictions that have occurred more than five years from the date of a licensure or registration application from being a basis for denial of specified occupational licenses or registrations;
- Allowing a veterinarian to report certain suspected criminal violations to the appropriate authorities without notice to the client;
- Providing a just cause defense for criminal offenses and disciplinary violations against a contractor for failure to do certain things within a specified amount of time and increasing the felony thresholds applicable to contractor fraud;
- Removing the mandatory minimum sentence for horse meat offenses;

- Ensuring that a person released from a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence qualifies as a prison releasee reoffender if otherwise eligible;
- Providing that cyberstalking includes accessing or attempting 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;
- Specifying that a person who holds or held an active certification from the Criminal Justice Standards and Training Commission as a law enforcement or correctional officer meets the definition of "qualified law enforcement officer" found at 18 United States Code section 926(B) and (C), thereby authorizing such person to carry a concealed firearm in Florida in accordance with federal requirements;
- Prohibiting lewd or lascivious exhibition in the presence of any person employed at or performing contractual work for a county detention facility;
- Amending the definition of "access," relating to computer crimes, to reference an electronic device, so access includes the unauthorized access of an electronic device;
- Providing for punishment of computer-related crimes when those crimes are committed willfully, knowingly, and without authorization or exceeding authorization;
- Adding an element of intent to defraud to the crime of possession of a counterfeit instrument;
- Reducing the criminal penalties for certain alcohol and gambling offenses;
- Increasing the current threshold weight amounts for trafficking in hydrocodone;
- Modifying a number of definitions and data collection points necessary for efficient data collection in accordance with the Criminal Justice Data Transparency Act;
- Ensuring that data collected in accordance with s. 900.05, F.S., maintains the necessary confidential and exempt status when such data is reported to the Florida Department of Law Enforcement (FDLE);
- Requiring the FDLE to assist in developing specifications for a uniform arrest affidavit to assist with criminal justice data transparency;
- Reorganizing the various sealing and expunction statutes for clarity and creating an automatic sealing process for certain criminal history records of a minor or adult;
- Expanding the offense of escape to include an inmate out on furlough;
- Enhancing the Criminal Punishment Code ranking level for an employee who uses such position to introduce contraband into a state correctional facility;
- Authorizing the Department of Corrections (DOC) to increase the number of transition assistance specialists, requiring such specialists to inform inmates about relevant job credentialing or industry certifications, and expanding the use of such credentialing;
- Requiring the DOC to create a toll-free hotline for released inmates to obtain information about community-based reentry services;
- Expanding the use of the needs-based risk assessment system to provide inmates and offenders with community-specific reentry service provider referrals;
- Requiring the DOC to provide inmates with a comprehensive community reentry resource directory that includes specified information related to services and portals available in the county to which the inmate is to be released;

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- Permitting specified entities to apply with the DOC to be registered to provide inmate reentry services and requiring the DOC to create a process for screening, approving, and registering such entities;
- Authorizing the DOC to contract with specified entities to assist veteran inmates in applying for veteran's benefits upon release;
- Authorizing the DOC to develop, within its existing resources, a Prison Entrepreneurship Program that includes education with specified curriculum and authorizing the DOC to train inmates to become firefighters;
- Authorizing the court to order or the DOC to transfer offenders to administrative probation if the offender presents a low risk of harm to the community and has completed at least half of his or her term of probation;
- Requiring a court to early terminate or transfer to administrative probation certain compliant probationers upon certain factors being met and providing for exceptions to such requirement;
- Codifying the DOC's current practice of using graduated incentives to promote compliance with probationers and offenders on community control who are on supervision with the DOC;
- Requiring the court to modify or continue the supervision term of certain low-risk offenders with a first filed violation of probation and providing modification terms and exceptions;
- Requiring each circuit to create an alternative sanctions program to handle specified types and occurrences of technical violations of probation or community control with the judge's concurrence;
- Allowing each judicial circuit to establish a community court program for defendants charged with certain misdemeanor offenses and specifying program requirements;
- Adding cellular telephones to the list of items that are prohibited from being introduced into a county detention facility and applying criminal penalties for such offense;
- Permitting a court to impose a sentence as a youthful offender if a person committed a felony before they turned 21 years of age;
- Increasing the relevant timeframes in which a person who is eligible for financial compensation through the Department of Legal Affairs Crime Victim Services may apply for such compensation;
- Adding locally authorized entity to the list of entities that may operate an independent civil citation or similar prearrest diversion program in addition to a circuit program;
- Removing the requirement for the Department of Juvenile Justice to enter information related to a civil citation or prearrest diversion program into the Juvenile Justice Information System Prevention Web;
- Repealing all provisions related to transferring a child to adult court for prosecution pursuant to mandatory direct file;
- Creating the Criminal Punishment Code Task Force to evaluate various sentencing procedures and providing an appropriation for such Task Force; and
- Providing that a person who has completed all the terms of his or her sentence for a criminal conviction is eligible to be awarded certain scholarships and grants for higher

education and vocational education if he or she meets all other requirements to be awarded the scholarship, grant, or other aid.

If approved by the Governor, these provisions take effect October 1, 2019, except where otherwise provided.

Vote: Senate 39-1; House 110-0