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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2018	.	
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Appropriations Subcommittee on Criminal and Civil Justice  
(Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (6) is added to section 14.32,  
Florida Statutes, to read:

14.32 Office of Chief Inspector General.—

(6) The Florida Correctional Operations Oversight Council,  
a council as defined in s. 20.03, is created within the Office  
of Chief Inspector General. The council is created for the



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11 purpose of overseeing matters relating to the corrections and  
12 juvenile justice continuum with an emphasis on the safe and  
13 effective operations of major institutions and facilities under  
14 the purview of the Department of Corrections and the Department  
15 of Juvenile Justice. However, in instances in which the policies  
16 of other components of the criminal justice system affect  
17 corrections or the juvenile justice continuum, the council shall  
18 advise and make recommendations. The Office of Chief Inspector  
19 General shall provide administrative support to the council. The  
20 council is not subject to control, supervision, or direction by  
21 the Chief Inspector General in the performance of its duties,  
22 but is governed by the classification plan and salary and  
23 benefits plan approved by the Executive Office of the Governor.

24 (a) The council is composed of the following members:  
25 1. Three members appointed by the Governor.  
26 2. Three members appointed by the President of the Senate.  
27 3. Three members appointed by the Speaker of the House of  
28 Representatives.

29  
30 The initial members of the council shall be appointed by January  
31 1, 2019. Members of the council shall be appointed for terms of  
32 4 years. However, to achieve staggered terms, one appointee of  
33 each of the appointing authorities shall be appointed for an  
34 initial 2-year term. Members must be appointed in a manner that  
35 ensures equitable representation of different geographic regions  
36 of the state, and members must be residents of this state.  
37 Members of the council must act on behalf of the state as a  
38 whole and may not subordinate the needs of the state to those of  
39 a particular region. The council's membership should, to the



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40 greatest extent possible, include persons with a background in  
41 prison operations, county detention facility management, or the  
42 juvenile justice continuum of services.

43 (b) The council's primary duties and responsibilities  
44 include:

45 1. Evaluating, investigating, and overseeing the daily  
46 operations of correctional and juvenile facilities.

47 2. Conducting announced and unannounced inspections of  
48 correctional and juvenile facilities, including facilities  
49 operated by private contractors. Members of the council may  
50 enter any facility where prisoners, residents, or juveniles are  
51 kept. Members shall be immediately admitted to such places as  
52 they request and may consult and confer with any prisoner,  
53 resident, or juvenile privately with adequate security in place.

54 3. Identifying and monitoring high-risk and problematic  
55 correctional or juvenile facilities, and reporting findings and  
56 recommendations relating to such facilities.

57 4. Providing technical assistance when appropriate.

58 5. Submitting an annual report to the Governor, the  
59 President of the Senate, and the Speaker of the House of  
60 Representatives by each November 1, beginning in 2019. The  
61 report must include statutory, budgetary, and operational  
62 recommendations to the Legislature which address problems  
63 identified by the council.

64 6. Conducting confidential interviews with staff, officers,  
65 inmates, juveniles, volunteers, and public officials relating to  
66 the operations and conditions of correctional and juvenile  
67 facilities.

68 7. Developing and implementing a monitoring tool that will



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69 be used to assess the performance of each correctional and  
70 juvenile facility.

71 8. Conducting on-site visits to correctional and juvenile  
72 facilities on a regular basis.

73 (c) The council may not interfere with the day-to-day  
74 operations of the Department of Corrections and the Department  
75 of Juvenile Justice, but shall conduct investigations and  
76 provide recommendations for improvement.

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

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

82 (f) Members of the council or its staff may not have  
83 immediate family members working for the Department of  
84 Corrections, the Department of Juvenile Justice, or a private  
85 institution, facility, or provider under contract with either  
86 department. A member of the council may not have any direct or  
87 indirect interest in a contract, subcontract, franchise,  
88 privilege, or other benefit granted or awarded by either  
89 department while serving as a member of the council.

90 Section 2. For the 2018-2019 fiscal year, the sums of  
91 \$168,074 in recurring funds and \$37,855 in nonrecurring funds  
92 are appropriated from the General Revenue Fund to the Executive  
93 Office of the Governor, and one full-time equivalent position  
94 with associated salary rate of 70,000 is authorized, for the  
95 purpose of administering the Florida Correctional Operations  
96 Oversight Council.

97 Section 3. Subsection (5) of section 23.1225, Florida



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98 Statutes, is amended to read:

99 23.1225 Mutual aid agreements.—

100 (5) In the event of a disaster or emergency such that a  
101 state of emergency is declared by the Governor pursuant to  
102 chapter 252, a mutual aid agreement may be used to increase the  
103 presence of law enforcement to aid in traffic and crowd control,  
104 emergency response, and evacuation support. The requirement that  
105 a requested operational assistance agreement be a written  
106 agreement for rendering of assistance in a law enforcement  
107 emergency may be waived by the participating agencies for a  
108 period of up to 90 days from the declaration of the disaster.

109 (a) When a law enforcement agency lends assistance pursuant  
110 to this subsection, all powers, privileges, and immunities  
111 listed in s. 23.127, except with regard to interstate mutual aid  
112 agreements, apply to the agency or entity, if the law  
113 enforcement employees rendering services are being requested and  
114 coordinated by the affected local law enforcement executive in  
115 charge of law enforcement operations.

116 (b) A listing of such agencies or entities and the officers  
117 and employees of such agencies or entities rendering assistance  
118 pursuant to this subsection must be maintained by the agency or  
119 entity requesting such assistance and filed at the end of the  
120 90-day period with the Florida Department of Law Enforcement.

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

123 30.15 Powers, duties, and obligations.—

124 (4) (a) Sheriffs, in their respective counties, shall  
125 provide security for trial court facilities. Sheriffs shall  
126 coordinate with the chief judge of the judicial circuit where



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127 their county is located on all security matters for such  
128 facilities, but retain operational control over the manner in  
129 which security is provided.

130 (b) Pursuant to s. 26.49, sheriffs and their deputies,  
131 employees, and contractors are officers of the court when  
132 providing security for trial court facilities under this  
133 subsection.

134 (c) The chief judge of the judicial circuit shall have  
135 decisionmaking authority to ensure the protection of due process  
136 rights, including, but not limited to, the scheduling and  
137 conduct of trials and other judicial proceedings, as part of his  
138 or her responsibility for the administrative supervision of the  
139 trial courts pursuant to s. 43.26.

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

142 57.105 Attorney's fee; sanctions for raising unsupported  
143 claims or defenses; exceptions; service of motions; damages for  
144 delay of litigation.—

145 (1) Unless otherwise provided, upon the court's initiative  
146 or motion of any party, the court shall award a reasonable  
147 attorney's fee, including prejudgment interest, to be paid to  
148 the prevailing party in equal amounts by the losing party and  
149 the losing party's attorney on any claim or defense at any time  
150 during a civil proceeding or action in which the court finds  
151 that the losing party or the losing party's attorney knew or  
152 should have known that a claim or defense when initially  
153 presented to the court or at any time before trial:

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



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

158 Section 6. Section 322.75, Florida Statutes, is created to  
159 read:

160 322.75 Driver License Reinstatement Days.-

161 (1) Each judicial circuit shall establish a Driver License  
162 Reinstatement Days program for reinstating suspended driver  
163 licenses. Participants shall include the Department of Highway  
164 Safety and Motor Vehicles, the state attorney's office, the  
165 public defender's office, the circuit and county courts, the  
166 clerk of court, and any interested community organization.

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

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

- 175 1. Driving without a valid driver license;  
176 2. Driving with a suspended driver license;  
177 3. Failing to make a payment on penalties in collection;  
178 4. Failing to appear in court for a traffic violation; or  
179 5. Failing to comply with provisions of chapter 318 or this  
180 chapter.

181 (b) Notwithstanding paragraphs (4) (a) through (c), a person  
182 is eligible for reinstatement under the program if the period of  
183 suspension or revocation has elapsed, the person has completed  
184 any required course or program as described in paragraph (4) (c),



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185 and the person is otherwise eligible for reinstatement.

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

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

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

191 (c) Because the person has not completed a driver training  
192 program, driver improvement course, or alcohol or substance  
193 abuse education or evaluation program required under ss.  
194 316.192, 316.193, 322.2616, 322.271, or 322.264;

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

196 (e) Because the person is a habitual traffic offender under  
197 s. 322.264.

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

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

203 784.046 Action by victim of repeat violence, sexual  
204 violence, or dating violence for protective injunction; dating  
205 violence investigations, notice to victims, and reporting;  
206 pretrial release violations; public records exemption.—

207 (2) There is created a cause of action for an injunction  
208 for protection in cases of repeat violence, there is created a  
209 separate cause of action for an injunction for protection in  
210 cases of dating violence, and there is created a separate cause  
211 of action for an injunction for protection in cases of sexual  
212 violence.

213 (f) Notwithstanding any other law, attorney fees may not be



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214 awarded in any proceeding under this section.

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

217 784.0485 Stalking; injunction; powers and duties of  
218 court and clerk; petition; notice and hearing; temporary  
219 injunction; issuance of injunction; statewide verification  
220 system; enforcement.-

221 (2)

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

224 Section 9. Present subsections (6) and (7) of section  
225 893.135, Florida Statutes, are redesignated as subsections (7)  
226 and (8), respectively, and a new subsection (6) is added to that  
227 section, to read:

228 893.135 Trafficking; mandatory sentences; suspension or  
229 reduction of sentences; conspiracy to engage in trafficking.-

230 (6) Notwithstanding any provision of this section, a court  
231 may impose a sentence for a violation of this section other than  
232 the mandatory minimum term of imprisonment and mandatory fine if  
233 the court finds on the record that all of the following  
234 circumstances exist:

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

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

239 (c) The person did not cause a death or serious bodily  
240 injury.

241 Section 10. Section 900.05, Florida Statutes, is created to  
242 read:



243 900.05 Criminal justice data collection.—It is the intent  
244 of the Legislature to create a model of uniform criminal justice  
245 data collection by requiring local and state criminal justice  
246 agencies to report complete, accurate, and timely data, and to  
247 make such data available to the public.

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

249 (a) “Annual felony caseload” means the yearly caseload of  
250 each full-time state attorney and assistant state attorney or  
251 public defender and assistant public defender for cases assigned  
252 to the circuit criminal division, based on the number of felony  
253 cases reported to the Supreme Court under s. 25.075. The term  
254 does not include the appellate caseload of a public defender or  
255 assistant public defender. Cases reported pursuant to this term  
256 must be associated with a case number and each case number must  
257 only be reported once regardless of the number of attorney  
258 assignments that occur during the course of litigation.

259 (b) “Annual misdemeanor caseload” means the yearly caseload  
260 of each full-time state attorney and assistant state attorney or  
261 public defender and assistant public defender for cases assigned  
262 to the county criminal division, based on the number of  
263 misdemeanor cases reported to the Supreme Court under s. 25.075.  
264 The term does not include the appellate caseload of a public  
265 defender or assistant public defender. Cases reported pursuant  
266 to this term must be associated with a case number and each case  
267 number must only be reported once regardless of the number of  
268 attorney assignments that occur during the course of litigation.

269 (c) “Attorney assignment date” means the date a court-  
270 appointed attorney is assigned to the case or, if privately  
271 retained, the date an attorney files a notice of appearance with



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272 the clerk of court.

273 (d) "Attorney withdrawal date" means the date the court  
274 removes court-appointed counsel from a case or, for a privately  
275 retained attorney, the date a motion to withdraw is granted by  
276 the court.

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

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

282 (g) "Charge description" means the statement of the conduct  
283 that is alleged to have been violated, the associated statutory  
284 section establishing such conduct as criminal, and the  
285 misdemeanor or felony classification that is provided for in the  
286 statutory section alleged to have been violated.

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

290 (i) "Concurrent or consecutive sentence flag" means an  
291 indication that a defendant is serving another sentence  
292 concurrently or consecutively in addition to the sentence for  
293 which data is being reported.

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

299 (k) "Deferred prosecution or pretrial diversion agreement  
300 date" means the date a contract is signed by the parties



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301 regarding a defendant's admission into a deferred prosecution or  
302 pretrial diversion program.

303 (l) "Deferred prosecution or pretrial diversion hearing  
304 date" means each date that a hearing, including a status  
305 hearing, is held on a case that is in a deferred prosecution or  
306 pretrial diversion program, if applicable.

307 (m) "Disciplinary violation and action" means any conduct  
308 performed by an inmate in violation of the rules of a county  
309 detention facility or state correctional institution or facility  
310 that results in the initiation of disciplinary proceedings by  
311 the custodial entity and the consequences of such disciplinary  
312 proceedings.

313 (n) "Disposition date" means the date of final judgment,  
314 adjudication, adjudication withheld, dismissal, or nolle  
315 prosequi for the case and if different dates apply, the  
316 disposition dates of each charge.

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

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

322 (q) "Gain-time credit earned" means a credit of time  
323 awarded to an inmate in a county detention facility in  
324 accordance with s. 951.22 or a state correctional institution or  
325 facility in accordance with s. 944.275.

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

329 (s) "Judicial transfer date" means a date on which a



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330 defendant's case is transferred to another court or presiding  
331 judge.

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

336 (u) "Pretrial release violation flag" means an indication  
337 that the defendant has violated the terms of his or her pretrial  
338 release.

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

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

346 (x) "Sexual offender flag" means an indication that a  
347 defendant required to register as a sexual predator as defined  
348 in s. 775.21 or as a sexual offender as defined in s. 943.0435.

349 (2) DATA COLLECTION AND REPORTING.—Beginning January 1,  
350 2019, an entity required to collect data in accordance with this  
351 subsection shall collect the specified data required of the  
352 entity on a monthly basis. Each entity shall report the data  
353 collected in accordance with this subsection to the Department  
354 of Law Enforcement on a quarterly basis.

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

- 357 1. Case number.  
358 2. Date that the alleged offense occurred.



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

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

364           5. Date that the criminal prosecution of a defendant is  
365 formally initiated through the filing, with the clerk of the  
366 court, of an information by the state attorney or an indictment  
367 issued by a grand jury.

368           6. Arraignment date.

369           7. Attorney assignment date.

370           8. Attorney withdrawal date.

371           9. Case status.

372           10. Disposition date.

373           11. Information related to each defendant, including:

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

376           b. Zip code of primary residence.

377           c. Primary language.

378           d. Citizenship.

379           e. Immigration status, if applicable.

380           f. Whether the defendant has been found by a court to be  
381 indigent pursuant to s. 27.52.

382           12. Information related to the formal charges filed against  
383 the defendant, including:

384           a. Charge description.

385           b. Charge modifier, if applicable.

386           c. Drug type for each drug charge, if known.

387           d. Qualification for a flag designation as defined in this



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388 section, including a domestic violence flag, gang affiliation  
389 flag, sexual offender flag, habitual offender flag, or pretrial  
390 release violation flag.

391 13. Information related to bail or bond and pretrial  
392 release determinations, including the dates of any such  
393 determinations:

394 a. Pretrial release determination made at a first  
395 appearance hearing that occurs within 24 hours of arrest,  
396 including all monetary and nonmonetary conditions of release.

397 b. Modification of bail or bond conditions made by a court  
398 having jurisdiction to try the defendant or, in the absence of  
399 the judge of the trial court, by the circuit court, including  
400 modifications to any monetary and nonmonetary conditions of  
401 release.

402 c. Cash bail or bond payment, including whether the  
403 defendant utilized a bond agent to post a surety bond.

404 d. Date defendant is released on bail, bond, or pretrial  
405 release.

406 e. Bail or bond revocation due to a new offense, a failure  
407 to appear, or a violation of the terms of bail or bond, if  
408 applicable.

409 14. Information related to court dates and dates of motions  
410 and appearances, including:

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

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

414 c. Judicial transfer date, if applicable.

415 d. Trial date.

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



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417 discovery.  
418 f. Speedy trial motion and hearing dates, if applicable.  
419 g. Dismissal motion and hearing dates, if applicable.  
420 15. Whether the attorney representing the defendant is  
421 court-appointed to or privately retained by a defendant, or  
422 whether the defendant is represented pro se.  
423 16. Information related to sentencing, including:  
424 a. Date that a court enters a sentence against a defendant.  
425 b. Sentence type and length imposed by the court,  
426 including, but not limited to, the total duration of  
427 imprisonment in a county detention facility or state  
428 correctional institution or facility, and conditions probation  
429 or community control supervision.  
430 c. Amount of time served in custody by the defendant  
431 related to the reported criminal case that is credited at the  
432 time of disposition of the case to reduce the actual length of  
433 time the defendant will serve on the term of imprisonment that  
434 is ordered by the court at disposition.  
435 d. Total amount of court fees imposed by the court at the  
436 disposition of the case.  
437 e. Outstanding balance of the defendant's court fees  
438 imposed by the court at disposition of the case.  
439 f. Total amount of fines imposed by the court at the  
440 disposition of the case.  
441 g. Outstanding balance of the defendant's fines imposed by  
442 the court at disposition of the case.  
443 h. Restitution amount ordered, including the amount  
444 collected by the court and the amount paid to the victim, if  
445 applicable.



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446 i. Digitized sentencing scoresheet prepared in accordance  
447 with s. 921.0024.

448 17. The number of judges or magistrates, or their  
449 equivalents, hearing cases in circuit or county criminal  
450 divisions of the circuit court. Judges or magistrates, or their  
451 equivalents, who solely hear appellate cases from the county  
452 criminal division are not to be reported under this  
453 subparagraph.

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

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

458 a. Identifying information of the victim, including race or  
459 ethnicity, gender, and age.

460 b. Relationship to the offender, if any.

461 2. Number of full-time prosecutors.

462 3. Number of part-time prosecutors.

463 4. Annual felony caseload.

464 5. Annual misdemeanor caseload.

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

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

468 8. Information related to each defendant, including:

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

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

472 c. Deferred prosecution or pretrial diversion agreement  
473 date, if applicable.

474 d. Deferred prosecution or pretrial diversion hearing date,



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475 if applicable.

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

478 1. Number of full-time public defenders.

479 2. Number of part-time public defenders.

480 3. Number of contract attorneys representing indigent  
481 defendants for the office of the public defender.

482 4. Annual felony caseload.

483 5. Annual misdemeanor caseload.

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

486 1. Maximum capacity for the county detention facility.

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

489 3. Daily population of the county detention facility,  
490 including the specific number of inmates in the custody of the  
491 county that:

492 a. Are awaiting case disposition.

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

495 c. Have been sentenced by a court to a term of imprisonment  
496 with the Department of Corrections and who are awaiting  
497 transportation to the department.

498 d. Have a federal detainer or are awaiting disposition of a  
499 case in federal court.

500 4. Information related to each inmate, including:

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



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504 b. Qualification for a flag designation as defined in this  
505 section, including domestic violence flag, gang affiliation  
506 flag, habitual offender flag, pretrial release violation flag,  
507 or sexual offender flag.

508 5. Total population of the county detention facility at  
509 year-end. This data must include the same specified  
510 classifications as subparagraph 3.

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

512 7. Daily number of correctional officers for the county  
513 detention facility.

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

517 9. Revenue generated for the county from the temporary  
518 incarceration of federal defendants or inmates.

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

521 1. Information related to each inmate, including:

522 a. Identifying information, including name, date of birth,  
523 race or ethnicity, and identification number assigned by the  
524 department.

525 b. Number of children.

526 c. Education level, including any vocational training.

527 d. Date the inmate was admitted to the custody of the  
528 department.

529 e. Current institution placement and the security level  
530 assigned to the institution.

531 f. Custody level assignment.

532 g. Qualification for a flag designation as defined in this



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533 section, including sexual offender flag, habitual offender flag,  
534 gang affiliation flag, or concurrent or consecutive sentence  
535 flag.

536 h. County that committed the prisoner to the custody of the  
537 department.

538 i. Whether the reason for admission to the department is  
539 for a new conviction or a violation of probation, community  
540 control, or parole. For an admission for a probation, community  
541 control, or parole violation, the department shall report  
542 whether the violation was technical or based on a new violation  
543 of law.

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

548 k. Length of sentence or concurrent or consecutive  
549 sentences served.

550 l. Tentative release date.

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

552 n. Prior incarceration within the state.

553 o. Disciplinary violation and action.

554 p. Participation in rehabilitative or educational programs  
555 while in the custody of the department.

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

558 a. Budget for each state correctional institution or  
559 facility.

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



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

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

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

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

573 c. Projected termination date for probation or community  
574 control.

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

579 4. Per diem rates for:

580 a. Prison bed.

581 b. Probation.

582 c. Community control.

583

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

586 (3) DATA PUBLICLY AVAILABLE.—Beginning January 1, 2019, the  
587 Department of Law Enforcement shall publish datasets in its  
588 possession in a modern, open, electronic format that is machine-  
589 readable and readily accessible by the public on the  
590 department's website. The published data must be searchable, at



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591 a minimum, by each data element, county, circuit, and unique  
592 identifier. Beginning March 1, 2019, the department shall begin  
593 publishing the data received under subsection (2) in the same  
594 modern, open, electronic format that is machine-readable and  
595 readily accessible to the public on the department's website.  
596 The department shall publish all data received under subsection  
597 (2) no later than July 1, 2019.

598 Section 11. A pilot project is established in the Sixth  
599 Judicial Circuit for the purpose of improving criminal justice  
600 data transparency and ensuring that data submitted under s.  
601 900.05, Florida Statutes, is accurate, valid, reliable, and  
602 structured. The clerk of court, the state attorney, the public  
603 defender, or a sheriff in the circuit may enter into a  
604 memorandum of understanding with a national, nonpartisan, not-  
605 for-profit entity which provides data and measurement for  
606 county-level criminal justice systems to establish the duties  
607 and responsibilities of a data fellow, completely funded by the  
608 entity, to be embedded with the office or agency. The data  
609 fellow shall assist with data extraction, validation, and  
610 quality and shall publish such data consistent with the terms of  
611 the memorandum. The data fellow shall assist the office or  
612 agency in compiling and reporting data pursuant to s. 900.05,  
613 Florida Statutes, in compliance with rules established by the  
614 Department of Law Enforcement. The pilot project shall expire as  
615 provided in the memorandum.

616 Section 12. For the 2018-2019 fiscal year, nine full-time  
617 equivalent positions with associated salary rate of 476,163 are  
618 authorized and the recurring sum of \$665,884 and the  
619 nonrecurring sum of \$1,084,116 is appropriated from the General



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620 Revenue Fund to the Department of Law Enforcement for the  
621 purposes of implementing ss. 900.05(3) and 943.687, Florida  
622 Statutes, transitioning to incident-based crime reporting, and  
623 collecting and submitting crime statistics that meet the  
624 requirements of the Federal Bureau of Investigation under the  
625 National Incident-Based Reporting System.

626 Section 13. Section 907.042, Florida Statutes, is created  
627 to read:

628 907.042 Supervised bond program.—

629 (1) LEGISLATIVE FINDINGS.—The Legislature finds that there  
630 is a need to use evidence-based methods to identify defendants  
631 that can successfully comply with specified pretrial release  
632 conditions. The Legislature finds that the use of actuarial  
633 instruments that evaluate criminogenic based needs and classify  
634 defendants according to levels of risk provides a more  
635 consistent and accurate assessment of a defendant's risk of  
636 noncompliance while on pretrial release pending trial. The  
637 Legislature also finds that both the community and a defendant  
638 are better served when a defendant, who poses a low risk to  
639 society, is provided the opportunity to fulfill employment and  
640 familial responsibilities in the community under a structured  
641 pretrial release plan that ensures the best chance of remaining  
642 compliant with all pretrial conditions rather than remaining in  
643 custody. The Legislature finds that there is a benefit to  
644 establishing a supervised bond program in each county for the  
645 purpose of providing pretrial release to certain defendants who  
646 may not otherwise be eligible for pretrial release on  
647 unsupervised nonmonetary conditions and who do not have the  
648 ability to satisfy the bond imposed by the court. The



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649 Legislature finds that the creation of such a program will  
650 reduce the likelihood of defendants remaining unnecessarily in  
651 custody pending trial.

652 (2) CREATION.—A supervised bond program may be established  
653 in each county with the terms of each program to be developed  
654 with concurrence of the chief judge of the circuit, the county's  
655 chief correctional officer, the state attorney, and the public  
656 defender. A county that has already established and implemented  
657 a supervised bond program whose program and risk assessment  
658 instrument is in compliance with subsections (3) and (4) may  
659 continue to operate without such concurrence.

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

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

664 (b) Provide that a risk assessment instrument may be  
665 utilized to determine eligible defendants and determine an  
666 appropriate level of supervision for each defendant upon  
667 release.

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

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

676 (e) Require the appropriate court to make a final  
677 determination regarding whether a defendant will be placed into



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678 the supervised bond program and, if the court makes such a  
679 determination, the court must also:

680 1. Determine the conditions of the individualized  
681 supervision plan for which the defendant must comply as a part  
682 of the supervised bond program, including, but not limited to,  
683 the requirement that the defendant:

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

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

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

693 (f) Establish procedures for reassessing or terminating  
694 defendants from the supervised bond program who do not comply  
695 with the terms of the individualized supervision plan imposed  
696 through the program.

697 (4) RISK ASSESSMENT INSTRUMENT.—

698 (a) Each county that establishes a supervised bond program  
699 may utilize a risk assessment instrument that conducts a  
700 criminogenic assessment for use in evaluating the proper level  
701 of supervision appropriate to ensure compliance with pretrial  
702 conditions and safety to the community. The risk assessment  
703 instrument must consider, but need not be limited to, the  
704 following criteria:

705 1. The nature and circumstances of the offense the  
706 defendant is alleged to have committed.



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

709       3. Any prior history of the defendant failing to appear in  
710 court.

711       4. The defendant's employment history, employability  
712 skills, and employment interests.

713       5. The defendant's educational, vocational, and technical  
714 training.

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

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

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

721       (b) A county may contract with the Department of  
722 Corrections to develop a risk assessment instrument or modify an  
723 instrument that has already been developed by the department,  
724 provided the instrument contains the criteria enumerated in  
725 paragraph (a). If a county elects to utilize a risk assessment  
726 instrument developed or modified by the department in accordance  
727 with this paragraph, the county's chief correctional officer  
728 shall enter into a contract with the department for such use.

729       (c) Each county may create its own risk assessment  
730 instrument for the purpose of operating a supervised bond  
731 program or may utilize a risk assessment instrument that has  
732 previously been developed for a similar purpose as provided for  
733 in this section. Additionally, a county may utilize a risk  
734 assessment instrument that has been developed by another county  
735 for a similar purpose as provided for in this section. To



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736 utilize a risk assessment instrument developed by a county in  
737 accordance with this paragraph, the risk assessment instrument  
738 must be validated by the Department of Corrections and contain  
739 the criteria enumerated in paragraph (a). If a county elects to  
740 utilize a risk assessment instrument developed or modified by  
741 another county in accordance with this paragraph, the counties'  
742 chief correctional officers shall enter into a contract for such  
743 use.

744 (d) A county may contract with an independent entity to  
745 utilize a risk assessment instrument that has previously been  
746 developed for a similar purpose as provided for in this section.  
747 To utilize a risk assessment instrument developed by an  
748 independent entity in accordance with this paragraph, the risk  
749 assessment instrument must be validated by the Department of  
750 Corrections and contain the criteria enumerated in paragraph  
751 (a). If a county elects to utilize a risk assessment instrument  
752 developed or modified by an independent entity in accordance  
753 with this paragraph, the county's chief correctional officer  
754 shall enter into a contract with the independent entity for such  
755 use.

756 (e) A county that elects to utilize a risk assessment  
757 instrument in its supervised bond program may begin to implement  
758 the program immediately upon securing a contract for the  
759 utilization of or the completion of development or modification,  
760 and if applicable, validation of, a risk assessment instrument.  
761 A county that intends to utilize a risk assessment instrument it  
762 has already developed or modified may implement a supervised  
763 bond program immediately upon validation of the risk assessment  
764 instrument. A county that has already implemented a supervised



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765 bond program may continue to operate such program while the risk  
766 assessment instrument it utilizes is being validated.

767 Implementation must include training of all county staff that  
768 will administer the risk assessment instrument.

769 (5) REPORTING.—Each county that establishes a supervised  
770 bond program pursuant to this section, or has an existing  
771 supervised bond program that operates in compliance with this  
772 section, shall provide an annual report to the Office of Program  
773 Policy Analysis and Government Accountability that details the  
774 results of the administration of the risk assessment instrument,  
775 programming used for defendants who received the assessment and  
776 were accepted into the supervised bond program, the success rate  
777 of such program, and savings realized by the county as a result  
778 of such defendants being released from custody pending trial.  
779 The annual report from the county must be submitted to OPPAGA by  
780 October 1 each year. OPPAGA shall compile the results of the  
781 counties reports for inclusion in an independent section of its  
782 annual report developed and submitted to the Governor, the  
783 President of the Senate, and the Speaker of the House of  
784 Representatives in accordance with s. 907.044.

785 Section 14. Section 907.0421, Florida Statutes, is created  
786 to read:

787 907.0421 Risk Assessment Pilot Program.—

788 (1) LEGISLATIVE FINDINGS.—The Legislature finds that there  
789 is a need to use evidence-based methods to reduce recidivism.  
790 The Legislature finds that the use of actuarial instruments that  
791 classify offenders according to levels of risk to reoffend  
792 provides a more consistent and accurate assessment of an  
793 offender's risk and needs. The Legislature also finds that



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794 research indicates that using accurate risk and needs assessment  
795 instruments to identify appropriate interventions and  
796 programming for offenders reduces recidivism.

797 (2) RISK ASSESSMENT INSTRUMENT.—

798 (a) The Department of Corrections shall develop a risk  
799 assessment instrument that conducts a criminogenic assessment  
800 for use in evaluating the proper placement and programming needs  
801 for a person who is arrested. The risk assessment instrument  
802 must consider, but need not be limited to, the following  
803 criteria:

804 1. The nature and circumstances of the offense the person  
805 committed.

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

808 3. Any prior history of the person failing to appear in  
809 court.

810 4. The person's employment history, employability skills,  
811 and employment interests.

812 5. The person's educational, vocational, and technical  
813 training.

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

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

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

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



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823       (c) The Department of Corrections shall complete the  
824 development or modification of a risk assessment instrument no  
825 later than March 1, 2019. The department may begin to implement  
826 the risk assessment instrument immediately upon completion.  
827 Implementation, including training all staff that will  
828 administer the risk assessment instrument, must be completed by  
829 June 30, 2019.

830       (d) A representative of the county's chief correctional  
831 officer shall administer the risk assessment instrument as early  
832 as reasonably possible after a person's arrest, but no later  
833 than 10 business days after the arrest. If a person is released  
834 from jail pursuant to chapter 903 before the administration of  
835 the risk assessment instrument, the chief correctional officer,  
836 or his or her representative, must schedule and provide written  
837 notification of a date and time for the person to return to the  
838 jail for the administration of the risk assessment instrument.  
839 The date and time must be provided in writing upon the person's  
840 pretrial release. The risk assessment instrument may be  
841 conducted by video teleconference.

842       (e) A risk assessment instrument report must be made  
843 available to the person to whom the instrument is administered,  
844 his or her legal counsel, and the state attorney upon completion  
845 of the report. The Department of Corrections shall submit to the  
846 court the risk assessment instrument report, but the court may  
847 not review it without the consent of the person who is the  
848 subject of the report and his or her legal counsel.

849       (3) CREATION.—Contingent upon appropriations and a contract  
850 with each participating county, it is the intent of the  
851 Legislature to establish a 3-year Risk Assessment Pilot Program



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852 to perform a risk assessment evaluation on all persons arrested  
853 for a felony in participating counties.

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

860 (5) PILOT PROGRAM REQUIREMENTS.—

861 (a) The participating counties shall administer the risk  
862 assessment instrument to all persons arrested for a felony and  
863 utilize the results of such risk assessment instrument as a tool  
864 for determining appropriate programming and sentencing with the  
865 goal of reducing recidivism.

866 (b) Each county participating in the pilot program shall  
867 provide an annual report to the Department of Corrections by  
868 July 1 of each year of the pilot program which details the  
869 results of the administration of the risk assessment instrument,  
870 programming used for persons who received the assessment, and  
871 the success rate of such programming. The department shall  
872 compile the county reports and submit one annual report to the  
873 Governor, the President of the Senate, and the Speaker of the  
874 House of Representatives by October 1 of each year of the pilot  
875 program.

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

880 Section 15. Paragraph (b) of subsection (4) of section



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881 907.043, Florida Statutes, is amended to read:  
882 907.043 Pretrial release; citizens' right to know.—  
883 (4)  
884 (b) The annual report must contain, but need not be limited  
885 to:  
886 1. The name, location, and funding sources of the pretrial  
887 release program, including the amount of public funds, if any,  
888 received by the pretrial release program.  
889 2. The operating and capital budget of each pretrial  
890 release program receiving public funds.  
891 3.a. The percentage of the pretrial release program's total  
892 budget representing receipt of public funds.  
893 b. The percentage of the total budget which is allocated to  
894 assisting defendants obtain release through a nonpublicly funded  
895 program.  
896 c. The amount of fees paid by defendants to the pretrial  
897 release program.  
898 4. The number of persons employed by the pretrial release  
899 program.  
900 5. The number of defendants assessed and interviewed for  
901 pretrial release.  
902 6. The number of defendants recommended for pretrial  
903 release.  
904 7. The number of defendants for whom the pretrial release  
905 program recommended against nonsecured release.  
906 8. The number of defendants granted nonsecured release  
907 after the pretrial release program recommended nonsecured  
908 release.  
909 9. The number of defendants assessed and interviewed for



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910 pretrial release who were declared indigent by the court.  
911 10. The number of defendants accepted into a pretrial  
912 release program who paid a surety or cash bail or bond.  
913 11. The number of defendants for whom a risk assessment  
914 tool was used in determining whether the defendant should be  
915 released pending the disposition of the case and the number of  
916 defendants for whom a risk assessment tool was not used.  
917 12. The specific statutory citation for each criminal  
918 charge related to a defendant whose case is accepted into a  
919 pretrial release program, including, at a minimum, the number of  
920 defendants charged with dangerous crimes as defined in s.  
921 907.041; nonviolent felonies; or misdemeanors only. A  
922 "nonviolent felony" for purposes of this subparagraph excludes  
923 the commission of, an attempt to commit, or a conspiracy to  
924 commit any of the following:  
925 a. An offense enumerated in s. 775.084(1)(c);  
926 b. An offense that requires a person to register as a  
927 sexual predator in accordance with s. 775.21 or as a sexual  
928 offender in accordance with s. 943.0435  
929 c. Failure to register as a sexual predator in violation of  
930 s. 775.21 or as a sexual offender in violation of s. 943.0435;  
931 d. Facilitating or furthering terrorism in violation of s.  
932 775.31;  
933 e. A forcible felony as described in s. 776.08;  
934 f. False imprisonment in violation of s. 787.02;  
935 g. Burglary of a dwelling or residence in violation of s.  
936 810.02(3).  
937 h. Abuse, aggravated abuse, and neglect of an elderly  
938 person or disabled adult in violation of s. 825.102;



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939        i. Abuse, aggravated abuse, and neglect of a child in  
940 violation of s. 827.03;

941        j. Poisoning of food or water in violation of s. 859.01;  
942        k. Abuse of a dead human body in violation of s. 872.06;  
943        l. A capital offense in violation of chapter 893;  
944        m. An offense that results in serious bodily injury or  
945 death to another human; or

946        n. A felony offense in which the defendant used a weapon or  
947 firearm in the commission of the offense.

948        13. The number of defendants accepted into a pretrial  
949 release program with no prior criminal conviction.

950        ~~14.10.~~ The name and case number of each person granted  
951 nonsecured release who:

952            a. Failed to attend a scheduled court appearance.  
953            b. Was issued a warrant for failing to appear.  
954            c. Was arrested for any offense while on release through  
955 the pretrial release program.

956        ~~15.11.~~ Any additional information deemed necessary by the  
957 governing body to assess the performance and cost efficiency of  
958 the pretrial release program.

959        Section 16. Subsections (3) through (7) of section  
960 921.0024, Florida Statutes, are amended to read:

961            921.0024 Criminal Punishment Code; worksheet computations;  
962 scoresheets.-

963            (3) A single digitized scoresheet shall be prepared for  
964 each defendant to determine the permissible range for the  
965 sentence that the court may impose, except that if the defendant  
966 is before the court for sentencing for more than one felony and  
967 the felonies were committed under more than one version or



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968 revision of the guidelines or the code, separate digitized  
969 scoresheets must be prepared. The scoresheet or scoresheets must  
970 cover all the defendant's offenses pending before the court for  
971 sentencing. The state attorney shall prepare the digitized  
972 scoresheet or scoresheets, which must be presented to the  
973 defense counsel for review for accuracy in all cases unless the  
974 judge directs otherwise. The defendant's scoresheet or  
975 scoresheets must be approved and signed by the sentencing judge.

976 (4) The Department of Corrections, in consultation with the  
977 Office of the State Courts Administrator, state attorneys, and  
978 public defenders, must develop and submit the revised digitized  
979 Criminal Punishment Code scoresheet to the Supreme Court for  
980 approval by June 15 of each year, as necessary. The digitized  
981 scoresheet shall have individual, structured data cells for each  
982 data field on the scoresheet. Upon the Supreme Court's approval  
983 of the revised digitized scoresheet, the Department of  
984 Corrections shall produce and provide ~~sufficient copies of the~~  
985 revised digitized scoresheets by September 30 of each year, as  
986 necessary. Digitized scoresheets must include individual data  
987 cells to indicate ~~item entries for the scoresheet preparer's use~~  
988 ~~in indicating~~ whether any prison sentence imposed includes a  
989 mandatory minimum sentence or the sentence imposed was a  
990 downward departure from the lowest permissible sentence under  
991 the Criminal Punishment Code.

992 (5) The Department of Corrections shall make available  
993 ~~distribute sufficient copies of the~~ digitized Criminal  
994 Punishment Code scoresheets to those persons charged with the  
995 responsibility for preparing scoresheets.

996 (6) The clerk of the circuit court shall transmit a



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997 complete, and accurate digitized, ~~and legible~~ copy of the  
998 Criminal Punishment Code scoresheet used in each sentencing  
999 proceeding to the Department of Corrections. Scoresheets must be  
1000 electronically transmitted no less frequently than monthly, by  
1001 the first of each month, and may be sent collectively.

1002 (7) A digitized sentencing scoresheet must be prepared for  
1003 every defendant who is sentenced for a felony offense. ~~A copy of~~  
1004 The individual offender's digitized Criminal Punishment Code  
1005 scoresheet and any attachments thereto prepared pursuant to Rule  
1006 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal  
1007 Procedure, or any other rule pertaining to the preparation and  
1008 submission of felony sentencing scoresheets, must be included  
1009 with ~~attached to the copy of~~ the uniform judgment and sentence  
1010 form provided to the Department of Corrections.

1011 Section 17. Subsection (1) of section 932.7061, Florida  
1012 Statutes, is amended to read:

1013 932.7061 Reporting seized property for forfeiture.—

1014 (1) Every law enforcement agency shall submit an annual  
1015 report to the Department of Law Enforcement indicating whether  
1016 the agency has seized or forfeited property under the Florida  
1017 Contraband Forfeiture Act. A law enforcement agency receiving or  
1018 expending forfeited property or proceeds from the sale of  
1019 forfeited property in accordance with the Florida Contraband  
1020 Forfeiture Act shall submit a completed annual report by  
1021 December 1 ~~October 10~~ documenting the receipts and expenditures.  
1022 The report shall be submitted in an electronic form, maintained  
1023 by the Department of Law Enforcement in consultation with the  
1024 Office of Program Policy Analysis and Government Accountability,  
1025 to the entity that has budgetary authority over such agency and



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1026 to the Department of Law Enforcement. The annual report must, at  
1027 a minimum, specify the type, approximate value, court case  
1028 number, type of offense, disposition of property received, and  
1029 amount of any proceeds received or expended.

1030 Section 18. Section 943.687, Florida Statutes, is created  
1031 to read:

1032 943.687 Criminal justice data transparency.—In order to  
1033 facilitate the availability of comparable and uniform criminal  
1034 justice data, the department shall:

1035 (1) Collect, compile, maintain, and manage the data  
1036 submitted by local and state entities pursuant to s. 900.05 and  
1037 coordinate related activities to collect and submit data. The  
1038 department shall create a unique identifier for each criminal  
1039 case received from the clerks of court which identifies the  
1040 person who is the subject of the criminal case. The unique  
1041 identifier must be the same for that person in any court case  
1042 and used across local and state entities for all information  
1043 related to that person at any time. The unique identifier shall  
1044 be randomly created and may not include any portion of the  
1045 person's social security number or date of birth.

1046 (2) Promote criminal justice data sharing by making such  
1047 data received under s. 900.05 comparable, transferable, and  
1048 readily usable.

1049 (3) Create and maintain an Internet-based database of  
1050 criminal justice data received under s. 900.05 in a modern,  
1051 open, electronic format that is machine-readable and readily  
1052 accessible through an application program interface. The  
1053 database must allow the public to search, at a minimum, by each  
1054 data element, county, judicial circuit, or unique identifier.



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1055 The department may not require a license or charge a fee to  
1056 access or receive information from the database.

1057 (4) Develop written agreements with local, state, and  
1058 federal agencies to facilitate criminal justice data sharing.

1059 (5) Establish by rule:

1060 (a) Requirements for the entities subject to the  
1061 requirements of s. 900.05 to submit data through an application  
1062 program interface.

1063 (b) A data catalog defining data objects, describing data  
1064 fields, and detailing the meaning of and options for each data  
1065 element reported pursuant to s. 900.05.

1066 (c) How data collected pursuant to s. 900.05 is compiled,  
1067 processed, structured, used, or shared. The rule shall provide  
1068 for the tagging of all information associated with each case  
1069 number and unique identifier.

1070 (d) Requirements for implementing and monitoring the  
1071 Internet-based database established under subsection (3).

1072 (e) How information contained in the Internet-based  
1073 database established under subsection (3) is accessed by the  
1074 public.

1075 (6) Consult with local, state, and federal criminal justice  
1076 agencies and other public and private users of the database  
1077 established under subsection (3) on the data elements collected  
1078 under s. 900.05, the use of such data, and adding data elements  
1079 to be collected.

1080 (7) Monitor data collection procedures and test data  
1081 quality to facilitate the dissemination of accurate, valid,  
1082 reliable, and complete criminal justice data.

1083 (8) Develop methods for archiving data, retrieving archived



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1084 data, and data editing and verification.

1085 Section 19. Subsection (3) of section 944.704, Florida  
1086 Statutes, is amended to read:

1087 944.704 Staff who provide transition assistance; duties.—  
1088 The department shall provide a transition assistance specialist  
1089 at each of the major institutions whose duties include, but are  
1090 not limited to:

1091 (3) Obtaining job placement information, which must  
1092 include identifying any job assignment credentialing or industry  
1093 certifications for which an inmate is eligible.

1094  
1095 The transition assistance specialist may not be a correctional  
1096 officer or correctional probation officer as defined in s.  
1097 943.10.

1098 Section 20. Subsections (3) through (6) of section 944.705,  
1099 Florida Statutes, are renumbered as subsections (4), (5), (6),  
1100 and (10), respectively, and new subsections (3), (7), (8), (9),  
1101 and (11) are added to that section, to read:

1102 944.705 Release orientation program.—

1103 (3) Each inmate shall receive a comprehensive community  
1104 reentry resource directory organized by the county to which the  
1105 inmate is being released. The directory shall include the name,  
1106 address, and telephone number of each provider, and a  
1107 description of services offered. The directory must also include  
1108 the name, address, and telephone number of existing portals of  
1109 entry.

1110 (7) The department shall allow a nonprofit faith-based,  
1111 business and professional, civic, or community organization to  
1112 apply to be registered under this section to provide inmate



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1113 reentry services. Reentry services include, but are not limited  
1114 to, counseling; providing information on housing and job  
1115 placement; money management assistance; and programs addressing  
1116 substance abuse, mental health, or co-occurring conditions.

1117 (8) The department shall adopt policies and procedures for  
1118 screening, approving, and registering an organization that  
1119 applies to be registered to provide inmate reentry services  
1120 under subsection (7). The department may deny approval and  
1121 registration of an organization or a representative from an  
1122 organization if it determines that the organization or  
1123 representative does not meet the department's policies or  
1124 procedures.

1125 (9) The department may contract with a public or private  
1126 educational institution's Veteran's Advocacy Clinic or Veteran's  
1127 Legal Clinic to assist qualified veteran inmates in applying for  
1128 veteran's assistance benefits upon release.

1129 (11) The department shall adopt rules to implement this  
1130 section.

1131 Section 21. Subsections (4) and (5) of section 944.801,  
1132 Florida Statutes, are renumbered (5) and (6), respectively, and  
1133 new subsection (4) is added to that section to read:

1134 944.801 Education for state prisoners.—

1135 (4) The Correctional Education Program may develop a Prison  
1136 Entrepreneurship Program and adopt procedures for admitting  
1137 student inmates. If the department elects to develop the  
1138 program, it must include at least 180 days of in-prison  
1139 education. Program curriculum must include a component on  
1140 developing a business plan, procedures for graduation and  
1141 certification of successful student inmates, and at least 90



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1142 days of transitional and postrelease continuing education  
1143 services. Transitional and postrelease continuing education  
1144 services may be offered to graduate student inmates on a  
1145 voluntary basis and shall not be a requirement for completion of  
1146 the program. The department shall enter into agreements with  
1147 public or private community colleges, junior colleges, colleges,  
1148 universities, or other non-profit entities to implement the  
1149 program. The program shall be funded within existing resources.

1150 Section 22. Section 944.805, Florida Statutes, is created  
1151 to read:

1152 944.805 Certificate of achievement and employability;  
1153 definitions.-

1154 (1) As used in this section and ss. 944.806-944.8065, the  
1155 term:

1156 (a) "Discretionary civil impact" means any Florida statute  
1157 or rule that creates a penalty, disability, or disadvantage to  
1158 which all of the following apply:

1159 1. The impact is triggered in whole or in part by a  
1160 person's conviction of an offense, whether or not the penalty,  
1161 disability, or disadvantage is included in the judgment or  
1162 sentence.

1163 2. The impact is imposed on a person, licensing agency, or  
1164 employer.

1165 3. The impact permits, but does not require, that a  
1166 convicted person have a license denied or revoked, permits an  
1167 agency to deny or revoke a license or certification to a  
1168 convicted person, or permits a business to refuse to employ a  
1169 convicted person.

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1171 The term does not include imprisonment, probation, parole,  
1172 supervised release, forfeiture, restitution, fine, assessment,  
1173 or costs of prosecution.

1174 (b) "Eligible inmate" means a person who is serving a  
1175 prison term in a state correctional institution or facility;  
1176 under the supervision of the department on probation or  
1177 community control; or under a postrelease control sanction; and  
1178 who is eligible to apply to the department for a certificate of  
1179 achievement and employability.

1180 (c) "Licensing agency" means any regulatory or licensing  
1181 entity with authority to issue, suspend, or revoke any  
1182 professional license or certification.

1183 (d) "Mandatory civil impact" means any Florida statute or  
1184 rule that creates a penalty, disability, or disadvantage to  
1185 which all of the following apply:

1186 1. The impact is triggered automatically solely by a  
1187 person's conviction of an offense, whether or not the penalty,  
1188 disability, or disadvantage is included in the judgment or  
1189 sentence.

1190 2. The impact is imposed on a person, licensing agency, or  
1191 employer.

1192 3. The impact precludes a convicted person from maintaining  
1193 or obtaining licensure or employment, precludes a licensing  
1194 agency from issuing a license or certification to a convicted  
1195 person, or precludes a business from being certified or from  
1196 employing a convicted person.

1197  
1198 The term does not include imprisonment, probation, parole,  
1199 supervised release, forfeiture, restitution, fine, assessment,



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1200 or costs of prosecution.

1201 Section 23. Section 944.8055, Florida Statutes, is created  
1202 to read:

1203 944.8055 Certificate of achievement and employability;  
1204 eligibility.-

1205 (1) An eligible inmate may apply to the department at a  
1206 time specified in paragraph (2) (a) for a certificate of  
1207 achievement and employability if the inmate:

1208 (a) Has satisfactorily completed one or more in-prison  
1209 vocational programs approved by the department.

1210 (b) Has demonstrated exemplary performance as determined by  
1211 completion of one or more cognitive or behavioral improvement  
1212 programs approved by the department while incarcerated in a  
1213 state correctional institution or facility or under supervision,  
1214 or during both periods of time.

1215 (c) Shows other evidence of achievement and rehabilitation.

1216 (d) Is not currently serving a sentence for or has not been  
1217 previously convicted of a violation of a dangerous crime as  
1218 defined in s. 907.041, or a violation specified as a predicate  
1219 offense for registration as a sexual predator under s. 775.21 or  
1220 for registration as a sexual offender under s. 943.0435.

1221 (2) (a) An eligible inmate may apply for a certificate of  
1222 achievement and employability no earlier than one year prior to  
1223 the date of his or her release from department custody and no  
1224 later than the actual date of release.

1225 (b) An inmate released from a state correctional  
1226 institution or facility, or under supervision or postrelease  
1227 control sanction, and who satisfies all the criteria set forth  
1228 in subsection (1), is eligible to apply to the department for a



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1229 certificate of achievement and employability at any time while  
1230 under supervision or postrelease control sanction.

1231 (3) When applying for a certificate of achievement and  
1232 employability, an eligible inmate shall specify the mandatory  
1233 civil impacts for which he or she is seeking relief through a  
1234 certificate. If a mandatory civil impact of a licensing agency  
1235 is affected by issuing the certificate, the department shall  
1236 notify the licensing agency, provide the licensing agency with a  
1237 copy of the application and documentation that the department  
1238 has concerning the eligible inmate, and afford the licensing  
1239 agency an opportunity to object in writing to issuing the  
1240 certificate.

1241 (4) The department shall consider the eligible inmate's  
1242 application and all objections to issuing the certificate of  
1243 achievement and employability. If the department determines that  
1244 the inmate is eligible, the application was filed timely, and  
1245 all objections to issuing the certificate are insufficient, it  
1246 shall issue the certificate.

1247 (5) A certificate of achievement or employability does not  
1248 affect the mandatory civil impacts under s. 4, Art. VI of the  
1249 state Constitution, or ss. 775.13, 775.21, 943.0435, and  
1250 944.292.

1251 (6) The department is not liable for a claim for damages  
1252 arising from issuing, denying, or revoking a certificate of  
1253 achievement and employability or for failing to revoke a  
1254 certificate under the circumstances described in s. 944.0865.

1255 (7) The department shall adopt rules to implement this  
1256 section.

1257 Section 24. Section 944.806, Florida Statutes, is created



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1258 to read:

1259 944.806 Certificate of achievement and employability;  
1260 effect.—

1261 (1) A certificate holder who applies to a licensing agency  
1262 and has a conviction or guilty plea that otherwise would bar  
1263 licensure or certification because of a mandatory civil impact  
1264 shall be given individualized consideration by the licensing  
1265 agency. The certificate constitutes a rebuttable presumption  
1266 that the certificate holder's conviction alone is insufficient  
1267 evidence that he or she is unfit for the license or  
1268 certification. Notwithstanding the presumption established under  
1269 this section, the licensing agency may deny the license or  
1270 certification if it determines that the certificate holder is  
1271 unfit for licensure or certification after considering all  
1272 relevant facts and circumstances.

1273 (2) If an employer that has hired a certificate holder  
1274 applies to a licensing agency and the certificate holder has a  
1275 conviction or guilty plea that otherwise would bar his or her  
1276 employment with the employer, or would bar the employer's  
1277 licensure or certification because of a mandatory civil impact,  
1278 the agency shall give the certificate holder individualized  
1279 consideration for licensure or certification. The mandatory  
1280 civil impact shall be deemed a discretionary civil impact, and  
1281 the certificate constitutes a rebuttable presumption that the  
1282 holder's criminal convictions are insufficient evidence that he  
1283 or she is unfit for the employment, or that the employer is  
1284 unfit for the licensure or certification. The agency may deny  
1285 the employer licensure or certification if it determines that  
1286 the certificate holder is unfit for employment or that the



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1287 employer is unfit for licensure or certification.

1288 Section 25. Section 944.8065, Florida Statutes, is created  
1289 to read:

1290 944.8065 Certificate of achievement and employability;  
1291 revocation.—The department shall adopt rules governing  
1292 revocation of a certificate of achievement and employability  
1293 issued under s. 944.8055. The rules shall, at a minimum, require  
1294 revocation if a certificate holder is convicted of or pleads  
1295 guilty to a felony subsequent to the issuance of the certificate  
1296 of eligibility. The department shall determine which additional  
1297 offenses require revocation, considering the nature of the  
1298 offense and the employment of a certificate holder.

1299 Section 26. Section 945.041, Florida Statutes, is created  
1300 to read:

1301 945.041 Department of Corrections reports.—The department  
1302 shall publish on its website and make available to the public  
1303 the following information, updated on a quarterly basis:

1304 (1) Inmate admissions by offense type. Burglary of dwelling  
1305 offenses under s. 810.02(2), (3) (a), and (3) (b) must be reported  
1306 as a separate category from all other property crimes.

1307 (2) The recidivism rate, defined as rearrest, reconviction,  
1308 reincarceration, and probation revocation in the state within a  
1309 3-year time period following release from incarceration.

1310 Section 27. Current subsections (6) through (15) of section  
1311 947.005, Florida Statutes, are redesignated as subsections (8)  
1312 through (17), respectively, and new subsections (6) and (7) are  
1313 added to that section, to read:

1314 947.005 Definitions.—As used in this chapter, unless the  
1315 context clearly indicates otherwise:



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1316           (6) "Electronic monitoring device" means an electronic or  
1317 telecommunications device that is used to track and supervise  
1318 the location of a person. Such devices include, but are not  
1319 limited to, voice tracking systems, position tracking systems,  
1320 position location systems, or biometric tracking systems.

1321           (7) "Conditional medical release" means the release from a  
1322 state correctional institution or facility under this chapter  
1323 for medical or mental health treatment pursuant to s. 947.149.

1324           Section 28. Section 947.149, Florida Statutes, is amended  
1325 to read:

1326           947.149 Conditional medical release.—

1327           (1) ELIGIBILITY.—The commission shall, in conjunction with  
1328 the department, establish the conditional medical release  
1329 program. An inmate is eligible for supervised ~~consideration for~~  
1330 release under the conditional medical release program when the  
1331 inmate, because of an existing medical or physical condition, is  
1332 determined by the department to be within one of the ~~following~~  
1333 designations provided for in subsection (2) and meet the  
1334 qualifications of subsection (3) or subsection (4).÷

1335           (2) DESIGNATIONS.—

1336           (a) "Inmate with a debilitating illness," which means an  
1337 inmate who is determined to be suffering from a significant and  
1338 permanent terminal or nonterminal condition, disease, or  
1339 syndrome that has rendered the inmate so physically or  
1340 cognitively debilitated or incapacitated as to create a  
1341 reasonable probability that the inmate does not constitute a  
1342 danger to herself or himself or others.

1343           (b) "Medically frail inmate," which means an inmate whose  
1344 physical or mental health has deteriorated to a point that



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1345 creates a reasonable probability that the inmate does not  
1346 constitute a danger to herself or himself or others, as  
1347 determined by a risk assessment completed by a qualified  
1348 practitioner, and whose deterioration is the direct result of  
1349 the inmate's:

1350 1. Impairment of the mental or emotional processes that  
1351 exercise conscious control of one's actions or of the ability to  
1352 perceive or understand reality, where such impairment  
1353 substantially interferes with the person's ability to meet the  
1354 ordinary demands of living;

1355 2. History of substance abuse, as defined in s.  
1356 397.311(45); or

1357 3. Requirement of acute long-term medical or mental health  
1358 treatment or services.

1359 (c)(a) "Permanently incapacitated inmate," which means an  
1360 inmate who has a condition caused by injury, disease, or illness  
1361 which, to a reasonable degree of medical certainty, renders the  
1362 inmate permanently and irreversibly physically incapacitated to  
1363 the extent that the inmate does not constitute a danger to  
1364 herself or himself or others.

1365 (d)(b) "Terminally ill inmate," which means an inmate who  
1366 has a condition caused by injury, disease, or illness which, to  
1367 a reasonable degree of medical certainty, renders the inmate  
1368 terminally ill to the extent that there can be no recovery and  
1369 death is expected within 12 months ~~is imminent~~, so that the  
1370 inmate does not constitute a danger to herself or himself or  
1371 others.

1372 (3)(2) PERMISSIVE CONDITIONAL MEDICAL RELEASE.-

1373 (a) Notwithstanding any provision to the contrary, an



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1374 inmate that is sentenced to the custody of the department and  
1375 who qualifies for one of the designations defined in subsection  
1376 (2) any person determined eligible under this section and  
1377 sentenced to the custody of the department may, upon referral by  
1378 the department, be considered for conditional medical release by  
1379 the commission, in addition to any parole consideration for  
1380 which the inmate may be considered, except that conditional  
1381 medical release is not authorized for an inmate who is under  
1382 sentence of death. ~~No inmate has a right to conditional medical~~  
1383 ~~release or to a medical evaluation to determine eligibility for~~  
1384 ~~such release.~~

1385 (b) (3) The authority and whether or not to grant  
1386 conditional medical release and establish additional conditions  
1387 of conditional medical release under this subsection rests  
1388 solely within the discretion of the commission, in accordance  
1389 with the provisions of this section, together with the authority  
1390 to approve the release plan to include necessary medical care  
1391 and attention.

1392 (c) The department shall identify inmates who may be  
1393 eligible for conditional medical release based upon available  
1394 medical information and shall refer them to the commission for  
1395 consideration.

1396 (d) In considering an inmate for conditional medical  
1397 release in accordance with this subsection, the commission may  
1398 require that additional medical evidence be produced or that  
1399 additional medical examinations be conducted, and may require  
1400 such other investigations to be made as may be warranted.

1401 (4) MANDATORY CONDITIONAL MEDICAL RELEASE.-

1402 (a) An inmate is eligible for mandatory conditional medical



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1403 release under this subsection if he or she qualifies for one of  
1404 the designations defined in subsection (2) and the department  
1405 determines that he or she meets all of the following criteria:  
1406 1. Has served at least 50 percent of his or her sentence.  
1407 2. Has no current or prior conviction for:  
1408 a. A capital, life, or first degree felony.  
1409 b. A sexual offense specified in s. 775.21(4)(a)1. or s.  
1410 943.0435(1)(h)1.a.(I).  
1411 c. An offense involving a child.  
1412 3. Has not received a disciplinary report within the  
1413 previous 6 months.  
1414 4. Has never received a disciplinary report for a violent  
1415 act.  
1416 5. Has renounced any gang affiliation.  
1417 (b) Any person sentenced to the custody of the department  
1418 who is determined to be eligible for placement on mandatory  
1419 conditional medical release in accordance with this subsection  
1420 must be referred by the department to the commission. Upon  
1421 receiving a referral from the department, the commission shall  
1422 verify the eligibility of an inmate and, upon verification, such  
1423 inmate must be placed on conditional medical release.  
1424 (c) In verifying the inmate's eligibility for mandatory  
1425 conditional medical release, the commission shall review the  
1426 information provided by the department.  
1427 (d) The commission must finish its verification of an  
1428 inmate's eligibility within 60 days after the department refers  
1429 the inmate for conditional medical release.  
1430 (5) RIGHTS NOT CONFERRED.—An inmate does not have a right  
1431 to conditional medical release or to a medical evaluation to



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1432 determine eligibility for such release.

1433 (6) REFERRAL REQUIREMENTS.—The department's referral of an  
1434 inmate to the commission for release under this section must  
1435 include all of the following information on the inmate:

1436 (a) The proposed conditional medical release plan.

1437 (b) Any relevant medical history, including current medical  
1438 prognosis.

1439 (c) Criminal history. The criminal history must include all  
1440 of the following information:

1441 1. The inmate's claim of innocence, if any.

1442 2. The degree to which the inmate accepts responsibility  
1443 for his or her actions leading to the conviction of the crime.

1444 3. How any claim of responsibility has affected the  
1445 inmate's feelings of remorse.

1446 (d) If authorized by the inmate, any history of substance  
1447 abuse and mental health issues that is collected by the  
1448 department in accordance with 42 C.F.R. s. 2.

1449 (e) Any disciplinary action taken against the inmate while  
1450 in prison.

1451 (f) Any participation in prison work and other prison  
1452 programs.

1453 (g) Any other information that the department deems  
1454 necessary.

1455 (7) PLACEMENT REQUIREMENT.—A determination to approve a  
1456 release on conditional medical release must take into  
1457 consideration conditions such as whether:

1458 (a) A placement option has been secured for the inmate in  
1459 the community. A placement option may include, but is not  
1460 limited to, home confinement or a medical or mental health



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1461 facility that is not a public institution as defined at Title  
1462 42, Chapter IV, Subchapter C, Part 434, Subpart K of the Code of  
1463 Federal Regulations. A placement option need not involve any  
1464 type of supervision of the inmate by an employee or a private  
1465 contractor of the department or otherwise be considered a secure  
1466 facility. A placement option may involve the use of an  
1467 electronic monitoring device as defined in 947.005(6).

1468 (b) The placement option secured under this section poses a  
1469 minimal risk to society.

1470 (c) The department has made a reasonable effort to  
1471 determine whether expenses related to the placement option  
1472 secured under this subsection are covered by Medicaid, a health  
1473 care policy, a certificate of insurance, or another source for  
1474 the payment of medical expenses or whether the inmate has  
1475 sufficient income or assets to pay for the expenses related to  
1476 the placement.

1477 (d) The department has provided notice to the prosecutor's  
1478 office in the county in which the prisoner was sentenced and to  
1479 each victim entitled to notice under s. 16(b), Art. I of the  
1480 State Constitution.

1481 (8)-(4) EFFECT OF RELEASE ON CONDITIONAL MEDICAL RELEASE.-  
1482 The conditional medical release term of an inmate released on  
1483 conditional medical release is for the remainder of the inmate's  
1484 sentence, without diminution of sentence for good behavior.  
1485 Supervision of the medical releasee must include a release plan  
1486 as proposed by the department and approved by the commission and  
1487 periodic medical evaluations. Supervision may also include  
1488 electronic monitoring at intervals determined by the commission  
1489 at the time of release.



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1490            ~~(9)-(5)-(a)~~ REVOCATION AND RECOMMITMENT.—

1491            (a) If it is discovered during the conditional medical  
1492 release that the medical or physical condition of the medical  
1493 releasee has improved to the extent that she or he would no  
1494 longer be eligible for conditional medical release under this  
1495 section, the commission may order that the releasee be returned  
1496 to the custody of the department for a conditional medical  
1497 release revocation hearing, in accordance with s. 947.141. If  
1498 conditional medical release is revoked due to improvement in the  
1499 medical or physical condition of the releasee, she or he shall  
1500 serve the balance of her or his sentence with credit for the  
1501 time served on conditional medical release and without  
1502 forfeiture of any gain-time accrued prior to conditional medical  
1503 release. If the person whose conditional medical release is  
1504 revoked due to an improvement in medical or physical condition  
1505 would otherwise be eligible for parole or any other release  
1506 program, the person may be considered for such release program  
1507 pursuant to law.

1508            (b) In addition to revocation of conditional medical  
1509 release pursuant to paragraph (a), conditional medical release  
1510 may also be revoked for violation of any condition of the  
1511 release established by the commission, in accordance with s.  
1512 947.141, and the releasee's gain-time may be forfeited pursuant  
1513 to s. 944.28(1).

1514            ~~(10)-(6)~~ RULEMAKING.—The department and the commission shall  
1515 adopt rules as necessary to implement the conditional medical  
1516 release program.

1517            Section 29. Subsection (1) of section 948.001, Florida  
1518 Statutes, is amended to read:



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1519 948.001 Definitions.—As used in this chapter, the term:  
1520 (1) “Administrative probation” means a form of no contact,  
1521 nonreporting supervision in which an offender who presents a low  
1522 risk of harm to the community may, upon satisfactory completion  
1523 of half the term of probation, be transferred by the Department  
1524 of Corrections to this type of reduced level of supervision, as  
1525 provided in s. 948.013.

1526 Section 30. Subsection (1) of section 948.013, Florida  
1527 Statutes, is amended to read:

1528 948.013 Administrative probation.—

1529 (1) The Department of Corrections may transfer an offender  
1530 to administrative probation if he or she presents a low risk of  
1531 harm to the community and has satisfactorily completed at least  
1532 half of the probation term. The department ~~of Corrections~~ may  
1533 establish procedures for transferring an offender to  
1534 administrative probation. The department may collect an initial  
1535 processing fee of up to \$50 for each probationer transferred to  
1536 administrative probation. The offender is exempt from further  
1537 payment for the cost of supervision as required in s. 948.09.

1538 Section 31. Subsection (3) is added to section 948.03,  
1539 Florida Statutes, to read:

1540 948.03 Terms and conditions of probation.—

1541 (3) The Department of Corrections shall include all  
1542 conditions of probation for each probationer, as determined by  
1543 the court, in the Florida Crime Information Center database.

1544 Section 32. Subsection (1) of section 948.06, Florida  
1545 Statutes, is amended, and subsection (9) is added to that  
1546 section, to read:

1547 948.06 Violation of probation or community control;



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1548 revocation; modification; continuance; failure to pay  
1549 restitution or cost of supervision.—

1550 (1)

1551 (c) If a probationer or offender on community control  
1552 commits a technical violation, the probation officer shall  
1553 determine whether he or she is eligible for the alternative  
1554 sanctioning program under subsection (9). If the probationer or  
1555 offender on community control is eligible, the probation officer  
1556 may proceed with the alternative sanctioning program in lieu of  
1557 filing an affidavit of violation with the court. For purposes of  
1558 this section, the term "technical violation" means an alleged  
1559 violation of supervision that is not a new felony offense,  
1560 misdemeanor offense, or criminal traffic offense.

1561 (d)~~(e)~~ If a judge finds reasonable grounds to believe that  
1562 a probationer or an offender has violated his or her probation  
1563 or community control in a material respect by committing a new  
1564 violation of law, the judge may issue a warrant for the arrest  
1565 of the person.

1566 (e)~~(d)~~ 1. At a first appearance hearing for an offender who  
1567 has been arrested for violating his or her probation or  
1568 community control in a material respect by committing a new  
1569 violation of law the court:

1570 a. Shall inform the person of the violation.

1571 b. May order the person to be taken before the court that  
1572 granted the probation or community control if the person admits  
1573 the violation.

1574 2. If the probationer or offender does not admit the  
1575 violation at the first appearance hearing, the court:

1576 a. May commit the probationer or offender or may release



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1577 the person with or without bail to await further hearing,  
1578 notwithstanding s. 907.041, relating to pretrial detention and  
1579 release; or

1580 b. May order the probationer or offender to be brought  
1581 before the court that granted the probation or community  
1582 control.

1583 3. In determining whether to require or set the amount of  
1584 bail, and notwithstanding s. 907.041, relating to pretrial  
1585 detention and release, the court may consider whether the  
1586 probationer or offender is more likely than not to receive a  
1587 prison sanction for the violation.

1588  
1589 This paragraph does not apply to a probationer or offender on  
1590 community control who is subject to the hearing requirements  
1591 under subsection (4) or paragraph (8) (e).

1592 (f)~~(e)~~ Any probation officer, any officer authorized to  
1593 serve criminal process, or any peace officer of this state is  
1594 authorized to serve and execute such warrant. Any probation  
1595 officer is authorized to serve such notice to appear.

1596 (g)~~(f)~~ Upon the filing of an affidavit alleging a violation  
1597 of probation or community control and following issuance of a  
1598 warrant for such violation, a warrantless arrest under this  
1599 section, or a notice to appear under this section, the  
1600 probationary period is tolled until the court enters a ruling on  
1601 the violation. Notwithstanding the tolling of probation, the  
1602 court shall retain jurisdiction over the offender for any  
1603 violation of the conditions of probation or community control  
1604 that is alleged to have occurred during the tolling period. The  
1605 probation officer is permitted to continue to supervise any



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1606 offender who remains available to the officer for supervision  
1607 until the supervision expires pursuant to the order of probation  
1608 or community control or until the court revokes or terminates  
1609 the probation or community control, whichever comes first.

1610 ~~(h)~~ ~~(g)~~ The chief judge of each judicial circuit may direct  
1611 the department to use a notification letter of a technical  
1612 violation in appropriate cases in lieu of a violation report,  
1613 affidavit, and warrant or a notice to appear when the alleged  
1614 violation is not a new felony or misdemeanor offense. Such  
1615 direction must be in writing and must specify the types of  
1616 specific technical violations which are to be reported by a  
1617 notification letter of a technical violation, any exceptions to  
1618 those violations, and the required process for submission. At  
1619 the direction of the chief judge, the department shall send the  
1620 notification letter of a technical violation to the court.

1621 ~~(h)1. The chief judge of each judicial circuit, in~~  
1622 ~~consultation with the state attorney, the public defender, and~~  
1623 ~~the department, may establish an alternative sanctioning program~~  
1624 ~~in which the department, after receiving court approval, may~~  
1625 ~~enforce specified sanctions for certain technical violations of~~  
1626 ~~supervision. For purposes of this paragraph, the term "technical~~  
1627 ~~violation" means any alleged violation of supervision that is~~  
1628 ~~not a new felony offense, misdemeanor offense, or criminal~~  
1629 ~~traffic offense.~~

1630 ~~2. To establish an alternative sanctioning program, the~~  
1631 ~~chief judge must issue an administrative order specifying:~~

1632 ~~a. Eligibility criteria.~~

1633 ~~b. The technical violations that are eligible for the~~  
1634 ~~program.~~



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1635 ~~e. The sanctions that may be recommended by a probation~~  
1636 ~~officer for each technical violation.~~

1637 ~~d. The process for reporting technical violations through~~  
1638 ~~the alternative sanctioning program, including approved forms.~~

1639 ~~3. If an offender is alleged to have committed a technical~~  
1640 ~~violation of supervision that is eligible for the program, the~~  
1641 ~~offender may:~~

1642 ~~a. Waive participation in the alternative sanctioning~~  
1643 ~~program, in which case the probation officer may submit a~~  
1644 ~~violation report, affidavit, and warrant to the court in~~  
1645 ~~accordance with this section; or~~

1646 ~~b. Elect to participate in the alternative sanctioning~~  
1647 ~~program after receiving written notice of an alleged technical~~  
1648 ~~violation and a disclosure of the evidence against the offender,~~  
1649 ~~admit to the technical violation, agree to comply with the~~  
1650 ~~probation officer's recommended sanction if subsequently ordered~~  
1651 ~~by the court, and agree to waive the right to:~~

1652 ~~(I) Be represented by legal counsel.~~

1653 ~~(II) Require the state to prove his or her guilt before a~~  
1654 ~~neutral and detached hearing body.~~

1655 ~~(III) Subpoena witnesses and present to a judge evidence in~~  
1656 ~~his or her defense.~~

1657 ~~(IV) Confront and cross-examine adverse witnesses.~~

1658 ~~(V) Receive a written statement from a factfinder as to the~~  
1659 ~~evidence relied on and the reasons for the sanction imposed.~~

1660 ~~4. If the offender admits to committing the technical~~  
1661 ~~violation and agrees with the probation officer's recommended~~  
1662 ~~sanction, the probation officer must, before imposing the~~  
1663 ~~sanction, submit the recommended sanction to the court as well~~



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1664 ~~as documentation reflecting the offender's admission to the~~  
1665 ~~technical violation and agreement with the recommended sanction.~~

1666 ~~5. The court may impose the recommended sanction or may~~  
1667 ~~direct the department to submit a violation report, affidavit,~~  
1668 ~~and warrant to the court in accordance with this section.~~

1669 ~~6. An offender's participation in an alternative~~  
1670 ~~sanctioning program is voluntary. The offender may elect to~~  
1671 ~~waive or discontinue participation in an alternative sanctioning~~  
1672 ~~program at any time before the issuance of a court order~~  
1673 ~~imposing the recommended sanction.~~

1674 ~~7. If an offender waives or discontinues participation in~~  
1675 ~~an alternative sanctioning program, the probation officer may~~  
1676 ~~submit a violation report, affidavit, and warrant to the court~~  
1677 ~~in accordance with this section. The offender's prior admission~~  
1678 ~~to the technical violation may not be used as evidence in~~  
1679 ~~subsequent proceedings.~~

1680 ~~(i) The court may allow the department to file an~~  
1681 ~~affidavit, notification letter, violation report, or other~~  
1682 ~~report under this section by facsimile or electronic submission.~~

1683 ~~(9) (a) For a first or second low-risk violation, as defined~~  
1684 ~~in paragraph (b), within the current term of supervision, a~~  
1685 ~~probation officer may offer an eligible probationer one or more~~  
1686 ~~of the following as an alternative sanction:~~

- 1687 ~~1. Up to five days in the county detention facility;~~  
1688 ~~2. Up to fifty additional community service hours;~~  
1689 ~~3. Counseling or treatment;~~  
1690 ~~4. Support group attendance;~~  
1691 ~~5. Drug testing;~~  
1692 ~~6. Loss of travel or other privileges;~~



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1693 7. Curfew for up to thirty days;  
1694 8. House arrest for up to thirty days; or  
1695 9. Any other sanction as determined by administrative order  
1696 by the chief judge of the circuit.

1697 (b) When committed by a probationer, a low-risk violation  
1698 includes:

1699 1. Positive drug or alcohol test result;  
1700 2. Failure to report to the probation office;  
1701 3. Failure to report a change in address or other required  
1702 information;

1703 4. Failure to attend a required class, treatment or  
1704 counseling session, or meeting;

1705 5. Failure to submit to a drug or alcohol test;

1706 6. Violation of curfew;

1707 7. Failure to meet a monthly quota on any required  
1708 probation condition, including, but not limited to, making  
1709 restitution payments, payment of court costs, and completing  
1710 community service hours;

1711 8. Leaving the county without permission;

1712 9. Failure to report a change in employment;

1713 10. Associating with a person engaged in criminal activity;

1714 or

1715 11. Any other violation as determined by administrative  
1716 order of the chief judge of the circuit.

1717 (c) For a first time moderate-risk violation, as defined in  
1718 paragraph (d), within the current term of supervision, a  
1719 probation officer, with supervisor approval, may offer an  
1720 eligible probationer or offender on community control one or  
1721 more of the following as an alternative sanction:



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- 1722           1. Up to 21 days in the county detention facility;  
1723           2. Curfew for up to 90 days;  
1724           3. House arrest for up to 90 days;  
1725           4. Electronic monitoring for up to 90 days;  
1726           5. Residential treatment for up to 90 days;  
1727           6. Any other sanction available for a low-risk violation;  
1728 or  
1729           7. Any other sanction as determined by administrative order  
1730 of the chief judge of the circuit.  
1731           (d) A moderate-risk violation includes:  
1732           1. A violation listed under paragraph (b) when committed by  
1733 an offender on community control;  
1734           2. Failure to remain at an approved residence by an  
1735 offender on community control;  
1736           3. A third violation listed under paragraph (b) by a  
1737 probationer within the current term of supervision; or  
1738           4. Any other violation as determined by administrative  
1739 order by the chief judge of the circuit.  
1740           (e) A probationer or offender on community control is not  
1741 eligible for an alternative sanction if:  
1742           1. He or she is a violent felony offender of special  
1743 concern, as defined in paragraph (8) (b).  
1744           2. The violation is a felony, misdemeanor, or criminal  
1745 traffic offense.  
1746           3. The violation is absconding.  
1747           4. The violation is of a stay-away order or no-contact  
1748 order.  
1749           5. The violation is not identified as low-risk or moderate-  
1750 risk under this paragraph or by administrative order.



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1751           6. He or she has a prior moderate-risk level violation  
1752 during the current term of supervision.

1753           7. He or she has three prior low-risk level violations  
1754 during the same term of supervision.

1755           8. The term of supervision is scheduled to terminate in  
1756 less than 90 days.

1757           9. The terms of the sentence prohibit alternative  
1758 sanctioning.

1759           (f) If a probationer or offender on community control is  
1760 eligible for the alternative sanctioning program, he or she may:

1761           1. Waive participation in the program, in which case the  
1762 probation officer may submit a violation report, affidavit, and  
1763 warrant to the court; or

1764           2. Elect to participate in the program after receiving  
1765 written notice of an alleged technical violation and disclosure  
1766 of the evidence against him or her, admit to the technical  
1767 violation, agree to comply with the probation officer's  
1768 recommended sanction if subsequently ordered by the court, and  
1769 agree to waive the right to:

1770           a. Be represented by legal counsel.

1771           b. Require the state to prove his or her guilt before a  
1772 neutral and detached hearing body.

1773           c. Subpoena witnesses and present to a judge evidence in  
1774 his or her defense.

1775           d. Confront and cross-examine adverse witnesses.

1776           e. Receive a written statement from a judge as to the  
1777 evidence relied on and the reasons for the sanction imposed.

1778           3. If the probationer or offender on community control  
1779 admits to committing the technical violation and agrees with the



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1780 probation officer's recommended sanction, the probation officer  
1781 must, before imposing the sanction, submit the recommended  
1782 sanction to the court with documentation reflecting the  
1783 probationer's admission to the technical violation and agreement  
1784 with the recommended sanction.

1785 (g) The court may impose the recommended sanction or direct  
1786 the department to submit a violation report, affidavit, and  
1787 warrant to the court.

1788 (h) An offender's participation in the program is  
1789 voluntary. The probationer or offender on community control may  
1790 waive or discontinue participation in the program at any time  
1791 before the court imposes a recommended sanction.

1792 (i) If a probationer or offender on community control  
1793 waives or discontinues participation in the program or fails to  
1794 complete successfully all alternative sanctions within 90 days  
1795 of imposition or within the timeframe specified in the agreed  
1796 upon sanction, the probation officer may submit a violation  
1797 report, affidavit, and warrant to the court. A prior admission  
1798 by the probationer or offender on community control to a  
1799 technical violation may not be used as evidence in subsequent  
1800 proceedings.

1801 (j) Each judicial circuit shall establish an alternative  
1802 sanctioning program as provided in this subsection. The chief  
1803 judge of each judicial circuit may, by administrative order,  
1804 define additional sanctions or eligibility criteria and specify  
1805 the process for reporting technical violations through the  
1806 alternative sanctioning program.

1807 Section 33. Section 948.081, Florida Statutes, is created  
1808 to read:



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1809       948.081 Community court programs.-  
1810       (1) Each judicial circuit may establish a community court  
1811 program for defendants charged with certain misdemeanor  
1812 offenses. Each community court shall, at a minimum:  
1813       (a) Adopt a nonadversarial approach.  
1814       (b) Establish an advisory committee to recommend solutions  
1815 and sanctions in each case.  
1816       (c) Consider the needs of the victim.  
1817       (d) Consider individualized treatment services for the  
1818 defendant.  
1819       (e) Provide for judicial leadership and interaction.  
1820       (f) Monitor the defendant's compliance.  
1821       (2) In the event a county elects to establish a community  
1822 court program pursuant to this section, the chief judge of the  
1823 judicial circuit shall, by administrative order, specify each  
1824 misdemeanor crime eligible for the community court program. In  
1825 making such determination, the chief judge shall consider the  
1826 particular needs and concerns of the communities within the  
1827 judicial circuit.  
1828       (3) The Department of Corrections, Department of Juvenile  
1829 Justice, Department of Health, Department of Law Enforcement,  
1830 Department of Education, law enforcement agencies, and other  
1831 government entities involved in the criminal justice system  
1832 shall support such community court programs.  
1833       (4) A defendant's entry into a community court program  
1834 shall be voluntary.  
1835       (5) Each community court program shall have a resource  
1836 coordinator who:  
1837       (a) Coordinates the responsibilities of the participating



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1838 agencies and service providers;  
1839 (b) Provides case management services;  
1840 (c) Monitors compliance by defendants with court  
1841 requirements; and  
1842 (d) Manages the collection of data for program evaluation  
1843 and accountability.  
1844 (6) The chief judge of the judicial circuit shall appoint  
1845 an advisory committee for each community court. Membership must  
1846 include, at a minimum:  
1847 (a) The chief judge or a community court judge designated  
1848 by the chief judge, who shall serve as chair;  
1849 (b) The state attorney;  
1850 (c) The public defender; and  
1851 (d) The community court resource coordinator.  
1852  
1853 The committee may also include community stakeholders, treatment  
1854 representatives, and other persons the chair deems appropriate.  
1855 (7) The advisory committee shall review each defendant's  
1856 case. Each committee member may make recommendations to the  
1857 judge, including appropriate sanctions and treatment solutions  
1858 for the defendant. The judge shall consider such recommendations  
1859 and make the final decision concerning sanctions and treatment  
1860 with respect to each defendant.  
1861 (8) Each judicial circuit that establishes a community  
1862 court program pursuant to this section shall report client-level  
1863 and programmatic data to the Office of State Courts  
1864 Administrator annually for program evaluation. Client-level data  
1865 include primary offenses resulting in the community court  
1866 referral or sentence, treatment compliance, completion status,



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1867 reasons for failing to complete the program, offenses committed  
1868 during treatment and sanctions imposed, frequency of court  
1869 appearances, and units of service. Programmatic data include  
1870 referral and screening procedures, eligibility criteria, type  
1871 and duration of treatment offered, and residential treatment  
1872 resources.

1873 (9) Community court program funding must be secured from  
1874 sources other than the state for costs not assumed by the state  
1875 under s. 29.004. However, this subsection does not preclude the  
1876 use of funds provided for treatment and other services through  
1877 state executive branch agencies.

1878 Section 34. For the purpose of incorporating the amendment  
1879 made by this act to section 944.801, Florida Statutes, in a  
1880 reference thereto, subsection (3) of section 447.203, Florida  
1881 Statutes, is reenacted to read:

1882 447.203 Definitions.—As used in this part:

1883 (2) "Public employer" or "employer" means the state or any  
1884 county, municipality, or special district or any subdivision or  
1885 agency thereof which the commission determines has sufficient  
1886 legal distinctiveness properly to carry out the functions of a  
1887 public employer. With respect to all public employees determined  
1888 by the commission as properly belonging to a statewide  
1889 bargaining unit composed of State Career Service System  
1890 employees or Selected Professional Service employees, the  
1891 Governor shall be deemed to be the public employer; and the  
1892 Board of Governors of the State University System, or the  
1893 board's designee, shall be deemed to be the public employer with  
1894 respect to all public employees of each constituent state  
1895 university. The board of trustees of a community college shall



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1896 be deemed to be the public employer with respect to all  
1897 employees of the community college. The district school board  
1898 shall be deemed to be the public employer with respect to all  
1899 employees of the school district. The Board of Trustees of the  
1900 Florida School for the Deaf and the Blind shall be deemed to be  
1901 the public employer with respect to the academic and academic  
1902 administrative personnel of the Florida School for the Deaf and  
1903 the Blind. The Governor shall be deemed to be the public  
1904 employer with respect to all employees in the Correctional  
1905 Education Program of the Department of Corrections established  
1906 pursuant to s. 944.801.

1907 Section 35. For the purpose of incorporating the amendment  
1908 made by this act to section 944.704, Florida Statutes, in a  
1909 reference thereto, subsection (3) of section 944.026, Florida  
1910 Statutes, is reenacted to read:

1911 944.026 Community-based facilities and programs.—

1912 (3) (a) The department shall develop and implement  
1913 procedures to diagnose offenders prior to sentencing, for the  
1914 purpose of recommending to the sentencing court suitable  
1915 candidates for placement in a community-based residential drug  
1916 treatment facility or probation and restitution center as  
1917 provided in this section. The department shall also develop and  
1918 implement procedures to properly identify inmates prior to  
1919 release who demonstrate the need for or interest in and  
1920 suitability for placement in a community-based substance abuse  
1921 transition housing program as provided in this section and  
1922 pursuant to ss. 944.4731 and 944.704.

1923 (b) Pretrial intervention programs in appropriate counties  
1924 to provide early counseling and supervision services to



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1925 specified offenders as provided in s. 948.08.

1926 Section 36. For the purpose of incorporating the amendment  
1927 made by this act to section 947.149, Florida Statutes, in a  
1928 reference thereto, subsection (6) of section 316.1935, Florida  
1929 Statutes, is reenacted to read:

1930 316.1935 Fleeing or attempting to elude a law enforcement  
1931 officer; aggravated fleeing or eluding.-

1932 (6) Notwithstanding s. 948.01, no court may suspend, defer,  
1933 or withhold adjudication of guilt or imposition of sentence for  
1934 any violation of this section. A person convicted and sentenced  
1935 to a mandatory minimum term of incarceration under paragraph  
1936 (3) (b) or paragraph (4) (b) is not eligible for statutory gain-  
1937 time under s. 944.275 or any form of discretionary early  
1938 release, other than pardon or executive clemency or conditional  
1939 medical release under s. 947.149, prior to serving the mandatory  
1940 minimum sentence.

1941 Section 37. For the purpose of incorporating the amendment  
1942 made by this act to section 947.149, Florida Statutes, in a  
1943 reference thereto, paragraph (k) of subsection (4) of section  
1944 775.084, Florida Statutes, is reenacted to read:

1945 775.084 Violent career criminals; habitual felony offenders  
1946 and habitual violent felony offenders; three-time violent felony  
1947 offenders; definitions; procedure; enhanced penalties or  
1948 mandatory minimum prison terms.-

1949 (4)

1950 (k)1. A defendant sentenced under this section as a  
1951 habitual felony offender, a habitual violent felony offender, or  
1952 a violent career criminal is eligible for gain-time granted by  
1953 the Department of Corrections as provided in s. 944.275(4) (b).



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1954           2. For an offense committed on or after October 1, 1995, a  
1955 defendant sentenced under this section as a violent career  
1956 criminal is not eligible for any form of discretionary early  
1957 release, other than pardon or executive clemency, or conditional  
1958 medical release granted pursuant to s. 947.149.

1959           3. For an offense committed on or after July 1, 1999, a  
1960 defendant sentenced under this section as a three-time violent  
1961 felony offender shall be released only by expiration of sentence  
1962 and shall not be eligible for parole, control release, or any  
1963 form of early release.

1964           Section 38. For the purpose of incorporating the amendment  
1965 made by this act to section 947.149, Florida Statutes, in  
1966 references thereto, paragraph (b) of subsection (2) and  
1967 paragraph (b) of subsection (3) of section 775.087, Florida  
1968 Statutes, are reenacted to read:

1969           775.087 Possession or use of weapon; aggravated battery;  
1970 felony reclassification; minimum sentence.-

1971           (2)

1972           (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
1973 (a)3. does not prevent a court from imposing a longer sentence  
1974 of incarceration as authorized by law in addition to the minimum  
1975 mandatory sentence, or from imposing a sentence of death  
1976 pursuant to other applicable law. Subparagraph (a)1.,  
1977 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
1978 court to impose a lesser sentence than otherwise required by  
1979 law.

1980  
1981 Notwithstanding s. 948.01, adjudication of guilt or imposition  
1982 of sentence shall not be suspended, deferred, or withheld, and



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1983 the defendant is not eligible for statutory gain-time under s.  
1984 944.275 or any form of discretionary early release, other than  
1985 pardon or executive clemency, or conditional medical release  
1986 under s. 947.149, prior to serving the minimum sentence.

1987 (3)

1988 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
1989 (a)3. does not prevent a court from imposing a longer sentence  
1990 of incarceration as authorized by law in addition to the minimum  
1991 mandatory sentence, or from imposing a sentence of death  
1992 pursuant to other applicable law. Subparagraph (a)1.,  
1993 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
1994 court to impose a lesser sentence than otherwise required by  
1995 law.

1996  
1997 Notwithstanding s. 948.01, adjudication of guilt or imposition  
1998 of sentence shall not be suspended, deferred, or withheld, and  
1999 the defendant is not eligible for statutory gain-time under s.  
2000 944.275 or any form of discretionary early release, other than  
2001 pardon or executive clemency, or conditional medical release  
2002 under s. 947.149, prior to serving the minimum sentence.

2003 Section 39. For the purpose of incorporating the amendment  
2004 made by this act to section 947.149, Florida Statutes, in a  
2005 reference thereto, subsection (3) of section 784.07, Florida  
2006 Statutes, is reenacted to read:

2007 784.07 Assault or battery of law enforcement officers,  
2008 firefighters, emergency medical care providers, public transit  
2009 employees or agents, or other specified officers;  
2010 reclassification of offenses; minimum sentences.-

2011 (3) Any person who is convicted of a battery under



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2012 paragraph (2)(b) and, during the commission of the offense, such  
2013 person possessed:

2014 (a) A "firearm" or "destructive device" as those terms are  
2015 defined in s. 790.001, shall be sentenced to a minimum term of  
2016 imprisonment of 3 years.

2017 (b) A semiautomatic firearm and its high-capacity  
2018 detachable box magazine, as defined in s. 775.087(3), or a  
2019 machine gun as defined in s. 790.001, shall be sentenced to a  
2020 minimum term of imprisonment of 8 years.

2021  
2022 Notwithstanding s. 948.01, adjudication of guilt or imposition  
2023 of sentence shall not be suspended, deferred, or withheld, and  
2024 the defendant is not eligible for statutory gain-time under s.  
2025 944.275 or any form of discretionary early release, other than  
2026 pardon or executive clemency, or conditional medical release  
2027 under s. 947.149, prior to serving the minimum sentence.

2028 Section 40. For the purpose of incorporating the amendment  
2029 made by this act to section 947.149, Florida Statutes, in a  
2030 reference thereto, subsection (1) of section 790.235, Florida  
2031 Statutes, is reenacted to read:

2032 790.235 Possession of firearm or ammunition by violent  
2033 career criminal unlawful; penalty.—

2034 (1) Any person who meets the violent career criminal  
2035 criteria under s. 775.084(1)(d), regardless of whether such  
2036 person is or has previously been sentenced as a violent career  
2037 criminal, who owns or has in his or her care, custody,  
2038 possession, or control any firearm, ammunition, or electric  
2039 weapon or device, or carries a concealed weapon, including a  
2040 tear gas gun or chemical weapon or device, commits a felony of



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2041 the first degree, punishable as provided in s. 775.082, s.  
2042 775.083, or s. 775.084. A person convicted of a violation of  
2043 this section shall be sentenced to a mandatory minimum of 15  
2044 years' imprisonment; however, if the person would be sentenced  
2045 to a longer term of imprisonment under s. 775.084(4)(d), the  
2046 person must be sentenced under that provision. A person  
2047 convicted of a violation of this section is not eligible for any  
2048 form of discretionary early release, other than pardon,  
2049 executive clemency, or conditional medical release under s.  
2050 947.149.

2051 Section 41. For the purpose of incorporating the amendment  
2052 made by this act to section 947.149, Florida Statutes, in a  
2053 reference thereto, subsection (7) of section 794.0115, Florida  
2054 Statutes, is reenacted to read:

2055 794.0115 Dangerous sexual felony offender; mandatory  
2056 sentencing.—

2057 (7) A defendant sentenced to a mandatory minimum term of  
2058 imprisonment under this section is not eligible for statutory  
2059 gain-time under s. 944.275 or any form of discretionary early  
2060 release, other than pardon or executive clemency, or conditional  
2061 medical release under s. 947.149, before serving the minimum  
2062 sentence.

2063 Section 42. For the purpose of incorporating the amendment  
2064 made by this act to section 947.149, Florida Statutes, in a  
2065 reference thereto, paragraphs (b), (c), and (g) of subsection  
2066 (1) and subsection (3) of section 893.135, Florida Statutes, are  
2067 reenacted to read:

2068 893.135 Trafficking; mandatory sentences; suspension or  
2069 reduction of sentences; conspiracy to engage in trafficking.—



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2070 (1) Except as authorized in this chapter or in chapter 499  
2071 and notwithstanding the provisions of s. 893.13:

2072 (b)1. Any person who knowingly sells, purchases,  
2073 manufactures, delivers, or brings into this state, or who is  
2074 knowingly in actual or constructive possession of, 28 grams or  
2075 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
2076 mixture containing cocaine, but less than 150 kilograms of  
2077 cocaine or any such mixture, commits a felony of the first  
2078 degree, which felony shall be known as "trafficking in cocaine,"  
2079 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
2080 If the quantity involved:

2081 a. Is 28 grams or more, but less than 200 grams, such  
2082 person shall be sentenced to a mandatory minimum term of  
2083 imprisonment of 3 years, and the defendant shall be ordered to  
2084 pay a fine of \$50,000.

2085 b. Is 200 grams or more, but less than 400 grams, such  
2086 person shall be sentenced to a mandatory minimum term of  
2087 imprisonment of 7 years, and the defendant shall be ordered to  
2088 pay a fine of \$100,000.

2089 c. Is 400 grams or more, but less than 150 kilograms, such  
2090 person shall be sentenced to a mandatory minimum term of  
2091 imprisonment of 15 calendar years and pay a fine of \$250,000.

2092 2. Any person who knowingly sells, purchases, manufactures,  
2093 delivers, or brings into this state, or who is knowingly in  
2094 actual or constructive possession of, 150 kilograms or more of  
2095 cocaine, as described in s. 893.03(2)(a)4., commits the first  
2096 degree felony of trafficking in cocaine. A person who has been  
2097 convicted of the first degree felony of trafficking in cocaine  
2098 under this subparagraph shall be punished by life imprisonment



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2099 and is ineligible for any form of discretionary early release  
2100 except pardon or executive clemency or conditional medical  
2101 release under s. 947.149. However, if the court determines that,  
2102 in addition to committing any act specified in this paragraph:

2103       a. The person intentionally killed an individual or  
2104 counseled, commanded, induced, procured, or caused the  
2105 intentional killing of an individual and such killing was the  
2106 result; or

2107       b. The person's conduct in committing that act led to a  
2108 natural, though not inevitable, lethal result,

2109  
2110 such person commits the capital felony of trafficking in  
2111 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
2112 person sentenced for a capital felony under this paragraph shall  
2113 also be sentenced to pay the maximum fine provided under  
2114 subparagraph 1.

2115       3. Any person who knowingly brings into this state 300  
2116 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
2117 and who knows that the probable result of such importation would  
2118 be the death of any person, commits capital importation of  
2119 cocaine, a capital felony punishable as provided in ss. 775.082  
2120 and 921.142. Any person sentenced for a capital felony under  
2121 this paragraph shall also be sentenced to pay the maximum fine  
2122 provided under subparagraph 1.

2123       (c)1. A person who knowingly sells, purchases,  
2124 manufactures, delivers, or brings into this state, or who is  
2125 knowingly in actual or constructive possession of, 4 grams or  
2126 more of any morphine, opium, hydromorphone, or any salt,  
2127 derivative, isomer, or salt of an isomer thereof, including



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2128 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
2129 (3)(c)4., or 4 grams or more of any mixture containing any such  
2130 substance, but less than 30 kilograms of such substance or  
2131 mixture, commits a felony of the first degree, which felony  
2132 shall be known as "trafficking in illegal drugs," punishable as  
2133 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2134 quantity involved:

2135       a. Is 4 grams or more, but less than 14 grams, such person  
2136 shall be sentenced to a mandatory minimum term of imprisonment  
2137 of 3 years and shall be ordered to pay a fine of \$50,000.

2138       b. Is 14 grams or more, but less than 28 grams, such person  
2139 shall be sentenced to a mandatory minimum term of imprisonment  
2140 of 15 years and shall be ordered to pay a fine of \$100,000.

2141       c. Is 28 grams or more, but less than 30 kilograms, such  
2142 person shall be sentenced to a mandatory minimum term of  
2143 imprisonment of 25 years and shall be ordered to pay a fine of  
2144 \$500,000.

2145       2. A person who knowingly sells, purchases, manufactures,  
2146 delivers, or brings into this state, or who is knowingly in  
2147 actual or constructive possession of, 14 grams or more of  
2148 hydrocodone, as described in s. 893.03(2)(a)1.j., codeine, as  
2149 described in s. 893.03(2)(a)1.g., or any salt thereof, or 14  
2150 grams or more of any mixture containing any such substance,  
2151 commits a felony of the first degree, which felony shall be  
2152 known as "trafficking in hydrocodone," punishable as provided in  
2153 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

2154       a. Is 14 grams or more, but less than 28 grams, such person  
2155 shall be sentenced to a mandatory minimum term of imprisonment  
2156 of 3 years and shall be ordered to pay a fine of \$50,000.



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2157           b. Is 28 grams or more, but less than 50 grams, such person  
2158 shall be sentenced to a mandatory minimum term of imprisonment  
2159 of 7 years and shall be ordered to pay a fine of \$100,000.

2160           c. Is 50 grams or more, but less than 200 grams, such  
2161 person shall be sentenced to a mandatory minimum term of  
2162 imprisonment of 15 years and shall be ordered to pay a fine of  
2163 \$500,000.

2164           d. Is 200 grams or more, but less than 30 kilograms, such  
2165 person shall be sentenced to a mandatory minimum term of  
2166 imprisonment of 25 years and shall be ordered to pay a fine of  
2167 \$750,000.

2168           3. A person who knowingly sells, purchases, manufactures,  
2169 delivers, or brings into this state, or who is knowingly in  
2170 actual or constructive possession of, 7 grams or more of  
2171 oxycodone, as described in s. 893.03(2)(a)1.o., or any salt  
2172 thereof, or 7 grams or more of any mixture containing any such  
2173 substance, commits a felony of the first degree, which felony  
2174 shall be known as "trafficking in oxycodone," punishable as  
2175 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2176 quantity involved:

2177           a. Is 7 grams or more, but less than 14 grams, such person  
2178 shall be sentenced to a mandatory minimum term of imprisonment  
2179 of 3 years and shall be ordered to pay a fine of \$50,000.

2180           b. Is 14 grams or more, but less than 25 grams, such person  
2181 shall be sentenced to a mandatory minimum term of imprisonment  
2182 of 7 years and shall be ordered to pay a fine of \$100,000.

2183           c. Is 25 grams or more, but less than 100 grams, such  
2184 person shall be sentenced to a mandatory minimum term of  
2185 imprisonment of 15 years and shall be ordered to pay a fine of



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2186 \$500,000.

2187 d. Is 100 grams or more, but less than 30 kilograms, such  
2188 person shall be sentenced to a mandatory minimum term of  
2189 imprisonment of 25 years and shall be ordered to pay a fine of  
2190 \$750,000.

2191 4.a. A person who knowingly sells, purchases, manufactures,  
2192 delivers, or brings into this state, or who is knowingly in  
2193 actual or constructive possession of, 4 grams or more of:

2194 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2195 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2196 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2197 (IV) Sufentanil, as described in s. 893.03(2)(b)29.;

2198 (V) A fentanyl derivative, as described in s.

2199 893.03(1)(a)62.;

2200 (VI) A controlled substance analog, as described in s.

2201 893.0356, of any substance described in sub-sub-subparagraphs

2202 (I)-(V); or

2203 (VII) A mixture containing any substance described in sub-  
2204 sub-subparagraphs (I)-(VI),

2205  
2206 commits a felony of the first degree, which felony shall be  
2207 known as "trafficking in fentanyl," punishable as provided in s.  
2208 775.082, s. 775.083, or s. 775.084.

2209 b. If the quantity involved under sub-subparagraph a.:

2210 (I) Is 4 grams or more, but less than 14 grams, such person  
2211 shall be sentenced to a mandatory minimum term of imprisonment  
2212 of 3 years, and shall be ordered to pay a fine of \$50,000.

2213 (II) Is 14 grams or more, but less than 28 grams, such  
2214 person shall be sentenced to a mandatory minimum term of



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2215 imprisonment of 15 years, and shall be ordered to pay a fine of  
2216 \$100,000.

2217 (III) Is 28 grams or more, such person shall be sentenced  
2218 to a mandatory minimum term of imprisonment of 25 years, and  
2219 shall be ordered to pay a fine of \$500,000.

2220 5. A person who knowingly sells, purchases, manufactures,  
2221 delivers, or brings into this state, or who is knowingly in  
2222 actual or constructive possession of, 30 kilograms or more of  
2223 any morphine, opium, oxycodone, hydrocodone, codeine,  
2224 hydromorphone, or any salt, derivative, isomer, or salt of an  
2225 isomer thereof, including heroin, as described in s.  
2226 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
2227 more of any mixture containing any such substance, commits the  
2228 first degree felony of trafficking in illegal drugs. A person  
2229 who has been convicted of the first degree felony of trafficking  
2230 in illegal drugs under this subparagraph shall be punished by  
2231 life imprisonment and is ineligible for any form of  
2232 discretionary early release except pardon or executive clemency  
2233 or conditional medical release under s. 947.149. However, if the  
2234 court determines that, in addition to committing any act  
2235 specified in this paragraph:

2236 a. The person intentionally killed an individual or  
2237 counseled, commanded, induced, procured, or caused the  
2238 intentional killing of an individual and such killing was the  
2239 result; or

2240 b. The person's conduct in committing that act led to a  
2241 natural, though not inevitable, lethal result,  
2242  
2243 such person commits the capital felony of trafficking in illegal



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2244 drugs, punishable as provided in ss. 775.082 and 921.142. A  
2245 person sentenced for a capital felony under this paragraph shall  
2246 also be sentenced to pay the maximum fine provided under  
2247 subparagraph 1.

2248         6. A person who knowingly brings into this state 60  
2249 kilograms or more of any morphine, opium, oxycodone,  
2250 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
2251 isomer, or salt of an isomer thereof, including heroin, as  
2252 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
2253 60 kilograms or more of any mixture containing any such  
2254 substance, and who knows that the probable result of such  
2255 importation would be the death of a person, commits capital  
2256 importation of illegal drugs, a capital felony punishable as  
2257 provided in ss. 775.082 and 921.142. A person sentenced for a  
2258 capital felony under this paragraph shall also be sentenced to  
2259 pay the maximum fine provided under subparagraph 1.

2260         (g)1. Any person who knowingly sells, purchases,  
2261 manufactures, delivers, or brings into this state, or who is  
2262 knowingly in actual or constructive possession of, 4 grams or  
2263 more of flunitrazepam or any mixture containing flunitrazepam as  
2264 described in s. 893.03(1)(a) commits a felony of the first  
2265 degree, which felony shall be known as "trafficking in  
2266 flunitrazepam," punishable as provided in s. 775.082, s.  
2267 775.083, or s. 775.084. If the quantity involved:

2268             a. Is 4 grams or more but less than 14 grams, such person  
2269 shall be sentenced to a mandatory minimum term of imprisonment  
2270 of 3 years, and the defendant shall be ordered to pay a fine of  
2271 \$50,000.

2272             b. Is 14 grams or more but less than 28 grams, such person



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2273 shall be sentenced to a mandatory minimum term of imprisonment  
2274 of 7 years, and the defendant shall be ordered to pay a fine of  
2275 \$100,000.

2276 c. Is 28 grams or more but less than 30 kilograms, such  
2277 person shall be sentenced to a mandatory minimum term of  
2278 imprisonment of 25 calendar years and pay a fine of \$500,000.

2279 2. Any person who knowingly sells, purchases, manufactures,  
2280 delivers, or brings into this state or who is knowingly in  
2281 actual or constructive possession of 30 kilograms or more of  
2282 flunitrazepam or any mixture containing flunitrazepam as  
2283 described in s. 893.03(1)(a) commits the first degree felony of  
2284 trafficking in flunitrazepam. A person who has been convicted of  
2285 the first degree felony of trafficking in flunitrazepam under  
2286 this subparagraph shall be punished by life imprisonment and is  
2287 ineligible for any form of discretionary early release except  
2288 pardon or executive clemency or conditional medical release  
2289 under s. 947.149. However, if the court determines that, in  
2290 addition to committing any act specified in this paragraph:

2291 a. The person intentionally killed an individual or  
2292 counseled, commanded, induced, procured, or caused the  
2293 intentional killing of an individual and such killing was the  
2294 result; or

2295 b. The person's conduct in committing that act led to a  
2296 natural, though not inevitable, lethal result,

2297  
2298 such person commits the capital felony of trafficking in  
2299 flunitrazepam, punishable as provided in ss. 775.082 and  
2300 921.142. Any person sentenced for a capital felony under this  
2301 paragraph shall also be sentenced to pay the maximum fine



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2302 provided under subparagraph 1.

2303 (3) Notwithstanding the provisions of s. 948.01, with  
2304 respect to any person who is found to have violated this  
2305 section, adjudication of guilt or imposition of sentence shall  
2306 not be suspended, deferred, or withheld, nor shall such person  
2307 be eligible for parole prior to serving the mandatory minimum  
2308 term of imprisonment prescribed by this section. A person  
2309 sentenced to a mandatory minimum term of imprisonment under this  
2310 section is not eligible for any form of discretionary early  
2311 release, except pardon or executive clemency or conditional  
2312 medical release under s. 947.149, prior to serving the mandatory  
2313 minimum term of imprisonment.

2314 Section 43. For the purpose of incorporating the amendment  
2315 made by this act to section 947.149, Florida Statutes, in a  
2316 reference thereto, subsection (2) of section 921.0024, Florida  
2317 Statutes, is reenacted to read:

2318 921.0024 Criminal Punishment Code; worksheet computations;  
2319 scoresheets.—

2320 (2) The lowest permissible sentence is the minimum sentence  
2321 that may be imposed by the trial court, absent a valid reason  
2322 for departure. The lowest permissible sentence is any nonstate  
2323 prison sanction in which the total sentence points equals or is  
2324 less than 44 points, unless the court determines within its  
2325 discretion that a prison sentence, which may be up to the  
2326 statutory maximums for the offenses committed, is appropriate.  
2327 When the total sentence points exceeds 44 points, the lowest  
2328 permissible sentence in prison months shall be calculated by  
2329 subtracting 28 points from the total sentence points and  
2330 decreasing the remaining total by 25 percent. The total sentence



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2331 points shall be calculated only as a means of determining the  
2332 lowest permissible sentence. The permissible range for  
2333 sentencing shall be the lowest permissible sentence up to and  
2334 including the statutory maximum, as defined in s. 775.082, for  
2335 the primary offense and any additional offenses before the court  
2336 for sentencing. The sentencing court may impose such sentences  
2337 concurrently or consecutively. However, any sentence to state  
2338 prison must exceed 1 year. If the lowest permissible sentence  
2339 under the code exceeds the statutory maximum sentence as  
2340 provided in s. 775.082, the sentence required by the code must  
2341 be imposed. If the total sentence points are greater than or  
2342 equal to 363, the court may sentence the offender to life  
2343 imprisonment. An offender sentenced to life imprisonment under  
2344 this section is not eligible for any form of discretionary early  
2345 release, except executive clemency or conditional medical  
2346 release under s. 947.149.

2347 Section 44. For the purpose of incorporating the amendment  
2348 made by this act to section 947.149, Florida Statutes, in a  
2349 reference thereto, paragraph (b) of subsection (7) of section  
2350 944.605, Florida Statutes, is reenacted to read:

2351 944.605 Inmate release; notification; identification card.-  
2352 (7)

2353 (b) Paragraph (a) does not apply to inmates who:

2354 1. The department determines have a valid driver license or  
2355 state identification card, except that the department shall  
2356 provide these inmates with a replacement state identification  
2357 card or replacement driver license, if necessary.

2358 2. Have an active detainer, unless the department  
2359 determines that cancellation of the detainer is likely or that



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2360 the incarceration for which the detainer was issued will be less  
2361 than 12 months in duration.

2362 3. Are released due to an emergency release or a  
2363 conditional medical release under s. 947.149.

2364 4. Are not in the physical custody of the department at or  
2365 within 180 days before release.

2366 5. Are subject to sex offender residency restrictions, and  
2367 who, upon release under such restrictions, do not have a  
2368 qualifying address.

2369 Section 45. For the purpose of incorporating the amendment  
2370 made by this act to section 947.149, Florida Statutes, in a  
2371 reference thereto, paragraph (b) of subsection (1) of section  
2372 944.70, Florida Statutes, is reenacted to read:

2373 944.70 Conditions for release from incarceration.—

2374 (1)

2375 (b) A person who is convicted of a crime committed on or  
2376 after January 1, 1994, may be released from incarceration only:

2377 1. Upon expiration of the person's sentence;

2378 2. Upon expiration of the person's sentence as reduced by  
2379 accumulated meritorious or incentive gain-time;

2380 3. As directed by an executive order granting clemency;

2381 4. Upon placement in a conditional release program pursuant  
2382 to s. 947.1405 or a conditional medical release program pursuant  
2383 to s. 947.149; or

2384 5. Upon the granting of control release, including  
2385 emergency control release, pursuant to s. 947.146.

2386 Section 46. For the purpose of incorporating the amendment  
2387 made by this act to section 947.149, Florida Statutes, in a  
2388 reference thereto, paragraph (h) of subsection (1) of section



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2389 947.13, Florida Statutes, is reenacted to read:

2390 947.13 Powers and duties of commission.—

2391 (1) The commission shall have the powers and perform the  
2392 duties of:

2393 (h) Determining what persons will be released on  
2394 conditional medical release under s. 947.149, establishing the  
2395 conditions of conditional medical release, and determining  
2396 whether a person has violated the conditions of conditional  
2397 medical release and taking action with respect to such a  
2398 violation.

2399 Section 47. For the purpose of incorporating the amendment  
2400 made by this act to section 947.149, Florida Statutes, in a  
2401 reference thereto, subsections (1), (2), and (7) of section  
2402 947.141, Florida Statutes, are reenacted to read:

2403 947.141 Violations of conditional release, control release,  
2404 or conditional medical release or addiction-recovery  
2405 supervision.—

2406 (1) If a member of the commission or a duly authorized  
2407 representative of the commission has reasonable grounds to  
2408 believe that an offender who is on release supervision under s.  
2409 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
2410 the terms and conditions of the release in a material respect,  
2411 such member or representative may cause a warrant to be issued  
2412 for the arrest of the releasee; if the offender was found to be  
2413 a sexual predator, the warrant must be issued.

2414 (2) Upon the arrest on a felony charge of an offender who  
2415 is on release supervision under s. 947.1405, s. 947.146, s.  
2416 947.149, or s. 944.4731, the offender must be detained without  
2417 bond until the initial appearance of the offender at which a



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2418 judicial determination of probable cause is made. If the trial  
2419 court judge determines that there was no probable cause for the  
2420 arrest, the offender may be released. If the trial court judge  
2421 determines that there was probable cause for the arrest, such  
2422 determination also constitutes reasonable grounds to believe  
2423 that the offender violated the conditions of the release. Within  
2424 24 hours after the trial court judge's finding of probable  
2425 cause, the detention facility administrator or designee shall  
2426 notify the commission and the department of the finding and  
2427 transmit to each a facsimile copy of the probable cause  
2428 affidavit or the sworn offense report upon which the trial court  
2429 judge's probable cause determination is based. The offender must  
2430 continue to be detained without bond for a period not exceeding  
2431 72 hours excluding weekends and holidays after the date of the  
2432 probable cause determination, pending a decision by the  
2433 commission whether to issue a warrant charging the offender with  
2434 violation of the conditions of release. Upon the issuance of the  
2435 commission's warrant, the offender must continue to be held in  
2436 custody pending a revocation hearing held in accordance with  
2437 this section.

2438 (7) If a law enforcement officer has probable cause to  
2439 believe that an offender who is on release supervision under s.  
2440 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
2441 the terms and conditions of his or her release by committing a  
2442 felony offense, the officer shall arrest the offender without a  
2443 warrant, and a warrant need not be issued in the case.

2444 Section 48. This act shall take effect October 1, 2018.

2445  
2446 ===== T I T L E A M E N D M E N T =====



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2447 And the title is amended as follows:

2448 Delete everything before the enacting clause  
2449 and insert:

2450 A bill to be entitled  
2451 An act relating to public safety; amending s. 14.32,  
2452 F.S.; creating the council within the Office of Chief  
2453 Inspector General; specifying the purpose of the  
2454 council; requiring the Office of Chief Inspector  
2455 General to provide administrative support to the  
2456 council; specifying the composition of the council;  
2457 providing terms of office and requirements regarding  
2458 the council's membership; prescribing the duties and  
2459 responsibilities of the council; prohibiting the  
2460 council from interfering with the operations of the  
2461 Department of Corrections or the Department of  
2462 Juvenile Justice; authorizing the council to appoint  
2463 an executive director; authorizing reimbursement for  
2464 per diem and travel expenses for members of the  
2465 council; establishing certain restrictions applicable  
2466 to members of the council and council staff; providing  
2467 an appropriation; amending s. 23.1225, F.S.;  
2468 authorizing a mutual aid agreement in the event of a  
2469 declared state of emergency for certain law  
2470 enforcement purposes; amending s. 30.15, F.S.; making  
2471 sheriffs responsible for providing security for trial  
2472 court facilities in their respective counties;  
2473 requiring a sheriff to coordinate with the chief judge  
2474 of the judicial circuit on trial court facility  
2475 security matters; deeming sheriffs and their deputies,



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2476 employees, and contractors officers of the court when  
2477 providing security; granting the chief judge of the  
2478 judicial circuit authority to protect due process  
2479 rights in certain circumstances; amending s. 57.105,  
2480 F.S.; limiting attorney fee awards in civil  
2481 proceedings in certain circumstances; creating s.  
2482 322.75, F.S.; requiring each judicial circuit to  
2483 establish a Driver License Reinstatement Days program  
2484 for reinstating suspended driver licenses in certain  
2485 circumstances; providing duties of the clerks of court  
2486 and the Department of Highway Safety and Motor  
2487 Vehicles; authorizing the clerk of court to compromise  
2488 on certain fees and costs; providing for program  
2489 eligibility; amending 784.046, F.S.; prohibiting  
2490 attorney fee awards in certain proceedings; amending  
2491 s. 784.0485, F.S.; prohibiting attorney fee awards in  
2492 certain proceedings; amending s. 893.135, F.S.;  
2493 authorizing a court to impose a sentence other than a  
2494 mandatory minimum term of imprisonment and mandatory  
2495 fine for a person convicted of trafficking if the  
2496 court makes certain findings on the record; creating  
2497 s. 900.05, F.S.; providing legislative intent;  
2498 providing definitions; requiring specified entities to  
2499 collect specific data monthly beginning on a certain  
2500 date; requiring specified entities to transmit certain  
2501 collected data to the Department of Law Enforcement  
2502 quarterly; requiring the Department of Law Enforcement  
2503 to compile, maintain, and make publicly accessible  
2504 such data beginning on a certain date; creating a



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2505 pilot project in a specified judicial circuit to  
2506 improve criminal justice data transparency and ensure  
2507 data submitted under s. 900.05, F.S., is accurate,  
2508 valid, reliable, and structured; authorizing certain  
2509 persons to enter into a memorandum of understanding  
2510 with a national, nonpartisan, not-for-profit entity  
2511 meeting certain criteria for the purpose of embedding  
2512 a data fellow in the office or agency; establishing  
2513 data fellow duties and responsibilities; providing for  
2514 the expiration of the pilot project; providing an  
2515 appropriation; creating s. 907.042, F.S.; authorizing  
2516 each county to create a supervised bond release  
2517 program; providing legislative findings; providing a  
2518 supervised bond program must be created with the  
2519 concurrence of the chief judge, county's chief  
2520 correctional officer, state attorney, and public  
2521 defender; providing an exception to a county that has  
2522 already established and implemented a supervised bond  
2523 program that utilizes a risk assessment instrument;  
2524 providing specified program components; providing  
2525 guidelines for the risk assessment instrument;  
2526 authorizing the county to contract with the Department  
2527 of Corrections to develop or modify a risk assessment  
2528 instrument if such instrument meets certain  
2529 requirements; authorizing a county to develop or use  
2530 an existing risk assessment instrument if validated by  
2531 the department and such instrument meets certain  
2532 requirements; authorizing a county to contract with  
2533 another county for the use of a risk assessment



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2534 instrument if validated and such instrument meets  
2535 certain requirements; authorizing the county to  
2536 contract with an independent entity for use of a risk  
2537 assessment instrument if validated and such instrument  
2538 meets certain requirements; specifying requirements  
2539 for the use, implementation, and distribution of the  
2540 risk assessment instrument; requiring each county that  
2541 establishes a supervised bond program to submit a  
2542 report annually by a certain date to the Office of  
2543 Program Policy Analysis and Government Accountability  
2544 (OPPAGA); requiring OPPAGA to compile the reports and  
2545 include such information in a report sent to the  
2546 Governor, President of the Senate, and Speaker of the  
2547 House of Representatives in accordance with s.  
2548 907.044, F.S.; creating s. 907.0421, F.S.; providing  
2549 legislative findings; requiring the Department of  
2550 Corrections to develop a risk assessment instrument;  
2551 authorizing the department to use or modify an  
2552 existing risk assessment instrument; requiring the  
2553 department to develop or modify the risk assessment  
2554 instrument by a certain date; specifying requirements  
2555 for the use, implementation, and distribution of the  
2556 risk assessment instrument; creating the Risk  
2557 Assessment Pilot Program for a specified period;  
2558 specifying the participating counties; requiring each  
2559 participating county's chief correctional officer to  
2560 contract with the department to administer the risk  
2561 assessment instrument; requiring all counties to  
2562 administer the risk assessment instrument to all



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2563 persons arrested for a felony; requiring each  
2564 participating county to submit a report annually by a  
2565 certain date to the department with specified  
2566 information; requiring the department to compile the  
2567 information of the findings from the participating  
2568 counties and submit an annual report by a certain date  
2569 to the Governor and the Legislature; authorizing the  
2570 department, in consultation with specified persons, to  
2571 adopt rules; amending s. 907.043, F.S.; requiring each  
2572 pretrial release program to include in its annual  
2573 report the types of criminal charges of defendants  
2574 accepted into a pretrial release program, the number  
2575 of defendants accepted into a pretrial release program  
2576 who paid a bail or bond, the number of defendants  
2577 accepted into a pretrial release program with no prior  
2578 criminal conviction, and the number of defendants for  
2579 whom a pretrial risk assessment tool was used or was  
2580 not used; creating a pilot project in a specified  
2581 judicial circuit to improve criminal justice data  
2582 transparency and ensure data submitted under s.  
2583 900.05, F.S., is accurate, valid, reliable, and  
2584 structured; authorizing certain persons to enter into  
2585 a memorandum of understanding with a national,  
2586 nonpartisan, not-for-profit entity meeting certain  
2587 criteria for the purpose of embedding a data fellow in  
2588 the office or agency; establishing data fellow duties  
2589 and responsibilities; providing for the expiration of  
2590 the pilot project; providing an appropriation;  
2591 amending s. 921.0024, F.S.; requiring scoresheets



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2592 prepared for all criminal defendants to be digitized;  
2593 requiring the Department of Corrections to develop and  
2594 submit revised digitized scoresheets to the Supreme  
2595 Court for approval; requiring digitized scoresheets to  
2596 include individual data cells for each field on the  
2597 scoresheet; requiring the clerk of court to  
2598 electronically transmit the digitized scoresheet used  
2599 in each sentencing proceeding to the Department of  
2600 Corrections; amending s. 932.7061, F.S.; revising the  
2601 deadline for submitting an annual report by law  
2602 enforcement agencies concerning property seized or  
2603 forfeited under the Florida Contraband Forfeiture Act;  
2604 creating s. 943.687, F.S.; requiring the Department of  
2605 Law Enforcement to collect, compile, maintain, and  
2606 manage data collected pursuant to s. 900.05, F.S.;  
2607 requiring the Department of Law Enforcement to make  
2608 data comparable, transferable, and readily usable;  
2609 requiring the department to create a unique identifier  
2610 for each criminal case received from the clerks of  
2611 court; requiring the department to create and maintain  
2612 a certain Internet-based database; providing  
2613 requirements for data searchability and sharing;  
2614 requiring the department to establish certain rules;  
2615 requiring the department to monitor data collection  
2616 procedures and test data quality; providing for data  
2617 archiving, editing, retrieval, and verification;  
2618 amending s. 944.704, F.S.; requiring transition  
2619 assistance staff to include information about job  
2620 assignment credentialing and industry certification in



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2621 job placement information given to an inmate; amending  
2622 s. 944.705, F.S.; requiring the Department of  
2623 Corrections to provide a comprehensive community  
2624 reentry resource directory to each inmate prior to  
2625 release; requiring the department to allow nonprofit  
2626 faith-based, business and professional, civic, and  
2627 community organizations to apply to be registered to  
2628 provide inmate reentry services; requiring the  
2629 department to adopt policies for screening, approving,  
2630 and registering organizations that apply; authorizing  
2631 the department to contract with public or private  
2632 educational institutions to assist veteran inmates in  
2633 applying for certain benefits; amending s. 944.801,  
2634 F.S.; requiring the department to develop a Prison  
2635 Entrepreneurship Program and adopt procedures for  
2636 student inmate admission; specifying requirements for  
2637 the program; requiring the department to enter into  
2638 agreements with certain entities to carry out duties  
2639 associated with the program; authorizing the  
2640 department to contract with certain entities to  
2641 provide education services for the Correctional  
2642 Education Program; creating s. 944.805, F.S.; creating  
2643 definitions relating to a certificate of achievement  
2644 and employability; creating s. 944.8055, F.S.;  
2645 establishing eligibility requirements; establishing a  
2646 timeframe for an eligible inmate to apply for a  
2647 certificate; establishing eligibility requirements for  
2648 an inmate under probation or post-control sanction;  
2649 establishing a timeframe for an eligible inmate under



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2650 probation or post-control sanction to apply for a  
2651 certificate; requiring the department to notify a  
2652 licensing agency upon the filing of an application and  
2653 provide the opportunity to object to issuing a  
2654 certificate; authorizing the department to issue a  
2655 certificate; excluding mandatory civil impacts for  
2656 which a certificate will not provide relief; requiring  
2657 the department to adopt rules; creating s. 944.806,  
2658 F.S.; providing a certificate of achievement and  
2659 employability shall convert a mandatory civil impact  
2660 into a discretionary civil impact for purposes of  
2661 determining licensure or certification; providing a  
2662 certificate shall convert a mandatory civil impact  
2663 into a discretionary civil impact for purposes of  
2664 determining licensure or certification for an employer  
2665 who has hired a certificate holder; creating s.  
2666 944.8065, F.S.; requiring the department to adopt  
2667 rules governing revocation of a certificate of  
2668 achievement and employability; creating s. 945.041,  
2669 F.S.; requiring the Department of Corrections to  
2670 publish quarterly on its website inmate admissions  
2671 based on offense type and the recidivism rate and rate  
2672 of probation revocation within a specified period  
2673 after release from incarceration; amending s. 947.005,  
2674 F.S.; defining the terms "electronic monitoring  
2675 device" and "conditional medical release"; amending s.  
2676 947.149, F.S.; defining the terms "inmate with a  
2677 debilitating illness" and "medically frail inmate";  
2678 amending the definition of "terminally ill inmate";



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2679 expanding eligibility for conditional medical release  
2680 to include inmates with debilitating illnesses;  
2681 entitling the current conditional medical release  
2682 process as "permissive conditional medical release";  
2683 requiring the Department of Corrections to refer  
2684 eligible inmates; authorizing the Florida Commission  
2685 on Offender Review to release eligible inmates;  
2686 creating mandatory conditional medical release;  
2687 specifying eligibility criteria for mandatory  
2688 conditional medical release; requiring the department  
2689 to refer an eligible inmate to the commission;  
2690 requiring that certain inmates whose eligibility is  
2691 verified by the commission be placed on conditional  
2692 medical release; requiring the commission to review  
2693 the information and verify an inmate's eligibility  
2694 within a certain timeframe; requiring that the  
2695 department's referral for release include certain  
2696 information; requiring that release consider specified  
2697 factors related to placement upon release; authorizing  
2698 electronic monitoring for an inmate on conditional  
2699 medical release; amending s. 948.001, F.S.; revising a  
2700 definition; amending s. 948.013, F.S.; authorizing the  
2701 Department of Corrections to transfer an offender to  
2702 administrative probation in certain circumstances;  
2703 amending s. 948.03, F.S.; requiring the Department of  
2704 Corrections to include conditions of probation in the  
2705 Florida Crime Information Center database; amending s.  
2706 948.06, F.S.; requiring each judicial circuit to  
2707 establish an alternative sanctioning program; defining



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2708 low- and moderate-risk level technical violations of  
2709 probation; establishing permissible sanctions for low-  
2710 and moderate-risk violations of probation under the  
2711 program; establishing eligibility criteria;  
2712 authorizing a probationer who allegedly committed a  
2713 technical violation to waive participation in or elect  
2714 to participate in the program, admit to the violation,  
2715 agree to comply with the recommended sanction, and  
2716 agree to waive certain rights; requiring a probation  
2717 officer to submit the recommended sanction and certain  
2718 documentation to the court if the probationer admits  
2719 to committing the violation; authorizing the court to  
2720 impose the recommended sanction or direct the  
2721 department to submit a violation report, affidavit,  
2722 and warrant to the court; specifying that a  
2723 probationer's participation in the program is  
2724 voluntary; authorizing a probation officer to submit a  
2725 violation report, affidavit, and warrant to the court  
2726 in certain circumstances; creating s. 948.081, F.S.;  
2727 authorizing the establishment of community court  
2728 programs; detailing program criteria; reenacting s.  
2729 932.7062, F.S., relating to a penalty for  
2730 noncompliance with reporting requirements, to  
2731 incorporate the amendment made to s. 932.7061, F.S.,  
2732 in a reference thereto; reenacting ss. 447.203(3),  
2733 F.S., and 944.026(3), F.S., relating to definitions  
2734 and community-based facilities, to incorporate the  
2735 amendment made to s. 944.801, F.S., in references  
2736 thereto; reenacting ss. 316.1935(6), 775.084(4)(k),



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2737 775.087(2)(b) and(3)(b), 784.07(3), 790.235(1),  
2738 794.0115(7), 893.135(1)(b), (c), and (g) and (3),  
2739 921.0024(2), 944.605(7)(b), 944.70(1)(b),  
2740 947.13(1)(h), and 947.141(1), (2), and (7), F.S., all  
2741 relating to authorized conditional medical release  
2742 granted under s. 947.149, F.S., to incorporate the  
2743 amendment made to s. 947.149, F.S., in references  
2744 thereto; providing an effective date.