

By the Committee on Criminal Justice; and Senators Brandes and Bracy

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1                   A bill to be entitled  
2       An act relating to criminal justice; creating s.  
3       562.112, F.S.; prohibiting the arrest, charge,  
4       prosecution, or penalization under specified  
5       provisions of a person acting in good faith who seeks  
6       medical assistance for an individual experiencing, or  
7       believed to be experiencing, an alcohol-related  
8       overdose; providing requirements for that person;  
9       prohibiting the arrest, charge, or prosecution of or  
10      imposition of penalties on, under specified  
11      provisions, a person who experiences, or has a good  
12      faith belief that he or she is experiencing, an  
13      alcohol-related overdose; prohibiting the protection  
14      from arrest, charge, prosecution, or the imposition of  
15      penalties for certain offenses from being grounds for  
16      suppression of evidence in other criminal  
17      prosecutions; amending s. 812.014, F.S.; increasing  
18      threshold amounts for certain theft offenses; revising  
19      the list of items the theft of which constitutes theft  
20      of the third degree; providing that the value of taken  
21      property is based on fair market value at the time of  
22      the taking; requiring the Office of Program Policy  
23      Analysis and Government Accountability (OPPAGA) to  
24      conduct a study of the threshold amounts every 5  
25      years; providing the scope of the study; requiring  
26      OPPAGA to include options, if appropriate; requiring  
27      OPPAGA to consult with the Office of Economic and  
28      Demographic Research and other interested entities;  
29      requiring OPPAGA to submit a report to the Governor

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30 and the Legislature by a specified date at certain  
31 intervals; amending s. 812.015, F.S.; defining the  
32 term "value"; increasing threshold amounts for a  
33 certain theft offense; revising the circumstances  
34 under which an offense of retail theft constitutes a  
35 felony of the second degree; requiring OPPAGA to  
36 conduct a study of the threshold amounts every 5  
37 years; providing the scope of the study; requiring  
38 OPPAGA to include options, if appropriate; requiring  
39 OPPAGA to consult with the Office of Economic and  
40 Demographic Research and other interested entities;  
41 requiring OPPAGA to submit a report to the Governor  
42 and the Legislature by a specified date at certain  
43 intervals; amending s. 893.13, F.S.; providing that  
44 only offenses involving the sale or manufacturing of a  
45 controlled substance are subject to enhanced penalties  
46 when committed within a drug-free zone; reducing the  
47 distance applicable to certain controlled substance  
48 offenses committed within certain drug-free zones;  
49 amending s. 893.135, F.S.; defining the term "dosage  
50 unit"; providing applicability; prohibiting the sale,  
51 purchase, delivery, bringing into this state, or  
52 actual or constructive possession of specified amounts  
53 of dosage units of certain controlled substances;  
54 providing criminal penalties; creating the offense of  
55 "trafficking in pharmaceuticals"; amending s. 893.135,  
56 F.S.; authorizing a court to impose a sentence other  
57 than a mandatory minimum term of imprisonment and  
58 mandatory fine for a person convicted of trafficking

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59 if the court makes certain findings on the record;  
60 amending s. 893.21, F.S.; prohibiting the arrest,  
61 charge, prosecution, or penalization under specified  
62 provisions of a person acting in good faith who seeks  
63 medical assistance for an individual experiencing, or  
64 believed to be experiencing, a drug-related overdose;  
65 prohibiting the arrest, charge, prosecution, or  
66 penalization under specified provisions of a person  
67 who experiences, or has a good faith belief that he or  
68 she is experiencing, a drug-related overdose;  
69 prohibiting a person from being penalized for a  
70 violation of a condition of certain programs if that  
71 person in good faith seeks medical assistance for  
72 himself or herself or an individual experiencing, or  
73 believed to be experiencing, a drug-related overdose;  
74 prohibiting the protection from arrest, charge,  
75 prosecution, or the imposition of penalties for  
76 certain offenses from being grounds for suppression of  
77 evidence in other criminal prosecutions; creating s.  
78 907.042, F.S.; providing legislative findings;  
79 authorizing each county to establish a supervised bond  
80 program with the concurrence of the chief judge of the  
81 judicial circuit, the county's chief correctional  
82 officer, the state attorney, and the public defender;  
83 providing an exception for a county that has already  
84 established and implemented a supervised bond program  
85 that uses a risk assessment instrument; providing  
86 minimum program requirements; requiring each county  
87 that establishes a supervised bond program to have the

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88 risk assessment instrument validated by the Department  
89 of Corrections; requiring each county that establishes  
90 a supervised bond program to submit an annual report  
91 by a certain date to OPPAGA; requiring OPPAGA to  
92 compile such reports and include such information in a  
93 specified report sent to the Legislature; authorizing  
94 the department to adopt rules; creating s. 907.0421,  
95 F.S.; providing legislative findings; authorizing the  
96 chief judge of each circuit, with the concurrence of  
97 the county's chief correctional officer, the state  
98 attorney, and the public defender, to enter an  
99 administrative order for the use of a risk assessment  
100 instrument in pretrial release determinations;  
101 requiring the risk assessment instrument results to be  
102 used as supplemental factors for the court's  
103 evaluation of appropriate pretrial release conditions;  
104 requiring the court to impose the least restrictive  
105 conditions necessary to reasonably ensure the  
106 defendant's appearance at subsequent hearings;  
107 providing that a court retains sole discretion to  
108 determine the appropriateness of pretrial release and  
109 any necessary pretrial release conditions; requiring a  
110 circuit that uses a risk assessment instrument to have  
111 the instrument validated by the department;  
112 authorizing the circuit to implement the risk  
113 assessment instrument immediately after validation and  
114 completion of training of all local staff who will  
115 administer the risk assessment instrument; requiring  
116 each circuit that enters an administrative order to

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117 use risk assessment instruments in pretrial release  
118 determinations to submit an annual report by a certain  
119 date to OPPAGA; requiring OPPAGA to compile the  
120 reports and include such information in a specified  
121 report sent to the Legislature; authorizing the  
122 department to adopt rules; amending s. 945.091, F.S.;  
123 authorizing the department to extend the limits of the  
124 place of confinement to allow an inmate to participate  
125 in supervised community release, subject to certain  
126 requirements, as prescribed by the department by rule;  
127 requiring the department to administer a risk  
128 assessment instrument to determine an inmate's  
129 appropriateness for release on electronic monitoring;  
130 authorizing the department to terminate an inmate's  
131 participation under certain circumstances; authorizing  
132 a law enforcement or probation officer to arrest such  
133 an inmate without a warrant in accordance with  
134 specified authority; requiring a law enforcement  
135 officer to report alleged violations to a supervising  
136 probation office or to the department's emergency  
137 action center for disposition of disciplinary charges  
138 as prescribed by the department by rule; providing  
139 that participating inmates remain eligible to earn or  
140 lose gain-time, but not in an amount that results in  
141 an inmate being released prior to serving a certain  
142 percent of the sentence imposed; prohibiting such  
143 inmates from being counted in the population of the  
144 prison system and their approved community-based  
145 housing location from being counted in the capacity

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146 figures for the prison system; amending s. 947.005,  
147 F.S.; defining the term "conditional medical release";  
148 amending s. 947.149, F.S.; defining the term "inmate  
149 with a debilitating illness"; redefining the term  
150 "terminally ill inmate"; expanding eligibility for  
151 conditional medical release to include inmates with  
152 debilitating illnesses; amending s. 893.03, F.S.;  
153 conforming a cross-reference; amending s. 921.0022,  
154 F.S.; conforming provisions to changes made by the  
155 act; conforming a cross-reference; reenacting ss.  
156 95.18(10), 400.9935(3), 409.910(17)(g), 489.126(4),  
157 550.6305(10), 627.743(2), 634.319(2), 634.421(2),  
158 636.238(3), 642.038(2), 705.102(4), 718.111(1)(d),  
159 812.015(2), 812.0155(1) and (2), 812.14(4), (7), and  
160 (8), 893.138(3), 932.701(2)(a), 943.051(3)(b),  
161 985.11(1)(b), and 985.557(1)(a) and (2)(c), F.S.,  
162 relating to adverse possession without color of title;  
163 clinic responsibilities; responsibility for payments  
164 on behalf of Medicaid-eligible persons when other  
165 parties are liable; moneys received by contractors;  
166 intertrack wagering; payment of third-party claims;  
167 diversion or appropriation of certain funds received  
168 by sales representatives; diversion or appropriation  
169 of certain funds received by sales representatives;  
170 penalties for certain violations; diversion or  
171 appropriation of certain funds received by sales  
172 representatives; reporting lost or abandoned property;  
173 condominium associations; retail and farm theft;  
174 suspension of driver license following an adjudication

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175 of guilt for theft; trespass and larceny with relation  
176 to utility fixtures and theft of utility services;  
177 local administrative action to abate drug-related,  
178 prostitution-related, or stolen-property-related  
179 public nuisances and criminal gang activity; the  
180 definition of the term "contraband article";  
181 fingerprinting of certain minors; fingerprinting and  
182 photographing of certain children; and discretionary  
183 and mandatory criteria for the direct filing of an  
184 information, respectively, to incorporate the  
185 amendment made to s. 812.014, F.S., in references  
186 thereto; reenacting s. 538.09(5), F.S., relating to  
187 the registration of a secondhand dealer, to  
188 incorporate the amendment made to s. 812.015, F.S., in  
189 a reference thereto; reenacting ss. 538.23(2) and  
190 812.0155(2), F.S., relating to secondary metals  
191 recycler violations and penalties and suspension of  
192 driver license following an adjudication of guilt for  
193 theft, respectively, to incorporate the amendments  
194 made to ss. 812.014 and 812.015, F.S., in references  
195 thereto; reenacting ss. 397.4073(6), 414.095(1),  
196 772.12(2), 775.087(2)(a) and (3)(a), 782.04(1)(a),  
197 (3), and (4), 810.02(3), 812.014(2)(c), 893.13(8)(d),  
198 893.1351(1) and (2), 900.05(3)(e), 903.133,  
199 907.041(4)(c), and 921.0024(1)(b), F.S., relating to  
200 background checks of service provider personnel; the  
201 determination of eligibility for temporary cash  
202 assistance; the Drug Dealer Liability Act; felony  
203 reclassification of the possession or use of a weapon

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204 in an aggravated battery; murder; burglary; theft;  
205 prohibited acts that relate to the prescription of  
206 controlled substances; ownership, lease, rental, or  
207 possession for trafficking in or manufacturing  
208 controlled substances; criminal justice data  
209 collection; the prohibition of bail on appeal for  
210 certain felony convictions; pretrial detention and  
211 release; the scoresheet worksheet key for computation  
212 in the Criminal Punishment Code, respectively, to  
213 incorporate the amendment made to s. 893.135, F.S., in  
214 references thereto; reenacting ss. 944.516(2),  
215 945.092, and 946.503(2), F.S., relating to money or  
216 other property received for personal use or benefit of  
217 inmate, deposit, disposition of unclaimed trust funds;  
218 limits on work-release and minimum security custody  
219 for persons who have committed the crime of escape;  
220 and definitions to be used with respect to  
221 correctional work programs, respectively, to  
222 incorporate the amendment made to s. 945.091, F.S., in  
223 references thereto; reenacting ss. 316.1935(6),  
224 775.084(4)(k), 784.07(3), 790.235(1), 794.0115(7),  
225 893.135(1)(b), (c), and (g) and (3), 944.605(7)(b),  
226 944.70(1)(b), 947.13(1)(h), and 947.141(1), (2), and  
227 (7), F.S., all relating to eligibility for conditional  
228 medical release under s. 947.149, F.S., to incorporate  
229 the amendment made to s. 947.149, F.S., in references  
230 thereto; reenacting s. 373.6055(3)(c), relating to  
231 criminal history checks of certain water management  
232 district employees and others, to incorporate the

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233 amendments made to ss. 812.014 and 893.135, in  
234 references thereto; reenacting ss. 775.087(2) (a) and  
235 (b) and (3) (a) and (b) and 921.0024(1) (b) and (2),  
236 relating to felony reclassification of aggravated  
237 battery with possession or use of a weapon and the  
238 Criminal Punishment Code worksheet key computations,  
239 respectively, to incorporate the amendments made to  
240 ss. 893.135 and 947.149, F.S., in references thereto;  
241 providing effective dates.

242  
243 Be It Enacted by the Legislature of the State of Florida:

244  
245 Section 1. Effective July 1, 2019, section 562.112, Florida  
246 Statutes, is created to read:

247 562.112 Alcohol-related overdoses; medical assistance;  
248 immunity from arrest, charge, prosecution, and penalties.-

249 (1) A person who gives alcohol to an individual under 21  
250 years of age and who, acting in good faith, seeks medical  
251 assistance for the individual experiencing, or believed to be  
252 experiencing, an alcohol-related overdose may not be arrested,  
253 charged, prosecuted, or penalized for a violation of s. 562.11  
254 or s. 562.111 if the evidence for such offense was obtained as a  
255 result of that person seeking medical assistance. The person who  
256 seeks such assistance shall remain at the scene until emergency  
257 medical services personnel arrive and must cooperate with them  
258 and with law enforcement officers at the scene.

259 (2) A person who experiences, or has a good faith belief  
260 that he or she is experiencing, an alcohol-related overdose and  
261 is in need of medical assistance may not be arrested, charged,

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262 prosecuted, or penalized for a violation of s. 562.111 if the  
 263 evidence for such offense was obtained as a result of that  
 264 person seeking medical assistance.

265 (3) Protection under this section from arrest, charge,  
 266 prosecution, or penalties for an offense listed in this section  
 267 may not be grounds for suppression of evidence in other criminal  
 268 prosecutions.

269 Section 2. Paragraphs (c), (d), and (e) of subsection (2)  
 270 and subsection (3) of section 812.014, Florida Statutes, are  
 271 amended, and subsections (7) and (8) are added to that section,  
 272 to read:

273 812.014 Theft.—

274 (2)

275 (c) It is grand theft of the third degree and a felony of  
 276 the third degree, punishable as provided in s. 775.082, s.  
 277 775.083, or s. 775.084, if the property stolen is:

278 1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.

279 2. Valued at \$5,000 or more, but less than \$10,000.

280 3. Valued at \$10,000 or more, but less than \$20,000.

281 ~~4. A will, codicil, or other testamentary instrument.~~

282 ~~4.5.~~ A firearm.

283 ~~5.6.~~ A motor vehicle, except as provided in paragraph (a).

284 ~~6.7.~~ Any commercially farmed animal, including any animal  
 285 of the equine, avian, bovine, or swine class or other grazing  
 286 animal; a bee colony of a registered beekeeper; and aquaculture  
 287 species raised at a certified aquaculture facility. If the  
 288 property stolen is a commercially farmed animal, including an  
 289 animal of the equine, avian, bovine, or swine class or other  
 290 grazing animal; a bee colony of a registered beekeeper; or an

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291 aquaculture species raised at a certified aquaculture facility,  
292 a \$10,000 fine shall be imposed.

293 ~~8. Any fire extinguisher.~~

294 7.9. Any amount of citrus fruit consisting of 2,000 or more  
295 individual pieces of fruit.

296 ~~8.10.~~ Taken from a designated construction site identified  
297 by the posting of a sign as provided for in s. 810.09(2)(d).

298 ~~9.11.~~ Any stop sign.

299 ~~10.12.~~ Anhydrous ammonia.

300 11.13. Any amount of a controlled substance as defined in  
301 s. 893.02. Notwithstanding any other law, separate judgments and  
302 sentences for theft of a controlled substance under this  
303 subparagraph and for any applicable possession of controlled  
304 substance offense under s. 893.13 or trafficking in controlled  
305 substance offense under s. 893.135 may be imposed when all such  
306 offenses involve the same amount or amounts of a controlled  
307 substance.

308  
309 However, if the property is stolen within a county that is  
310 subject to a state of emergency declared by the Governor under  
311 chapter 252, the property is stolen after the declaration of  
312 emergency is made, and the perpetration of the theft is  
313 facilitated by conditions arising from the emergency, the  
314 offender commits a felony of the second degree, punishable as  
315 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
316 property is valued at \$5,000 or more, but less than \$10,000, as  
317 provided under subparagraph 2., or if the property is valued at  
318 \$10,000 or more, but less than \$20,000, as provided under  
319 subparagraph 3. As used in this paragraph, the term "conditions

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320 arising from the emergency" means civil unrest, power outages,  
321 curfews, voluntary or mandatory evacuations, or a reduction in  
322 the presence of or the response time for first responders or  
323 homeland security personnel. For purposes of sentencing under  
324 chapter 921, a felony offense that is reclassified under this  
325 paragraph is ranked one level above the ranking under s.  
326 921.0022 or s. 921.0023 of the offense committed.

327 (d) It is grand theft of the third degree and a felony of  
328 the third degree, punishable as provided in s. 775.082, s.  
329 775.083, or s. 775.084, if the property stolen is valued at  
330 \$1,500 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken  
331 from a dwelling as defined in s. 810.011(2) or from the  
332 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

333 (e) Except as provided in paragraph (d), if the property  
334 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,500  
335 ~~\$300~~, the offender commits petit theft of the first degree,  
336 punishable as a misdemeanor of the first degree, as provided in  
337 s. 775.082 or s. 775.083.

338 (3) (a) Theft of any property not specified in subsection  
339 (2) is petit theft of the second degree and a misdemeanor of the  
340 second degree, punishable as provided in s. 775.082 or s.  
341 775.083, and as provided in subsection (5), as applicable.

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

345 (c) A person who commits petit theft in the first degree  
346 and who has previously been convicted two or more times as an  
347 adult of any theft commits a felony of the third degree,  
348 punishable as provided in s. 775.082 or s. 775.083 if the third

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349 or subsequent petit theft offense occurred within 3 years after  
350 the expiration of his or her sentence for the most recent theft  
351 conviction.

352 (d)1. Every judgment of guilty or not guilty of a petit  
353 theft shall be in writing, signed by the judge, and recorded by  
354 the clerk of the circuit court. The judge shall cause to be  
355 affixed to every such written judgment of guilty of petit theft,  
356 in open court and in the presence of such judge, the  
357 fingerprints of the defendant against whom such judgment is  
358 rendered. Such fingerprints shall be affixed beneath the judge's  
359 signature to such judgment. Beneath such fingerprints shall be  
360 appended a certificate to the following effect:

361  
362 "I hereby certify that the above and foregoing fingerprints  
363 on this judgment are the fingerprints of the defendant, . . . .,  
364 and that they were placed thereon by said defendant in my  
365 presence, in open court, this the . . . . day of . . . .,  
366 . . . (year) . . . ."

367  
368 Such certificate shall be signed by the judge, whose signature  
369 thereto shall be followed by the word "Judge."

370 2. Any such written judgment of guilty of a petit theft, or  
371 a certified copy thereof, is admissible in evidence in the  
372 courts of this state as prima facie evidence that the  
373 fingerprints appearing thereon and certified by the judge are  
374 the fingerprints of the defendant against whom such judgment of  
375 guilty of a petit theft was rendered.

376 (7) For purposes of determining the value of property taken  
377 in violation of this section, the value must be based on the

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378 fair market value of the property at the time the taking  
379 occurred.

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

395 Section 3. Subsections (8) and (9) of section 812.015,  
396 Florida Statutes, are amended, and paragraph (n) of subsection  
397 (1) and subsection (10) are added to that section, to read:

398 812.015 Retail and farm theft; transit fare evasion;  
399 mandatory fine; alternative punishment; detention and arrest;  
400 exemption from liability for false arrest; resisting arrest;  
401 penalties.—

402 (1) As used in this section:

403 (n) "Value" means the fair market value of the property  
404 taken in violation of this section at the time the taking  
405 occurred.

406 (8) Except as provided in subsection (9), a person who

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407 commits retail theft commits a felony of the third degree,  
408 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
409 if the property stolen is valued at \$1,500 ~~\$300~~ or more, and the  
410 person:

411 (a) Individually, or in concert with one or more other  
412 persons, coordinates the activities of one or more individuals  
413 in committing the offense, in which case the amount of each  
414 individual theft is aggregated to determine the value of the  
415 property stolen;

416 (b) Commits theft from more than one location within a 48-  
417 hour period, in which case the amount of each individual theft  
418 is aggregated to determine the value of the property stolen;

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

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

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

431 (a) Violates subsection (8) as an adult and has previously  
432 been convicted of a violation of subsection (8) within 3 years  
433 after the expiration of his or her sentence for the conviction;  
434 or

435 (b) Individually, or in concert with one or more other

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436 persons, coordinates the activities of one or more persons in  
437 committing the offense of retail theft where the stolen property  
438 has a value in excess of \$3,000.

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

454 Section 4. Paragraphs (c) through (f) and (h) of subsection  
455 (1) of section 893.13, Florida Statutes, are amended to read:

456 893.13 Prohibited acts; penalties.—

457 (1)

458 (c) Except as authorized by this chapter, a person may not  
459 sell ~~or, manufacture, or deliver, or possess with intent to~~  
460 ~~sell, manufacture, or deliver,~~ a controlled substance in, on, or  
461 within 1,000 feet of the real property comprising a child care  
462 facility as defined in s. 402.302 or a public or private  
463 elementary, middle, or secondary school between the hours of 6  
464 a.m. and 12 midnight, or at any time in, on, or within 250 ~~1,000~~

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465 feet of real property comprising a state, county, or municipal  
466 park, a community center, or a publicly owned recreational  
467 facility. As used in this paragraph, the term "community center"  
468 means a facility operated by a nonprofit community-based  
469 organization for the provision of recreational, social, or  
470 educational services to the public. A person who violates this  
471 paragraph with respect to:

472 1. A controlled substance named or described in s.  
473 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
474 commits a felony of the first degree, punishable as provided in  
475 s. 775.082, s. 775.083, or s. 775.084. The defendant must be  
476 sentenced to a minimum term of imprisonment of 3 calendar years  
477 unless the offense was committed within 1,000 feet of the real  
478 property comprising a child care facility as defined in s.  
479 402.302.

480 2. A controlled substance named or described in s.  
481 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
482 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of  
483 the second degree, punishable as provided in s. 775.082, s.  
484 775.083, or s. 775.084.

485 3. Any other controlled substance, except as lawfully sold  
486 or, manufactured, ~~or delivered~~, must be sentenced to pay a \$500  
487 fine and to serve 100 hours of public service in addition to any  
488 other penalty prescribed by law.

489

490 This paragraph does not apply to a child care facility unless  
491 the owner or operator of the facility posts a sign that is not  
492 less than 2 square feet in size with a word legend identifying  
493 the facility as a licensed child care facility and that is

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494 posted on the property of the child care facility in a  
495 conspicuous place where the sign is reasonably visible to the  
496 public.

497 (d) Except as authorized by this chapter, a person may not  
498 sell or, manufacture, ~~or deliver, or possess with intent to~~  
499 ~~sell, manufacture, or deliver~~, a controlled substance in, on, or  
500 within 250 ~~1,000~~ feet of the real property comprising a public  
501 or private college, university, or other postsecondary  
502 educational institution. A person who violates this paragraph  
503 with respect to:

504 1. A controlled substance named or described in s.  
505 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
506 commits a felony of the first degree, punishable as provided in  
507 s. 775.082, s. 775.083, or s. 775.084.

508 2. A controlled substance named or described in s.  
509 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
510 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of  
511 the second degree, punishable as provided in s. 775.082, s.  
512 775.083, or s. 775.084.

513 3. Any other controlled substance, except as lawfully sold  
514 or, manufactured, ~~or delivered~~, must be sentenced to pay a \$500  
515 fine and to serve 100 hours of public service in addition to any  
516 other penalty prescribed by law.

517 (e) Except as authorized by this chapter, a person may not  
518 sell or, manufacture, ~~or deliver, or possess with intent to~~  
519 ~~sell, manufacture, or deliver~~, a controlled substance not  
520 authorized by law in, on, or within 1,000 feet of a physical  
521 place for worship at which a church or religious organization  
522 regularly conducts religious services or within 250 ~~1,000~~ feet

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523 of a convenience business as defined in s. 812.171. A person who  
524 violates this paragraph with respect to:

525 1. A controlled substance named or described in s.  
526 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
527 commits a felony of the first degree, punishable as provided in  
528 s. 775.082, s. 775.083, or s. 775.084.

529 2. A controlled substance named or described in s.  
530 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
531 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of  
532 the second degree, punishable as provided in s. 775.082, s.  
533 775.083, or s. 775.084.

534 3. Any other controlled substance, except as lawfully sold  
535 ~~or~~ manufactured, ~~or delivered~~, must be sentenced to pay a \$500  
536 fine and to serve 100 hours of public service in addition to any  
537 other penalty prescribed by law.

538 (f) Except as authorized by this chapter, a person may not  
539 sell ~~or~~ manufacture, ~~or deliver~~, ~~or possess with intent to~~  
540 ~~sell, manufacture, or deliver~~, a controlled substance in, on, or  
541 within 250 ~~1,000~~ feet of the real property comprising a public  
542 housing facility at any time. As used in this section, the term  
543 "real property comprising a public housing facility" means real  
544 property, as defined in s. 421.03(12), of a public corporation  
545 created as a housing authority pursuant to part I of chapter  
546 421. A person who violates this paragraph with respect to:

547 1. A controlled substance named or described in s.  
548 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
549 commits a felony of the first degree, punishable as provided in  
550 s. 775.082, s. 775.083, or s. 775.084.

551 2. A controlled substance named or described in s.

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552 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
553 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of  
554 the second degree, punishable as provided in s. 775.082, s.  
555 775.083, or s. 775.084.

556 3. Any other controlled substance, except as lawfully sold  
557 or manufactured, ~~or delivered~~, must be sentenced to pay a \$500  
558 fine and to serve 100 hours of public service in addition to any  
559 other penalty prescribed by law.

560 (h) Except as authorized by this chapter, a person may not  
561 sell or manufacture, ~~or deliver, or possess with intent to~~  
562 ~~sell, manufacture, or deliver~~, a controlled substance in, on, or  
563 within 1,000 feet of the real property comprising an assisted  
564 living facility, as that term is used in chapter 429. A person  
565 who violates this paragraph with respect to:

566 1. A controlled substance named or described in s.  
567 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
568 commits a felony of the first degree, punishable as provided in  
569 s. 775.082, s. 775.083, or s. 775.084.

570 2. A controlled substance named or described in s.  
571 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
572 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of  
573 the second degree, punishable as provided in s. 775.082, s.  
574 775.083, or s. 775.084.

575 3. Any other controlled substance, except as lawfully sold  
576 or manufactured, ~~or delivered~~, must be sentenced to pay a \$500  
577 fine and to serve 100 hours of public service in addition to any  
578 other penalty prescribed by law.

579 Section 5. Paragraph (o) is added to subsection (1) of  
580 section 893.135, Florida Statutes, to read:

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581 893.135 Trafficking; mandatory sentences; suspension or  
582 reduction of sentences; conspiracy to engage in trafficking.—

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

585 (o)1. As used in this paragraph, the term "dosage unit"  
586 means an individual tablet, capsule, pill, transdermal patch,  
587 unit of sublingual gelatin, or other visually distinctive form,  
588 each having a clear manufacturer marking, of a commercial drug  
589 product approved by the federal Food and Drug Administration and  
590 manufactured and distributed by a pharmaceutical company  
591 lawfully doing business in the United States.

592 2. Notwithstanding any other provision of this section, the  
593 sale, purchase, manufacture, delivery, or actual or constructive  
594 possession of fewer than 120 dosage units containing any  
595 controlled substance described in this section is not a  
596 violation of this section.

597 3. A person who knowingly sells, purchases, delivers, or  
598 brings into this state, or who is knowingly in actual or  
599 constructive possession of, 120 or more dosage units containing  
600 a controlled substance described in this section commits a  
601 felony of the first degree, which felony shall be known as  
602 "trafficking in pharmaceuticals," punishable as provided in s.  
603 775.082, s. 775.083, or s. 775.084, and must be prosecuted under  
604 this paragraph. If the quantity involved:

605 a. Is 120 or more dosage units, but less than 500 dosage  
606 units, such person shall be sentenced to a mandatory minimum  
607 term of imprisonment of 3 years and ordered to pay a fine of up  
608 to \$25,000.

609 b. Is 500 or more dosage units, but less than 1,000 dosage

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610 units, such person shall be sentenced to a mandatory minimum  
611 term of imprisonment of 7 years and ordered to pay a fine of up  
612 to \$50,000.

613 c. Is 1,000 or more dosage units, but less than 5,000  
614 dosage units, such person shall be sentenced to a mandatory  
615 minimum term of imprisonment of 15 years and ordered to pay a  
616 fine of up to \$100,000.

617 d. Is 5,000 or more dosage units, such person shall be  
618 sentenced to a mandatory minimum term of imprisonment of 25  
619 years and ordered to pay a fine of up to \$250,000.

620 Section 6. Effective July 1, 2019, present subsections (6)  
621 and (7) of section 893.135, Florida Statutes, are redesignated  
622 as subsections (7) and (8), respectively, and a new subsection  
623 (6) is added to that section, to read:

624 893.135 Trafficking; mandatory sentences; suspension or  
625 reduction of sentences; conspiracy to engage in trafficking.—

626 (6) Notwithstanding any other provision of this section, a  
627 court may impose a sentence for a violation of this section  
628 other than the mandatory minimum term of imprisonment and  
629 mandatory fine if the court finds on the record that all of the  
630 following circumstances exist:

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

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

635 (c) The person did not cause a death or serious bodily  
636 injury.

637 Section 7. Effective July 1, 2019, section 893.21, Florida  
638 Statutes, is amended to read:

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639 893.21 Drug-related overdoses; medical assistance; immunity  
640 from arrest, charge, prosecution, and penalties.-

641 (1) A person acting in good faith who seeks medical  
642 assistance for an individual experiencing, or believed to be  
643 experiencing, a drug-related overdose may not be arrested,  
644 charged, prosecuted, or penalized pursuant to this chapter for a  
645 violation of s. 782.04(1)(a)3., s. 893.13, s. 893.135, or s.  
646 893.147 possession of a controlled substance if the evidence for  
647 such offense possession of a controlled substance was obtained  
648 as a result of the person's seeking medical assistance.

649 (2) A person who experiences, or has a good faith belief  
650 that he or she is experiencing, a drug-related overdose and is  
651 in need of medical assistance may not be arrested, charged,  
652 prosecuted, or penalized pursuant to this chapter for a  
653 violation of s. 893.13, s. 893.135, or s. 893.147 possession of  
654 a controlled substance if the evidence for such offense  
655 possession of a controlled substance was obtained as a result of  
656 that person seeking the overdose and the need for medical  
657 assistance.

658 (3) A person who experiences, or has a good faith belief  
659 that he or she is experiencing, a drug-related overdose and  
660 receives medical assistance, or a person acting in good faith  
661 who seeks medical assistance for an individual experiencing, or  
662 believed to be experiencing, a drug-related overdose, may not be  
663 penalized for a violation of a condition of pretrial release,  
664 probation, or parole if the evidence for such violation was  
665 obtained as a result of that person seeking medical assistance.

666 (4) ~~(3)~~ Protection under ~~in~~ this section from arrest,  
667 charge, prosecution, or penalties for an offense listed in this

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668 ~~section possession offenses under this chapter~~ may not be  
669 grounds for suppression of evidence in other criminal  
670 prosecutions.

671 Section 8. Section 907.042, Florida Statutes, is created to  
672 read:

673 907.042 Supervised bond program.—

674 (1) LEGISLATIVE FINDINGS.—The Legislature finds that there  
675 is a need to use evidence-based methods to identify defendants  
676 who can successfully comply with specified pretrial release  
677 conditions. The Legislature finds that the use of actuarial  
678 instruments that evaluate criminogenic-based needs and classify  
679 defendants according to levels of risk provides a more  
680 consistent and accurate assessment of a defendant's risk of  
681 noncompliance while on pretrial release pending trial. The  
682 Legislature also finds that both the community and the defendant  
683 are better served when a defendant who poses a low risk to  
684 society is provided the opportunity to fulfill employment and  
685 familial responsibilities in the community under a structured  
686 pretrial release plan that provides the defendant the best  
687 chance of maintaining compliance with all pretrial conditions,  
688 rather than keeping him or her in custody. The Legislature finds  
689 that there is a benefit to establishing a supervised bond  
690 program in each county for the purpose of providing pretrial  
691 release to certain defendants who may not otherwise be eligible  
692 for pretrial release on unsupervised nonmonetary conditions and  
693 who do not have the ability to satisfy the bond imposed by the  
694 court. The Legislature finds that the creation of such a program  
695 will reduce the likelihood of defendants remaining unnecessarily  
696 in custody pending trial.

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697       (2) CREATION.—A supervised bond program may be established  
698 in each county, with the terms of each program to be developed  
699 with concurrence of the chief judge of the judicial circuit, the  
700 county's chief correctional officer, the state attorney, and the  
701 public defender. A county that, on or before October 1, 2019,  
702 has an established supervised bond program that uses a validated  
703 risk assessment instrument for similar pretrial or supervision  
704 determinations may continue to operate the program if the  
705 program meets the requirements of subsections (3), (4), and (5).

706       (3) PROGRAM REQUIREMENTS.—At a minimum, a supervised bond  
707 program must:

708           (a) Be administered by the county's chief correctional  
709 officer.

710           (b) Use the results of a validated pretrial risk assessment  
711 instrument that has been administered to a defendant for the  
712 purposes of pretrial release or supervision determinations.

713           (c) Assess a defendant's behavioral characteristics and  
714 needs that increase the likelihood of criminal activity and that  
715 may be addressed through the provision of services.

716           (d) Coordinate necessary services and supervision to reduce  
717 the likelihood of criminal activity and to increase the  
718 likelihood of compliance with pretrial release conditions.

719           (e) Require the appropriate court to make a final  
720 determination regarding whether a defendant will be placed into  
721 the supervised bond program. If such a determination is made,  
722 the court must also:

723               1. Determine the conditions of the individualized  
724 supervision plan with which the defendant must comply as a part  
725 of the supervised bond program, including, but not limited to,

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726 the requirements that the defendant must:

727 a. Be placed on active electronic monitoring or active  
728 continuous alcohol monitoring, or both, dependent upon the level  
729 of risk indicated by the risk assessment instrument; and

730 b. Communicate weekly, via telephone or in-person contact,  
731 as determined by the court, with the office of the county's  
732 chief correctional officer.

733 2. Review the bond of a defendant who is being accepted  
734 into the supervised bond program to determine if a reduction of  
735 the amount of court-ordered bond, up to and including its  
736 entirety, is appropriate.

737 (f) Establish procedures for reassessing or terminating  
738 from the supervised bond program defendants who do not comply  
739 with the terms of the individualized supervision plan imposed  
740 through the program.

741 (4) VALIDATION.—Each county that establishes a supervised  
742 bond program in accordance with this section must use a risk  
743 assessment instrument that is validated by the Department of  
744 Corrections. A risk assessment instrument that is used for other  
745 pretrial release determinations in accordance with s. 907.0421  
746 and that previously has been validated by the department does  
747 not need to be validated for use in the supervised bond program.  
748 An established supervised bond program that is in operation on  
749 October 1, 2019, which uses a risk assessment instrument may  
750 continue to operate while the department validates that  
751 instrument.

752 (5) REPORTING.—

753 (a) Each county that establishes a supervised bond program  
754 in accordance with this section, or that has an established

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755 supervised bond program that meets the requirements of  
756 subsection (3), shall provide an annual report to the Office of  
757 Program Policy Analysis and Government Accountability (OPPAGA)  
758 which details:

759 1. The results of the administration of the risk assessment  
760 instrument;

761 2. The supportive services provided to defendants who were  
762 assessed and accepted into the supervised bond program;

763 3. The success rate of the program; and

764 4. Any savings realized by the county as a result of such  
765 defendants being released from custody pending trial.

766 (b) Beginning October 1, 2020, and by each October 1  
767 thereafter, the annual report from the county must be submitted  
768 to OPPAGA, which shall compile the results of such reports for  
769 inclusion in an independent section of its annual report  
770 developed and submitted to the President of the Senate and the  
771 Speaker of the House of Representatives in accordance with s.  
772 907.044.

773 (6) RULEMAKING.—The department may adopt rules to  
774 administer this section.

775 Section 9. Section 907.0421, Florida Statutes, is created  
776 to read:

777 907.0421 Use of risk assessment instruments in pretrial  
778 release determinations.—

779 (1) The Legislature finds that there is a need to use  
780 evidence-based methods to identify defendants who can  
781 successfully comply with specified pretrial release conditions.  
782 The Legislature finds that the use of actuarial instruments that  
783 classify defendants according to the likelihood of failure to

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784 appear at subsequent hearings or to engage in criminal conduct  
785 while awaiting trial provides a more consistent and accurate  
786 assessment of a defendant's risk of noncompliance while on  
787 pretrial release pending trial. The Legislature also finds that  
788 research indicates that using accurate risk and needs assessment  
789 instruments ensures successful compliance with pretrial release  
790 conditions imposed on a defendant and reduces the likelihood of  
791 a defendant remaining unnecessarily in custody pending trial.

792 (2) The chief judge of each judicial circuit, with the  
793 concurrence of the county's chief correctional officer, the  
794 state attorney, and the public defender, may enter an  
795 administrative order to administer a risk assessment instrument  
796 in preparation for first appearance or may enter such an order  
797 within 72 hours after arrest so that the instrument may be used  
798 in pretrial release determinations. The risk assessment  
799 instrument must be objective, standardized, and based on  
800 analysis of empirical data and risk factors relevant to failure  
801 to meet pretrial release conditions which evaluates the  
802 likelihood of failure to appear in court and the likelihood of  
803 rearrest during the pretrial release period and which is  
804 validated on the pretrial population.

805 (3) (a) The risk assessment instrument results must be used  
806 as supplemental factors for the court to consider when  
807 determining the appropriateness of first appearance pretrial  
808 release and, if applicable, the conditions of release which are  
809 appropriate based on predicted level of risk and the risk of  
810 failure to meet pretrial release conditions. Based on the risk  
811 assessment instrument results, the court shall impose the least  
812 restrictive conditions necessary to reasonably ensure that the

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813 defendant will be present at subsequent hearings.

814 (b) A court that uses the results from a risk assessment  
815 instrument in first appearance pretrial release determinations  
816 retains sole discretion to impose any pretrial conditions it  
817 deems necessary to ensure the defendant's appearance at  
818 subsequent hearings.

819 (4) A circuit that intends to use a risk assessment  
820 instrument in pretrial release determinations must have the  
821 instrument independently validated by the Department of  
822 Corrections. A circuit may begin to use the instrument in  
823 pretrial release determinations immediately after its validation  
824 and the completion of training of all local staff who will  
825 administer the risk assessment instrument.

826 (5) (a) Each circuit that establishes an administrative  
827 order for the use of risk assessment instruments in first  
828 appearance pretrial release determinations shall provide an  
829 annual report to the Office of Program Policy Analysis and  
830 Government Accountability (OPPAGA) which details:

831 1. The risk assessment instrument used;

832 2. The results of the administration of the risk assessment  
833 instrument, including the results of defendants who were  
834 detained in custody awaiting trial and those who were released  
835 from custody awaiting trial;

836 3. The frequency with which released defendants failed to  
837 appear at one or more subsequent court hearings; and

838 4. The level of risk determined in the risk assessment  
839 instrument associated with a defendant who failed to appear for  
840 any court hearing.

841 (b) Beginning October 1, 2020, and by each October 1

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842 thereafter, the annual report from each circuit must be  
843 submitted to OPPAGA, which shall compile the results of such  
844 reports for inclusion in an independent section of its annual  
845 report developed and submitted to the President of the Senate  
846 and the Speaker of the House of Representatives in accordance  
847 with s. 907.044.

848 (6) The department may adopt rules to administer this  
849 section.

850 Section 10. Paragraph (d) is added to subsection (1) of  
851 section 945.091, Florida Statutes, to read:

852 945.091 Extension of the limits of confinement; restitution  
853 by employed inmates.—

854 (1) The department may adopt rules permitting the extension  
855 of the limits of the place of confinement of an inmate as to  
856 whom there is reasonable cause to believe that the inmate will  
857 honor his or her trust by authorizing the inmate, under  
858 prescribed conditions and following investigation and approval  
859 by the secretary, or the secretary's designee, who shall  
860 maintain a written record of such action, to leave the confines  
861 of that place unaccompanied by a custodial agent for a  
862 prescribed period of time to:

863 (d) Participate in supervised community release as  
864 prescribed by the department by rule. The inmate's participation  
865 may begin 180 days before his or her provisional or tentative  
866 release date. Such supervised community release must include  
867 active electronic monitoring and community control as defined in  
868 s. 948.001. The department must administer a risk assessment  
869 instrument to appropriately determine an inmate's ability to be  
870 released pursuant to this paragraph.

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871 1. If a participating inmate fails to comply with the  
872 conditions prescribed by department rule for supervised  
873 community release, the department may terminate the inmate's  
874 supervised community release and return him or her to the same  
875 or another institution designated by the department. A law  
876 enforcement officer or a probation officer may arrest the inmate  
877 without a warrant in accordance with s. 948.06 if there are  
878 reasonable grounds to believe he or she has violated the terms  
879 and conditions of supervised community release. The law  
880 enforcement officer must report the inmate's alleged violations  
881 to the supervising probation office or to the department's  
882 emergency action center for disposition of disciplinary charges  
883 as prescribed by department rule.

884 2. An inmate participating in supervised community release  
885 under this paragraph remains eligible to earn or lose gain-time  
886 in accordance with s. 944.275 and department rule, but may not  
887 receive gain-time or other sentence credit in an amount that  
888 would cause his or her sentence to expire, end, or terminate, or  
889 that would result in his or her release, before serving a  
890 minimum of 85 percent of the sentence imposed. The inmate may  
891 not be counted in the population of the prison system, and the  
892 inmate's approved community-based housing location may not be  
893 counted in the capacity figures for the prison system.

894 Section 11. Present subsections (4) through (15) of section  
895 947.005, Florida Statutes, are redesignated as subsections (5)  
896 through (16), respectively, and a new subsection (4) is added to  
897 that section, to read:

898 947.005 Definitions.—As used in this chapter, unless the  
899 context clearly indicates otherwise:

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

903       Section 12. Subsection (1) of section 947.149, Florida  
904 Statutes, is amended to read:

905       947.149 Conditional medical release.—

906       (1) The commission shall, in conjunction with the  
907 department, establish the conditional medical release program.  
908 An inmate is eligible for consideration for release under the  
909 conditional medical release program when the inmate, because of  
910 an existing medical or physical condition, is determined by the  
911 department to be within one of the following designations:

912       (a) "Inmate with a debilitating illness," which means an  
913 inmate who is determined to be suffering from a significant  
914 terminal or nonterminal condition, disease, or syndrome that has  
915 rendered the inmate so physically or cognitively impaired,  
916 debilitated, or incapacitated as to create a reasonable  
917 probability that the inmate does not constitute a danger to  
918 herself or himself or others.

919       (b)~~(a)~~ "Permanently incapacitated inmate," which means an  
920 inmate who has a condition caused by injury, disease, or illness  
921 which, to a reasonable degree of medical certainty, renders the  
922 inmate permanently and irreversibly physically incapacitated to  
923 the extent that the inmate does not constitute a danger to  
924 herself or himself or others.

925       (c)~~(b)~~ "Terminally ill inmate," which means an inmate who  
926 has a condition caused by injury, disease, or illness which, to  
927 a reasonable degree of medical certainty, renders the inmate  
928 terminally ill to the extent that there can be no recovery and

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929 death is expected within 12 months ~~is imminent~~, so that the  
930 inmate does not constitute a danger to herself or himself or  
931 others.

932 Section 13. Effective July 1, 2019, paragraph (c) of  
933 subsection (3) of section 893.03, Florida Statutes, is amended  
934 to read:

935 893.03 Standards and schedules.—The substances enumerated  
936 in this section are controlled by this chapter. The controlled  
937 substances listed or to be listed in Schedules I, II, III, IV,  
938 and V are included by whatever official, common, usual,  
939 chemical, trade name, or class designated. The provisions of  
940 this section shall not be construed to include within any of the  
941 schedules contained in this section any excluded drugs listed  
942 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
943 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
944 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
945 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
946 Anabolic Steroid Products."

947 (3) SCHEDULE III.—A substance in Schedule III has a  
948 potential for abuse less than the substances contained in  
949 Schedules I and II and has a currently accepted medical use in  
950 treatment in the United States, and abuse of the substance may  
951 lead to moderate or low physical dependence or high  
952 psychological dependence or, in the case of anabolic steroids,  
953 may lead to physical damage. The following substances are  
954 controlled in Schedule III:

955 (c) Unless specifically excepted or unless listed in  
956 another schedule, any material, compound, mixture, or  
957 preparation containing limited quantities of any of the

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958 following controlled substances or any salts thereof:

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

962 2. Not more than 1.8 grams of codeine per 100 milliliters  
963 or not more than 90 milligrams per dosage unit, with recognized  
964 therapeutic amounts of one or more active ingredients which are  
965 not controlled substances.

966 3. Not more than 300 milligrams of hydrocodone per 100  
967 milliliters or not more than 15 milligrams per dosage unit, with  
968 a fourfold or greater quantity of an isoquinoline alkaloid of  
969 opium.

970 4. Not more than 300 milligrams of hydrocodone per 100  
971 milliliters or not more than 15 milligrams per dosage unit, with  
972 recognized therapeutic amounts of one or more active ingredients  
973 that are not controlled substances.

974 5. Not more than 1.8 grams of dihydrocodeine per 100  
975 milliliters or not more than 90 milligrams per dosage unit, with  
976 recognized therapeutic amounts of one or more active ingredients  
977 which are not controlled substances.

978 6. Not more than 300 milligrams of ethylmorphine per 100  
979 milliliters or not more than 15 milligrams per dosage unit, with  
980 one or more active, nonnarcotic ingredients in recognized  
981 therapeutic amounts.

982 7. Not more than 50 milligrams of morphine per 100  
983 milliliters or per 100 grams, with recognized therapeutic  
984 amounts of one or more active ingredients which are not  
985 controlled substances.

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987 For purposes of charging a person with a violation of s. 893.135  
 988 involving any controlled substance described in subparagraph 3.  
 989 or subparagraph 4., the controlled substance is a Schedule III  
 990 controlled substance pursuant to this paragraph but the weight  
 991 of the controlled substance per milliliters or per dosage unit  
 992 is not relevant to the charging of a violation of s. 893.135.  
 993 The weight of the controlled substance shall be determined  
 994 pursuant to s. 893.135(7) ~~s. 893.135(6)~~.

995 Section 14. Paragraphs (a) through (g) of subsection (3) of  
 996 section 921.0022, Florida Statutes, are amended to read:

997 921.0022 Criminal Punishment Code; offense severity ranking  
 998 chart.—

999 (3) OFFENSE SEVERITY RANKING CHART

1000 (a) LEVEL 1

1001

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.

1004

1005

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1006	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
1007	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
1008	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
1009	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
1010	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
1011	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
	322.212 (5) (a)	3rd	False application for driver license or identification card.

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1012

414.39(3)(a) 3rd Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

1013

443.071(1) 3rd False statement or representation to obtain or increase reemployment assistance benefits.

1014

509.151(1) 3rd Defraud an innkeeper, food or lodging value greater than \$300.

1015

517.302(1) 3rd Violation of the Florida Securities and Investor Protection Act.

1016

562.27(1) 3rd Possess still or still apparatus.

1017

713.69 3rd Tenant removes property upon which lien has accrued, value more than \$50.

1018

812.014(3)(c) 3rd Petit theft (3rd or subsequent adult conviction within specified period);

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1019  
1020  
1021  
1022  
1023  
1024  
1025

812.081 (2)

3rd

theft of any property not specified in subsection (2).

Unlawfully makes or causes to be made a reproduction of a trade secret.

815.04 (5) (a)

3rd

Offense against intellectual property (i.e., computer programs, data).

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

817.569 (2)

3rd

Use of public record or public records information or providing false information to facilitate commission of a felony.

826.01

3rd

Bigamy.

828.122 (3)

3rd

Fighting or baiting animals.

831.04 (1)

3rd

Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

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1026

831.31 (1) (a) 3rd Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.

1027

832.041 (1) 3rd Stopping payment with intent to defraud \$150 or more.

1028

832.05 (2) (b) & (4) (c) 3rd Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.

1029

838.15 (2) 3rd Commercial bribe receiving.

1030

838.16 3rd Commercial bribery.

1031

843.18 3rd Fleeing by boat to elude a law enforcement officer.

1032

847.011 (1) (a) 3rd Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).

1033

849.01 3rd Keeping gambling house.

1034

849.09 (1) (a) - (d) 3rd Lottery; set up, promote,

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			etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
1035	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
1036	849.25 (2)	3rd	Engaging in bookmaking.
1037	860.08	3rd	Interfere with a railroad signal.
1038	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
1039	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
1040	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
1041	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
1042			
1043	(b) LEVEL 2		

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1044

Florida  
Statute

Felony  
Degree

Description

1045

379.2431  
(1) (e) 3.

3rd

Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

1046

379.2431  
(1) (e) 4.

3rd

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

1047

403.413 (6) (c)

3rd

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

1048

517.07 (2)

3rd

Failure to furnish a prospectus meeting requirements.

1049

590.28 (1)

3rd

Intentional burning of lands.

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1050

784.05 (3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

1051

787.04 (1) 3rd In violation of court order, take, entice, etc., minor beyond state limits.

1052

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

1053

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

1054

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

1055

812.014 (2) (c) 1. 3rd Grand theft, 3rd degree; \$1,500 ~~\$300~~ or more but

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1056

812.014 (2) (d)

3rd

less than \$5,000.

Grand theft, 3rd degree;  
\$1,500 ~~\$100~~ or more but  
 less than \$5,000 ~~\$300~~,  
 taken from unenclosed  
 curtilage of dwelling.

1057

812.015 (7)

3rd

Possession, use, or  
 attempted use of an  
 antishoplifting or  
 inventory control device  
 countermeasure.

1058

817.234 (1) (a) 2.

3rd

False statement in  
 support of insurance  
 claim.

1059

817.481 (3) (a)

3rd

Obtain credit or  
 purchase with false,  
 expired, counterfeit,  
 etc., credit card, value  
 over \$300.

1060

817.52 (3)

3rd

Failure to redeliver  
 hired vehicle.

1061

817.54

3rd

With intent to defraud,  
 obtain mortgage note,

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			etc., by false representation.
1062	817.60 (5)	3rd	Dealing in credit cards of another.
1063	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
1064	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
1065	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
1066	831.01	3rd	Forgery.
1067	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
1068	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
1069			

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1070

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

1071

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

1072

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

1073

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

1074

843.08 3rd False personation.

1075

893.13 (2) (a) 2. 3rd Purchase of any s.  
893.03 (1) (c), (2) (c) 1.,  
(2) (c) 2., (2) (c) 3.,  
(2) (c) 6., (2) (c) 7.,  
(2) (c) 8., (2) (c) 9.,  
(2) (c) 10., (3), or (4)  
drugs other than  
cannabis.

893.147 (2) 3rd Manufacture or delivery

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of drug paraphernalia.

1076  
1077  
1078  
1079  
1080  
1081  
1082  
1083  
1084

(c) LEVEL 3

Florida  
Statute

Felony  
Degree

Description

119.10 (2) (b)

3rd

Unlawful use of  
confidential information  
from police reports.

316.066  
(3) (b) - (d)

3rd

Unlawfully obtaining or  
using confidential crash  
reports.

316.193 (2) (b)

3rd

Felony DUI, 3rd conviction.

316.1935 (2)

3rd

Fleeing or attempting to  
elude law enforcement  
officer in patrol vehicle  
with siren and lights  
activated.

319.30 (4)

3rd

Possession by junkyard of  
motor vehicle with  
identification number plate  
removed.

319.33 (1) (a)

3rd

Alter or forge any

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1085

certificate of title to a motor vehicle or mobile home.

319.33 (1) (c)

3rd

Procure or pass title on stolen vehicle.

1086

319.33 (4)

3rd

With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

1087

327.35 (2) (b)

3rd

Felony BUI.

1088

328.05 (2)

3rd

Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

1089

328.07 (4)

3rd

Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

1090

376.302 (5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland

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1091

Protection Trust Fund.

379.2431  
(1) (e) 5.

3rd

Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

1092

379.2431  
(1) (e) 6.

3rd

Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

1093

379.2431  
(1) (e) 7.

3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

1094

400.9935 (4) (a)  
or (b)

3rd

Operating a clinic, or offering services requiring

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1095

licensure, without a  
license.

400.9935 (4) (e)

3rd

Filing a false license  
application or other  
required information or  
failing to report  
information.

1096

440.1051 (3)

3rd

False report of workers'  
compensation fraud or  
retaliation for making such  
a report.

1097

501.001 (2) (b)

2nd

Tampers with a consumer  
product or the container  
using materially  
false/misleading  
information.

1098

624.401 (4) (a)

3rd

Transacting insurance  
without a certificate of  
authority.

1099

624.401 (4) (b) 1.

3rd

Transacting insurance  
without a certificate of  
authority; premium  
collected less than  
\$20,000.

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1100  
1101  
1102  
1103  
1104  
1105  
1106  
1107

626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
812.0145 (2) (c)	3rd	Theft from person 65 years

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1108

of age or older; \$300 or more but less than \$10,000.

815.04 (5) (b)

2nd

Computer offense devised to defraud or obtain property.

1109

817.034 (4) (a) 3.

3rd

Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

1110

817.233

3rd

Burning to defraud insurer.

1111

817.234  
(8) (b) & (c)

3rd

Unlawful solicitation of persons involved in motor vehicle accidents.

1112

817.234 (11) (a)

3rd

Insurance fraud; property value less than \$20,000.

1113

817.236

3rd

Filing a false motor vehicle insurance application.

1114

817.2361

3rd

Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

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1115

817.413(2) 3rd Sale of used goods as new.

1116

831.28(2)(a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

1117

831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.

1118

838.021(3)(b) 3rd Threatens unlawful harm to public servant.

1119

843.19 3rd Injure, disable, or kill police dog or horse.

1120

860.15(3) 3rd Overcharging for repairs and parts.

1121

870.01(2) 3rd Riot; inciting or encouraging.

1122

893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1.,

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(2) (c) 2., (2) (c) 3.,  
 (2) (c) 6., (2) (c) 7.,  
 (2) (c) 8., (2) (c) 9.,  
 (2) (c) 10., (3), or (4)  
 drugs).

1123

893.13 (1) (d) 2.

2nd

Sell or manufacture, ~~or~~  
~~deliver~~ s. 893.03 (1) (c),  
 (2) (c) 1., (2) (c) 2.,  
 (2) (c) 3., (2) (c) 6.,  
 (2) (c) 7., (2) (c) 8.,  
 (2) (c) 9., (2) (c) 10., (3),  
 or (4) drugs within 250  
~~1,000~~ feet of university.

1124

893.13 (1) (f) 2.

2nd

Sell or manufacture, ~~or~~  
~~deliver~~ s. 893.03 (1) (c),  
 (2) (c) 1., (2) (c) 2.,  
 (2) (c) 3., (2) (c) 6.,  
 (2) (c) 7., (2) (c) 8.,  
 (2) (c) 9., (2) (c) 10., (3),  
 or (4) drugs within 250  
~~1,000~~ feet of public  
 housing facility.

1125

893.13 (4) (c)

3rd

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

1126

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1127	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1128	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1129	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
1130	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
1131	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
1131	893.13 (8) (a) 1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance

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through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

1132

893.13 (8) (a) 2.

3rd

Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

1133

893.13 (8) (a) 3.

3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

1134

893.13 (8) (a) 4.

3rd

Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

1135

918.13 (1) (a)

3rd

Alter, destroy, or conceal investigation evidence.

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1136

944.47  
(1) (a) 1. & 2.

3rd Introduce contraband to  
correctional facility.

1137

944.47 (1) (c)

2nd Possess contraband while  
upon the grounds of a  
correctional institution.

1138

985.721

3rd Escapes from a juvenile  
facility (secure detention  
or residential commitment  
facility).

1139

(d) LEVEL 4

1140

1141

Florida  
Statute

Felony  
Degree

Description

1142

316.1935 (3) (a)

2nd Driving at high speed or  
with wanton disregard  
for safety while fleeing  
or attempting to elude  
law enforcement officer  
who is in a patrol  
vehicle with siren and  
lights activated.

1143

499.0051 (1)

3rd Failure to maintain or  
deliver transaction

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1144

history, transaction  
information, or  
transaction statements.

499.0051 (5)

2nd

Knowing sale or  
delivery, or possession  
with intent to sell,  
contraband prescription  
drugs.

1145

517.07 (1)

3rd

Failure to register  
securities.

1146

517.12 (1)

3rd

Failure of dealer,  
associated person, or  
issuer of securities to  
register.

1147

784.07 (2) (b)

3rd

Battery of law  
enforcement officer,  
firefighter, etc.

1148

784.074 (1) (c)

3rd

Battery of sexually  
violent predators  
facility staff.

1149

784.075

3rd

Battery on detention or  
commitment facility  
staff.

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1150

784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

1151

784.08 (2) (c) 3rd Battery on a person 65 years of age or older.

1152

784.081 (3) 3rd Battery on specified official or employee.

1153

784.082 (3) 3rd Battery by detained person on visitor or other detainee.

1154

784.083 (3) 3rd Battery on code inspector.

1155

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

1156

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed

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1157

guardian.

787.04 (2)

3rd

Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

1158

787.04 (3)

3rd

Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

1159

787.07

3rd

Human smuggling.

1160

790.115 (1)

3rd

Exhibiting firearm or weapon within 1,000 feet of a school.

1161

790.115 (2) (b)

3rd

Possessing electric weapon or device, destructive device, or other weapon on school property.

1162

790.115 (2) (c)

3rd

Possessing firearm on

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1163

school property.

800.04 (7) (c)

3rd

Lewd or lascivious  
exhibition; offender  
less than 18 years.

1164

810.02 (4) (a)

3rd

Burglary, or attempted  
burglary, of an  
unoccupied structure;  
unarmed; no assault or  
battery.

1165

810.02 (4) (b)

3rd

Burglary, or attempted  
burglary, of an  
unoccupied conveyance;  
unarmed; no assault or  
battery.

1166

810.06

3rd

Burglary; possession of  
tools.

1167

810.08 (2) (c)

3rd

Trespass on property,  
armed with firearm or  
dangerous weapon.

1168

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree  
\$10,000 or more but less  
than \$20,000.

1169

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	<u>812.014</u>	3rd	Grand theft, 3rd degree,
	<u>(2) (c) 4.-8.</u>		a <del>will</del> , firearm, motor
	<del>812.014</del>		vehicle, livestock, etc.
1170	<del>(2) (c) 4.-10.</del>		
	812.0195 (2)	3rd	Dealing in stolen
			property by use of the
			Internet; property
			stolen \$300 or more.
1171			
	817.505 (4) (a)	3rd	Patient brokering.
1172			
	817.563 (1)	3rd	Sell or deliver
			substance other than
			controlled substance
			agreed upon, excluding
			s. 893.03(5) drugs.
1173			
	817.568 (2) (a)	3rd	Fraudulent use of
			personal identification
			information.
1174			
	817.625 (2) (a)	3rd	Fraudulent use of
			scanning device,
			skimming device, or
			reencoder.
1175			
	817.625 (2) (c)	3rd	Possess, sell, or
			deliver skimming device.

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1176

828.125 (1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

1177

837.02 (1) 3rd Perjury in official proceedings.

1178

837.021 (1) 3rd Make contradictory statements in official proceedings.

1179

838.022 3rd Official misconduct.

1180

839.13 (2) (a) 3rd Falsifying records of an individual in the care and custody of a state agency.

1181

839.13 (2) (c) 3rd Falsifying records of the Department of Children and Families.

1182

843.021 3rd Possession of a concealed handcuff key by a person in custody.

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1183

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

1184

843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

1185

847.0135(5)(c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

1186

874.05(1)(a) 3rd Encouraging or recruiting another to join a criminal gang.

1187

893.13(2)(a)1. 2nd Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).

1188

914.14(2) 3rd Witnesses accepting

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1189			bribes.
	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1190			
	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1191			
	918.12	3rd	Tampering with jurors.
1192			
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1193			
1194	(e) LEVEL 5		
1195			
	Florida Statute	Felony Degree	Description
1196			
	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1197			

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1198

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

1199

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

1200

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

1201

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

379.365 (2) (c) 1. 3rd Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving

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away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

1202

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

1203

379.407(5)(b)3.

3rd

Possession of 100 or more undersized spiny lobsters.

1204

381.0041(11)(b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

1205

440.10(1)(g)

2nd

Failure to obtain

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1206

workers' compensation coverage.

440.105 (5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

1207

440.381 (2)

2nd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

1208

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

1209

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

1210

790.01 (2)

3rd

Carrying a concealed firearm.



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1218

years of age or older.

806.111 (1)

3rd

Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

1219

812.0145 (2) (b)

2nd

Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

1220

812.015 (8)

3rd

Retail theft; property stolen is valued at \$1,500 ~~\$300~~ or more and one or more specified acts.

1221

812.019 (1)

2nd

Stolen property; dealing in or trafficking in.

1222

812.131 (2) (b)

3rd

Robbery by sudden snatching.

1223

812.16 (2)

3rd

Owning, operating, or conducting a chop shop.

1224

817.034 (4) (a) 2.

2nd

Communications fraud, value \$20,000 to

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1225

\$50,000.

817.234 (11) (b)

2nd

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

1226

817.2341 (1),  
(2) (a) & (3) (a)

3rd

Filing false financial  
statements, making false  
entries of material fact  
or false statements  
regarding property  
values relating to the  
solvency of an insuring  
entity.

1227

817.568 (2) (b)

2nd

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

1228

817.611 (2) (a)

2nd

Traffic in or possess 5

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1229

817.625 (2) (b)

2nd

to 14 counterfeit credit cards or related documents.

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

1230

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

1231

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

1232

827.071 (5)

3rd

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

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1233

828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

1234

839.13 (2) (b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

1235

843.01 3rd Resist officer with violence to person; resist arrest with violence.

1236

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

1237

847.0137 (2) & (3) 3rd Transmission of pornography by electronic device or equipment.

1238

847.0138 3rd Transmission of material

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(2) & (3)

harmful to minors to a minor by electronic device or equipment.

1239

874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

1240

874.05 (2) (a)

2nd

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

1241

893.13 (1) (a) 1.

2nd

Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs).

1242

893.13 (1) (c) 2.

2nd

Sell or manufacture, ~~or deliver~~ cannabis (or other s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10.,

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(3), or (4) drugs)  
 within 1,000 feet of a  
 child care facility or  
 school, or within 250  
feet of a state, county,  
 or municipal park or  
 publicly owned  
 recreational facility or  
 community center.

1243

893.13(1)(d)1.

1st

Sell or manufacture, ~~or~~  
~~deliver~~ cocaine (or  
 other s. 893.03(1)(a),  
 (1)(b), (1)(d), (2)(a),  
 (2)(b), or (2)(c)5.  
 drugs) within 250 ~~1,000~~  
 feet of college or  
 university.

1244

893.13(1)(e)2.

2nd

Sell or manufacture, ~~or~~  
~~deliver~~ cannabis or  
 other drug prohibited  
 under s. 893.03(1)(c),  
 (2)(c)1., (2)(c)2.,  
 (2)(c)3., (2)(c)6.,  
 (2)(c)7., (2)(c)8.,  
 (2)(c)9., (2)(c)10.,  
 (3), or (4) within 1,000  
 feet of property used

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1245	893.13 (1) (f) 1.	1st	for religious services or <u>within 250 feet of a</u> specified business site.
1246	893.13 (4) (b)	2nd	Sell <u>or</u> , manufacture, <del>or</del> <del>deliver</del> cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), or (2) (a), (2) (b), or (2) (c) 5. drugs) within <u>250</u> <del>1,000</del> feet of public housing facility.
1247	893.1351 (1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
1248	(f) LEVEL 6		
1249			
1250	Florida Statute	Felony Degree	Description
1251	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious

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1252

bodily injury.

316.193 (2) (b)

3rd

Felony DUI, 4th or subsequent conviction.

1253

400.9935 (4) (c)

2nd

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

1254

499.0051 (2)

2nd

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

1255

499.0051 (3)

2nd

Knowing purchase or receipt of prescription drug from unauthorized person.

1256

499.0051 (4)

2nd

Knowing sale or transfer of prescription drug to unauthorized person.

1257

775.0875 (1)

3rd

Taking firearm from law enforcement officer.

1258

784.021 (1) (a)

3rd

Aggravated assault;

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			deadly weapon without intent to kill.
1259	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
1260	784.041	3rd	Felony battery; domestic battery by strangulation.
1261	784.048 (3)	3rd	Aggravated stalking; credible threat.
1262	784.048 (5)	3rd	Aggravated stalking of person under 16.
1263	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
1264	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
1265	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
1266	784.081 (2)	2nd	Aggravated assault on

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1267

specified official or  
employee.

784.082 (2)

2nd

Aggravated assault by  
detained person on  
visitor or other  
detainee.

1268

784.083 (2)

2nd

Aggravated assault on  
code inspector.

1269

787.02 (2)

3rd

False imprisonment;  
restraining with purpose  
other than those in s.  
787.01.

1270

790.115 (2) (d)

2nd

Discharging firearm or  
weapon on school  
property.

1271

790.161 (2)

2nd

Make, possess, or throw  
destructive device with  
intent to do bodily harm  
or damage property.

1272

790.164 (1)

2nd

False report concerning  
bomb, explosive, weapon  
of mass destruction, act  
of arson or violence to

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1273

state property, or use of firearms in violent manner.

790.19

2nd

Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

1274

794.011 (8) (a)

3rd

Solicitation of minor to participate in sexual activity by custodial adult.

1275

794.05 (1)

2nd

Unlawful sexual activity with specified minor.

1276

800.04 (5) (d)

3rd

Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.

1277

800.04 (6) (b)

2nd

Lewd or lascivious conduct; offender 18 years of age or older.

1278

806.031 (2)

2nd

Arson resulting in great

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			bodily harm to firefighter or any other person.
1279	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
1280	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
1281	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
1282	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
1283	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$1,500</u> <del>\$300</del> or more; second or subsequent <u>adult</u> conviction <u>within</u> <u>specified period</u> .
1284	812.015 (9) (b)	2nd	Retail theft; property

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1285			stolen \$3,000 or more; coordination of others.
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
1286			
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
1287			
	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
1288			
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
1289			
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
1290			
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
1291			
	825.103 (3) (c)	3rd	Exploiting an elderly

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1292

person or disabled adult  
and property is valued  
at less than \$10,000.

1293

827.03 (2) (c)

3rd

Abuse of a child.

1294

827.03 (2) (d)

3rd

Neglect of a child.

1295

827.071 (2) & (3)

2nd

Use or induce a child in  
a sexual performance, or  
promote or direct such  
performance.

1296

836.05

2nd

Threats; extortion.

1297

836.10

2nd

Written threats to kill,  
do bodily injury, or  
conduct a mass shooting  
or an act of terrorism.

1298

843.12

3rd

Aids or assists person  
to escape.

847.011

3rd

Distributing, offering  
to distribute, or  
possessing with intent  
to distribute obscene  
materials depicting  
minors.

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1299

847.012

3rd

Knowingly using a minor in the production of materials harmful to minors.

1300

847.0135 (2)

3rd

Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

1301

914.23

2nd

Retaliation against a witness, victim, or informant, with bodily injury.

1302

944.35 (3) (a) 2.

3rd

Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

1303

944.40

2nd

Escapes.

1304

944.46

3rd

Harboring, concealing,

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1305

aiding escaped  
prisoners.

944.47(1)(a)5.

2nd

Introduction of  
contraband (firearm,  
weapon, or explosive)  
into correctional  
facility.

1306

951.22(1)

3rd

Intoxicating drug,  
firearm, or weapon  
introduced into county  
facility.

1307

1308

(g) LEVEL 7

1309

Florida  
Statute

Felony  
Degree

Description

1310

316.027(2)(c)

1st

Accident involving death,  
failure to stop; leaving  
scene.

1311

316.193(3)(c)2.

3rd

DUI resulting in serious  
bodily injury.

1312

316.1935(3)(b)

1st

Causing serious bodily  
injury or death to another  
person; driving at high

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1313	327.35 (3) (c) 2.	3rd	speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1314	402.319 (2)	2nd	Vessel BUI resulting in serious bodily injury.  Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1315	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1316	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1317	456.065 (2)	3rd	Practicing a health care profession without a license.
1318			

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1319	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1320	458.327 (1)	3rd	Practicing medicine without a license.
1321	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1322	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1323	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1324	462.17	3rd	Practicing naturopathy without a license.
1325	463.015 (1)	3rd	Practicing optometry without a license.
1326	464.016 (1)	3rd	Practicing nursing without a license.

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1327	465.015 (2)	3rd	Practicing pharmacy without a license.
1328	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1329	467.201	3rd	Practicing midwifery without a license.
1330	468.366	3rd	Delivering respiratory care services without a license.
1331	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1332	483.901 (7)	3rd	Practicing medical physics without a license.
1333	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1334	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any

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1335	560.123 (8) (b) 1.	3rd	violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1336	560.125 (5) (a)	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1337	655.50 (10) (b) 1.	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1338	775.21 (10) (a)	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
			Sexual predator; failure to register; failure to renew driver license or identification card; other

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1339

registration violations.

775.21 (10) (b)

3rd

Sexual predator working where children regularly congregate.

1340

775.21 (10) (g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

1341

782.051 (3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

1342

782.07 (1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

1343

782.071

2nd

Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).



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sexually violent predators  
facility staff.

1352

784.08 (2) (a)

1st

Aggravated battery on a  
person 65 years of age or  
older.

1353

784.081 (1)

1st

Aggravated battery on  
specified official or  
employee.

1354

784.082 (1)

1st

Aggravated battery by  
detained person on visitor  
or other detainee.

1355

784.083 (1)

1st

Aggravated battery on code  
inspector.

1356

787.06 (3) (a) 2.

1st

Human trafficking using  
coercion for labor and  
services of an adult.

1357

787.06 (3) (e) 2.

1st

Human trafficking using  
coercion for labor and  
services by the transfer  
or transport of an adult  
from outside Florida to  
within the state.

1358

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1359

790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

1360

790.16(1) 1st Discharge of a machine gun under specified circumstances.

1361

790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

1362

790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

1363

790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a

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1364

790.23

1st,PBL

felony.

Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

1365

794.08 (4)

3rd

Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

1366

796.05 (1)

1st

Live on earnings of a prostitute; 2nd offense.

1367

796.05 (1)

1st

Live on earnings of a prostitute; 3rd and subsequent offense.

1368

800.04 (5) (c) 1.

2nd

Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.

1369

800.04 (5) (c) 2.

2nd

Lewd or lascivious molestation; victim 12

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1370

years of age or older but younger than 16 years of age; offender 18 years of age or older.

800.04 (5) (e)

1st

Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

1371

806.01 (2)

2nd

Maliciously damage structure by fire or explosive.

1372

810.02 (3) (a)

2nd

Burglary of occupied dwelling; unarmed; no assault or battery.

1373

810.02 (3) (b)

2nd

Burglary of unoccupied dwelling; unarmed; no assault or battery.

1374

810.02 (3) (d)

2nd

Burglary of occupied conveyance; unarmed; no assault or battery.

1375

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1376	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1377	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
1378	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1379	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1380	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1380	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.

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1381

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

1382

812.131 (2) (a) 2nd Robbery by sudden snatching.

1383

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

1384

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

1385

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

1386

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

1387

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

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1388

817.2341 1st Making false entries of  
 (2) (b) & (3) (b) material fact or false  
 statements regarding  
 property values relating  
 to the solvency of an  
 insuring entity which are  
 a significant cause of the  
 insolvency of that entity.

1389

817.535 (2) (a) 3rd Filing false lien or other  
 unauthorized document.

1390

817.611 (2) (b) 2nd Traffic in or possess 15  
 to 49 counterfeit credit  
 cards or related  
 documents.

1391

825.102 (3) (b) 2nd Neglecting an elderly  
 person or disabled adult  
 causing great bodily harm,  
 disability, or  
 disfigurement.

1392

825.103 (3) (b) 2nd Exploiting an elderly  
 person or disabled adult  
 and property is valued at  
 \$10,000 or more, but less  
 than \$50,000.

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1393

827.03 (2) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

1394

827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

1395

837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

1396

838.015 2nd Bribery.

1397

838.016 2nd Unlawful compensation or reward for official behavior.

1398

838.021 (3) (a) 2nd Unlawful harm to a public servant.

1399

838.22 2nd Bid tampering.

1400

843.0855 (2) 3rd Impersonation of a public officer or employee.

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1401

843.0855 (3)

3rd

Unlawful simulation of  
legal process.

1402

843.0855 (4)

3rd

Intimidation of a public  
officer or employee.

1403

847.0135 (3)

3rd

Solicitation of a child,  
via a computer service, to  
commit an unlawful sex  
act.

1404

847.0135 (4)

2nd

Traveling to meet a minor  
to commit an unlawful sex  
act.

1405

872.06

2nd

Abuse of a dead human  
body.

1406

874.05 (2) (b)

1st

Encouraging or recruiting  
person under 13 to join a  
criminal gang; second or  
subsequent offense.

1407

874.10

1st, PBL

Knowingly initiates,  
organizes, plans,  
finances, directs,  
manages, or supervises  
criminal gang-related

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1408

activity.

893.13(1)(c)1.

1st

Sell or manufacture, ~~or~~  
~~deliver~~ cocaine (or other  
 drug prohibited under s.  
 893.03(1)(a), (1)(b),  
 (1)(d), (2)(a), (2)(b), or  
 (2)(c)5.) within 1,000  
 feet of a child care  
 facility or school, or  
within 250 feet of a  
 state, county, or  
 municipal park or publicly  
 owned recreational  
 facility or community  
 center.

1409

893.13(1)(e)1.

1st

Sell or manufacture, ~~or~~  
~~deliver~~ cocaine or other  
 drug prohibited under s.  
 893.03(1)(a), (1)(b),  
 (1)(d), (2)(a), (2)(b), or  
 (2)(c)5., within 1,000  
 feet of property used for  
 religious services or  
within 250 feet of a  
 specified business site.

1410

893.13(4)(a)

1st

Use or hire of minor;

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			deliver to minor other controlled substance.
1411	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1412	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1413	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1414	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
1415	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1416	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
1417	893.135	1st	Trafficking in oxycodone, 14 grams or more, less

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1418	(1) (c) 3.b.		than 25 grams.
	893.135	1st	Trafficking in fentanyl, 4 grams or more, less than
1419	(1) (c) 4.b. (I)		14 grams.
	893.135	1st	Trafficking in
1420	(1) (d) 1.a.		phencyclidine, 28 grams or more, less than 200 grams.
	893.135 (1) (e) 1.	1st	Trafficking in
1421			methaqualone, 200 grams or more, less than 5 kilograms.
	893.135 (1) (f) 1.	1st	Trafficking in
1422			amphetamine, 14 grams or more, less than 28 grams.
	893.135	1st	Trafficking in
1423	(1) (g) 1.a.		flunitrazepam, 4 grams or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-
1424	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135	1st	Trafficking in 1,4-

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	(1) (j) 1.a.		Butanediol, 1 kilogram or more, less than 5 kilograms.
1425	893.135	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	(1) (k) 2.a.		
1426	893.135	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
	(1) (m) 2.a.		
1427	893.135	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
	(1) (m) 2.b.		
1428	893.135	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
	(1) (n) 2.a.		
1429	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1430	896.101 (5) (a)	3rd	Money laundering,

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1431

financial transactions  
exceeding \$300 but less  
than \$20,000.

896.104 (4) (a) 1.

3rd

Structuring transactions  
to evade reporting or  
registration requirements,  
financial transactions  
exceeding \$300 but less  
than \$20,000.

1432

943.0435 (4) (c)

2nd

Sexual offender vacating  
permanent residence;  
failure to comply with  
reporting requirements.

1433

943.0435 (8)

2nd

Sexual offender; remains  
in state after indicating  
intent to leave; failure  
to comply with reporting  
requirements.

1434

943.0435 (9) (a)

3rd

Sexual offender; failure  
to comply with reporting  
requirements.

1435

943.0435 (13)

3rd

Failure to report or  
providing false  
information about a sexual

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1436

offender; harbor or  
conceal a sexual offender.

943.0435 (14)

3rd

Sexual offender; failure  
to report and reregister;  
failure to respond to  
address verification;  
providing false  
registration information.

1437

944.607 (9)

3rd

Sexual offender; failure  
to comply with reporting  
requirements.

1438

944.607 (10) (a)

3rd

Sexual offender; failure  
to submit to the taking of  
a digitized photograph.

1439

944.607 (12)

3rd

Failure to report or  
providing false  
information about a sexual  
offender; harbor or  
conceal a sexual offender.

1440

944.607 (13)

3rd

Sexual offender; failure  
to report and reregister;  
failure to respond to  
address verification;  
providing false

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1441

registration information.

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

1442

985.4815(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

1443

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

1444

1445 Section 15. For the purpose of incorporating the amendment  
 1446 made by this act to section 812.014, Florida Statutes, in a  
 1447 reference thereto, subsection (10) of section 95.18, Florida  
 1448 Statutes, is reenacted to read:

1449 95.18 Real property actions; adverse possession without  
 1450 color of title.—

1451 (10) A person who occupies or attempts to occupy a  
 1452 residential structure solely by claim of adverse possession  
 1453 under this section and offers the property for lease to another  
 1454 commits theft under s. 812.014.

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1455 Section 16. For the purpose of incorporating the amendment  
1456 made by this act to section 812.014, Florida Statutes, in a  
1457 reference thereto, subsection (3) of section 400.9935, Florida  
1458 Statutes, is reenacted to read:

1459 400.9935 Clinic responsibilities.—

1460 (3) A charge or reimbursement claim made by or on behalf of  
1461 a clinic that is required to be licensed under this part but  
1462 that is not so licensed, or that is otherwise operating in  
1463 violation of this part, regardless of whether a service is  
1464 rendered or whether the charge or reimbursement claim is paid,  
1465 is an unlawful charge and is noncompensable and unenforceable. A  
1466 person who knowingly makes or causes to be made an unlawful  
1467 charge commits theft within the meaning of and punishable as  
1468 provided in s. 812.014.

1469 Section 17. For the purpose of incorporating the amendment  
1470 made by this act to section 812.014, Florida Statutes, in a  
1471 reference thereto, paragraph (g) of subsection (17) of section  
1472 409.910, Florida Statutes, is reenacted to read:

1473 409.910 Responsibility for payments on behalf of Medicaid-  
1474 eligible persons when other parties are liable.—

1475 (17)

1476 (g) The agency may investigate and request appropriate  
1477 officers or agencies of the state to investigate suspected  
1478 criminal violations or fraudulent activity related to third-  
1479 party benefits, including, without limitation, ss. 414.39 and  
1480 812.014. Such requests may be directed, without limitation, to  
1481 the Medicaid Fraud Control Unit of the Office of the Attorney  
1482 General or to any state attorney. Pursuant to s. 409.913, the  
1483 Attorney General has primary responsibility to investigate and

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1484 control Medicaid fraud.

1485 Section 18. For the purpose of incorporating the amendment  
1486 made by this act to section 812.014, Florida Statutes, in a  
1487 reference thereto, subsection (4) of section 489.126, Florida  
1488 Statutes, is reenacted to read:

1489 489.126 Moneys received by contractors.—

1490 (4) Any person who violates any provision of this section  
1491 is guilty of theft and shall be prosecuted and punished under s.  
1492 812.014.

1493 Section 19. For the purpose of incorporating the amendment  
1494 made by this act to section 812.014, Florida Statutes, in a  
1495 reference thereto, subsection (10) of section 550.6305, Florida  
1496 Statutes, is reenacted to read:

1497 550.6305 Intertrack wagering; guest track payments;  
1498 accounting rules.—

1499 (10) All races or games conducted at a permitholder's  
1500 facility, all broadcasts of such races or games, and all  
1501 broadcast rights relating thereto are owned by the permitholder  
1502 at whose facility such races or games are conducted and  
1503 constitute the permitholder's property as defined in s.  
1504 812.012(4). Transmission, reception of a transmission,  
1505 exhibition, use, or other appropriation of such races or games,  
1506 broadcasts of such races or games, or broadcast rights relating  
1507 thereto without the written consent of the permitholder  
1508 constitutes a theft of such property under s. 812.014; and in  
1509 addition to the penal sanctions contained in s. 812.014, the  
1510 permitholder has the right to avail itself of the civil remedies  
1511 specified in ss. 772.104, 772.11, and 812.035 in addition to any  
1512 other remedies available under applicable state or federal law.

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1513 Section 20. For the purpose of incorporating the amendment  
1514 made by this act to section 812.014, Florida Statutes, in a  
1515 reference thereto, subsection (2) of section 627.743, Florida  
1516 Statutes, is reenacted to read:

1517 627.743 Payment of third-party claims.—

1518 (2) When making any payment on a third party claim for  
1519 damage to an automobile for a partial loss, the insurer shall  
1520 have printed on the loss estimate, if prepared by the insurer,  
1521 the following: "Failure to use the insurance proceeds in  
1522 accordance with the security agreement, if any, could be a  
1523 violation of s. 812.014, Florida Statutes. If you have any  
1524 questions, contact your lending institution." However, this  
1525 subsection does not apply if the insurer does not prepare the  
1526 loss estimate.

1527 Section 21. For the purpose of incorporating the amendment  
1528 made by this act to section 812.014, Florida Statutes, in a  
1529 reference thereto, subsection (2) of section 634.319, Florida  
1530 Statutes, is reenacted to read:

1531 634.319 Reporting and accounting for funds.—

1532 (2) Any sales representative who, not being entitled  
1533 thereto, diverts or appropriates such funds or any portion  
1534 thereof to her or his own use is, upon conviction, guilty of  
1535 theft, punishable as provided in s. 812.014.

1536 Section 22. For the purpose of incorporating the amendment  
1537 made by this act to section 812.014, Florida Statutes, in a  
1538 reference thereto, subsection (2) of section 634.421, Florida  
1539 Statutes, is reenacted to read:

1540 634.421 Reporting and accounting for funds.—

1541 (2) Any sales representative who, not being entitled

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1542 thereto, diverts or appropriates funds or any portion thereof to  
1543 her or his own use commits theft as provided in s. 812.014.

1544 Section 23. For the purpose of incorporating the amendment  
1545 made by this act to section 812.014, Florida Statutes, in a  
1546 reference thereto, subsection (3) of section 636.238, Florida  
1547 Statutes, is reenacted to read:

1548 636.238 Penalties for violation of this part.—

1549 (3) A person who collects fees for purported membership in  
1550 a discount plan but purposefully fails to provide the promised  
1551 benefits commits a theft, punishable as provided in s. 812.014.

1552 Section 24. For the purpose of incorporating the amendment  
1553 made by this act to section 812.014, Florida Statutes, in a  
1554 reference thereto, subsection (2) of section 642.038, Florida  
1555 Statutes, is reenacted to read:

1556 642.038 Reporting and accounting for funds.—

1557 (2) Any sales representative who, not being entitled  
1558 thereto, diverts or appropriates such funds or any portion  
1559 thereof to his or her own use commits theft as provided in s.  
1560 812.014.

1561 Section 25. For the purpose of incorporating the amendment  
1562 made by this act to section 812.014, Florida Statutes, in a  
1563 reference thereto, subsection (4) of section 705.102, Florida  
1564 Statutes, is reenacted to read:

1565 705.102 Reporting lost or abandoned property.—

1566 (4) Any person who unlawfully appropriates such lost or  
1567 abandoned property to his or her own use or refuses to deliver  
1568 such property when required commits theft as defined in s.  
1569 812.014, punishable as provided in s. 775.082, s. 775.083, or s.  
1570 775.084.

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1571 Section 26. For the purpose of incorporating the amendment  
1572 made by this act to section 812.014, Florida Statutes, in a  
1573 reference thereto, paragraph (d) of subsection (1) of section  
1574 718.111, Florida Statutes, is reenacted to read:

1575 718.111 The association.—

1576 (1) CORPORATE ENTITY.—

1577 (d) As required by s. 617.0830, an officer, director, or  
1578 agent shall discharge his or her duties in good faith, with the  
1579 care an ordinarily prudent person in a like position would  
1580 exercise under similar circumstances, and in a manner he or she  
1581 reasonably believes to be in the interests of the association.  
1582 An officer, director, or agent shall be liable for monetary  
1583 damages as provided in s. 617.0834 if such officer, director, or  
1584 agent breached or failed to perform his or her duties and the  
1585 breach of, or failure to perform, his or her duties constitutes  
1586 a violation of criminal law as provided in s. 617.0834;  
1587 constitutes a transaction from which the officer or director  
1588 derived an improper personal benefit, either directly or  
1589 indirectly; or constitutes recklessness or an act or omission  
1590 that was in bad faith, with malicious purpose, or in a manner  
1591 exhibiting wanton and willful disregard of human rights, safety,  
1592 or property. Forgery of a ballot envelope or voting certificate  
1593 used in a condominium association election is punishable as  
1594 provided in s. 831.01, the theft or embezzlement of funds of a  
1595 condominium association is punishable as provided in s. 812.014,  
1596 and the destruction of or the refusal to allow inspection or  
1597 copying of an official record of a condominium association that  
1598 is accessible to unit owners within the time periods required by  
1599 general law in furtherance of any crime is punishable as

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1600 tampering with physical evidence as provided in s. 918.13 or as  
1601 obstruction of justice as provided in chapter 843. An officer or  
1602 director charged by information or indictment with a crime  
1603 referenced in this paragraph must be removed from office, and  
1604 the vacancy shall be filled as provided in s. 718.112(2)(d)2.  
1605 until the end of the officer's or director's period of  
1606 suspension or the end of his or her term of office, whichever  
1607 occurs first. If a criminal charge is pending against the  
1608 officer or director, he or she may not be appointed or elected  
1609 to a position as an officer or a director of any association and  
1610 may not have access to the official records of any association,  
1611 except pursuant to a court order. However, if the charges are  
1612 resolved without a finding of guilt, the officer or director  
1613 must be reinstated for the remainder of his or her term of  
1614 office, if any.

1615 Section 27. For the purpose of incorporating the amendment  
1616 made by this act to section 812.014, Florida Statutes, in a  
1617 reference thereto, subsection (2) of section 812.015, Florida  
1618 Statutes, is reenacted to read:

1619 812.015 Retail and farm theft; transit fare evasion;  
1620 mandatory fine; alternative punishment; detention and arrest;  
1621 exemption from liability for false arrest; resisting arrest;  
1622 penalties.—

1623 (2) Upon a second or subsequent conviction for petit theft  
1624 from a merchant, farmer, or transit agency, the offender shall  
1625 be punished as provided in s. 812.014(3), except that the court  
1626 shall impose a fine of not less than \$50 or more than \$1,000.  
1627 However, in lieu of such fine, the court may require the  
1628 offender to perform public services designated by the court. In

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1629 no event shall any such offender be required to perform fewer  
1630 than the number of hours of public service necessary to satisfy  
1631 the fine assessed by the court, as provided by this subsection,  
1632 at the minimum wage prevailing in the state at the time of  
1633 sentencing.

1634 Section 28. For the purpose of incorporating the amendment  
1635 made by this act to section 812.014, Florida Statutes, in  
1636 references thereto, subsections (1) and (2) of section 812.0155,  
1637 Florida Statutes, are reenacted to read:

1638 812.0155 Suspension of driver license following an  
1639 adjudication of guilt for theft.—

1640 (1) Except as provided in subsections (2) and (3), the  
1641 court may order the suspension of the driver license of each  
1642 person adjudicated guilty of any misdemeanor violation of s.  
1643 812.014 or s. 812.015, regardless of the value of the property  
1644 stolen. Upon ordering the suspension of the driver license of  
1645 the person adjudicated guilty, the court shall forward the  
1646 driver license of the person adjudicated guilty to the  
1647 Department of Highway Safety and Motor Vehicles in accordance  
1648 with s. 322.25.

1649 (a) The first suspension of a driver license under this  
1650 subsection shall be for a period of up to 6 months.

1651 (b) A second or subsequent suspension of a driver license  
1652 under this subsection shall be for 1 year.

1653 (2) The court may revoke, suspend, or withhold issuance of  
1654 a driver license of a person less than 18 years of age who  
1655 violates s. 812.014 or s. 812.015 as an alternative to  
1656 sentencing the person to:

1657 (a) Probation as defined in s. 985.03 or commitment to the

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1658 Department of Juvenile Justice, if the person is adjudicated  
1659 delinquent for such violation and has not previously been  
1660 convicted of or adjudicated delinquent for any criminal offense,  
1661 regardless of whether adjudication was withheld.

1662 (b) Probation as defined in s. 985.03, commitment to the  
1663 Department of Juvenile Justice, probation as defined in chapter  
1664 948, community control, or incarceration, if the person is  
1665 convicted as an adult of such violation and has not previously  
1666 been convicted of or adjudicated delinquent for any criminal  
1667 offense, regardless of whether adjudication was withheld.

1668 Section 29. For the purpose of incorporating the amendment  
1669 made by this act to section 812.014, Florida Statutes, in  
1670 references thereto, subsections (4), (7), and (8) of section  
1671 812.14, Florida Statutes, are reenacted to read:

1672 812.14 Trespass and larceny with relation to utility  
1673 fixtures; theft of utility services.—

1674 (4) A person who willfully violates subsection (2) commits  
1675 theft, punishable as provided in s. 812.014.

1676 (7) An owner, lessor, or sublessor who willfully violates  
1677 subsection (5) commits a misdemeanor of the first degree,  
1678 punishable as provided in s. 775.082 or s. 775.083. Prosecution  
1679 for a violation of subsection (5) does not preclude prosecution  
1680 for theft pursuant to subsection (8) or s. 812.014.

1681 (8) Theft of utility services for the purpose of  
1682 facilitating the manufacture of a controlled substance is theft,  
1683 punishable as provided in s. 812.014.

1684 Section 30. For the purpose of incorporating the amendment  
1685 made by this act to section 812.014, Florida Statutes, in a  
1686 reference thereto, subsection (3) of section 893.138, Florida

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1687 Statutes, is reenacted to read:

1688       893.138 Local administrative action to abate drug-related,  
1689 prostitution-related, or stolen-property-related public  
1690 nuisances and criminal gang activity.—

1691       (3) Any pain-management clinic, as described in s. 458.3265  
1692 or s. 459.0137, which has been used on more than two occasions  
1693 within a 6-month period as the site of a violation of:

1694       (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,  
1695 relating to assault and battery;

1696       (b) Section 810.02, relating to burglary;

1697       (c) Section 812.014, relating to theft;

1698       (d) Section 812.131, relating to robbery by sudden  
1699 snatching; or

1700       (e) Section 893.13, relating to the unlawful distribution  
1701 of controlled substances,

1702  
1703 may be declared to be a public nuisance, and such nuisance may  
1704 be abated pursuant to the procedures provided in this section.

1705       Section 31. For the purpose of incorporating the amendment  
1706 made by this act to section 812.014, Florida Statutes, in a  
1707 reference thereto, paragraph (a) of subsection (2) of section  
1708 932.701, Florida Statutes, is reenacted to read:

1709       932.701 Short title; definitions.—

1710       (2) As used in the Florida Contraband Forfeiture Act:

1711       (a) "Contraband article" means:

1712       1. Any controlled substance as defined in chapter 893 or  
1713 any substance, device, paraphernalia, or currency or other means  
1714 of exchange that was used, was attempted to be used, or was  
1715 intended to be used in violation of any provision of chapter

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1716 893, if the totality of the facts presented by the state is  
1717 clearly sufficient to meet the state's burden of establishing  
1718 probable cause to believe that a nexus exists between the  
1719 article seized and the narcotics activity, whether or not the  
1720 use of the contraband article can be traced to a specific  
1721 narcotics transaction.

1722 2. Any gambling paraphernalia, lottery tickets, money,  
1723 currency, or other means of exchange which was used, was  
1724 attempted, or intended to be used in violation of the gambling  
1725 laws of the state.

1726 3. Any equipment, liquid or solid, which was being used, is  
1727 being used, was attempted to be used, or intended to be used in  
1728 violation of the beverage or tobacco laws of the state.

1729 4. Any motor fuel upon which the motor fuel tax has not  
1730 been paid as required by law.

1731 5. Any personal property, including, but not limited to,  
1732 any vessel, aircraft, item, object, tool, substance, device,  
1733 weapon, machine, vehicle of any kind, money, securities, books,  
1734 records, research, negotiable instruments, or currency, which  
1735 was used or was attempted to be used as an instrumentality in  
1736 the commission of, or in aiding or abetting in the commission  
1737 of, any felony, whether or not comprising an element of the  
1738 felony, or which is acquired by proceeds obtained as a result of  
1739 a violation of the Florida Contraband Forfeiture Act.

1740 6. Any real property, including any right, title,  
1741 leasehold, or other interest in the whole of any lot or tract of  
1742 land, which was used, is being used, or was attempted to be used  
1743 as an instrumentality in the commission of, or in aiding or  
1744 abetting in the commission of, any felony, or which is acquired

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1745 by proceeds obtained as a result of a violation of the Florida  
1746 Contraband Forfeiture Act.

1747 7. Any personal property, including, but not limited to,  
1748 equipment, money, securities, books, records, research,  
1749 negotiable instruments, currency, or any vessel, aircraft, item,  
1750 object, tool, substance, device, weapon, machine, or vehicle of  
1751 any kind in the possession of or belonging to any person who  
1752 takes aquaculture products in violation of s. 812.014(2)(c).

1753 8. Any motor vehicle offered for sale in violation of s.  
1754 320.28.

1755 9. Any motor vehicle used during the course of committing  
1756 an offense in violation of s. 322.34(9)(a).

1757 10. Any photograph, film, or other recorded image,  
1758 including an image recorded on videotape, a compact disc,  
1759 digital tape, or fixed disk, that is recorded in violation of s.  
1760 810.145 and is possessed for the purpose of amusement,  
1761 entertainment, sexual arousal, gratification, or profit, or for  
1762 the purpose of degrading or abusing another person.

1763 11. Any real property, including any right, title,  
1764 leasehold, or other interest in the whole of any lot or tract of  
1765 land, which is acquired by proceeds obtained as a result of  
1766 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
1767 property, including, but not limited to, equipment, money,  
1768 securities, books, records, research, negotiable instruments, or  
1769 currency; or any vessel, aircraft, item, object, tool,  
1770 substance, device, weapon, machine, or vehicle of any kind in  
1771 the possession of or belonging to any person which is acquired  
1772 by proceeds obtained as a result of Medicaid fraud under s.  
1773 409.920 or s. 409.9201.

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1774 12. Any personal property, including, but not limited to,  
1775 any vehicle, item, object, tool, device, weapon, machine, money,  
1776 security, book, or record, that is used or attempted to be used  
1777 as an instrumentality in the commission of, or in aiding and  
1778 abetting in the commission of, a person's third or subsequent  
1779 violation of s. 509.144, whether or not comprising an element of  
1780 the offense.

1781 Section 32. For the purpose of incorporating the amendment  
1782 made by this act to section 812.014, Florida Statutes, in a  
1783 reference thereto, paragraph (b) of subsection (3) of section  
1784 943.051, Florida Statutes, is reenacted to read:

1785 943.051 Criminal justice information; collection and  
1786 storage; fingerprinting.—

1787 (3)

1788 (b) A minor who is charged with or found to have committed  
1789 the following offenses shall be fingerprinted and the  
1790 fingerprints shall be submitted electronically to the  
1791 department, unless the minor is issued a civil citation pursuant  
1792 to s. 985.12:

1793 1. Assault, as defined in s. 784.011.

1794 2. Battery, as defined in s. 784.03.

1795 3. Carrying a concealed weapon, as defined in s. 790.01(1).

1796 4. Unlawful use of destructive devices or bombs, as defined  
1797 in s. 790.1615(1).

1798 5. Neglect of a child, as defined in s. 827.03(1)(e).

1799 6. Assault or battery on a law enforcement officer, a  
1800 firefighter, or other specified officers, as defined in s.  
1801 784.07(2)(a) and (b).

1802 7. Open carrying of a weapon, as defined in s. 790.053.

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- 1803 8. Exposure of sexual organs, as defined in s. 800.03.
- 1804 9. Unlawful possession of a firearm, as defined in s.
- 1805 790.22(5).
- 1806 10. Petit theft, as defined in s. 812.014(3).
- 1807 11. Cruelty to animals, as defined in s. 828.12(1).
- 1808 12. Arson, as defined in s. 806.031(1).
- 1809 13. Unlawful possession or discharge of a weapon or firearm
- 1810 at a school-sponsored event or on school property, as provided
- 1811 in s. 790.115.
- 1812 Section 33. For the purpose of incorporating the amendment
- 1813 made by this act to section 812.014, Florida Statutes, in a
- 1814 reference thereto, paragraph (b) of subsection (1) of section
- 1815 985.11, Florida Statutes, is reenacted to read:
- 1816 985.11 Fingerprinting and photographing.—
- 1817 (1)
- 1818 (b) Unless the child is issued a civil citation or is
- 1819 participating in a similar diversion program pursuant to s.
- 1820 985.12, a child who is charged with or found to have committed
- 1821 one of the following offenses shall be fingerprinted, and the
- 1822 fingerprints shall be submitted to the Department of Law
- 1823 Enforcement as provided in s. 943.051(3)(b):
- 1824 1. Assault, as defined in s. 784.011.
- 1825 2. Battery, as defined in s. 784.03.
- 1826 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 1827 4. Unlawful use of destructive devices or bombs, as defined
- 1828 in s. 790.1615(1).
- 1829 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1830 6. Assault on a law enforcement officer, a firefighter, or
- 1831 other specified officers, as defined in s. 784.07(2)(a).

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- 1832 7. Open carrying of a weapon, as defined in s. 790.053.  
1833 8. Exposure of sexual organs, as defined in s. 800.03.  
1834 9. Unlawful possession of a firearm, as defined in s.  
1835 790.22(5).  
1836 10. Petit theft, as defined in s. 812.014.  
1837 11. Cruelty to animals, as defined in s. 828.12(1).  
1838 12. Arson, resulting in bodily harm to a firefighter, as  
1839 defined in s. 806.031(1).  
1840 13. Unlawful possession or discharge of a weapon or firearm  
1841 at a school-sponsored event or on school property as defined in  
1842 s. 790.115.

1843

1844 A law enforcement agency may fingerprint and photograph a child  
1845 taken into custody upon probable cause that such child has  
1846 committed any other violation of law, as the agency deems  
1847 appropriate. Such fingerprint records and photographs shall be  
1848 retained by the law enforcement agency in a separate file, and  
1849 these records and all copies thereof must be marked "Juvenile  
1850 Confidential." These records are not available for public  
1851 disclosure and inspection under s. 119.07(1) except as provided  
1852 in ss. 943.053 and 985.04(2), but shall be available to other  
1853 law enforcement agencies, criminal justice agencies, state  
1854 attorneys, the courts, the child, the parents or legal  
1855 custodians of the child, their attorneys, and any other person  
1856 authorized by the court to have access to such records. In  
1857 addition, such records may be submitted to the Department of Law  
1858 Enforcement for inclusion in the state criminal history records  
1859 and used by criminal justice agencies for criminal justice  
1860 purposes. These records may, in the discretion of the court, be

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1861 open to inspection by anyone upon a showing of cause. The  
1862 fingerprint and photograph records shall be produced in the  
1863 court whenever directed by the court. Any photograph taken  
1864 pursuant to this section may be shown by a law enforcement  
1865 officer to any victim or witness of a crime for the purpose of  
1866 identifying the person who committed such crime.

1867 Section 34. For the purpose of incorporating the amendment  
1868 made by this act to section 812.014, Florida Statutes, in  
1869 references thereto, paragraph (a) of subsection (1) and  
1870 paragraph (c) of subsection (2) of section 985.557, Florida  
1871 Statutes, are reenacted to read:

1872 985.557 Direct filing of an information; discretionary and  
1873 mandatory criteria.—

1874 (1) DISCRETIONARY DIRECT FILE.—

1875 (a) With respect to any child who was 14 or 15 years of age  
1876 at the time the alleged offense was committed, the state  
1877 attorney may file an information when in the state attorney's  
1878 judgment and discretion the public interest requires that adult  
1879 sanctions be considered or imposed and when the offense charged  
1880 is for the commission of, attempt to commit, or conspiracy to  
1881 commit:

- 1882 1. Arson;
- 1883 2. Sexual battery;
- 1884 3. Robbery;
- 1885 4. Kidnapping;
- 1886 5. Aggravated child abuse;
- 1887 6. Aggravated assault;
- 1888 7. Aggravated stalking;
- 1889 8. Murder;

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- 1890 9. Manslaughter;
- 1891 10. Unlawful throwing, placing, or discharging of a  
1892 destructive device or bomb;
- 1893 11. Armed burglary in violation of s. 810.02(2)(b) or  
1894 specified burglary of a dwelling or structure in violation of s.  
1895 810.02(2)(c), or burglary with an assault or battery in  
1896 violation of s. 810.02(2)(a);
- 1897 12. Aggravated battery;
- 1898 13. Any lewd or lascivious offense committed upon or in the  
1899 presence of a person less than 16 years of age;
- 1900 14. Carrying, displaying, using, threatening, or attempting  
1901 to use a weapon or firearm during the commission of a felony;
- 1902 15. Grand theft in violation of s. 812.014(2)(a);
- 1903 16. Possessing or discharging any weapon or firearm on  
1904 school property in violation of s. 790.115;
- 1905 17. Home invasion robbery;
- 1906 18. Carjacking; or
- 1907 19. Grand theft of a motor vehicle in violation of s.  
1908 812.014(2)(c)6. or grand theft of a motor vehicle valued at  
1909 \$20,000 or more in violation of s. 812.014(2)(b) if the child  
1910 has a previous adjudication for grand theft of a motor vehicle  
1911 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
- 1912 (2) MANDATORY DIRECT FILE.—
- 1913 (c) The state attorney must file an information if a child,  
1914 regardless of the child's age at the time the alleged offense  
1915 was committed, is alleged to have committed an act that would be  
1916 a violation of law if the child were an adult, that involves  
1917 stealing a motor vehicle, including, but not limited to, a  
1918 violation of s. 812.133, relating to carjacking, or s.

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1919 812.014(2)(c)6., relating to grand theft of a motor vehicle, and  
1920 while the child was in possession of the stolen motor vehicle  
1921 the child caused serious bodily injury to or the death of a  
1922 person who was not involved in the underlying offense. For  
1923 purposes of this section, the driver and all willing passengers  
1924 in the stolen motor vehicle at the time such serious bodily  
1925 injury or death is inflicted shall also be subject to mandatory  
1926 transfer to adult court. "Stolen motor vehicle," for the  
1927 purposes of this section, means a motor vehicle that has been  
1928 the subject of any criminal wrongful taking. For purposes of  
1929 this section, "willing passengers" means all willing passengers  
1930 who have participated in the underlying offense.

1931 Section 35. For the purpose of incorporating the amendment  
1932 made by this act to section 812.015, Florida Statutes, in a  
1933 reference thereto, subsection (5) of section 538.09, Florida  
1934 Statutes, is reenacted to read:

1935 538.09 Registration.—

1936 (5) In addition to the fine provided in subsection (4),  
1937 registration under this section may be denied or any  
1938 registration granted may be revoked, restricted, or suspended by  
1939 the department if the department determines that the applicant  
1940 or registrant:

1941 (a) Has violated any provision of this chapter or any rule  
1942 or order made pursuant to this chapter;

1943 (b) Has made a material false statement in the application  
1944 for registration;

1945 (c) Has been guilty of a fraudulent act in connection with  
1946 any purchase or sale or has been or is engaged in or is about to  
1947 engage in any practice, purchase, or sale which is fraudulent or

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1948 in violation of the law;

1949 (d) Has made a misrepresentation or false statement to, or  
1950 concealed any essential or material fact from, any person in  
1951 making any purchase or sale;

1952 (e) Is making purchases or sales through any business  
1953 associate not registered in compliance with the provisions of  
1954 this chapter;

1955 (f) Has, within the preceding 10-year period for new  
1956 registrants who apply for registration on or after October 1,  
1957 2006, been convicted of, or has entered a plea of guilty or nolo  
1958 contendere to, or had adjudication withheld for, a crime against  
1959 the laws of this state or any other state or of the United  
1960 States which relates to registration as a secondhand dealer or  
1961 which involves theft, larceny, dealing in stolen property,  
1962 receiving stolen property, burglary, embezzlement, obtaining  
1963 property by false pretenses, possession of altered property, any  
1964 felony drug offense, any violation of s. 812.015, or any  
1965 fraudulent dealing;

1966 (g) Has had a final judgment entered against her or him in  
1967 a civil action upon grounds of fraud, embezzlement,  
1968 misrepresentation, or deceit; or

1969 (h) Has failed to pay any sales tax owed to the Department  
1970 of Revenue.

1971  
1972 In the event the department determines to deny an application or  
1973 revoke a registration, it shall enter a final order with its  
1974 findings on the register of secondhand dealers and their  
1975 business associates, if any; and denial, suspension, or  
1976 revocation of the registration of a secondhand dealer shall also

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1977 deny, suspend, or revoke the registration of such secondhand  
1978 dealer's business associates.

1979 Section 36. For the purpose of incorporating the amendments  
1980 made by this act to sections 812.014 and 812.015, Florida  
1981 Statutes, in references thereto, subsection (2) of section  
1982 538.23, Florida Statutes, is reenacted to read:

1983 538.23 Violations and penalties.—

1984 (2) A secondary metals recycler is presumed to know upon  
1985 receipt of stolen regulated metals property in a purchase  
1986 transaction that the regulated metals property has been stolen  
1987 from another if the secondary metals recycler knowingly and  
1988 intentionally fails to maintain the information required in s.  
1989 538.19 and shall, upon conviction of a violation of s. 812.015,  
1990 be punished as provided in s. 812.014(2) or (3).

1991 Section 37. For the purpose of incorporating the amendments  
1992 made by this act to sections 812.014 and 812.015, Florida  
1993 Statutes, in references thereto, subsection (2) of section  
1994 812.0155, Florida Statutes, is reenacted to read:

1995 812.0155 Suspension of driver license following an  
1996 adjudication of guilt for theft.—

1997 (2) The court may revoke, suspend, or withhold issuance of  
1998 a driver license of a person less than 18 years of age who  
1999 violates s. 812.014 or s. 812.015 as an alternative to  
2000 sentencing the person to:

2001 (a) Probation as defined in s. 985.03 or commitment to the  
2002 Department of Juvenile Justice, if the person is adjudicated  
2003 delinquent for such violation and has not previously been  
2004 convicted of or adjudicated delinquent for any criminal offense,  
2005 regardless of whether adjudication was withheld.

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2006 (b) Probation as defined in s. 985.03, commitment to the  
2007 Department of Juvenile Justice, probation as defined in chapter  
2008 948, community control, or incarceration, if the person is  
2009 convicted as an adult of such violation and has not previously  
2010 been convicted of or adjudicated delinquent for any criminal  
2011 offense, regardless of whether adjudication was withheld.

2012 Section 38. For the purpose of incorporating the amendment  
2013 made by this act to section 893.135, Florida Statutes, in a  
2014 reference thereto, subsection (6) of section 397.4073, Florida  
2015 Statutes, is reenacted to read:

2016 397.4073 Background checks of service provider personnel.—

2017 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State  
2018 funds may not be disseminated to any service provider owned or  
2019 operated by an owner, director, or chief financial officer who  
2020 has been convicted of, has entered a plea of guilty or nolo  
2021 contendere to, or has had adjudication withheld for, a violation  
2022 of s. 893.135 pertaining to trafficking in controlled  
2023 substances, or a violation of the law of another state, the  
2024 District of Columbia, the United States or any possession or  
2025 territory thereof, or any foreign jurisdiction which is  
2026 substantially similar in elements and penalties to a trafficking  
2027 offense in this state, unless the owner's or director's civil  
2028 rights have been restored.

2029 Section 39. For the purpose of incorporating the amendment  
2030 made by this act to section 893.135, Florida Statutes, in a  
2031 reference thereto, subsection (1) of section 414.095, Florida  
2032 Statutes, is reenacted to read:

2033 414.095 Determining eligibility for temporary cash  
2034 assistance.—

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2035 (1) ELIGIBILITY.—An applicant must meet eligibility  
2036 requirements of this section before receiving services or  
2037 temporary cash assistance under this chapter, except that an  
2038 applicant shall be required to register for work and engage in  
2039 work activities in accordance with s. 445.024, as designated by  
2040 the local workforce development board, and may receive support  
2041 services or child care assistance in conjunction with such  
2042 requirement. The department shall make a determination of  
2043 eligibility based on the criteria listed in this chapter. The  
2044 department shall monitor continued eligibility for temporary  
2045 cash assistance through periodic reviews consistent with the  
2046 food assistance eligibility process. Benefits may not be denied  
2047 to an individual solely based on a felony drug conviction,  
2048 unless the conviction is for trafficking pursuant to s. 893.135.  
2049 To be eligible under this section, an individual convicted of a  
2050 drug felony must be satisfactorily meeting the requirements of  
2051 the temporary cash assistance program, including all substance  
2052 abuse treatment requirements. Within the limits specified in  
2053 this chapter, the state opts out of the provision of Pub. L. No.  
2054 104-193, s. 115, that eliminates eligibility for temporary cash  
2055 assistance and food assistance for any individual convicted of a  
2056 controlled substance felony.

2057 Section 40. For the purpose of incorporating the amendment  
2058 made by this act to section 893.135, Florida Statutes, in a  
2059 reference thereto, subsection (2) of section 772.12, Florida  
2060 Statutes, is reenacted to read:

2061 772.12 Drug Dealer Liability Act.—

2062 (2) A person, including any governmental entity, has a  
2063 cause of action for threefold the actual damages sustained and

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2064 is entitled to minimum damages in the amount of \$1,000 and  
2065 reasonable attorney's fees and court costs in the trial and  
2066 appellate courts, if the person proves by the greater weight of  
2067 the evidence that:

2068 (a) The person was injured because of the defendant's  
2069 actions that resulted in the defendant's conviction for:

2070 1. A violation of s. 893.13, except for a violation of s.  
2071 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

2072 2. A violation of s. 893.135; and

2073 (b) The person was not injured by reason of his or her  
2074 participation in the same act or transaction that resulted in  
2075 the defendant's conviction for any offense described in  
2076 subparagraph (a)1.

2077 Section 41. For the purpose of incorporating the amendment  
2078 made by this act to section 893.135, Florida Statutes, in  
2079 references thereto, paragraph (a) of subsection (2) and  
2080 paragraph (a) of subsection (3) of section 775.087, Florida  
2081 Statutes, are reenacted to read:

2082 775.087 Possession or use of weapon; aggravated battery;  
2083 felony reclassification; minimum sentence.—

2084 (2)(a)1. Any person who is convicted of a felony or an  
2085 attempt to commit a felony, regardless of whether the use of a  
2086 weapon is an element of the felony, and the conviction was for:

2087 a. Murder;

2088 b. Sexual battery;

2089 c. Robbery;

2090 d. Burglary;

2091 e. Arson;

2092 f. Aggravated battery;

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- 2093 g. Kidnapping;
- 2094 h. Escape;
- 2095 i. Aircraft piracy;
- 2096 j. Aggravated child abuse;
- 2097 k. Aggravated abuse of an elderly person or disabled adult;
- 2098 l. Unlawful throwing, placing, or discharging of a
- 2099 destructive device or bomb;
- 2100 m. Carjacking;
- 2101 n. Home-invasion robbery;
- 2102 o. Aggravated stalking;
- 2103 p. Trafficking in cannabis, trafficking in cocaine, capital
- 2104 importation of cocaine, trafficking in illegal drugs, capital
- 2105 importation of illegal drugs, trafficking in phencyclidine,
- 2106 capital importation of phencyclidine, trafficking in
- 2107 methaqualone, capital importation of methaqualone, trafficking
- 2108 in amphetamine, capital importation of amphetamine, trafficking
- 2109 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
- 2110 (GHB), trafficking in 1,4-Butanediol, trafficking in
- 2111 Phenethylamines, or other violation of s. 893.135(1); or
- 2112 q. Possession of a firearm by a felon

2113

2114 and during the commission of the offense, such person actually

2115 possessed a "firearm" or "destructive device" as those terms are

2116 defined in s. 790.001, shall be sentenced to a minimum term of

2117 imprisonment of 10 years, except that a person who is convicted

2118 for possession of a firearm by a felon or burglary of a

2119 conveyance shall be sentenced to a minimum term of imprisonment

2120 of 3 years if such person possessed a "firearm" or "destructive

2121 device" during the commission of the offense. However, if an

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2122 offender who is convicted of the offense of possession of a  
2123 firearm by a felon has a previous conviction of committing or  
2124 attempting to commit a felony listed in s. 775.084(1)(b)1. and  
2125 actually possessed a firearm or destructive device during the  
2126 commission of the prior felony, the offender shall be sentenced  
2127 to a minimum term of imprisonment of 10 years.

2128       2. Any person who is convicted of a felony or an attempt to  
2129 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
2130 regardless of whether the use of a weapon is an element of the  
2131 felony, and during the course of the commission of the felony  
2132 such person discharged a "firearm" or "destructive device" as  
2133 defined in s. 790.001 shall be sentenced to a minimum term of  
2134 imprisonment of 20 years.

2135       3. Any person who is convicted of a felony or an attempt to  
2136 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
2137 regardless of whether the use of a weapon is an element of the  
2138 felony, and during the course of the commission of the felony  
2139 such person discharged a "firearm" or "destructive device" as  
2140 defined in s. 790.001 and, as the result of the discharge, death  
2141 or great bodily harm was inflicted upon any person, the  
2142 convicted person shall be sentenced to a minimum term of  
2143 imprisonment of not less than 25 years and not more than a term  
2144 of imprisonment of life in prison.

2145       (3) (a)1. Any person who is convicted of a felony or an  
2146 attempt to commit a felony, regardless of whether the use of a  
2147 firearm is an element of the felony, and the conviction was for:

- 2148       a. Murder;
- 2149       b. Sexual battery;
- 2150       c. Robbery;

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2151 d. Burglary;  
2152 e. Arson;  
2153 f. Aggravated battery;  
2154 g. Kidnapping;  
2155 h. Escape;  
2156 i. Sale, manufacture, delivery, or intent to sell,  
2157 manufacture, or deliver any controlled substance;  
2158 j. Aircraft piracy;  
2159 k. Aggravated child abuse;  
2160 l. Aggravated abuse of an elderly person or disabled adult;  
2161 m. Unlawful throwing, placing, or discharging of a  
2162 destructive device or bomb;  
2163 n. Carjacking;  
2164 o. Home-invasion robbery;  
2165 p. Aggravated stalking; or  
2166 q. Trafficking in cannabis, trafficking in cocaine, capital  
2167 importation of cocaine, trafficking in illegal drugs, capital  
2168 importation of illegal drugs, trafficking in phencyclidine,  
2169 capital importation of phencyclidine, trafficking in  
2170 methaqualone, capital importation of methaqualone, trafficking  
2171 in amphetamine, capital importation of amphetamine, trafficking  
2172 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
2173 (GHB), trafficking in 1,4-Butanediol, trafficking in  
2174 Phenethylamines, or other violation of s. 893.135(1);  
2175  
2176 and during the commission of the offense, such person possessed  
2177 a semiautomatic firearm and its high-capacity detachable box  
2178 magazine or a machine gun as defined in s. 790.001, shall be  
2179 sentenced to a minimum term of imprisonment of 15 years.

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2180           2. Any person who is convicted of a felony or an attempt to  
2181 commit a felony listed in subparagraph (a)1., regardless of  
2182 whether the use of a weapon is an element of the felony, and  
2183 during the course of the commission of the felony such person  
2184 discharged a semiautomatic firearm and its high-capacity box  
2185 magazine or a "machine gun" as defined in s. 790.001 shall be  
2186 sentenced to a minimum term of imprisonment of 20 years.

2187           3. Any person who is convicted of a felony or an attempt to  
2188 commit a felony listed in subparagraph (a)1., regardless of  
2189 whether the use of a weapon is an element of the felony, and  
2190 during the course of the commission of the felony such person  
2191 discharged a semiautomatic firearm and its high-capacity box  
2192 magazine or a "machine gun" as defined in s. 790.001 and, as the  
2193 result of the discharge, death or great bodily harm was  
2194 inflicted upon any person, the convicted person shall be  
2195 sentenced to a minimum term of imprisonment of not less than 25  
2196 years and not more than a term of imprisonment of life in  
2197 prison.

2198           Section 42. For the purpose of incorporating the amendment  
2199 made by this act to section 893.135, Florida Statutes, in  
2200 references thereto, paragraph (a) of subsection (1) and  
2201 subsections (3) and (4) of section 782.04, Florida Statutes, are  
2202 reenacted to read:

2203           782.04 Murder.—

2204           (1)(a) The unlawful killing of a human being:

2205           1. When perpetrated from a premeditated design to effect  
2206 the death of the person killed or any human being;

2207           2. When committed by a person engaged in the perpetration  
2208 of, or in the attempt to perpetrate, any:

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- 2209 a. Trafficking offense prohibited by s. 893.135(1),  
2210 b. Arson,  
2211 c. Sexual battery,  
2212 d. Robbery,  
2213 e. Burglary,  
2214 f. Kidnapping,  
2215 g. Escape,  
2216 h. Aggravated child abuse,  
2217 i. Aggravated abuse of an elderly person or disabled adult,  
2218 j. Aircraft piracy,  
2219 k. Unlawful throwing, placing, or discharging of a  
2220 destructive device or bomb,  
2221 l. Carjacking,  
2222 m. Home-invasion robbery,  
2223 n. Aggravated stalking,  
2224 o. Murder of another human being,  
2225 p. Resisting an officer with violence to his or her person,  
2226 q. Aggravated fleeing or eluding with serious bodily injury  
2227 or death,  
2228 r. Felony that is an act of terrorism or is in furtherance  
2229 of an act of terrorism, including a felony under s. 775.30, s.  
2230 775.32, s. 775.33, s. 775.34, or s. 775.35, or  
2231 s. Human trafficking; or  
2232 3. Which resulted from the unlawful distribution by a  
2233 person 18 years of age or older of any of the following  
2234 substances, or mixture containing any of the following  
2235 substances, when such substance or mixture is proven to be the  
2236 proximate cause of the death of the user:  
2237 a. A substance controlled under s. 893.03(1);

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- 2238           b. Cocaine, as described in s. 893.03(2)(a)4.;
- 2239           c. Opium or any synthetic or natural salt, compound,  
2240 derivative, or preparation of opium;
- 2241           d. Methadone;
- 2242           e. Alfentanil, as described in s. 893.03(2)(b)1.;
- 2243           f. Carfentanil, as described in s. 893.03(2)(b)6.;
- 2244           g. Fentanyl, as described in s. 893.03(2)(b)9.;
- 2245           h. Sufentanil, as described in s. 893.03(2)(b)30.; or
- 2246           i. A controlled substance analog, as described in s.  
2247 893.0356, of any substance specified in sub-subparagraphs a.-h.,  
2248
- 2249 is murder in the first degree and constitutes a capital felony,  
2250 punishable as provided in s. 775.082.
- 2251           (3) When a human being is killed during the perpetration  
2252 of, or during the attempt to perpetrate, any:
- 2253           (a) Trafficking offense prohibited by s. 893.135(1),
- 2254           (b) Arson,
- 2255           (c) Sexual battery,
- 2256           (d) Robbery,
- 2257           (e) Burglary,
- 2258           (f) Kidnapping,
- 2259           (g) Escape,
- 2260           (h) Aggravated child abuse,
- 2261           (i) Aggravated abuse of an elderly person or disabled  
2262 adult,
- 2263           (j) Aircraft piracy,
- 2264           (k) Unlawful throwing, placing, or discharging of a  
2265 destructive device or bomb,
- 2266           (l) Carjacking,

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- 2267 (m) Home-invasion robbery,  
2268 (n) Aggravated stalking,  
2269 (o) Murder of another human being,  
2270 (p) Aggravated fleeing or eluding with serious bodily  
2271 injury or death,  
2272 (q) Resisting an officer with violence to his or her  
2273 person, or  
2274 (r) Felony that is an act of terrorism or is in furtherance  
2275 of an act of terrorism, including a felony under s. 775.30, s.  
2276 775.32, s. 775.33, s. 775.34, or s. 775.35,  
2277  
2278 by a person other than the person engaged in the perpetration of  
2279 or in the attempt to perpetrate such felony, the person  
2280 perpetrating or attempting to perpetrate such felony commits  
2281 murder in the second degree, which constitutes a felony of the  
2282 first degree, punishable by imprisonment for a term of years not  
2283 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
2284 775.084.
- 2285 (4) The unlawful killing of a human being, when perpetrated  
2286 without any design to effect death, by a person engaged in the  
2287 perpetration of, or in the attempt to perpetrate, any felony  
2288 other than any:
- 2289 (a) Trafficking offense prohibited by s. 893.135(1),  
2290 (b) Arson,  
2291 (c) Sexual battery,  
2292 (d) Robbery,  
2293 (e) Burglary,  
2294 (f) Kidnapping,  
2295 (g) Escape,

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2296 (h) Aggravated child abuse,  
2297 (i) Aggravated abuse of an elderly person or disabled  
2298 adult,  
2299 (j) Aircraft piracy,  
2300 (k) Unlawful throwing, placing, or discharging of a  
2301 destructive device or bomb,  
2302 (l) Unlawful distribution of any substance controlled under  
2303 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or  
2304 opium or any synthetic or natural salt, compound, derivative, or  
2305 preparation of opium by a person 18 years of age or older, when  
2306 such drug is proven to be the proximate cause of the death of  
2307 the user,  
2308 (m) Carjacking,  
2309 (n) Home-invasion robbery,  
2310 (o) Aggravated stalking,  
2311 (p) Murder of another human being,  
2312 (q) Aggravated fleeing or eluding with serious bodily  
2313 injury or death,  
2314 (r) Resisting an officer with violence to his or her  
2315 person, or  
2316 (s) Felony that is an act of terrorism or is in furtherance  
2317 of an act of terrorism, including a felony under s. 775.30, s.  
2318 775.32, s. 775.33, s. 775.34, or s. 775.35,  
2319  
2320 is murder in the third degree and constitutes a felony of the  
2321 second degree, punishable as provided in s. 775.082, s. 775.083,  
2322 or s. 775.084.  
2323 Section 43. For the purpose of incorporating the amendment  
2324 made by this act to section 893.135, Florida Statutes, in a

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2325 reference thereto, subsection (3) of section 810.02, Florida  
2326 Statutes, is reenacted to read:

2327 810.02 Burglary.—

2328 (3) Burglary is a felony of the second degree, punishable  
2329 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
2330 course of committing the offense, the offender does not make an  
2331 assault or battery and is not and does not become armed with a  
2332 dangerous weapon or explosive, and the offender enters or  
2333 remains in a:

2334 (a) Dwelling, and there is another person in the dwelling  
2335 at the time the offender enters or remains;

2336 (b) Dwelling, and there is not another person in the  
2337 dwelling at the time the offender enters or remains;

2338 (c) Structure, and there is another person in the structure  
2339 at the time the offender enters or remains;

2340 (d) Conveyance, and there is another person in the  
2341 conveyance at the time the offender enters or remains;

2342 (e) Authorized emergency vehicle, as defined in s. 316.003;  
2343 or

2344 (f) Structure or conveyance when the offense intended to be  
2345 committed therein is theft of a controlled substance as defined  
2346 in s. 893.02. Notwithstanding any other law, separate judgments  
2347 and sentences for burglary with the intent to commit theft of a  
2348 controlled substance under this paragraph and for any applicable  
2349 possession of controlled substance offense under s. 893.13 or  
2350 trafficking in controlled substance offense under s. 893.135 may  
2351 be imposed when all such offenses involve the same amount or  
2352 amounts of a controlled substance.

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2354 However, if the burglary is committed within a county that is  
2355 subject to a state of emergency declared by the Governor under  
2356 chapter 252 after the declaration of emergency is made and the  
2357 perpetration of the burglary is facilitated by conditions  
2358 arising from the emergency, the burglary is a felony of the  
2359 first degree, punishable as provided in s. 775.082, s. 775.083,  
2360 or s. 775.084. As used in this subsection, the term "conditions  
2361 arising from the emergency" means civil unrest, power outages,  
2362 curfews, voluntary or mandatory evacuations, or a reduction in  
2363 the presence of or response time for first responders or  
2364 homeland security personnel. A person arrested for committing a  
2365 burglary within a county that is subject to such a state of  
2366 emergency may not be released until the person appears before a  
2367 committing magistrate at a first appearance hearing. For  
2368 purposes of sentencing under chapter 921, a felony offense that  
2369 is reclassified under this subsection is ranked one level above  
2370 the ranking under s. 921.0022 or s. 921.0023 of the offense  
2371 committed.

2372 Section 44. For the purpose of incorporating the amendment  
2373 made by this act to section 893.135, Florida Statutes, in a  
2374 reference thereto, paragraph (c) of subsection (2) of section  
2375 812.014, Florida Statutes, is reenacted to read:

2376 812.014 Theft.—

2377 (2)

2378 (c) It is grand theft of the third degree and a felony of  
2379 the third degree, punishable as provided in s. 775.082, s.  
2380 775.083, or s. 775.084, if the property stolen is:

2381 1. Valued at \$300 or more, but less than \$5,000.

2382 2. Valued at \$5,000 or more, but less than \$10,000.

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- 2383 3. Valued at \$10,000 or more, but less than \$20,000.
- 2384 4. A will, codicil, or other testamentary instrument.
- 2385 5. A firearm.
- 2386 6. A motor vehicle, except as provided in paragraph (a).
- 2387 7. Any commercially farmed animal, including any animal of
- 2388 the equine, avian, bovine, or swine class or other grazing
- 2389 animal; a bee colony of a registered beekeeper; and aquaculture
- 2390 species raised at a certified aquaculture facility. If the
- 2391 property stolen is a commercially farmed animal, including an
- 2392 animal of the equine, avian, bovine, or swine class or other
- 2393 grazing animal; a bee colony of a registered beekeeper; or an
- 2394 aquaculture species raised at a certified aquaculture facility,
- 2395 a \$10,000 fine shall be imposed.
- 2396 8. Any fire extinguisher.
- 2397 9. Any amount of citrus fruit consisting of 2,000 or more
- 2398 individual pieces of fruit.
- 2399 10. Taken from a designated construction site identified by
- 2400 the posting of a sign as provided for in s. 810.09(2)(d).
- 2401 11. Any stop sign.
- 2402 12. Anhydrous ammonia.
- 2403 13. Any amount of a controlled substance as defined in s.
- 2404 893.02. Notwithstanding any other law, separate judgments and
- 2405 sentences for theft of a controlled substance under this
- 2406 subparagraph and for any applicable possession of controlled
- 2407 substance offense under s. 893.13 or trafficking in controlled
- 2408 substance offense under s. 893.135 may be imposed when all such
- 2409 offenses involve the same amount or amounts of a controlled
- 2410 substance.
- 2411

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2412 However, if the property is stolen within a county that is  
2413 subject to a state of emergency declared by the Governor under  
2414 chapter 252, the property is stolen after the declaration of  
2415 emergency is made, and the perpetration of the theft is  
2416 facilitated by conditions arising from the emergency, the  
2417 offender commits a felony of the second degree, punishable as  
2418 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
2419 property is valued at \$5,000 or more, but less than \$10,000, as  
2420 provided under subparagraph 2., or if the property is valued at  
2421 \$10,000 or more, but less than \$20,000, as provided under  
2422 subparagraph 3. As used in this paragraph, the term "conditions  
2423 arising from the emergency" means civil unrest, power outages,  
2424 curfews, voluntary or mandatory evacuations, or a reduction in  
2425 the presence of or the response time for first responders or  
2426 homeland security personnel. For purposes of sentencing under  
2427 chapter 921, a felony offense that is reclassified under this  
2428 paragraph is ranked one level above the ranking under s.  
2429 921.0022 or s. 921.0023 of the offense committed.

2430 Section 45. For the purpose of incorporating the amendment  
2431 made by this act to section 893.135, Florida Statutes, in a  
2432 reference thereto, paragraph (d) of subsection (8) of section  
2433 893.13, Florida Statutes, is reenacted to read:

2434 893.13 Prohibited acts; penalties.—

2435 (8)

2436 (d) Notwithstanding paragraph (c), if a prescribing  
2437 practitioner has violated paragraph (a) and received \$1,000 or  
2438 more in payment for writing one or more prescriptions or, in the  
2439 case of a prescription written for a controlled substance  
2440 described in s. 893.135, has written one or more prescriptions

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2441 for a quantity of a controlled substance which, individually or  
2442 in the aggregate, meets the threshold for the offense of  
2443 trafficking in a controlled substance under s. 893.135, the  
2444 violation is reclassified as a felony of the second degree and  
2445 ranked in level 4 of the Criminal Punishment Code.

2446 Section 46. For the purpose of incorporating the amendment  
2447 made by this act to section 893.135, Florida Statutes, in  
2448 references thereto, subsections (1) and (2) of section 893.1351,  
2449 Florida Statutes, are reenacted to read:

2450 893.1351 Ownership, lease, rental, or possession for  
2451 trafficking in or manufacturing a controlled substance.—

2452 (1) A person may not own, lease, or rent any place,  
2453 structure, or part thereof, trailer, or other conveyance with  
2454 the knowledge that the place, structure, trailer, or conveyance  
2455 will be used for the purpose of trafficking in a controlled  
2456 substance, as provided in s. 893.135; for the sale of a  
2457 controlled substance, as provided in s. 893.13; or for the  
2458 manufacture of a controlled substance intended for sale or  
2459 distribution to another. A person who violates this subsection  
2460 commits a felony of the third degree, punishable as provided in  
2461 s. 775.082, s. 775.083, or s. 775.084.

2462 (2) A person may not knowingly be in actual or constructive  
2463 possession of any place, structure, or part thereof, trailer, or  
2464 other conveyance with the knowledge that the place, structure,  
2465 or part thereof, trailer, or conveyance will be used for the  
2466 purpose of trafficking in a controlled substance, as provided in  
2467 s. 893.135; for the sale of a controlled substance, as provided  
2468 in s. 893.13; or for the manufacture of a controlled substance  
2469 intended for sale or distribution to another. A person who

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2470 violates this subsection commits a felony of the second degree,  
2471 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2472 Section 47. For the purpose of incorporating the amendment  
2473 made by this act to section 893.135, Florida Statutes, in a  
2474 reference thereto, paragraph (e) of subsection (3) of section  
2475 900.05, Florida Statutes, is reenacted to read:

2476 900.05 Criminal justice data collection.—

2477 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,  
2478 2019, an entity required to collect data in accordance with this  
2479 subsection shall collect the specified data required of the  
2480 entity on a biweekly basis. Each entity shall report the data  
2481 collected in accordance with this subsection to the Department  
2482 of Law Enforcement on a monthly basis.

2483 (e) *Department of Corrections.*—The Department of  
2484 Corrections shall collect the following data:

2485 1. Information related to each inmate, including:

2486 a. Identifying information, including name, date of birth,  
2487 race or ethnicity, and identification number assigned by the  
2488 department.

2489 b. Number of children.

2490 c. Education level, including any vocational training.

2491 d. Date the inmate was admitted to the custody of the  
2492 department.

2493 e. Current institution placement and the security level  
2494 assigned to the institution.

2495 f. Custody level assignment.

2496 g. Qualification for a flag designation as defined in this  
2497 section, including sexual offender flag, habitual offender flag,  
2498 gang affiliation flag, or concurrent or consecutive sentence

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2499 flag.

2500 h. County that committed the prisoner to the custody of the  
2501 department.

2502 i. Whether the reason for admission to the department is  
2503 for a new conviction or a violation of probation, community  
2504 control, or parole. For an admission for a probation, community  
2505 control, or parole violation, the department shall report  
2506 whether the violation was technical or based on a new violation  
2507 of law.

2508 j. Specific statutory citation for which the inmate was  
2509 committed to the department, including, for an inmate convicted  
2510 of drug trafficking under s. 893.135, the statutory citation for  
2511 each specific drug trafficked.

2512 k. Length of sentence or concurrent or consecutive  
2513 sentences served.

2514 l. Tentative release date.

2515 m. Gain time earned in accordance with s. 944.275.

2516 n. Prior incarceration within the state.

2517 o. Disciplinary violation and action.

2518 p. Participation in rehabilitative or educational programs  
2519 while in the custody of the department.

2520 2. Information about each state correctional institution or  
2521 facility, including:

2522 a. Budget for each state correctional institution or  
2523 facility.

2524 b. Daily prison population of all inmates incarcerated in a  
2525 state correctional institution or facility.

2526 c. Daily number of correctional officers for each state  
2527 correctional institution or facility.

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- 2528           3. Information related to persons supervised by the  
2529 department on probation or community control, including:
- 2530           a. Identifying information for each person supervised by  
2531 the department on probation or community control, including his  
2532 or her name, date of birth, race or ethnicity, sex, and  
2533 department-assigned case number.
- 2534           b. Length of probation or community control sentence  
2535 imposed and amount of time that has been served on such  
2536 sentence.
- 2537           c. Projected termination date for probation or community  
2538 control.
- 2539           d. Revocation of probation or community control due to a  
2540 violation, including whether the revocation is due to a  
2541 technical violation of the conditions of supervision or from the  
2542 commission of a new law violation.
- 2543           4. Per diem rates for:
- 2544           a. Prison bed.
- 2545           b. Probation.
- 2546           c. Community control.

2547

2548 This information only needs to be reported once annually at the  
2549 time the most recent per diem rate is published.

2550           Section 48. For the purpose of incorporating the amendment  
2551 made by this act to section 893.135, Florida Statutes, in a  
2552 reference thereto, section 903.133, Florida Statutes, is  
2553 reenacted to read:

2554           903.133 Bail on appeal; prohibited for certain felony  
2555 convictions.—Notwithstanding the provisions of s. 903.132, no  
2556 person adjudged guilty of a felony of the first degree for a

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2557 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
2558 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
2559 violation of s. 794.011(2) or (3), shall be admitted to bail  
2560 pending review either by posttrial motion or appeal.

2561 Section 49. For the purpose of incorporating the amendment  
2562 made by this act to section 893.135, Florida Statutes, in a  
2563 reference thereto, paragraph (c) of subsection (4) of section  
2564 907.041, Florida Statutes, is reenacted to read:

2565 907.041 Pretrial detention and release.—

2566 (4) PRETRIAL DETENTION.—

2567 (c) The court may order pretrial detention if it finds a  
2568 substantial probability, based on a defendant's past and present  
2569 patterns of behavior, the criteria in s. 903.046, and any other  
2570 relevant facts, that any of the following circumstances exist:

2571 1. The defendant has previously violated conditions of  
2572 release and that no further conditions of release are reasonably  
2573 likely to assure the defendant's appearance at subsequent  
2574 proceedings;

2575 2. The defendant, with the intent to obstruct the judicial  
2576 process, has threatened, intimidated, or injured any victim,  
2577 potential witness, juror, or judicial officer, or has attempted  
2578 or conspired to do so, and that no condition of release will  
2579 reasonably prevent the obstruction of the judicial process;

2580 3. The defendant is charged with trafficking in controlled  
2581 substances as defined by s. 893.135, that there is a substantial  
2582 probability that the defendant has committed the offense, and  
2583 that no conditions of release will reasonably assure the  
2584 defendant's appearance at subsequent criminal proceedings;

2585 4. The defendant is charged with DUI manslaughter, as

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2586 defined by s. 316.193, and that there is a substantial  
2587 probability that the defendant committed the crime and that the  
2588 defendant poses a threat of harm to the community; conditions  
2589 that would support a finding by the court pursuant to this  
2590 subparagraph that the defendant poses a threat of harm to the  
2591 community include, but are not limited to, any of the following:

2592 a. The defendant has previously been convicted of any crime  
2593 under s. 316.193, or of any crime in any other state or  
2594 territory of the United States that is substantially similar to  
2595 any crime under s. 316.193;

2596 b. The defendant was driving with a suspended driver  
2597 license when the charged crime was committed; or

2598 c. The defendant has previously been found guilty of, or  
2599 has had adjudication of guilt withheld for, driving while the  
2600 defendant's driver license was suspended or revoked in violation  
2601 of s. 322.34;

2602 5. The defendant poses the threat of harm to the community.  
2603 The court may so conclude, if it finds that the defendant is  
2604 presently charged with a dangerous crime, that there is a  
2605 substantial probability that the defendant committed such crime,  
2606 that the factual circumstances of the crime indicate a disregard  
2607 for the safety of the community, and that there are no  
2608 conditions of release reasonably sufficient to protect the  
2609 community from the risk of physical harm to persons;

2610 6. The defendant was on probation, parole, or other release  
2611 pending completion of sentence or on pretrial release for a  
2612 dangerous crime at the time the current offense was committed;

2613 7. The defendant has violated one or more conditions of  
2614 pretrial release or bond for the offense currently before the

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2615 court and the violation, in the discretion of the court,  
2616 supports a finding that no conditions of release can reasonably  
2617 protect the community from risk of physical harm to persons or  
2618 assure the presence of the accused at trial; or

2619 8.a. The defendant has ever been sentenced pursuant to s.  
2620 775.082(9) or s. 775.084 as a prison releasee reoffender,  
2621 habitual violent felony offender, three-time violent felony  
2622 offender, or violent career criminal, or the state attorney  
2623 files a notice seeking that the defendant be sentenced pursuant  
2624 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
2625 habitual violent felony offender, three-time violent felony  
2626 offender, or violent career criminal;

2627 b. There is a substantial probability that the defendant  
2628 committed the offense; and

2629 c. There are no conditions of release that can reasonably  
2630 protect the community from risk of physical harm or ensure the  
2631 presence of the accused at trial.

2632 Section 50. For the purpose of incorporating the amendment  
2633 made by this act to section 893.135, Florida Statutes, in a  
2634 reference thereto, paragraph (b) of subsection (1) of section  
2635 921.0024, Florida Statutes, is reenacted to read:

2636 921.0024 Criminal Punishment Code; worksheet computations;  
2637 scoresheets.—

2638 (1)

2639 (b) WORKSHEET KEY:

2640

2641 Legal status points are assessed when any form of legal status  
2642 existed at the time the offender committed an offense before the  
2643 court for sentencing. Four (4) sentence points are assessed for

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2644 an offender's legal status.

2645

2646 Community sanction violation points are assessed when a  
2647 community sanction violation is before the court for sentencing.  
2648 Six (6) sentence points are assessed for each community sanction  
2649 violation and each successive community sanction violation,  
2650 unless any of the following apply:

2651 1. If the community sanction violation includes a new  
2652 felony conviction before the sentencing court, twelve (12)  
2653 community sanction violation points are assessed for the  
2654 violation, and for each successive community sanction violation  
2655 involving a new felony conviction.

2656 2. If the community sanction violation is committed by a  
2657 violent felony offender of special concern as defined in s.  
2658 948.06:

2659 a. Twelve (12) community sanction violation points are  
2660 assessed for the violation and for each successive violation of  
2661 felony probation or community control where:

2662 I. The violation does not include a new felony conviction;  
2663 and

2664 II. The community sanction violation is not based solely on  
2665 the probationer or offender's failure to pay costs or fines or  
2666 make restitution payments.

2667 b. Twenty-four (24) community sanction violation points are  
2668 assessed for the violation and for each successive violation of  
2669 felony probation or community control where the violation  
2670 includes a new felony conviction.

2671

2672 Multiple counts of community sanction violations before the

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2673 sentencing court shall not be a basis for multiplying the  
2674 assessment of community sanction violation points.

2675

2676 Prior serious felony points: If the offender has a primary  
2677 offense or any additional offense ranked in level 8, level 9, or  
2678 level 10, and one or more prior serious felonies, a single  
2679 assessment of thirty (30) points shall be added. For purposes of  
2680 this section, a prior serious felony is an offense in the  
2681 offender's prior record that is ranked in level 8, level 9, or  
2682 level 10 under s. 921.0022 or s. 921.0023 and for which the  
2683 offender is serving a sentence of confinement, supervision, or  
2684 other sanction or for which the offender's date of release from  
2685 confinement, supervision, or other sanction, whichever is later,  
2686 is within 3 years before the date the primary offense or any  
2687 additional offense was committed.

2688

2689 Prior capital felony points: If the offender has one or more  
2690 prior capital felonies in the offender's criminal record, points  
2691 shall be added to the subtotal sentence points of the offender  
2692 equal to twice the number of points the offender receives for  
2693 the primary offense and any additional offense. A prior capital  
2694 felony in the offender's criminal record is a previous capital  
2695 felony offense for which the offender has entered a plea of nolo  
2696 contendere or guilty or has been found guilty; or a felony in  
2697 another jurisdiction which is a capital felony in that  
2698 jurisdiction, or would be a capital felony if the offense were  
2699 committed in this state.

2700

2701 Possession of a firearm, semiautomatic firearm, or machine gun:

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2702 If the offender is convicted of committing or attempting to  
2703 commit any felony other than those enumerated in s. 775.087(2)  
2704 while having in his or her possession: a firearm as defined in  
2705 s. 790.001(6), an additional eighteen (18) sentence points are  
2706 assessed; or if the offender is convicted of committing or  
2707 attempting to commit any felony other than those enumerated in  
2708 s. 775.087(3) while having in his or her possession a  
2709 semiautomatic firearm as defined in s. 775.087(3) or a machine  
2710 gun as defined in s. 790.001(9), an additional twenty-five (25)  
2711 sentence points are assessed.

2712  
2713 Sentencing multipliers:

2714  
2715 Drug trafficking: If the primary offense is drug trafficking  
2716 under s. 893.135, the subtotal sentence points are multiplied,  
2717 at the discretion of the court, for a level 7 or level 8  
2718 offense, by 1.5. The state attorney may move the sentencing  
2719 court to reduce or suspend the sentence of a person convicted of  
2720 a level 7 or level 8 offense, if the offender provides  
2721 substantial assistance as described in s. 893.135(4).

2722  
2723 Law enforcement protection: If the primary offense is a  
2724 violation of the Law Enforcement Protection Act under s.  
2725 775.0823(2), (3), or (4), the subtotal sentence points are  
2726 multiplied by 2.5. If the primary offense is a violation of s.  
2727 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
2728 are multiplied by 2.0. If the primary offense is a violation of  
2729 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
2730 Protection Act under s. 775.0823(10) or (11), the subtotal

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2731 sentence points are multiplied by 1.5.

2732

2733 Grand theft of a motor vehicle: If the primary offense is grand  
2734 theft of the third degree involving a motor vehicle and in the  
2735 offender's prior record, there are three or more grand thefts of  
2736 the third degree involving a motor vehicle, the subtotal  
2737 sentence points are multiplied by 1.5.

2738

2739 Offense related to a criminal gang: If the offender is convicted  
2740 of the primary offense and committed that offense for the  
2741 purpose of benefiting, promoting, or furthering the interests of  
2742 a criminal gang as defined in s. 874.03, the subtotal sentence  
2743 points are multiplied by 1.5. If applying the multiplier results  
2744 in the lowest permissible sentence exceeding the statutory  
2745 maximum sentence for the primary offense under chapter 775, the  
2746 court may not apply the multiplier and must sentence the  
2747 defendant to the statutory maximum sentence.

2748

2749 Domestic violence in the presence of a child: If the offender is  
2750 convicted of the primary offense and the primary offense is a  
2751 crime of domestic violence, as defined in s. 741.28, which was  
2752 committed in the presence of a child under 16 years of age who  
2753 is a family or household member as defined in s. 741.28(3) with  
2754 the victim or perpetrator, the subtotal sentence points are  
2755 multiplied by 1.5.

2756

2757 Adult-on-minor sex offense: If the offender was 18 years of age  
2758 or older and the victim was younger than 18 years of age at the  
2759 time the offender committed the primary offense, and if the

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2760 primary offense was an offense committed on or after October 1,  
2761 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
2762 violation involved a victim who was a minor and, in the course  
2763 of committing that violation, the defendant committed a sexual  
2764 battery under chapter 794 or a lewd act under s. 800.04 or s.  
2765 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
2766 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
2767 800.04; or s. 847.0135(5), the subtotal sentence points are  
2768 multiplied by 2.0. If applying the multiplier results in the  
2769 lowest permissible sentence exceeding the statutory maximum  
2770 sentence for the primary offense under chapter 775, the court  
2771 may not apply the multiplier and must sentence the defendant to  
2772 the statutory maximum sentence.

2773 Section 51. For the purpose of incorporating the amendment  
2774 made by this act to section 945.091, Florida Statutes, in a  
2775 reference thereto, subsection (2) of section 944.516, Florida  
2776 Statutes, is reenacted to read:

2777 944.516 Money or other property received for personal use  
2778 or benefit of inmate; deposit; disposition of unclaimed trust  
2779 funds.—The Department of Corrections shall protect the financial  
2780 interest of the state with respect to claims which the state may  
2781 have against inmates in state institutions under its supervision  
2782 and control and shall administer money and other property  
2783 received for the personal benefit of such inmates. In carrying  
2784 out the provisions of this section, the department may delegate  
2785 any of its enumerated powers and duties affecting inmates of an  
2786 institution to the warden or regional director who shall  
2787 personally, or through designated employees of his or her  
2788 personal staff under his or her direct supervision, exercise

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2789 such powers or perform such duties.

2790 (2) The department shall require documentation through an  
2791 accounting of receipts for expenditures by inmates placed on  
2792 extended limits of confinement pursuant to s. 945.091. However,  
2793 the department may allow such inmates an amount up to \$25 per  
2794 week which may not require documentation and which may be used  
2795 for discretionary needs. The \$25 per week may be increased by \$5  
2796 biennially, beginning in fiscal year 1985-1986, up to a total of  
2797 \$50.

2798 Section 52. For the purpose of incorporating the amendment  
2799 made by this act to section 945.091, Florida Statutes, in a  
2800 reference thereto, section 945.092, Florida Statutes, is  
2801 reenacted to read:

2802 945.092 Limits on work-release and minimum security custody  
2803 for persons who have committed the crime of escape.—A person who  
2804 has ever been convicted, regardless of adjudication, of the  
2805 offense of escape, as prohibited by s. 944.40 or its successor,  
2806 or as prohibited by a similar law of another state, is not  
2807 eligible for any work-release program under s. 945.091 or for  
2808 confinement in minimum security conditions.

2809 Section 53. For the purpose of incorporating the amendment  
2810 made by this act to section 945.091, Florida Statutes, in a  
2811 reference thereto, subsection (2) of section 946.503, Florida  
2812 Statutes, is reenacted to read:

2813 946.503 Definitions to be used with respect to correctional  
2814 work programs.—As used in this part, the term:

2815 (2) "Correctional work program" means any program presently  
2816 a part of the prison industries program operated by the  
2817 department or any other correctional work program carried on at

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2818 any state correctional facility presently or in the future, but  
2819 the term does not include any program authorized by s. 945.091  
2820 or s. 946.40.

2821 Section 54. For the purpose of incorporating the amendment  
2822 made by this act to section 947.149, Florida Statutes, in a  
2823 reference thereto, subsection (6) of section 316.1935, Florida  
2824 Statutes, is reenacted to read:

2825 316.1935 Fleeing or attempting to elude a law enforcement  
2826 officer; aggravated fleeing or eluding.—

2827 (6) Notwithstanding s. 948.01, no court may suspend, defer,  
2828 or withhold adjudication of guilt or imposition of sentence for  
2829 any violation of this section. A person convicted and sentenced  
2830 to a mandatory minimum term of incarceration under paragraph  
2831 (3)(b) or paragraph (4)(b) is not eligible for statutory gain-  
2832 time under s. 944.275 or any form of discretionary early  
2833 release, other than pardon or executive clemency or conditional  
2834 medical release under s. 947.149, prior to serving the mandatory  
2835 minimum sentence.

2836 Section 55. For the purpose of incorporating the amendment  
2837 made by this act to section 947.149, Florida Statutes, in a  
2838 reference thereto, paragraph (k) of subsection (4) of section  
2839 775.084, Florida Statutes, is reenacted to read:

2840 775.084 Violent career criminals; habitual felony offenders  
2841 and habitual violent felony offenders; three-time violent felony  
2842 offenders; definitions; procedure; enhanced penalties or  
2843 mandatory minimum prison terms.—

2844 (4)

2845 (k)1. A defendant sentenced under this section as a  
2846 habitual felony offender, a habitual violent felony offender, or

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2847 a violent career criminal is eligible for gain-time granted by  
2848 the Department of Corrections as provided in s. 944.275(4)(b).

2849 2. For an offense committed on or after October 1, 1995, a  
2850 defendant sentenced under this section as a violent career  
2851 criminal is not eligible for any form of discretionary early  
2852 release, other than pardon or executive clemency, or conditional  
2853 medical release granted pursuant to s. 947.149.

2854 3. For an offense committed on or after July 1, 1999, a  
2855 defendant sentenced under this section as a three-time violent  
2856 felony offender shall be released only by expiration of sentence  
2857 and shall not be eligible for parole, control release, or any  
2858 form of early release.

2859 Section 56. For the purpose of incorporating the amendment  
2860 made by this act to section 947.149, Florida Statutes, in a  
2861 reference thereto, subsection (3) of section 784.07, Florida  
2862 Statutes, is reenacted to read:

2863 784.07 Assault or battery of law enforcement officers,  
2864 firefighters, emergency medical care providers, public transit  
2865 employees or agents, or other specified officers;  
2866 reclassification of offenses; minimum sentences.-

2867 (3) Any person who is convicted of a battery under  
2868 paragraph (2)(b) and, during the commission of the offense, such  
2869 person possessed:

2870 (a) A "firearm" or "destructive device" as those terms are  
2871 defined in s. 790.001, shall be sentenced to a minimum term of  
2872 imprisonment of 3 years.

2873 (b) A semiautomatic firearm and its high-capacity  
2874 detachable box magazine, as defined in s. 775.087(3), or a  
2875 machine gun as defined in s. 790.001, shall be sentenced to a

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2876 minimum term of imprisonment of 8 years.

2877

2878 Notwithstanding s. 948.01, adjudication of guilt or imposition  
2879 of sentence shall not be suspended, deferred, or withheld, and  
2880 the defendant is not eligible for statutory gain-time under s.  
2881 944.275 or any form of discretionary early release, other than  
2882 pardon or executive clemency, or conditional medical release  
2883 under s. 947.149, prior to serving the minimum sentence.

2884 Section 57. For the purpose of incorporating the amendment  
2885 made by this act to section 947.149, Florida Statutes, in a  
2886 reference thereto, subsection (1) of section 790.235, Florida  
2887 Statutes, is reenacted to read:

2888 790.235 Possession of firearm or ammunition by violent  
2889 career criminal unlawful; penalty.—

2890 (1) Any person who meets the violent career criminal  
2891 criteria under s. 775.084(1)(d), regardless of whether such  
2892 person is or has previously been sentenced as a violent career  
2893 criminal, who owns or has in his or her care, custody,  
2894 possession, or control any firearm, ammunition, or electric  
2895 weapon or device, or carries a concealed weapon, including a  
2896 tear gas gun or chemical weapon or device, commits a felony of  
2897 the first degree, punishable as provided in s. 775.082, s.  
2898 775.083, or s. 775.084. A person convicted of a violation of  
2899 this section shall be sentenced to a mandatory minimum of 15  
2900 years' imprisonment; however, if the person would be sentenced  
2901 to a longer term of imprisonment under s. 775.084(4)(d), the  
2902 person must be sentenced under that provision. A person  
2903 convicted of a violation of this section is not eligible for any  
2904 form of discretionary early release, other than pardon,

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2905 executive clemency, or conditional medical release under s.  
2906 947.149.

2907 Section 58. For the purpose of incorporating the amendment  
2908 made by this act to section 947.149, Florida Statutes, in a  
2909 reference thereto, subsection (7) of section 794.0115, Florida  
2910 Statutes, is reenacted to read:

2911 794.0115 Dangerous sexual felony offender; mandatory  
2912 sentencing.—

2913 (7) A defendant sentenced to a mandatory minimum term of  
2914 imprisonment under this section is not eligible for statutory  
2915 gain-time under s. 944.275 or any form of discretionary early  
2916 release, other than pardon or executive clemency, or conditional  
2917 medical release under s. 947.149, before serving the minimum  
2918 sentence.

2919 Section 59. For the purpose of incorporating the amendment  
2920 made by this act to section 947.149, Florida Statutes, in a  
2921 reference thereto, paragraphs (b), (c), and (g) of subsection  
2922 (1) and subsection (3) of section 893.135, Florida Statutes, are  
2923 reenacted to read:

2924 893.135 Trafficking; mandatory sentences; suspension or  
2925 reduction of sentences; conspiracy to engage in trafficking.—

2926 (1) Except as authorized in this chapter or in chapter 499  
2927 and notwithstanding the provisions of s. 893.13:

2928 (b)1. Any person who knowingly sells, purchases,  
2929 manufactures, delivers, or brings into this state, or who is  
2930 knowingly in actual or constructive possession of, 28 grams or  
2931 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
2932 mixture containing cocaine, but less than 150 kilograms of  
2933 cocaine or any such mixture, commits a felony of the first

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2934 degree, which felony shall be known as "trafficking in cocaine,"  
2935 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
2936 If the quantity involved:

2937 a. Is 28 grams or more, but less than 200 grams, such  
2938 person shall be sentenced to a mandatory minimum term of  
2939 imprisonment of 3 years, and the defendant shall be ordered to  
2940 pay a fine of \$50,000.

2941 b. Is 200 grams or more, but less than 400 grams, such  
2942 person shall be sentenced to a mandatory minimum term of  
2943 imprisonment of 7 years, and the defendant shall be ordered to  
2944 pay a fine of \$100,000.

2945 c. Is 400 grams or more, but less than 150 kilograms, such  
2946 person shall be sentenced to a mandatory minimum term of  
2947 imprisonment of 15 calendar years and pay a fine of \$250,000.

2948 2. Any person who knowingly sells, purchases, manufactures,  
2949 delivers, or brings into this state, or who is knowingly in  
2950 actual or constructive possession of, 150 kilograms or more of  
2951 cocaine, as described in s. 893.03(2)(a)4., commits the first  
2952 degree felony of trafficking in cocaine. A person who has been  
2953 convicted of the first degree felony of trafficking in cocaine  
2954 under this subparagraph shall be punished by life imprisonment  
2955 and is ineligible for any form of discretionary early release  
2956 except pardon or executive clemency or conditional medical  
2957 release under s. 947.149. However, if the court determines that,  
2958 in addition to committing any act specified in this paragraph:

2959 a. The person intentionally killed an individual or  
2960 counseled, commanded, induced, procured, or caused the  
2961 intentional killing of an individual and such killing was the  
2962 result; or

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2963           b. The person's conduct in committing that act led to a  
2964 natural, though not inevitable, lethal result,  
2965  
2966 such person commits the capital felony of trafficking in  
2967 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
2968 person sentenced for a capital felony under this paragraph shall  
2969 also be sentenced to pay the maximum fine provided under  
2970 subparagraph 1.

2971           3. Any person who knowingly brings into this state 300  
2972 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
2973 and who knows that the probable result of such importation would  
2974 be the death of any person, commits capital importation of  
2975 cocaine, a capital felony punishable as provided in ss. 775.082  
2976 and 921.142. Any person sentenced for a capital felony under  
2977 this paragraph shall also be sentenced to pay the maximum fine  
2978 provided under subparagraph 1.

2979           (c)1. A person who knowingly sells, purchases,  
2980 manufactures, delivers, or brings into this state, or who is  
2981 knowingly in actual or constructive possession of, 4 grams or  
2982 more of any morphine, opium, hydromorphone, or any salt,  
2983 derivative, isomer, or salt of an isomer thereof, including  
2984 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
2985 (3)(c)4., or 4 grams or more of any mixture containing any such  
2986 substance, but less than 30 kilograms of such substance or  
2987 mixture, commits a felony of the first degree, which felony  
2988 shall be known as "trafficking in illegal drugs," punishable as  
2989 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2990 quantity involved:

2991           a. Is 4 grams or more, but less than 14 grams, such person

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2992 shall be sentenced to a mandatory minimum term of imprisonment  
2993 of 3 years and shall be ordered to pay a fine of \$50,000.

2994       b. Is 14 grams or more, but less than 28 grams, such person  
2995 shall be sentenced to a mandatory minimum term of imprisonment  
2996 of 15 years and shall be ordered to pay a fine of \$100,000.

2997       c. Is 28 grams or more, but less than 30 kilograms, such  
2998 person shall be sentenced to a mandatory minimum term of  
2999 imprisonment of 25 years and shall be ordered to pay a fine of  
3000 \$500,000.

3001       2. A person who knowingly sells, purchases, manufactures,  
3002 delivers, or brings into this state, or who is knowingly in  
3003 actual or constructive possession of, 14 grams or more of  
3004 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
3005 described in s. 893.03(2)(a)1.g., or any salt thereof, or 14  
3006 grams or more of any mixture containing any such substance,  
3007 commits a felony of the first degree, which felony shall be  
3008 known as "trafficking in hydrocodone," punishable as provided in  
3009 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

3010       a. Is 14 grams or more, but less than 28 grams, such person  
3011 shall be sentenced to a mandatory minimum term of imprisonment  
3012 of 3 years and shall be ordered to pay a fine of \$50,000.

3013       b. Is 28 grams or more, but less than 50 grams, such person  
3014 shall be sentenced to a mandatory minimum term of imprisonment  
3015 of 7 years and shall be ordered to pay a fine of \$100,000.

3016       c. Is 50 grams or more, but less than 200 grams, such  
3017 person shall be sentenced to a mandatory minimum term of  
3018 imprisonment of 15 years and shall be ordered to pay a fine of  
3019 \$500,000.

3020       d. Is 200 grams or more, but less than 30 kilograms, such

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3021 person shall be sentenced to a mandatory minimum term of  
3022 imprisonment of 25 years and shall be ordered to pay a fine of  
3023 \$750,000.

3024 3. A person who knowingly sells, purchases, manufactures,  
3025 delivers, or brings into this state, or who is knowingly in  
3026 actual or constructive possession of, 7 grams or more of  
3027 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
3028 thereof, or 7 grams or more of any mixture containing any such  
3029 substance, commits a felony of the first degree, which felony  
3030 shall be known as "trafficking in oxycodone," punishable as  
3031 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
3032 quantity involved:

3033 a. Is 7 grams or more, but less than 14 grams, such person  
3034 shall be sentenced to a mandatory minimum term of imprisonment  
3035 of 3 years and shall be ordered to pay a fine of \$50,000.

3036 b. Is 14 grams or more, but less than 25 grams, such person  
3037 shall be sentenced to a mandatory minimum term of imprisonment  
3038 of 7 years and shall be ordered to pay a fine of \$100,000.

3039 c. Is 25 grams or more, but less than 100 grams, such  
3040 person shall be sentenced to a mandatory minimum term of  
3041 imprisonment of 15 years and shall be ordered to pay a fine of  
3042 \$500,000.

3043 d. Is 100 grams or more, but less than 30 kilograms, such  
3044 person shall be sentenced to a mandatory minimum term of  
3045 imprisonment of 25 years and shall be ordered to pay a fine of  
3046 \$750,000.

3047 4.a. A person who knowingly sells, purchases, manufactures,  
3048 delivers, or brings into this state, or who is knowingly in  
3049 actual or constructive possession of, 4 grams or more of:

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3050 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

3051 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

3052 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

3053 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

3054 (V) A fentanyl derivative, as described in s.

3055 893.03(1)(a)62.;

3056 (VI) A controlled substance analog, as described in s.

3057 893.0356, of any substance described in sub-sub-subparagraphs

3058 (I)-(V); or

3059 (VII) A mixture containing any substance described in sub-

3060 sub-subparagraphs (I)-(VI),

3061

3062 commits a felony of the first degree, which felony shall be

3063 known as "trafficking in fentanyl," punishable as provided in s.

3064 775.082, s. 775.083, or s. 775.084.

3065 b. If the quantity involved under sub-subparagraph a.:

3066 (I) Is 4 grams or more, but less than 14 grams, such person

3067 shall be sentenced to a mandatory minimum term of imprisonment

3068 of 3 years, and shall be ordered to pay a fine of \$50,000.

3069 (II) Is 14 grams or more, but less than 28 grams, such

3070 person shall be sentenced to a mandatory minimum term of

3071 imprisonment of 15 years, and shall be ordered to pay a fine of

3072 \$100,000.

3073 (III) Is 28 grams or more, such person shall be sentenced

3074 to a mandatory minimum term of imprisonment of 25 years, and

3075 shall be ordered to pay a fine of \$500,000.

3076 5. A person who knowingly sells, purchases, manufactures,

3077 delivers, or brings into this state, or who is knowingly in

3078 actual or constructive possession of, 30 kilograms or more of

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3079 any morphine, opium, oxycodone, hydrocodone, codeine,  
3080 hydromorphone, or any salt, derivative, isomer, or salt of an  
3081 isomer thereof, including heroin, as described in s.  
3082 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
3083 more of any mixture containing any such substance, commits the  
3084 first degree felony of trafficking in illegal drugs. A person  
3085 who has been convicted of the first degree felony of trafficking  
3086 in illegal drugs under this subparagraph shall be punished by  
3087 life imprisonment and is ineligible for any form of  
3088 discretionary early release except pardon or executive clemency  
3089 or conditional medical release under s. 947.149. However, if the  
3090 court determines that, in addition to committing any act  
3091 specified in this paragraph:

3092 a. The person intentionally killed an individual or  
3093 counseled, commanded, induced, procured, or caused the  
3094 intentional killing of an individual and such killing was the  
3095 result; or

3096 b. The person's conduct in committing that act led to a  
3097 natural, though not inevitable, lethal result,

3098  
3099 such person commits the capital felony of trafficking in illegal  
3100 drugs, punishable as provided in ss. 775.082 and 921.142. A  
3101 person sentenced for a capital felony under this paragraph shall  
3102 also be sentenced to pay the maximum fine provided under  
3103 subparagraph 1.

3104 6. A person who knowingly brings into this state 60  
3105 kilograms or more of any morphine, opium, oxycodone,  
3106 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
3107 isomer, or salt of an isomer thereof, including heroin, as

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3108 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
3109 60 kilograms or more of any mixture containing any such  
3110 substance, and who knows that the probable result of such  
3111 importation would be the death of a person, commits capital  
3112 importation of illegal drugs, a capital felony punishable as  
3113 provided in ss. 775.082 and 921.142. A person sentenced for a  
3114 capital felony under this paragraph shall also be sentenced to  
3115 pay the maximum fine provided under subparagraph 1.

3116 (g)1. Any person who knowingly sells, purchases,  
3117 manufactures, delivers, or brings into this state, or who is  
3118 knowingly in actual or constructive possession of, 4 grams or  
3119 more of flunitrazepam or any mixture containing flunitrazepam as  
3120 described in s. 893.03(1)(a) commits a felony of the first  
3121 degree, which felony shall be known as "trafficking in  
3122 flunitrazepam," punishable as provided in s. 775.082, s.  
3123 775.083, or s. 775.084. If the quantity involved:

3124 a. Is 4 grams or more but less than 14 grams, such person  
3125 shall be sentenced to a mandatory minimum term of imprisonment  
3126 of 3 years, and the defendant shall be ordered to pay a fine of  
3127 \$50,000.

3128 b. Is 14 grams or more but less than 28 grams, such person  
3129 shall be sentenced to a mandatory minimum term of imprisonment  
3130 of 7 years, and the defendant shall be ordered to pay a fine of  
3131 \$100,000.

3132 c. Is 28 grams or more but less than 30 kilograms, such  
3133 person shall be sentenced to a mandatory minimum term of  
3134 imprisonment of 25 calendar years and pay a fine of \$500,000.

3135 2. Any person who knowingly sells, purchases, manufactures,  
3136 delivers, or brings into this state or who is knowingly in

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3137 actual or constructive possession of 30 kilograms or more of  
3138 flunitrazepam or any mixture containing flunitrazepam as  
3139 described in s. 893.03(1)(a) commits the first degree felony of  
3140 trafficking in flunitrazepam. A person who has been convicted of  
3141 the first degree felony of trafficking in flunitrazepam under  
3142 this subparagraph shall be punished by life imprisonment and is  
3143 ineligible for any form of discretionary early release except  
3144 pardon or executive clemency or conditional medical release  
3145 under s. 947.149. However, if the court determines that, in  
3146 addition to committing any act specified in this paragraph:

3147       a. The person intentionally killed an individual or  
3148 counseled, commanded, induced, procured, or caused the  
3149 intentional killing of an individual and such killing was the  
3150 result; or

3151       b. The person's conduct in committing that act led to a  
3152 natural, though not inevitable, lethal result,

3153

3154 such person commits the capital felony of trafficking in  
3155 flunitrazepam, punishable as provided in ss. 775.082 and  
3156 921.142. Any person sentenced for a capital felony under this  
3157 paragraph shall also be sentenced to pay the maximum fine  
3158 provided under subparagraph 1.

3159       (3) Notwithstanding the provisions of s. 948.01, with  
3160 respect to any person who is found to have violated this  
3161 section, adjudication of guilt or imposition of sentence shall  
3162 not be suspended, deferred, or withheld, nor shall such person  
3163 be eligible for parole prior to serving the mandatory minimum  
3164 term of imprisonment prescribed by this section. A person  
3165 sentenced to a mandatory minimum term of imprisonment under this

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3166 section is not eligible for any form of discretionary early  
3167 release, except pardon or executive clemency or conditional  
3168 medical release under s. 947.149, prior to serving the mandatory  
3169 minimum term of imprisonment.

3170 Section 60. For the purpose of incorporating the amendment  
3171 made by this act to section 947.149, Florida Statutes, in a  
3172 reference thereto, paragraph (b) of subsection (7) of section  
3173 944.605, Florida Statutes, is reenacted to read:

3174 944.605 Inmate release; notification; identification card.-  
3175 (7)

3176 (b) Paragraph (a) does not apply to inmates who:

3177 1. The department determines have a valid driver license or  
3178 state identification card, except that the department shall  
3179 provide these inmates with a replacement state identification  
3180 card or replacement driver license, if necessary.

3181 2. Have an active detainer, unless the department  
3182 determines that cancellation of the detainer is likely or that  
3183 the incarceration for which the detainer was issued will be less  
3184 than 12 months in duration.

3185 3. Are released due to an emergency release or a  
3186 conditional medical release under s. 947.149.

3187 4. Are not in the physical custody of the department at or  
3188 within 180 days before release.

3189 5. Are subject to sex offender residency restrictions, and  
3190 who, upon release under such restrictions, do not have a  
3191 qualifying address.

3192 Section 61. For the purpose of incorporating the amendment  
3193 made by this act to section 947.149, Florida Statutes, in a  
3194 reference thereto, paragraph (b) of subsection (1) of section

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3195 944.70, Florida Statutes, is reenacted to read:  
3196 944.70 Conditions for release from incarceration.—  
3197 (1)  
3198 (b) A person who is convicted of a crime committed on or  
3199 after January 1, 1994, may be released from incarceration only:  
3200 1. Upon expiration of the person's sentence;  
3201 2. Upon expiration of the person's sentence as reduced by  
3202 accumulated meritorious or incentive gain-time;  
3203 3. As directed by an executive order granting clemency;  
3204 4. Upon placement in a conditional release program pursuant  
3205 to s. 947.1405 or a conditional medical release program pursuant  
3206 to s. 947.149; or  
3207 5. Upon the granting of control release, including  
3208 emergency control release, pursuant to s. 947.146.  
3209 Section 62. For the purpose of incorporating the amendment  
3210 made by this act to section 947.149, Florida Statutes, in a  
3211 reference thereto, paragraph (h) of subsection (1) of section  
3212 947.13, Florida Statutes, is reenacted to read:  
3213 947.13 Powers and duties of commission.—  
3214 (1) The commission shall have the powers and perform the  
3215 duties of:  
3216 (h) Determining what persons will be released on  
3217 conditional medical release under s. 947.149, establishing the  
3218 conditions of conditional medical release, and determining  
3219 whether a person has violated the conditions of conditional  
3220 medical release and taking action with respect to such a  
3221 violation.  
3222 Section 63. For the purpose of incorporating the amendment  
3223 made by this act to section 947.149, Florida Statutes, in a

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3224 reference thereto, subsections (1), (2), and (7) of section  
3225 947.141, Florida Statutes, are reenacted to read:

3226 947.141 Violations of conditional release, control release,  
3227 or conditional medical release or addiction-recovery  
3228 supervision.—

3229 (1) If a member of the commission or a duly authorized  
3230 representative of the commission has reasonable grounds to  
3231 believe that an offender who is on release supervision under s.  
3232 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
3233 the terms and conditions of the release in a material respect,  
3234 such member or representative may cause a warrant to be issued  
3235 for the arrest of the releasee; if the offender was found to be  
3236 a sexual predator, the warrant must be issued.

3237 (2) Upon the arrest on a felony charge of an offender who  
3238 is on release supervision under s. 947.1405, s. 947.146, s.  
3239 947.149, or s. 944.4731, the offender must be detained without  
3240 bond until the initial appearance of the offender at which a  
3241 judicial determination of probable cause is made. If the trial  
3242 court judge determines that there was no probable cause for the  
3243 arrest, the offender may be released. If the trial court judge  
3244 determines that there was probable cause for the arrest, such  
3245 determination also constitutes reasonable grounds to believe  
3246 that the offender violated the conditions of the release. Within  
3247 24 hours after the trial court judge's finding of probable  
3248 cause, the detention facility administrator or designee shall  
3249 notify the commission and the department of the finding and  
3250 transmit to each a facsimile copy of the probable cause  
3251 affidavit or the sworn offense report upon which the trial court  
3252 judge's probable cause determination is based. The offender must

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3253 continue to be detained without bond for a period not exceeding  
3254 72 hours excluding weekends and holidays after the date of the  
3255 probable cause determination, pending a decision by the  
3256 commission whether to issue a warrant charging the offender with  
3257 violation of the conditions of release. Upon the issuance of the  
3258 commission's warrant, the offender must continue to be held in  
3259 custody pending a revocation hearing held in accordance with  
3260 this section.

3261 (7) If a law enforcement officer has probable cause to  
3262 believe that an offender who is on release supervision under s.  
3263 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
3264 the terms and conditions of his or her release by committing a  
3265 felony offense, the officer shall arrest the offender without a  
3266 warrant, and a warrant need not be issued in the case.

3267 Section 64. For the purpose of incorporating the amendment  
3268 made by this act to sections 812.014 and 893.135, Florida  
3269 Statutes, in references thereto, paragraph (c) of subsection (3)  
3270 of section 373.6055, Florida Statutes, is reenacted to read:

3271 373.6055 Criminal history checks for certain water  
3272 management district employees and others.—

3273 (3)

3274 (c) In addition to other requirements for employment or  
3275 access established by any water management district pursuant to  
3276 its water management district's security plan for buildings,  
3277 facilities, and structures, each water management district's  
3278 security plan shall provide that:

3279 1. Any person who has within the past 7 years been  
3280 convicted, regardless of whether adjudication was withheld, for  
3281 a forcible felony as defined in s. 776.08; an act of terrorism

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3282 as defined in s. 775.30; planting of a hoax bomb as provided in  
3283 s. 790.165; any violation involving the manufacture, possession,  
3284 sale, delivery, display, use, or attempted or threatened use of  
3285 a weapon of mass destruction or hoax weapon of mass destruction  
3286 as provided in s. 790.166; dealing in stolen property; any  
3287 violation of s. 893.135; any violation involving the sale,  
3288 manufacturing, delivery, or possession with intent to sell,  
3289 manufacture, or deliver a controlled substance; burglary;  
3290 robbery; any felony violation of s. 812.014; any violation of s.  
3291 790.07; any crime an element of which includes use or possession  
3292 of a firearm; any conviction for any similar offenses under the  
3293 laws of another jurisdiction; or conviction for conspiracy to  
3294 commit any of the listed offenses may not be qualified for  
3295 initial employment within or authorized regular access to  
3296 buildings, facilities, or structures defined in the water  
3297 management district's security plan as restricted access areas.

3298       2. Any person who has at any time been convicted of any of  
3299 the offenses listed in subparagraph 1. may not be qualified for  
3300 initial employment within or authorized regular access to  
3301 buildings, facilities, or structures defined in the water  
3302 management district's security plan as restricted access areas  
3303 unless, after release from incarceration and any supervision  
3304 imposed as a sentence, the person remained free from a  
3305 subsequent conviction, regardless of whether adjudication was  
3306 withheld, for any of the listed offenses for a period of at  
3307 least 7 years prior to the employment or access date under  
3308 consideration.

3309       Section 65. For the purpose of incorporating the amendment  
3310 made by this act to sections 893.135 and 947.149, Florida

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3311 Statutes, in references thereto, paragraphs (a) and (b) of  
3312 subsection (2) and paragraphs (a) and (b) of subsection (3) of  
3313 section 775.087, Florida Statutes, are reenacted to read:

3314 775.087 Possession or use of weapon; aggravated battery;  
3315 felony reclassification; minimum sentence.—

3316 (2) (a) 1. Any person who is convicted of a felony or an  
3317 attempt to commit a felony, regardless of whether the use of a  
3318 weapon is an element of the felony, and the conviction was for:

3319 a. Murder;

3320 b. Sexual battery;

3321 c. Robbery;

3322 d. Burglary;

3323 e. Arson;

3324 f. Aggravated battery;

3325 g. Kidnapping;

3326 h. Escape;

3327 i. Aircraft piracy;

3328 j. Aggravated child abuse;

3329 k. Aggravated abuse of an elderly person or disabled adult;

3330 l. Unlawful throwing, placing, or discharging of a  
3331 destructive device or bomb;

3332 m. Carjacking;

3333 n. Home-invasion robbery;

3334 o. Aggravated stalking;

3335 p. Trafficking in cannabis, trafficking in cocaine, capital  
3336 importation of cocaine, trafficking in illegal drugs, capital  
3337 importation of illegal drugs, trafficking in phencyclidine,  
3338 capital importation of phencyclidine, trafficking in  
3339 methaqualone, capital importation of methaqualone, trafficking

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3340 in amphetamine, capital importation of amphetamine, trafficking  
3341 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
3342 (GHB), trafficking in 1,4-Butanediol, trafficking in  
3343 Phenethylamines, or other violation of s. 893.135(1); or  
3344 q. Possession of a firearm by a felon  
3345

3346 and during the commission of the offense, such person actually  
3347 possessed a "firearm" or "destructive device" as those terms are  
3348 defined in s. 790.001, shall be sentenced to a minimum term of  
3349 imprisonment of 10 years, except that a person who is convicted  
3350 for possession of a firearm by a felon or burglary of a  
3351 conveyance shall be sentenced to a minimum term of imprisonment  
3352 of 3 years if such person possessed a "firearm" or "destructive  
3353 device" during the commission of the offense. However, if an  
3354 offender who is convicted of the offense of possession of a  
3355 firearm by a felon has a previous conviction of committing or  
3356 attempting to commit a felony listed in s. 775.084(1)(b)1. and  
3357 actually possessed a firearm or destructive device during the  
3358 commission of the prior felony, the offender shall be sentenced  
3359 to a minimum term of imprisonment of 10 years.

3360 2. Any person who is convicted of a felony or an attempt to  
3361 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
3362 regardless of whether the use of a weapon is an element of the  
3363 felony, and during the course of the commission of the felony  
3364 such person discharged a "firearm" or "destructive device" as  
3365 defined in s. 790.001 shall be sentenced to a minimum term of  
3366 imprisonment of 20 years.

3367 3. Any person who is convicted of a felony or an attempt to  
3368 commit a felony listed in sub-subparagraphs (a)1.a.-p.,

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3369 regardless of whether the use of a weapon is an element of the  
3370 felony, and during the course of the commission of the felony  
3371 such person discharged a "firearm" or "destructive device" as  
3372 defined in s. 790.001 and, as the result of the discharge, death  
3373 or great bodily harm was inflicted upon any person, the  
3374 convicted person shall be sentenced to a minimum term of  
3375 imprisonment of not less than 25 years and not more than a term  
3376 of imprisonment of life in prison.

3377 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
3378 (a)3. does not prevent a court from imposing a longer sentence  
3379 of incarceration as authorized by law in addition to the minimum  
3380 mandatory sentence, or from imposing a sentence of death  
3381 pursuant to other applicable law. Subparagraph (a)1.,  
3382 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
3383 court to impose a lesser sentence than otherwise required by  
3384 law.

3385  
3386 Notwithstanding s. 948.01, adjudication of guilt or imposition  
3387 of sentence shall not be suspended, deferred, or withheld, and  
3388 the defendant is not eligible for statutory gain-time under s.  
3389 944.275 or any form of discretionary early release, other than  
3390 pardon or executive clemency, or conditional medical release  
3391 under s. 947.149, prior to serving the minimum sentence.

3392 (3) (a)1. Any person who is convicted of a felony or an  
3393 attempt to commit a felony, regardless of whether the use of a  
3394 firearm is an element of the felony, and the conviction was for:

- 3395 a. Murder;  
3396 b. Sexual battery;  
3397 c. Robbery;

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3398 d. Burglary;  
3399 e. Arson;  
3400 f. Aggravated battery;  
3401 g. Kidnapping;  
3402 h. Escape;  
3403 i. Sale, manufacture, delivery, or intent to sell,  
3404 manufacture, or deliver any controlled substance;  
3405 j. Aircraft piracy;  
3406 k. Aggravated child abuse;  
3407 l. Aggravated abuse of an elderly person or disabled adult;  
3408 m. Unlawful throwing, placing, or discharging of a  
3409 destructive device or bomb;  
3410 n. Carjacking;  
3411 o. Home-invasion robbery;  
3412 p. Aggravated stalking; or  
3413 q. Trafficking in cannabis, trafficking in cocaine, capital  
3414 importation of cocaine, trafficking in illegal drugs, capital  
3415 importation of illegal drugs, trafficking in phencyclidine,  
3416 capital importation of phencyclidine, trafficking in  
3417 methaqualone, capital importation of methaqualone, trafficking  
3418 in amphetamine, capital importation of amphetamine, trafficking  
3419 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
3420 (GHB), trafficking in 1,4-Butanediol, trafficking in  
3421 Phenethylamines, or other violation of s. 893.135(1);  
3422  
3423 and during the commission of the offense, such person possessed  
3424 a semiautomatic firearm and its high-capacity detachable box  
3425 magazine or a machine gun as defined in s. 790.001, shall be  
3426 sentenced to a minimum term of imprisonment of 15 years.

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3427           2. Any person who is convicted of a felony or an attempt to  
3428 commit a felony listed in subparagraph (a)1., regardless of  
3429 whether the use of a weapon is an element of the felony, and  
3430 during the course of the commission of the felony such person  
3431 discharged a semiautomatic firearm and its high-capacity box  
3432 magazine or a "machine gun" as defined in s. 790.001 shall be  
3433 sentenced to a minimum term of imprisonment of 20 years.

3434           3. Any person who is convicted of a felony or an attempt to  
3435 commit a felony listed in subparagraph (a)1., regardless of  
3436 whether the use of a weapon is an element of the felony, and  
3437 during the course of the commission of the felony such person  
3438 discharged a semiautomatic firearm and its high-capacity box  
3439 magazine or a "machine gun" as defined in s. 790.001 and, as the  
3440 result of the discharge, death or great bodily harm was  
3441 inflicted upon any person, the convicted person shall be  
3442 sentenced to a minimum term of imprisonment of not less than 25  
3443 years and not more than a term of imprisonment of life in  
3444 prison.

3445           (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
3446 (a)3. does not prevent a court from imposing a longer sentence  
3447 of incarceration as authorized by law in addition to the minimum  
3448 mandatory sentence, or from imposing a sentence of death  
3449 pursuant to other applicable law. Subparagraph (a)1.,  
3450 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
3451 court to impose a lesser sentence than otherwise required by  
3452 law.

3453  
3454 Notwithstanding s. 948.01, adjudication of guilt or imposition  
3455 of sentence shall not be suspended, deferred, or withheld, and

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3456 the defendant is not eligible for statutory gain-time under s.  
3457 944.275 or any form of discretionary early release, other than  
3458 pardon or executive clemency, or conditional medical release  
3459 under s. 947.149, prior to serving the minimum sentence.

3460 Section 66. For the purpose of incorporating the amendment  
3461 made by this act to sections 893.135 and 947.149, Florida  
3462 Statutes, in references thereto, paragraph (b) of subsection (1)  
3463 and subsection (2) of section 921.0024, Florida Statutes, are  
3464 reenacted to read:

3465 921.0024 Criminal Punishment Code; worksheet computations;  
3466 scoresheets.—

3467 (1)

3468 (b) WORKSHEET KEY:

3469  
3470 Legal status points are assessed when any form of legal status  
3471 existed at the time the offender committed an offense before the  
3472 court for sentencing. Four (4) sentence points are assessed for  
3473 an offender's legal status.

3474  
3475 Community sanction violation points are assessed when a  
3476 community sanction violation is before the court for sentencing.  
3477 Six (6) sentence points are assessed for each community sanction  
3478 violation and each successive community sanction violation,  
3479 unless any of the following apply:

3480 1. If the community sanction violation includes a new  
3481 felony conviction before the sentencing court, twelve (12)  
3482 community sanction violation points are assessed for the  
3483 violation, and for each successive community sanction violation  
3484 involving a new felony conviction.

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3485           2. If the community sanction violation is committed by a  
3486 violent felony offender of special concern as defined in s.  
3487 948.06:

3488           a. Twelve (12) community sanction violation points are  
3489 assessed for the violation and for each successive violation of  
3490 felony probation or community control where:

3491           I. The violation does not include a new felony conviction;  
3492 and

3493           II. The community sanction violation is not based solely on  
3494 the probationer or offender's failure to pay costs or fines or  
3495 make restitution payments.

3496           b. Twenty-four (24) community sanction violation points are  
3497 assessed for the violation and for each successive violation of  
3498 felony probation or community control where the violation  
3499 includes a new felony conviction.

3500  
3501 Multiple counts of community sanction violations before the  
3502 sentencing court shall not be a basis for multiplying the  
3503 assessment of community sanction violation points.

3504  
3505 Prior serious felony points: If the offender has a primary  
3506 offense or any additional offense ranked in level 8, level 9, or  
3507 level 10, and one or more prior serious felonies, a single  
3508 assessment of thirty (30) points shall be added. For purposes of  
3509 this section, a prior serious felony is an offense in the  
3510 offender's prior record that is ranked in level 8, level 9, or  
3511 level 10 under s. 921.0022 or s. 921.0023 and for which the  
3512 offender is serving a sentence of confinement, supervision, or  
3513 other sanction or for which the offender's date of release from

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3514 confinement, supervision, or other sanction, whichever is later,  
3515 is within 3 years before the date the primary offense or any  
3516 additional offense was committed.

3517  
3518 Prior capital felony points: If the offender has one or more  
3519 prior capital felonies in the offender's criminal record, points  
3520 shall be added to the subtotal sentence points of the offender  
3521 equal to twice the number of points the offender receives for  
3522 the primary offense and any additional offense. A prior capital  
3523 felony in the offender's criminal record is a previous capital  
3524 felony offense for which the offender has entered a plea of nolo  
3525 contendere or guilty or has been found guilty; or a felony in  
3526 another jurisdiction which is a capital felony in that  
3527 jurisdiction, or would be a capital felony if the offense were  
3528 committed in this state.

3529  
3530 Possession of a firearm, semiautomatic firearm, or machine gun:  
3531 If the offender is convicted of committing or attempting to  
3532 commit any felony other than those enumerated in s. 775.087(2)  
3533 while having in his or her possession: a firearm as defined in  
3534 s. 790.001(6), an additional eighteen (18) sentence points are  
3535 assessed; or if the offender is convicted of committing or  
3536 attempting to commit any felony other than those enumerated in  
3537 s. 775.087(3) while having in his or her possession a  
3538 semiautomatic firearm as defined in s. 775.087(3) or a machine  
3539 gun as defined in s. 790.001(9), an additional twenty-five (25)  
3540 sentence points are assessed.

3541  
3542 Sentencing multipliers:

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3543

3544 Drug trafficking: If the primary offense is drug trafficking  
3545 under s. 893.135, the subtotal sentence points are multiplied,  
3546 at the discretion of the court, for a level 7 or level 8  
3547 offense, by 1.5. The state attorney may move the sentencing  
3548 court to reduce or suspend the sentence of a person convicted of  
3549 a level 7 or level 8 offense, if the offender provides  
3550 substantial assistance as described in s. 893.135(4).

3551

3552 Law enforcement protection: If the primary offense is a  
3553 violation of the Law Enforcement Protection Act under s.  
3554 775.0823(2), (3), or (4), the subtotal sentence points are  
3555 multiplied by 2.5. If the primary offense is a violation of s.  
3556 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
3557 are multiplied by 2.0. If the primary offense is a violation of  
3558 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
3559 Protection Act under s. 775.0823(10) or (11), the subtotal  
3560 sentence points are multiplied by 1.5.

3561

3562 Grand theft of a motor vehicle: If the primary offense is grand  
3563 theft of the third degree involving a motor vehicle and in the  
3564 offender's prior record, there are three or more grand thefts of  
3565 the third degree involving a motor vehicle, the subtotal  
3566 sentence points are multiplied by 1.5.

3567

3568 Offense related to a criminal gang: If the offender is convicted  
3569 of the primary offense and committed that offense for the  
3570 purpose of benefiting, promoting, or furthering the interests of  
3571 a criminal gang as defined in s. 874.03, the subtotal sentence

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3572 points are multiplied by 1.5. If applying the multiplier results  
3573 in the lowest permissible sentence exceeding the statutory  
3574 maximum sentence for the primary offense under chapter 775, the  
3575 court may not apply the multiplier and must sentence the  
3576 defendant to the statutory maximum sentence.

3577

3578 Domestic violence in the presence of a child: If the offender is  
3579 convicted of the primary offense and the primary offense is a  
3580 crime of domestic violence, as defined in s. 741.28, which was  
3581 committed in the presence of a child under 16 years of age who  
3582 is a family or household member as defined in s. 741.28(3) with  
3583 the victim or perpetrator, the subtotal sentence points are  
3584 multiplied by 1.5.

3585

3586 Adult-on-minor sex offense: If the offender was 18 years of age  
3587 or older and the victim was younger than 18 years of age at the  
3588 time the offender committed the primary offense, and if the  
3589 primary offense was an offense committed on or after October 1,  
3590 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
3591 violation involved a victim who was a minor and, in the course  
3592 of committing that violation, the defendant committed a sexual  
3593 battery under chapter 794 or a lewd act under s. 800.04 or s.  
3594 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
3595 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
3596 800.04; or s. 847.0135(5), the subtotal sentence points are  
3597 multiplied by 2.0. If applying the multiplier results in the  
3598 lowest permissible sentence exceeding the statutory maximum  
3599 sentence for the primary offense under chapter 775, the court  
3600 may not apply the multiplier and must sentence the defendant to

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3601 the statutory maximum sentence.

3602 (2) The lowest permissible sentence is the minimum sentence  
3603 that may be imposed by the trial court, absent a valid reason  
3604 for departure. The lowest permissible sentence is any nonstate  
3605 prison sanction in which the total sentence points equals or is  
3606 less than 44 points, unless the court determines within its  
3607 discretion that a prison sentence, which may be up to the  
3608 statutory maximums for the offenses committed, is appropriate.  
3609 When the total sentence points exceeds 44 points, the lowest  
3610 permissible sentence in prison months shall be calculated by  
3611 subtracting 28 points from the total sentence points and  
3612 decreasing the remaining total by 25 percent. The total sentence  
3613 points shall be calculated only as a means of determining the  
3614 lowest permissible sentence. The permissible range for  
3615 sentencing shall be the lowest permissible sentence up to and  
3616 including the statutory maximum, as defined in s. 775.082, for  
3617 the primary offense and any additional offenses before the court  
3618 for sentencing. The sentencing court may impose such sentences  
3619 concurrently or consecutively. However, any sentence to state  
3620 prison must exceed 1 year. If the lowest permissible sentence  
3621 under the code exceeds the statutory maximum sentence as  
3622 provided in s. 775.082, the sentence required by the code must  
3623 be imposed. If the total sentence points are greater than or  
3624 equal to 363, the court may sentence the offender to life  
3625 imprisonment. An offender sentenced to life imprisonment under  
3626 this section is not eligible for any form of discretionary early  
3627 release, except executive clemency or conditional medical  
3628 release under s. 947.149.

3629 Section 67. Except as otherwise expressly provided in this

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3630 act and except for this section, which shall take effect July 1,  
3631 2019, this act shall take effect October 1, 2019.  
3632