

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;
- 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