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LEGISLATIVE ACTION

Senate	.	House
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Appropriations Subcommittee on Criminal and Civil Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

25.025 Headquarters.—

(1)(a) A Supreme Court justice who permanently resides outside Leon County shall, if he or she so requests, have a district court of appeal courthouse, a county courthouse, or

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11 another appropriate facility in his or her district of residence
12 designated as his or her official headquarters pursuant to s.
13 112.061. This official headquarters may serve only as the
14 justice's private chambers.
15 (b) A justice for whom an official headquarters is
16 designated in his or her district of residence under this
17 subsection is eligible for subsistence at a rate to be
18 established by the Chief Justice for each day or partial day
19 that the justice is at the Supreme Court Building for the
20 conduct of the business of the court. In addition to the
21 subsistence allowance, a justice is eligible for reimbursement
22 for transportation expenses as provided in s. 112.061(7) for
23 travel between the justice's official headquarters and the
24 Supreme Court Building for the conduct of the business of the
25 court.
26 (c) Payment of subsistence and reimbursement for
27 transportation expenses relating to travel between a justice's
28 official headquarters and the Supreme Court Building must be
29 made to the extent that appropriated funds are available, as
30 determined by the Chief Justice.
31 (2) The Chief Justice shall coordinate with each affected
32 justice and other state and local officials as necessary to
33 implement paragraph (1)(a).
34 (3)(a) This section does not require a county to provide
35 space in a county courthouse for a justice. A county may enter
36 into an agreement with the Supreme Court governing the use of
37 space in a county courthouse.
38 (b) The Supreme Court may not use state funds to lease
39 space in a district court of appeal courthouse, county

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40 courthouse, or other facility to allow a justice to establish an
41 official headquarters pursuant to subsection (1).
42 Section 2. Subsections (9) and (12) of section 26.031,
43 Florida Statutes, are amended to read:
44 26.031 Judicial circuits; number of judges.—The number of
45 circuit judges in each circuit shall be as follows:
46
47 JUDICIAL CIRCUIT TOTAL
48 (9) Ninth.....44 ~~43~~
49 (12) Twelfth.....22 ~~21~~
50 Section 3. Section 43.51, Florida Statutes, is created to
51 read:
52 43.51 Problem-solving court reports.—
53 (1) The Office of the State Courts Administrator shall
54 provide an annual report to the President of the Senate and the
55 Speaker of the House of Representatives which details the number
56 of participants in each problem-solving court for each fiscal
57 year the court has been operating and the types of services
58 provided, identifies each source of funding for each court
59 during each fiscal year, and provides information on the
60 performance of each court based upon outcome measures
61 established by the courts.
62 (2) For purposes of this section, the term "problem-solving
63 court" includes, but is not limited to, a drug court pursuant to
64 s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a
65 military veterans' and servicemembers' court pursuant to s.
66 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
67 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
68 948.08, or s. 948.16; a community court pursuant to s. 948.081;

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69 or a delinquency pretrial intervention court program pursuant to
70 s. 985.345.
71 Section 4. Subsection (2) of section 212.15, Florida
72 Statutes, is amended to read:
73 212.15 Taxes declared state funds; penalties for failure to
74 remit taxes; due and delinquent dates; judicial review.—
75 (2) Any person who, with intent to unlawfully deprive or
76 defraud the state of its moneys or the use or benefit thereof,
77 fails to remit taxes collected under this chapter commits ~~is~~
78 ~~guilty of~~ theft of state funds, punishable as follows:
79 (a) If the total amount of stolen revenue is less than
80 $1,000 ~~$300~~, the offense is a misdemeanor of the second degree,
81 punishable as provided in s. 775.082 or s. 775.083. Upon a
82 second conviction, the offender commits ~~is guilty of~~ a
83 misdemeanor of the first degree, punishable as provided in s.
84 775.082 or s. 775.083. Upon a third or subsequent conviction,
85 the offender commits ~~is guilty of~~ a felony of the third degree,
86 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
87 (b) If the total amount of stolen revenue is $1,000 ~~$300~~ or
88 more, but less than $20,000, the offense is a felony of the
89 third degree, punishable as provided in s. 775.082, s. 775.083,
90 or s. 775.084.
91 (c) If the total amount of stolen revenue is $20,000 or
92 more, but less than $100,000, the offense is a felony of the
93 second degree, punishable as provided in s. 775.082, s. 775.083,
94 or s. 775.084.
95 (d) If the total amount of stolen revenue is $100,000 or
96 more, the offense is a felony of the first degree, punishable as
97 provided in s. 775.082, s. 775.083, or s. 775.084.

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98 Section 5. Subsections (1) through (4) of section 322.055,
99 Florida Statutes, are amended to read:
100 322.055 Revocation or suspension of, or delay of
101 eligibility for, driver license for persons 18 years of age or
102 older convicted of certain drug offenses.—
103 (1) Notwithstanding s. 322.28, upon the conviction of a
104 person 18 years of age or older for possession or sale of,
105 trafficking in, or conspiracy to possess, sell, or traffic in a
106 controlled substance, the court shall direct the department to
107 suspend ~~revoke~~ the person's driver license or driving privilege
108 ~~of the person~~. The suspension ~~period of such revocation~~ shall be
109 6 months ~~1 year~~ or until the person is evaluated for and, if
110 deemed necessary by the evaluating agency, completes a drug
111 treatment and rehabilitation program approved or regulated by
112 the Department of Children and Families. However, the court may,
113 upon finding a compelling circumstance to warrant an exception
114 ~~in its sound discretion~~, direct the department to issue a
115 license for driving privilege restricted to business or
116 employment purposes only, as defined by s. 322.271, if the
117 person is otherwise qualified for such a license. ~~A driver whose~~
118 ~~license or driving privilege has been suspended or revoked under~~
119 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~
120 ~~petition the department for restoration of the driving privilege~~
121 ~~on a restricted or unrestricted basis depending on length of~~
122 ~~suspension or revocation. In no case shall a restricted license~~
123 ~~be available until 6 months of the suspension or revocation~~
124 ~~period has expired.~~
125 (2) If a person 18 years of age or older is convicted for
126 the possession or sale of, trafficking in, or conspiracy to

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127 possess, sell, or traffic in a controlled substance and such
128 person is eligible by reason of age for a driver license or
129 privilege, the court shall direct the department to withhold
130 issuance of such person's driver license or driving privilege
131 for a period of 6 months ~~1 year~~ after the date the person was
132 convicted or until the person is evaluated for and, if deemed
133 necessary by the evaluating agency, completes a drug treatment
134 and rehabilitation program approved or regulated by the
135 Department of Children and Families. However, the court may,
136 upon finding a compelling circumstance to warrant an exception
137 ~~in its sound discretion~~, direct the department to issue a
138 license for driving privilege restricted to business or
139 employment purposes only, as defined by s. 322.271, if the
140 person is otherwise qualified for such a license. ~~A driver whose~~
141 ~~license or driving privilege has been suspended or revoked under~~
142 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~
143 ~~petition the department for restoration of the driving privilege~~
144 ~~on a restricted or unrestricted basis depending on the length of~~
145 ~~suspension or revocation. In no case shall a restricted license~~
146 ~~be available until 6 months of the suspension or revocation~~
147 ~~period has expired.~~
148 (3) If a person 18 years of age or older is convicted for
149 the possession or sale of, trafficking in, or conspiracy to
150 possess, sell, or traffic in a controlled substance and such
151 person's driver license or driving privilege is already under
152 suspension or revocation for any reason, the court shall direct
153 the department to extend the period of such suspension or
154 revocation by an additional period of 6 months ~~1 year~~ or until
155 the person is evaluated for and, if deemed necessary by the

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156 evaluating agency, completes a drug treatment and rehabilitation
157 program approved or regulated by the Department of Children and
158 Families. However, the court may, upon finding a compelling
159 circumstance to warrant an exception ~~in its sound discretion~~,
160 direct the department to issue a license for driving privilege
161 restricted to business or employment purposes only, as defined
162 by s. 322.271, if the person is otherwise qualified for such a
163 license. ~~A driver whose license or driving privilege has been~~
164 ~~suspended or revoked under this section or s. 322.056 may, upon~~
165 ~~the expiration of 6 months, petition the department for~~
166 ~~restoration of the driving privilege on a restricted or~~
167 ~~unrestricted basis depending on the length of suspension or~~
168 ~~revocation. In no case shall a restricted license be available~~
169 ~~until 6 months of the suspension or revocation period has~~
170 ~~expired.~~
171 (4) If a person 18 years of age or older is convicted for
172 the possession or sale of, trafficking in, or conspiracy to
173 possess, sell, or traffic in a controlled substance and such
174 person is ineligible by reason of age for a driver license or
175 driving privilege, the court shall direct the department to
176 withhold issuance of such person's driver license or driving
177 privilege for a period of 6 months ~~1 year~~ after the date that he
178 or she would otherwise have become eligible or until he or she
179 becomes eligible by reason of age for a driver license and is
180 evaluated for and, if deemed necessary by the evaluating agency,
181 completes a drug treatment and rehabilitation program approved
182 or regulated by the Department of Children and Families.
183 However, the court may, upon finding a compelling circumstance
184 to warrant an exception ~~in its sound discretion~~, direct the

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185 department to issue a license for driving privilege restricted
186 to business or employment purposes only, as defined by s.
187 322.271, if the person is otherwise qualified for such a
188 license. ~~A driver whose license or driving privilege has been~~
189 ~~suspended or revoked under this section or s. 322.056 may, upon~~
190 ~~the expiration of 6 months, petition the department for~~
191 ~~restoration of the driving privilege on a restricted or~~
192 ~~unrestricted basis depending on the length of suspension or~~
193 ~~revocation. In no case shall a restricted license be available~~
194 ~~until 6 months of the suspension or revocation period has~~
195 ~~expired.~~
196 Section 6. Section 322.056, Florida Statutes, is amended to
197 read:
198 322.056 Mandatory revocation or suspension of, or delay of
199 eligibility for, driver license for persons under age 18 found
200 guilty of ~~certain alcohol,~~ drug~~, or tobacco~~ offenses;
201 prohibition.—
202 (1) Notwithstanding ~~the provisions of~~ s. 322.055, if a
203 person under 18 years of age is found guilty of or delinquent
204 for a violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893,
205 and:
206 (a) The person is eligible by reason of age for a driver
207 license or driving privilege, the court shall direct the
208 department to revoke or to withhold issuance of his or her
209 driver license or driving privilege for a period of 6 months~~:~~
210 ~~1. Not less than 6 months and not more than 1 year for the~~
211 ~~first violation.~~
212 ~~2. Two years, for a subsequent violation~~.
213 (b) The person’s driver license or driving privilege is

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214 under suspension or revocation for any reason, the court shall
215 direct the department to extend the period of suspension or
216 revocation by an additional period of 6 months~~:~~
217 ~~1. Not less than 6 months and not more than 1 year for the~~
218 ~~first violation.~~
219 ~~2. Two years, for a subsequent violation~~.
220 (c) The person is ineligible by reason of age for a driver
221 license or driving privilege, the court shall direct the
222 department to withhold issuance of his or her driver license or
223 driving privilege for a period of~~:~~
224 ~~1. Not less than~~ 6 months ~~and not more than 1 year~~ after
225 the date on which he or she would otherwise have become
226 eligible~~, for the first violation~~.
227 ~~2. Two years after the date on which he or she would~~
228 ~~otherwise have become eligible, for a subsequent violation.~~
229
230 However, the court may, upon finding a compelling circumstance
231 to warrant an exception ~~in its sound discretion~~, direct the
232 department to issue a license for driving privileges restricted
233 to business or employment purposes only, as defined in s.
234 322.271, if the person is otherwise qualified for such a
235 license.
236 ~~(2) If a person under 18 years of age is found by the court~~
237 ~~to have committed a noncriminal violation under s. 569.11 or s.~~
238 ~~877.112(6) or (7) and that person has failed to comply with the~~
239 ~~procedures established in that section by failing to fulfill~~
240 ~~community service requirements, failing to pay the applicable~~
241 ~~fine, or failing to attend a locally available school-approved~~
242 ~~anti-tobacco program, and:~~

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243 ~~(a) The person is eligible by reason of age for a driver~~
244 ~~license or driving privilege, the court shall direct the~~
245 ~~department to revoke or to withhold issuance of his or her~~
246 ~~driver license or driving privilege as follows:~~
247 ~~1. For the first violation, for 30 days.~~
248 ~~2. For the second violation within 12 weeks of the first~~
249 ~~violation, for 45 days.~~
250 ~~(b) The person's driver license or driving privilege is~~
251 ~~under suspension or revocation for any reason, the court shall~~
252 ~~direct the department to extend the period of suspension or~~
253 ~~revocation by an additional period as follows:~~
254 ~~1. For the first violation, for 30 days.~~
255 ~~2. For the second violation within 12 weeks of the first~~
256 ~~violation, for 45 days.~~
257 ~~(c) The person is ineligible by reason of age for a driver~~
258 ~~license or driving privilege, the court shall direct the~~
259 ~~department to withhold issuance of his or her driver license or~~
260 ~~driving privilege as follows:~~
261 ~~1. For the first violation, for 30 days.~~
262 ~~2. For the second violation within 12 weeks of the first~~
263 ~~violation, for 45 days.~~
264
265 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
266 ~~within the 12-week period after the first violation will be~~
267 ~~treated as a first violation and in the same manner as provided~~
268 ~~in this subsection.~~
269 ~~(3) If a person under 18 years of age is found by the court~~
270 ~~to have committed a third violation of s. 569.11 or s.~~
271 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~

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272 ~~court must direct the Department of Highway Safety and Motor~~
273 ~~Vehicles to suspend or withhold issuance of his or her driver~~
274 ~~license or driving privilege for 60 consecutive days. Any third~~
275 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
276 ~~12-week period after the first violation will be treated as a~~
277 ~~first violation and in the same manner as provided in subsection~~
278 ~~(2).~~
279 (2) ~~(4)~~ A penalty imposed under this section shall be in
280 addition to any other penalty imposed by law.
281 ~~(5) The suspension or revocation of a person's driver~~
282 ~~license imposed pursuant to subsection (2) or subsection (3),~~
283 ~~shall not result in or be cause for an increase of the convicted~~
284 ~~person's, or his or her parent's or legal guardian's, automobile~~
285 ~~insurance rate or premium or result in points assessed against~~
286 ~~the person's driving record.~~
287 Section 7. Section 322.057, Florida Statutes, is repealed.
288 Section 8. Subsection (2) of section 322.34, Florida
289 Statutes, is amended to read:
290 322.34 Driving while license suspended, revoked, canceled,
291 or disqualified.—
292 (2) Any person whose driver license or driving privilege
293 has been canceled, suspended, or revoked as provided by law,
294 except persons defined in s. 322.264, who, knowing of such
295 cancellation, suspension, or revocation, drives any motor
296 vehicle upon the highways of this state while such license or
297 privilege is canceled, suspended, or revoked, upon:
298 (a) A first conviction commits ~~is guilty of~~ a misdemeanor
299 of the second degree, punishable as provided in s. 775.082 or s.
300 775.083.

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301 (b) A second or third conviction commits ~~is guilty of~~ a
302 misdemeanor of the first degree, punishable as provided in s.
303 775.082 or s. 775.083.
304 (c) A fourth ~~third~~ or subsequent conviction commits ~~is~~
305 ~~guilty of~~ a felony of the third degree, punishable as provided
306 in s. 775.082, s. 775.083, or s. 775.084.
307
308 The element of knowledge is satisfied if the person has been
309 previously cited as provided in subsection (1); or the person
310 admits to knowledge of the cancellation, suspension, or
311 revocation; or the person received notice as provided in
312 subsection (4). There shall be a rebuttable presumption that the
313 knowledge requirement is satisfied if a judgment or order as
314 provided in subsection (4) appears in the department's records
315 for any case except for one involving a suspension by the
316 department for failure to pay a traffic fine or for a financial
317 responsibility violation.
318 Section 9. Section 322.75, Florida Statutes, is created to
319 read:
320 322.75 Driver License Reinstatement Days.—
321 (1) Each clerk of court shall establish a Driver License
322 Reinstatement Days program for reinstating suspended driver
323 licenses. Participants may include, but are not limited to, the
324 Department of Highway Safety and Motor Vehicles, the state
325 attorney's office, the public defender's office, the circuit and
326 county courts, the clerk of court, and any interested community
327 organization.
328 (2) The clerk of court, in consultation with other
329 participants, shall select one or more days annually for an

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330 event at which a person may have his or her driver license
331 reinstated. The clerk may work with the Florida Court Clerks and
332 Comptrollers to promote such program, develop communications,
333 and coordinate the event. A person must pay the full license
334 reinstatement fee; however, the clerk may reduce or waive other
335 fees and costs to facilitate reinstatement.
336 (3) The clerk of court is encouraged to schedule at least
337 one event on a weekend or with hours after 5 p.m. on a weekday.
338 (4)(a) A person is eligible for reinstatement under the
339 program if his or her license was suspended due to:
340 1. Driving without a valid driver license;
341 2. Driving with a suspended driver license;
342 3. Failing to make a payment on penalties in collection;
343 4. Failing to appear in court for a traffic violation; or
344 5. Failing to comply with any provision of chapter 318 or
345 this chapter.
346 (b) Notwithstanding paragraphs (5)(a)-(c), a person is
347 eligible for reinstatement under the program if the period of
348 suspension or revocation has elapsed, the person has completed
349 any required course or program as described in paragraph (5)(c),
350 and the person is otherwise eligible for reinstatement.
351 (5) A person is not eligible for reinstatement under the
352 program if his or her driver license is suspended or revoked due
353 to:
354 (a) The person’s failure to fulfill a court-ordered child
355 support obligation;
356 (b) A violation of s. 316.193;
357 (c) The person’s failure to complete a driver training
358 program, driver improvement course, or alcohol or substance

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359 abuse education or evaluation program required under s. 316.192,
360 s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;
361 (d) A traffic-related felony; or
362 (e) The person being designated as a habitual traffic
363 offender under s. 322.264.
364 (6) The clerk of court and the Department of Highway Safety
365 and Motor Vehicles shall verify any information necessary for
366 reinstatement of a driver license under the program.
367 (7) The clerk of court must collect and report to the
368 Florida Clerks of Court Operations Corporation all of the
369 following:
370 (a) Number of cases paid in full.
371 (b) Number of cases put on a payment plan.
372 (c) Number of driver license reinstatements.
373 (d) Number of driver licenses made eligible for
374 reinstatement.
375 (e) Amount of fees and costs collected, reported by the
376 entity receiving the funds. The Florida Clerks of Court
377 Operations Corporation must report the aggregate funds received
378 by the clerks of court, the local governmental entities, and
379 state entities, including General Revenue.
380 (f) The personnel, operating, security, and other
381 expenditures incurred by the clerk of court.
382 (g) The number of cases that fail to comply with a payment
383 plan and subsequently result in driver license suspension.
384 (8) The Florida Clerks of Court Operations Corporation
385 shall report the information collected in subsection (7) in its
386 annual report required by s. 28.35.
387 Section 10. Section 394.47891, Florida Statutes, is amended

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388 to read:
389 394.47891 Military veterans, ~~and~~ servicemembers, and others
390 court programs.—The chief judge of each judicial circuit shall
391 ~~may~~ establish a Military Veterans and Servicemembers Court
392 Program under which veterans, as defined in s. 1.01, including
393 veterans who were discharged or released under a general
394 discharge, and servicemembers, as defined in s. 250.01;
395 individuals who are current or former United States Department
396 of Defense contractors; and individuals who are current or
397 former military members of a foreign allied country, who are
398 charged or convicted of a criminal offense and who suffer from a
399 military-related mental illness, traumatic brain injury,
400 substance abuse disorder, or psychological problem can be
401 sentenced in accordance with chapter 921 in a manner that
402 appropriately addresses the severity of the mental illness,
403 traumatic brain injury, substance abuse disorder, or
404 psychological problem through services tailored to the
405 individual needs of the participant. Entry into any Military
406 Veterans and Servicemembers Court Program must be based upon the
407 sentencing court's assessment of the defendant's criminal
408 history, military service, substance abuse treatment needs,
409 mental health treatment needs, amenability to the services of
410 the program, the recommendation of the state attorney and the
411 victim, if any, and the defendant's agreement to enter the
412 program.
413 Section 11. Subsection (2) of section 394.917, Florida
414 Statutes, is amended to read:
415 394.917 Determination; commitment procedure; mistrials;
416 housing; counsel and costs in indigent appellate cases.—

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417 (2) If the court or jury determines that the person is a
418 sexually violent predator, upon the expiration of the
419 incarcerative portion of all criminal sentences and disposition
420 of any detainers, the person shall be committed to the custody
421 of the Department of Children and Families for control, care,
422 and treatment, and rehabilitation of criminal offenders, until
423 such time as the person's mental abnormality or personality
424 disorder has so changed that it is safe for the person to be at
425 large. At all times, persons who are detained or committed under
426 this part shall be kept in a secure facility segregated from
427 patients of the department who are not detained or committed
428 under this part.
429 Section 12. Subsection (2) of section 397.334, Florida
430 Statutes, is amended to read:
431 397.334 Treatment-based drug court programs.—
432 (2) Entry into any pretrial treatment-based drug court
433 program shall be voluntary. When neither s. 948.08(6)(c)1. nor
434 2. ~~s. 948.08(6)(a)1. nor 2.~~ applies, the court may order an
435 eligible individual to enter into a pretrial treatment-based
436 drug court program only upon written agreement by the
437 individual, which shall include a statement that the individual
438 understands the requirements of the program and the potential
439 sanctions for noncompliance.
440 Section 13. Present subsections (3) through (12) of section
441 455.213, Florida Statutes, are redesignated as subsections (4)
442 through (13), respectively, subsection (2) of that section is
443 amended, and a new subsection (3) is added to that section, to
444 read:
445 455.213 General licensing provisions.—

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446 (2) Before the issuance of any license, the department may
447 charge an initial license fee as determined by rule of the
448 applicable board or, if no such board exists, by rule of the
449 department. Upon receipt of the appropriate license fee, except
450 as provided in subsection (4) ~~(3)~~, the department shall issue a
451 license to any person certified by the appropriate board, or its
452 designee, or the department when there is no board, as having
453 met the applicable requirements imposed by law or rule. However,
454 an applicant who is not otherwise qualified for licensure is not
455 entitled to licensure solely based on a passing score on a
456 required examination. Upon a determination by the department
457 that it erroneously issued a license, or upon the revocation of
458 a license by the applicable board, or by the department when
459 there is no board, the licensee must surrender his or her
460 license to the department.
461 (3)(a) Notwithstanding any other provisions of law, the
462 department or applicable board shall use the process in this
463 subsection for review of an applicant's criminal history record
464 to determine his or her eligibility for licensure.
465 (b) A conviction, or any other adjudication, for a crime
466 more than 5 years before the date of the application is received
467 by the applicable board may not be grounds for denial of a
468 license. For purposes of this paragraph, the term "conviction"
469 means a determination of guilt that is the result of a plea or
470 trial, regardless of whether adjudication is withheld. This
471 paragraph does not limit the department or applicable board from
472 considering an applicant's criminal history that includes a
473 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time only
474 if such criminal history has been found to relate to the

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475 practice of the applicable profession, or any crime if it has
476 been found to relate to good moral character if the practice of
477 the applicable profession requires such a standard.
478 (c)1. A person may apply for a license before his or her
479 lawful release from confinement or supervision. The department
480 may not charge an applicant an additional fee for being confined
481 or under supervision. The department or applicable board may not
482 deny an application for a license solely on the basis of the
483 applicant's current confinement or supervision.
484 2. After a license application is approved, the department
485 or applicable board may stay the issuance of a license until the
486 applicant is lawfully released from confinement or supervision
487 and the applicant notifies the department or applicable board of
488 such release. The department or applicable board must verify the
489 applicant's release with the Department of Corrections, or other
490 applicable authority, before it issues a license.
491 3. If an applicant is unable to appear in person due to his
492 or her confinement or supervision, the department or applicable
493 board must permit the applicant to appear by teleconference or
494 video conference, as appropriate, at any meeting of the
495 applicable board or other hearing by the agency concerning his
496 or her application.
497 4. If an applicant is confined or under supervision, the
498 Department of Corrections, or other applicable authority, and
499 the department or applicable board shall cooperate and
500 coordinate to facilitate the appearance of the applicant at a
501 board meeting or agency hearing in person, by teleconference, or
502 by video conference, as appropriate.
503 (d) The department and each applicable board shall compile

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504 a list of crimes that do not relate to the practice of the
505 profession or the ability to practice the profession and do not
506 constitute grounds for denial of a license even when such crimes
507 result in a conviction, regardless of adjudication. This list
508 shall be made available on the department's website and be
509 updated annually. Beginning October 1, 2019, each applicable
510 board shall compile a list of crimes that although reported by
511 an applicant for licensure, were not used as a basis for denial.
512 The list must identify the crime reported for each license
513 application and:
514 1. The date of conviction or the sentencing date, whichever
515 occurs later; and
516 2. The date that adjudication was entered.
517 (e) The department and each applicable board shall compile
518 a list of crimes that have been used as a basis for denial of a
519 license in the past 2 years, which shall be made available on
520 the department's website. Beginning October 1, 2019, the
521 applicable board shall compile a list indicating each crime used
522 as a basis for denial and update such list quarterly thereafter.
523 For each crime listed, the applicable board must identify:
524 1. The date of conviction or the sentencing date, whichever
525 occurs later; and
526 2. The date that adjudication was entered.
527
528 Such denials must be made available to the public upon request.
529 Section 14. Subsection (4) of section 474.2165, Florida
530 Statutes, is amended to read:
531 474.2165 Ownership and control of veterinary medical
532 patient records; report or copies of records to be furnished.—

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533 (4) Except as otherwise provided in this section, such
534 records may not be furnished to, and the medical condition of a
535 patient may not be discussed with, any person other than the
536 client or the client's legal representative or other
537 veterinarians involved in the care or treatment of the patient,
538 except upon written authorization of the client. However, such
539 records may be furnished without written authorization under the
540 following circumstances:
541 (a) To any person, firm, or corporation that has procured
542 or furnished such examination or treatment with the client's
543 consent.
544 (b) In any civil ~~or criminal~~ action, unless otherwise
545 prohibited by law, upon the issuance of a subpoena from a court
546 of competent jurisdiction and proper notice to the client or the
547 client's legal representative by the party seeking such records.
548 (c) For statistical and scientific research, provided the
549 information is abstracted in such a way as to protect the
550 identity of the patient and the client, or provided written
551 permission is received from the client or the client's legal
552 representative.
553 (d) In any criminal action or situation where a
554 veterinarian suspects a criminal violation. If a criminal
555 violation is suspected, a veterinarian may, without notice to or
556 authorization from the client, report the violation to a law
557 enforcement officer, an animal control officer who is certified
558 pursuant to s. 828.27(4)(a), or an agent appointed under s.
559 828.03. However, if a suspected violation occurs at a commercial
560 food-producing animal operation on land classified as
561 agricultural under s. 193.461, the veterinarian must provide

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562 notice to the client or the client's legal representative before
563 reporting the suspected violation to an officer or agent under
564 this paragraph. The report may not include written medical
565 records except upon the issuance of an order from a court of
566 competent jurisdiction.
567 Section 15. Subsections (2) and (3) and present subsection
568 (4) of section 489.126, Florida Statutes, are amended, and a new
569 subsection (4) and subsections (5) and (6) are added to that
570 section, to read:
571 489.126 Moneys received by contractors.—
572 (2)(a) A contractor who receives, as initial payment, money
573 totaling more than 10 percent of the contract price for repair,
574 restoration, improvement, or construction to residential real
575 property must:
576 1.~~(a)~~ Apply for permits necessary to do work within 30 days
577 after the date payment is made, except where the work does not
578 require a permit under the applicable codes and ordinances, and
579 2.~~(b)~~ Start the work within 90 days after the date all
580 necessary permits for work, if any, are issued,
581
582 unless the contractor has just cause for failing to apply for
583 the necessary permits, starting the work, or refunding the
584 payment, or unless the person who made the payment agreed, in
585 writing, to a longer period to apply for the necessary permits
586 or start the work or to longer periods for both.
587 (b)1. In the event that a contractor fails to comply with
588 paragraph (a), written demand must be made to the contractor in
589 the form of a letter that includes a demand to apply for the
590 necessary permits, start the work, or refund the payment sent

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591 via certified mail, return receipt requests, mailed to the
592 address listed in the contracting agreement. If there is no
593 address for the contractor listed in the contracting agreement,
594 or no written agreement exists, the letter must be mailed to the
595 address listed with the department for licensing purposes or the
596 local construction industry licensing board, if applicable.
597 2. It may be inferred that a contractor does not have just
598 cause if the contractor fails to apply for the necessary
599 permits, start the work, or refund payments within 30 days of
600 receiving written demand to apply for the necessary permits,
601 start the work, or refund the payment from the person who made
602 the payment.
603 (3)(a) A contractor who receives money for repair,
604 restoration, addition, improvement, or construction of
605 residential real property in excess of the value of the work
606 performed may ~~shall~~ not~~, with intent to defraud the owner,~~ fail
607 or refuse to perform any work for any 90-day period.
608 (b) It is prima facie evidence ~~Proof~~ that a contractor
609 received money for the repair, restoration, addition,
610 improvement, or construction of residential real property and
611 that the amount received exceeds the value of the work performed
612 by the contractor when ~~and that~~:
613 1. The contractor failed to perform any of the work for
614 which he or she contracted during any 90-day ~~60-day~~ period;
615 2. The failure to perform any such work during the 90-day
616 ~~60-day~~ period was not related to the owner's termination of the
617 contract or a material breach of the contract by the owner; and
618 3. The contractor failed to perform for 90 days without
619 just cause or terminated the contract without proper

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620 notification to the owner.
621 a. Proper notification of termination for purposes of this
622 subparagraph must be made by the contractor in the form of a
623 letter that includes the reason for termination of the contract
624 or the reason for failure to perform sent via certified mail,
625 return receipt requested, mailed to the address of the owner
626 listed in the contracting agreement. If no written agreement
627 exists, the letter must be mailed to the address where the work
628 was to be performed or the address listed on the permit, if
629 applicable.
630 b. In the event that a contractor fails to comply with
631 paragraph (b), written demand must be made to the contractor in
632 the form of a letter that includes a demand to perform work, or
633 refund the money received in excess of the value of the work
634 performed, sent via certified mail, return receipt requested,
635 mailed to the address listed in the contracting agreement. If
636 there is no address for the contractor listed in the contracting
637 agreement, or no agreement exists, the letter must be mailed to
638 the address listed with the department for licensing purposes or
639 the local construction industry licensing board, if applicable.
640 c. It may be inferred that a contractor does not have just
641 cause if the contractor fails to perform work, or refund the
642 money received in excess of the value of the work performed,
643 within 30 days of receiving a written demand to perform the
644 work, or refund the money received in excess of the value of the
645 work performed, from the person who made the payment.~~, for an~~
646 ~~additional 30-day period after the date of mailing of~~
647 ~~notification as specified in paragraph (c), to perform any work~~
648 ~~for which he or she contracted,~~

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649
650 ~~gives rise to an inference that the money in excess of the value~~
651 ~~of the work performed was taken with the intent to defraud.~~
652 ~~(c) Notification as contemplated in paragraph (b) consists~~
653 ~~of a certified letter, return receipt requested, mailed to the~~
654 ~~address of the contractor as listed in the written contracting~~
655 ~~agreement. The letter must indicate that the contractor has~~
656 ~~failed to perform any work for a 60-day period, that the failure~~
657 ~~to perform the work was not the result of the owner's~~
658 ~~termination of the contract or a material breach of the contract~~
659 ~~by the owner, and that the contractor must recommence~~
660 ~~construction within 30 days after the date of mailing of the~~
661 ~~letter. If there is no address for the contractor listed in the~~
662 ~~written contracting agreement, or no written agreement exists,~~
663 ~~the letter must be mailed to the address of the contractor~~
664 ~~listed in the building permit application.~~
665 (4) Any violation of subsection (2) or (3) must be
666 prosecuted in accordance with the thresholds established in this
667 section and the following:
668 (a) The required intent to prove a criminal violation may
669 be shown to exist at the time that the contractor appropriated
670 the money to his or her own use and is not required to be proven
671 to exist at the time of the taking of the money from the owner
672 or at the time the owner makes a payment to the contractor.
673 (b) It may be inferred that a contractor intended to
674 deprive the owner of the right to the money owed, or deprive the
675 owner of the benefit from it, and inferred that the contractor
676 appropriated the money for his or her own use, or to a person
677 not entitled to the use of the money, if the contractor fails to

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678 refund any portion of the money owed within 30 days after
679 receiving a written demand for such money from the owner.
680 (c) In a prosecution for a violation of this section, the
681 fact that the person so charged intended to return the money
682 owed is not a defense.
683 (5) A person who violates subsection (2) commits:
684 (a) A misdemeanor of the first degree, punishable as
685 provided in s. 775.082 or s. 775.083, if the total money
686 received is less than $1,000.
687 (b) A felony of the third degree, punishable as provided in
688 s. 775.082, s. 775.083, or s. 775.084, if the total money
689 received is $1,000 or more, but less than $20,000.
690 (c) A felony of the second degree, punishable as provided
691 in s. 775.082, s. 775.083, or s. 775.084, if the total money
692 received is $20,000 or more, but less than $200,000.
693 (d) A felony of the first degree, punishable as provided in
694 s. 775.082, s. 775.083, or s. 775.084, if the total money
695 received is $200,000 or more.
696 (6) A person who violates subsection (3) commits:
697 (a) A misdemeanor of the first degree, punishable as
698 provided in s. 775.082 or s. 775.083, if the total money
699 received exceeding the value of the work performed is less than
700 $1,000.
701 (b) A felony of the third degree, punishable as provided in
702 s. 775.082, s. 775.083, or s. 775.084, if the total money
703 received exceeding the value of the work performed is $1,000 or
704 more, but less than $20,000.
705 (c) A felony of the second degree, punishable as provided
706 in s. 775.082, s. 775.083, or s. 775.084, if the total money

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707 received exceeding the value of the work performed is $20,000 or
708 more, but less than $200,000.
709 (d) A felony of the first degree, punishable as provided in
710 s. 775.082, s. 775.083, or s. 775.084, if the total money
711 received exceeding the value of the work performed is $200,000
712 or more.
713 ~~(4) Any person who violates any provision of this section~~
714 ~~is guilty of theft and shall be prosecuted and punished under s.~~
715 ~~812.014.~~
716 Section 16. Present subsection (6) of section 489.553,
717 Florida Statutes, is redesignated as subsection (10), and a new
718 subsection (6) and subsections (7), (8), and (9) are added to
719 that section, to read:
720 489.553 Administration of part; registration
721 qualifications; examination.—
722 (6) Notwithstanding any other provision of law, a
723 conviction, or any other adjudication, for a crime more than 5
724 years before the date the application is received by the
725 department may not be grounds for denial of registration. For
726 purposes of this subsection, the term "conviction" means a
727 determination of guilt that is the result of a plea or trial,
728 regardless of whether adjudication is withheld. This subsection
729 does not limit a board from considering an applicant's criminal
730 history that includes any crime listed in s. 775.21(4)(a)1. or
731 s. 776.08 at any time only if such criminal history has been
732 found to relate to the practice of the applicable profession, or
733 any crime if it has been found to relate to good moral
734 character.
735 (7)(a) A person may apply to be registered before his or

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736 her lawful release from confinement or supervision. The
737 department may not charge an applicant an additional fee for
738 being confined or under supervision. The department may not deny
739 an application for registration solely on the basis of the
740 applicant's current confinement or supervision.
741 (b) After a registration application is approved, the
742 department may stay the issuance of registration until the
743 applicant is lawfully released from confinement or supervision
744 and the applicant notifies the board of such release. The
745 department must verify the applicant's release with the
746 Department of Corrections, or other applicable authority, before
747 it registers such applicant.
748 (c) If an applicant is unable to appear in person due to
749 his or her confinement or supervision, the department must
750 permit the applicant to appear by teleconference or video
751 conference, as appropriate, at any meeting or hearing by the
752 department concerning his or her application.
753 (d) If an applicant is confined or under supervision, the
754 Department of Corrections, or other applicable authority, and
755 the department shall cooperate and coordinate to facilitate the
756 appearance of the applicant at a meeting or hearing in person,
757 by teleconference, or by video conference, as appropriate.
758 (8) The department shall compile a list of crimes that do
759 not relate to the practice of the profession or the ability to
760 practice the profession and do not constitute grounds for denial
761 of registration even when such crimes result in a conviction,
762 regardless of adjudication. This list shall be made available on
763 the department's website and be updated annually. Beginning
764 October 1, 2019, and updated quarterly thereafter, the

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765 department shall add to this list such crimes that although
766 reported by an applicant for registration, were not used as a
767 basis for denial in the past 2 years. The list must identify the
768 crime reported for each registration application and:
769 (a) The date of conviction or sentencing, whichever occurs
770 later.
771 (b) The date adjudication was entered.
772 (9) The department shall compile a list of crimes that have
773 been used as a basis for denial of registration in the past 2
774 years, which shall be made available on the department's
775 website. Beginning October 1, 2019, and updated quarterly
776 thereafter, the department shall add to this list each crime
777 used as a basis for denial. For each crime listed, the
778 department must identify:
779 (a) The date of conviction or sentencing, whichever occurs
780 later.
781 (b) The date adjudication was entered.
782
783 Such denials must be made available to the public upon request.
784 Section 17. Subsection (2) of section 500.451, Florida
785 Statutes, is amended to read:
786 500.451 Horse meat; offenses.—
787 (2) A person that violates this section commits a felony of
788 the third degree, punishable as provided in s. 775.082, s.
789 775.083, or s. 775.084, except that any person who commits a
790 violation of this section must ~~shall~~ be sentenced to a minimum
791 mandatory fine of $3,500 ~~and a minimum mandatory period of~~
792 ~~incarceration of 1 year~~.
793 Section 18. Subsection (1) of section 509.151, Florida

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794 Statutes, is amended to read:
795 509.151 Obtaining food or lodging with intent to defraud;
796 penalty.—
797 (1) Any person who obtains food, lodging, or other
798 accommodations having a value of less than $1,000 ~~$300~~ at any
799 public food service establishment, or at any transient
800 establishment, with intent to defraud the operator thereof,
801 commits ~~is guilty of~~ a misdemeanor of the second degree,
802 punishable as provided in s. 775.082 or s. 775.083; if such
803 food, lodging, or other accommodations have a value of $1,000
804 ~~$300~~ or more, such person commits ~~is guilty of~~ a felony of the
805 third degree, punishable as provided in s. 775.082, s. 775.083,
806 or s. 775.084.
807 Section 19. Paragraph (a) of subsection (1) and paragraph
808 (c) of subsection (2) of section 562.11, Florida Statutes, are
809 amended to read:
810 562.11 Selling, giving, or serving alcoholic beverages to
811 person under age 21; providing a proper name; misrepresenting or
812 misstating age or age of another to induce licensee to serve
813 alcoholic beverages to person under 21; penalties.—
814 (1)(a)~~1.~~ A person may not sell, give, serve, or permit to
815 be served alcoholic beverages to a person under 21 years of age
816 or permit a person under 21 years of age to consume such
817 beverages on the licensed premises. A person who violates this
818 paragraph ~~subparagraph~~ commits a misdemeanor of the second
819 degree, punishable as provided in s. 775.082 or s. 775.083. A
820 person who violates this paragraph ~~subparagraph~~ a second or
821 subsequent time within 1 year after a prior conviction commits a
822 misdemeanor of the first degree, punishable as provided in s.

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823 775.082 or s. 775.083.
824 ~~2. In addition to any other penalty imposed for a violation~~
825 ~~of subparagraph 1., the court may order the Department of~~
826 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~
827 ~~or suspend or revoke, the driver license or driving privilege,~~
828 ~~as provided in s. 322.057, of any person who violates~~
829 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
830 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
831 ~~acting within the scope of his or her license or an employee or~~
832 ~~agent of a licensee, as defined in s. 561.01, who violates~~
833 ~~subparagraph 1. while engaged within the scope of his or her~~
834 ~~employment or agency.~~
835 ~~3. A court that withholds the issuance of, or suspends or~~
836 ~~revokes, the driver license or driving privilege of a person~~
837 ~~pursuant to subparagraph 2. may direct the Department of Highway~~
838 ~~Safety and Motor Vehicles to issue the person a license for~~
839 ~~driving privilege restricted to business purposes only, as~~
840 ~~defined in s. 322.271, if he or she is otherwise qualified.~~
841 (2) It is unlawful for any person to misrepresent or
842 misstate his or her age or the age of any other person for the
843 purpose of inducing any licensee or his or her agents or
844 employees to sell, give, serve, or deliver any alcoholic
845 beverages to a person under 21 years of age, or for any person
846 under 21 years of age to purchase or attempt to purchase
847 alcoholic beverages.
848 (c) In addition to any other penalty imposed for a
849 violation of this subsection, if a person uses a driver license
850 or identification card issued by the Department of Highway
851 Safety and Motor Vehicles in violation of this subsection, the

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852 court~~:~~
853 ~~1.~~ may order the person to participate in public service or
854 a community work project for a period not to exceed 40 hours~~;~~
855 ~~and~~
856 ~~2. Shall direct the Department of Highway Safety and Motor~~
857 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
858 ~~person's driver license or driving privilege, as provided in s.~~
859 ~~322.056~~.
860 Section 20. Subsection (3) of section 562.111, Florida
861 Statutes, is amended to read:
862 562.111 Possession of alcoholic beverages by persons under
863 age 21 prohibited.—
864 ~~(3) In addition to any other penalty imposed for a~~
865 ~~violation of subsection (1), the court shall direct the~~
866 ~~Department of Highway Safety and Motor Vehicles to withhold~~
867 ~~issuance of, or suspend or revoke, the violator's driver license~~
868 ~~or driving privilege, as provided in s. 322.056.~~
869 Section 21. Subsection (8) of section 562.27, Florida
870 Statutes, is amended, and subsections (1) through (7) of that
871 section are republished, to read:
872 562.27 Seizure and forfeiture.—
873 (1) It is unlawful for any person to have in her or his
874 possession, custody, or control, or to own, make, construct, or
875 repair, any still, still piping, still apparatus, or still worm,
876 or any piece or part thereof, designed or adapted for the
877 manufacture of an alcoholic beverage, or to have in her or his
878 possession, custody or control any receptacle or container
879 containing any mash, wort, or wash, or other fermented liquids
880 whatever capable of being distilled or manufactured into an

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881 alcoholic beverage, unless such possession, custody, control,
882 ownership, manufacture, construction, or repairing be by or for
883 a person authorized by law to manufacture such alcoholic
884 beverage.
885 (2) It is unlawful for any person to have in her or his
886 possession, custody, or control any raw materials or substance
887 intended to be used in the distillation or manufacturing of an
888 alcoholic beverage unless the person holds a license from the
889 state authorizing the manufacture of the alcoholic beverage.
890 (3) The terms “raw material” or “substance” for the purpose
891 of this chapter shall mean and include, but not be limited to,
892 any of the following: Any grade or type of sugar, syrup, or
893 molasses derived from sugarcane, sugar beets, corn, sorghum, or
894 any other source; starch; potatoes; grain or cornmeal, corn
895 chops, cracked corn, rye chops, middlings, shorts, bran, or any
896 other grain derivative; malt; malt sugar or malt syrup; oak
897 chips, charred or not charred; yeast; cider; honey; fruit;
898 grapes; berries; fruit, grape or berry juices or concentrates;
899 wine; caramel; burnt sugar; gin flavor; Chinese bean cake or
900 Chinese wine cake; urea; ammonium phosphate, ammonium carbonate,
901 ammonium sulphate, or any other yeast food; ethyl acetate or any
902 other ethyl ester; any other material of the character used in
903 the manufacture of distilled spirits or any chemical or other
904 material suitable for promoting or accelerating fermentation;
905 any chemical or material of the character used in the production
906 of distilled spirits by chemical reaction; or any combination of
907 such materials or chemicals.
908 (4) Any such raw materials, substance, or any still, still
909 piping, still apparatus, or still worm, or any piece or part

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910 thereof, or any mash, wort, or wash, or other fermented liquid
911 and the receptacle or container thereof, and any alcoholic
912 beverage, together with all personal property used to facilitate
913 the manufacture or production of the alcoholic beverage or to
914 facilitate the violation of the alcoholic beverage control laws
915 of this state or the United States, may be seized by the
916 division or by any sheriff or deputy sheriff and shall be
917 forfeited to the state.
918 (5) It shall be unlawful for any person to sell or
919 otherwise dispose of raw materials or other substances knowing
920 same are to be used in the distillation or manufacture of an
921 alcoholic beverage unless such person receiving same, by
922 purchase or otherwise, holds a license from the state
923 authorizing the manufacture of such alcoholic beverage.
924 (6) Any vehicle, vessel, or aircraft used in the
925 transportation or removal of or for the deposit or concealment
926 of any illicit liquor still or stilling apparatus; any mash,
927 wort, wash, or other fermented liquids capable of being
928 distilled or manufactured into an alcoholic beverage; or any
929 alcoholic beverage commonly known and referred to as "moonshine
930 whiskey" shall be seized and may be forfeited as provided by the
931 Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff,
932 employee of the division, or police officer may seize any of the
933 vehicles, vessels, or conveyances, and the same may be forfeited
934 as provided by law.
935 (7) The finding of any still, still piping, still
936 apparatus, or still worm, or any piece or part thereof, or any
937 mash, wort, or wash or other fermented liquids in the dwelling
938 house or place of business, or so near thereto as to lead to the

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939 reasonable belief that they are within the possession, custody,
940 or control of the occupants of the dwelling house or place of
941 business, shall be prima facie evidence of a violation of this
942 section by the occupants of the dwelling house or place of
943 business.
944 (8) Any person violating any provisions of this section of
945 the law commits ~~shall be guilty of~~ a misdemeanor ~~felony~~ of the
946 second ~~third~~ degree, punishable as provided in s. 775.082 or~~,~~ s.
947 775.083~~, or s. 775.084~~.
948 Section 22. Subsections (1) and (2) of section 562.451,
949 Florida Statutes, are amended to read:
950 562.451 Moonshine whiskey; ownership, possession, or
951 control prohibited; penalties; rule of evidence.—
952 (1) Any person who owns or has in her or his possession or
953 under her or his control less than 1 gallon of liquor, as
954 defined in the Beverage Law, which was not made or manufactured
955 in accordance with the laws in effect at the time when and place
956 where the same was made or manufactured commits ~~shall be guilty~~
957 ~~of~~ a misdemeanor of the second degree, punishable as provided in
958 s. 775.082 or s. 775.083.
959 (2) Any person who owns or has in her or his possession or
960 under her or his control 1 gallon or more of liquor, as defined
961 in the Beverage Law, which was not made or manufactured in
962 accordance with the laws in effect at the time when and place
963 where the same was made or manufactured commits ~~shall be guilty~~
964 ~~of~~ a misdemeanor ~~felony~~ of the first ~~third~~ degree, punishable as
965 provided in s. 775.082 or~~,~~ s. 775.083~~, or s. 775.084~~.
966 Section 23. Subsections (1), (2), and (5) of section
967 569.11, Florida Statutes, are amended to read:

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968 569.11 Possession, misrepresenting age or military service
969 to purchase, and purchase of tobacco products by persons under
970 18 years of age prohibited; penalties; jurisdiction; disposition
971 of fines.—
972 (1) It is unlawful for any person under 18 years of age to
973 knowingly possess any tobacco product. Any person under 18 years
974 of age who violates ~~the provisions of~~ this subsection commits a
975 noncriminal violation as provided in s. 775.08(3), punishable
976 by:
977 (a) For a first violation, 16 hours of community service
978 or, instead of community service, a $25 fine. In addition, the
979 person must attend a school-approved anti-tobacco program, if
980 locally available; or
981 (b) For a second or subsequent violation within 12 weeks
982 after ~~of~~ the first violation, a $25 fine~~; or~~
983 ~~(c) For a third or subsequent violation within 12 weeks of~~
984 ~~the first violation, the court must direct the Department of~~
985 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
986 ~~suspend or revoke the person's driver license or driving~~
987 ~~privilege, as provided in s. 322.056~~.
988
989 Any second or subsequent violation not within the 12-week ~~time~~
990 period after the first violation is punishable as provided for a
991 first violation.
992 (2) It is unlawful for any person under 18 years of age to
993 misrepresent his or her age or military service for the purpose
994 of inducing a dealer or an agent or employee of the dealer to
995 sell, give, barter, furnish, or deliver any tobacco product, or
996 to purchase, or attempt to purchase, any tobacco product from a

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997 person or a vending machine. Any person under 18 years of age
998 who violates ~~a provision of~~ this subsection commits a
999 noncriminal violation as provided in s. 775.08(3), punishable
1000 by:
1001 (a) For a first violation, 16 hours of community service
1002 or, instead of community service, a $25 fine and, in addition,
1003 the person must attend a school-approved anti-tobacco program,
1004 if available; or
1005 (b) For a second or subsequent violation within 12 weeks
1006 after ~~of~~ the first violation, a $25 fine~~; or~~
1007 ~~(c) For a third or subsequent violation within 12 weeks of~~
1008 ~~the first violation, the court must direct the Department of~~
1009 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
1010 ~~suspend or revoke the person's driver license or driving~~
1011 ~~privilege, as provided in s. 322.056~~.
1012
1013 Any second or subsequent violation not within the 12-week time
1014 period after the first violation is punishable as provided for a
1015 first violation.
1016 (5)(a) If a person under 18 years of age is found by the
1017 court to have committed a noncriminal violation under this
1018 section and that person has failed to complete community
1019 service, pay the fine as required by paragraph (1)(a) or
1020 paragraph (2)(a), or attend a school-approved anti-tobacco
1021 program, if locally available, the court may ~~must~~ direct the
1022 Department of Highway Safety and Motor Vehicles to withhold
1023 issuance of or suspend the driver license or driving privilege
1024 of that person for a period of 30 consecutive days.
1025 (b) If a person under 18 years of age is found by the court

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1026 to have committed a noncriminal violation under this section and
1027 that person has failed to pay the applicable fine as required by
1028 paragraph (1)(b) or paragraph (2)(b), the court may ~~must~~ direct
1029 the Department of Highway Safety and Motor Vehicles to withhold
1030 issuance of or suspend the driver license or driving privilege
1031 of that person for a period of 45 consecutive days.
1032 Section 24. Section 713.69, Florida Statutes, is amended to
1033 read:
1034 713.69 Unlawful to remove property upon which lien has
1035 accrued.—It is unlawful for any person to remove any property
1036 upon which a lien has accrued under ~~the provisions of~~ s. 713.68
1037 from any hotel, apartment house, roominghouse, lodginghouse,
1038 boardinghouse or tenement house without first making full
1039 payment to the person operating or conducting the same of all
1040 sums due and payable for such occupancy or without first having
1041 the written consent of such person so conducting or operating
1042 such place to so remove such property. Any person who violates
1043 ~~violating the provisions of~~ this section ~~shall~~, if the value of
1044 the property removed in violation hereof is less than $1,000 ~~be~~
1045 ~~of the value of $50 or less~~, commits ~~be guilty of~~ a misdemeanor
1046 of the second degree, punishable as provided in s. 775.082 or s.
1047 775.083; and if the value of the property so removed is $1,000
1048 or more ~~should be of greater value than~~ ~~$50 then~~ such person
1049 commits ~~shall be guilty of~~ a felony of the third degree,
1050 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1051 Section 25. Paragraphs (a) and (d) of subsection (9) of
1052 section 775.082, Florida Statutes, are amended to read:
1053 775.082 Penalties; applicability of sentencing structures;
1054 mandatory minimum sentences for certain reoffenders previously

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1055 released from prison.—
1056 (9)(a)1. "Prison releasee reoffender" means any defendant
1057 who commits, or attempts to commit:
1058 a. Treason;
1059 b. Murder;
1060 c. Manslaughter;
1061 d. Sexual battery;
1062 e. Carjacking;
1063 f. Home-invasion robbery;
1064 g. Robbery;
1065 h. Arson;
1066 i. Kidnapping;
1067 j. Aggravated assault with a deadly weapon;
1068 k. Aggravated battery;
1069 l. Aggravated stalking;
1070 m. Aircraft piracy;
1071 n. Unlawful throwing, placing, or discharging of a
1072 destructive device or bomb;
1073 o. Any felony that involves the use or threat of physical
1074 force or violence against an individual;
1075 p. Armed burglary;
1076 q. Burglary of a dwelling or burglary of an occupied
1077 structure; or
1078 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,
1079 s. 827.071, or s. 847.0135(5);
1080
1081 within 3 years after being released from a state correctional
1082 facility operated by the Department of Corrections or a private
1083 vendor, or from a county detention facility, ~~or within 3 years~~

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1084 ~~after being released from~~ a correctional institution of another
1085 state, the District of Columbia, the United States, any
1086 possession or territory of the United States, or any foreign
1087 jurisdiction, following incarceration for an offense for which
1088 the sentence is punishable by more than 1 year in this state.
1089 2. “Prison releasee reoffender” also means any defendant
1090 who commits or attempts to commit any offense listed in sub-
1091 subparagraphs (a)1.a.-r. while the defendant was serving a
1092 prison sentence or on escape status from a state correctional
1093 facility operated by the Department of Corrections or a private
1094 vendor or while the defendant was on escape status from a
1095 correctional institution of another state, the District of
1096 Columbia, the United States, any possession or territory of the
1097 United States, or any foreign jurisdiction, following
1098 incarceration for an offense for which the sentence is
1099 punishable by more than 1 year in this state.
1100 3. If the state attorney determines that a defendant is a
1101 prison releasee reoffender as defined in subparagraph 1., the
1102 state attorney may seek to have the court sentence the defendant
1103 as a prison releasee reoffender. Upon proof from the state
1104 attorney that establishes by a preponderance of the evidence
1105 that a defendant is a prison releasee reoffender as defined in
1106 this section, such defendant is not eligible for sentencing
1107 under the sentencing guidelines and must be sentenced as
1108 follows:
1109 a. For a felony punishable by life, by a term of
1110 imprisonment for life;
1111 b. For a felony of the first degree, by a term of
1112 imprisonment of 30 years;

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1113 c. For a felony of the second degree, by a term of
1114 imprisonment of 15 years; and
1115 d. For a felony of the third degree, by a term of
1116 imprisonment of 5 years.
1117 (d)1. It is the intent of the Legislature that offenders
1118 previously released from prison or a county detention facility
1119 following incarceration for an offense punishable by a term of
1120 imprisonment of more than one year who meet the criteria in
1121 paragraph (a) be punished to the fullest extent of the law and
1122 as provided in this subsection, unless the state attorney
1123 determines that extenuating circumstances exist which preclude
1124 the just prosecution of the offender, including whether the
1125 victim recommends that the offender not be sentenced as provided
1126 in this subsection.
1127 2. For every case in which the offender meets the criteria
1128 in paragraph (a) and does not receive the mandatory minimum
1129 prison sentence, the state attorney must explain the sentencing
1130 deviation in writing and place such explanation in the case file
1131 maintained by the state attorney.
1132 Section 26. Subsection (6) is added to section 775.087,
1133 Florida Statutes, to read:
1134 775.087 Possession or use of weapon; aggravated battery;
1135 felony reclassification; minimum sentence.—
1136 (6) It is the intent of the Legislature to retroactively
1137 apply chapter 2016-7, Laws of Florida, only as provided in this
1138 subsection to persons who committed aggravated assault or
1139 attempted aggravated assault before July 1, 2016, the effective
1140 date of chapter 2016-7, Laws of Florida, which amended this
1141 section to remove aggravated assault or attempted aggravated

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1142 assault from the list of predicate offenses for mandatory
1143 minimum terms of imprisonment under this section.
1144 (a) On or after October 1, 2019, a person who committed
1145 aggravated assault or attempted aggravated assault before July
1146 1, 2016, may not be sentenced to a mandatory minimum term of
1147 imprisonment under this section as it existed at any time before
1148 its amendment by chapter 2016-7, Laws of Florida.
1149 (b) A person who committed aggravated assault or attempted
1150 aggravated assault before July 1, 2016, who was sentenced before
1151 October 1, 2019, to a mandatory minimum term of imprisonment
1152 pursuant to this section as it existed at any time before its
1153 amendment by chapter 2016-7, Laws of Florida, and who is serving
1154 such mandatory minimum term of imprisonment on or after October
1155 1, 2019, shall be resentenced to a sentence without such
1156 mandatory minimum term of imprisonment. The person shall be
1157 resentenced to a sentence as provided in s. 775.082, s. 775.083,
1158 or s. 775.084.
1159 (c) A person sentenced or resentenced pursuant to this
1160 subsection is eligible to receive any gain-time pursuant to s.
1161 944.275 which he or she was previously ineligible to receive
1162 because of the imposition of the mandatory minimum term of
1163 imprisonment.
1164 Section 27. Paragraph (f) is added to subsection (2) of
1165 section 784.046, Florida Statutes, to read:
1166 784.046 Action by victim of repeat violence, sexual
1167 violence, or dating violence for protective injunction; dating
1168 violence investigations, notice to victims, and reporting;
1169 pretrial release violations; public records exemption.—
1170 (2) There is created a cause of action for an injunction

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1171 for protection in cases of repeat violence, there is created a
1172 separate cause of action for an injunction for protection in
1173 cases of dating violence, and there is created a separate cause
1174 of action for an injunction for protection in cases of sexual
1175 violence.
1176 (f) Notwithstanding any other law, attorney fees may not be
1177 awarded in any proceeding under this section.
1178 Section 28. Paragraph (d) of subsection (1) of section
1179 784.048, Florida Statutes, is amended, and subsections (2)
1180 through (5), and (7) of that section are republished, to read:
1181 784.048 Stalking; definitions; penalties.—
1182 (1) As used in this section, the term:
1183 (d) "Cyberstalk" means:
1184 1. To engage in a course of conduct to communicate, or to
1185 cause to be communicated, words, images, or language by or
1186 through the use of electronic mail or electronic communication,
1187 directed at a specific person; or
1188 2. To access, or attempt to access the online accounts or
1189 Internet-connected home electronic systems of another person
1190 without that person's permission,
1191
1192 causing substantial emotional distress to that person and
1193 serving no legitimate purpose.
1194 (2) A person who willfully, maliciously, and repeatedly
1195 follows, harasses, or cyberstalks another person commits the
1196 offense of stalking, a misdemeanor of the first degree,
1197 punishable as provided in s. 775.082 or s. 775.083.
1198 (3) A person who willfully, maliciously, and repeatedly
1199 follows, harasses, or cyberstalks another person and makes a

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1200 credible threat to that person commits the offense of aggravated
1201 stalking, a felony of the third degree, punishable as provided
1202 in s. 775.082, s. 775.083, or s. 775.084.
1203 (4) A person who, after an injunction for protection
1204 against repeat violence, sexual violence, or dating violence
1205 pursuant to s. 784.046, or an injunction for protection against
1206 domestic violence pursuant to s. 741.30, or after any other
1207 court-imposed prohibition of conduct toward the subject person
1208 or that person’s property, knowingly, willfully, maliciously,
1209 and repeatedly follows, harasses, or cyberstalks another person
1210 commits the offense of aggravated stalking, a felony of the
1211 third degree, punishable as provided in s. 775.082, s. 775.083,
1212 or s. 775.084.
1213 (5) A person who willfully, maliciously, and repeatedly
1214 follows, harasses, or cyberstalks a child under 16 years of age
1215 commits the offense of aggravated stalking, a felony of the
1216 third degree, punishable as provided in s. 775.082, s. 775.083,
1217 or s. 775.084.
1218 (7) A person who, after having been sentenced for a
1219 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and
1220 prohibited from contacting the victim of the offense under s.
1221 921.244, willfully, maliciously, and repeatedly follows,
1222 harasses, or cyberstalks the victim commits the offense of
1223 aggravated stalking, a felony of the third degree, punishable as
1224 provided in s. 775.082, s. 775.083, or s. 775.084.
1225 Section 29. Paragraph (d) is added to subsection (2) of
1226 section 784.0485, Florida Statutes, to read:
1227 784.0485 Stalking; injunction; powers and duties of court
1228 and clerk; petition; notice and hearing; temporary injunction;

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1229 issuance of injunction; statewide verification system;
1230 enforcement.—
1231 (2)
1232 (d) Notwithstanding any other law, attorney fees may not be
1233 awarded in any proceeding under this section.
1234 Section 30. Subsection (1) of section 790.052, Florida
1235 Statutes, is amended to read:
1236 790.052 Carrying concealed firearms; off-duty law
1237 enforcement officers.—
1238 (1)(a) All persons holding active certifications from the
1239 Criminal Justice Standards and Training Commission as law
1240 enforcement officers or correctional officers as defined in s.
1241 943.10(1), (2), (6), (7), (8), or (9) shall have the right to
1242 carry, on or about their persons, concealed firearms, during
1243 off-duty hours, at the discretion of their superior officers,
1244 and may perform those law enforcement functions that they
1245 normally perform during duty hours, utilizing their weapons in a
1246 manner which is reasonably expected of on-duty officers in
1247 similar situations.
1248 (b) All persons holding active certifications from the
1249 Criminal Justice Standards and Training Commission as law
1250 enforcement officers or correctional officers as defined in s.
1251 943.10(1), (2), (6), (7), (8), or (9), meet the definition of
1252 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).
1253 (c) All persons who held active certifications from the
1254 Criminal Justice Standards and Training Commission as law
1255 enforcement officers or correctional officers as defined in s.
1256 943.10(1), (2), (6), (7), (8), or (9) while working for an
1257 employing agency, as defined in s. 943.10(4), but have separated

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1258 from service under the conditions set forth in 18 U.S.C. s.
1259 926C(c), meet the definition of "qualified retired law
1260 enforcement officer."
1261 (d) ~~However, Nothing in~~ This section does not ~~subsection~~
1262 ~~shall be construed to~~ limit the right of a law enforcement
1263 officer, correctional officer, or correctional probation officer
1264 to carry a concealed firearm off duty as a private citizen under
1265 the exemption provided in s. 790.06 that allows a law
1266 enforcement officer, correctional officer, or correctional
1267 probation officer as defined in s. 943.10(1), (2), (3), (6),
1268 (7), (8), or (9) to carry a concealed firearm without a
1269 concealed weapon or firearm license. The appointing or employing
1270 agency or department of an officer carrying a concealed firearm
1271 as a private citizen under s. 790.06 shall not be liable for the
1272 use of the firearm in such capacity. Nothing herein limits the
1273 authority of the appointing or employing agency or department
1274 from establishing policies limiting law enforcement officers or
1275 correctional officers from carrying concealed firearms during
1276 off-duty hours in their capacity as appointees or employees of
1277 the agency or department.
1278 Section 31. Subsections (5) and (10) of section 790.22,
1279 Florida Statutes, are amended to read:
1280 790.22 Use of BB guns, air or gas-operated guns, or
1281 electric weapons or devices by minor under 16; limitation;
1282 possession of firearms by minor under 18 prohibited; penalties.—
1283 (5)(a) A minor who violates subsection (3) commits a
1284 misdemeanor of the first degree; for a first offense, may serve
1285 a period of detention of up to 3 days in a secure detention
1286 facility; and, in addition to any other penalty provided by law,

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1287 shall be required to perform 100 hours of community service;
1288 and:
1289 1. If the minor is eligible by reason of age for a driver
1290 license or driving privilege, the court may ~~shall~~ direct the
1291 Department of Highway Safety and Motor Vehicles to revoke or to
1292 withhold issuance of the minor's driver license or driving
1293 privilege for up to 1 year.
1294 2. If the minor's driver license or driving privilege is
1295 under suspension or revocation for any reason, the court may
1296 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1297 to extend the period of suspension or revocation by an
1298 additional period of up to 1 year.
1299 3. If the minor is ineligible by reason of age for a driver
1300 license or driving privilege, the court may ~~shall~~ direct the
1301 Department of Highway Safety and Motor Vehicles to withhold
1302 issuance of the minor's driver license or driving privilege for
1303 up to 1 year after the date on which the minor would otherwise
1304 have become eligible.
1305 (b) For a second or subsequent offense, a minor who
1306 violates subsection (3) commits a felony of the third degree and
1307 shall serve a period of detention of up to 15 days in a secure
1308 detention facility and shall be required to perform not less
1309 than 100 nor more than 250 hours of community service, and:
1310 1. If the minor is eligible by reason of age for a driver
1311 license or driving privilege, the court may ~~shall~~ direct the
1312 Department of Highway Safety and Motor Vehicles to revoke or to
1313 withhold issuance of the minor's driver license or driving
1314 privilege for up to 2 years.
1315 2. If the minor's driver license or driving privilege is

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1316 under suspension or revocation for any reason, the court may
1317 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1318 to extend the period of suspension or revocation by an
1319 additional period of up to 2 years.
1320 3. If the minor is ineligible by reason of age for a driver
1321 license or driving privilege, the court may ~~shall~~ direct the
1322 Department of Highway Safety and Motor Vehicles to withhold
1323 issuance of the minor’s driver license or driving privilege for
1324 up to 2 years after the date on which the minor would otherwise
1325 have become eligible.
1326
1327 For the purposes of this subsection, community service shall be
1328 performed, if possible, in a manner involving a hospital
1329 emergency room or other medical environment that deals on a
1330 regular basis with trauma patients and gunshot wounds.
1331 (10) If a minor is found to have committed an offense under
1332 subsection (9), the court shall impose the following penalties
1333 in addition to any penalty imposed under paragraph (9)(a) or
1334 paragraph (9)(b):
1335 (a) For a first offense:
1336 1. If the minor is eligible by reason of age for a driver
1337 license or driving privilege, the court may ~~shall~~ direct the
1338 Department of Highway Safety and Motor Vehicles to revoke or to
1339 withhold issuance of the minor’s driver license or driving
1340 privilege for up to 1 year.
1341 2. If the minor’s driver license or driving privilege is
1342 under suspension or revocation for any reason, the court may
1343 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1344 to extend the period of suspension or revocation by an

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1345 additional period for up to 1 year.
1346 3. If the minor is ineligible by reason of age for a driver
1347 license or driving privilege, the court may ~~shall~~ direct the
1348 Department of Highway Safety and Motor Vehicles to withhold
1349 issuance of the minor's driver license or driving privilege for
1350 up to 1 year after the date on which the minor would otherwise
1351 have become eligible.
1352 (b) For a second or subsequent offense:
1353 1. If the minor is eligible by reason of age for a driver
1354 license or driving privilege, the court may ~~shall~~ direct the
1355 Department of Highway Safety and Motor Vehicles to revoke or to
1356 withhold issuance of the minor's driver license or driving
1357 privilege for up to 2 years.
1358 2. If the minor's driver license or driving privilege is
1359 under suspension or revocation for any reason, the court may
1360 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1361 to extend the period of suspension or revocation by an
1362 additional period for up to 2 years.
1363 3. If the minor is ineligible by reason of age for a driver
1364 license or driving privilege, the court may ~~shall~~ direct the
1365 Department of Highway Safety and Motor Vehicles to withhold
1366 issuance of the minor's driver license or driving privilege for
1367 up to 2 years after the date on which the minor would otherwise
1368 have become eligible.
1369 Section 32. Section 800.09, Florida Statutes, is amended to
1370 read:
1371 800.09 Lewd or lascivious exhibition in the presence of an
1372 employee.—
1373 (1) As used in this section, the term:

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1374 (a) "Employee" means:
1375 1. Any person employed by or performing contractual
1376 services for a public or private entity operating a state
1377 correctional institution or private correctional facility; ~~or~~
1378 2. Any person employed by or performing contractual
1379 services for the corporation operating the prison industry
1380 enhancement programs or the correctional work programs under
1381 part II of chapter 946; ~~. The term also includes~~
1382 3. Any person who is a parole examiner with the Florida
1383 Commission on Offender Review; or
1384 4. Any person employed at or performing contractual
1385 services for a county detention facility.
1386 (b) "Facility" means a state correctional institution as
1387 defined in s. 944.02, ~~or~~ a private correctional facility as
1388 defined in s. 944.710, or a county detention facility as defined
1389 in s. 951.23.
1390 (2)(a) A person who is detained in a facility may not:
1391 1. Intentionally masturbate;
1392 2. Intentionally expose the genitals in a lewd or
1393 lascivious manner; or
1394 3. Intentionally commit any other sexual act that does not
1395 involve actual physical or sexual contact with the victim,
1396 including, but not limited to, sadomasochistic abuse, sexual
1397 bestiality, or the simulation of any act involving sexual
1398 activity,
1399
1400 in the presence of a person he or she knows or reasonably should
1401 know is an employee.
1402 (b) A person who violates paragraph (a) commits lewd or

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1403 lascivious exhibition in the presence of an employee, a felony
1404 of the third degree, punishable as provided in s. 775.082, s.
1405 775.083, or s. 775.084.
1406 Section 33. Subsection (7) of section 806.13, Florida
1407 Statutes, is amended, and subsection (8) of that section is
1408 republished, to read:
1409 806.13 Criminal mischief; penalties; penalty for minor.—
1410 (7) In addition to any other penalty provided by law, if a
1411 minor is found to have committed a delinquent act under this
1412 section for placing graffiti on any public property or private
1413 property, and:
1414 (a) The minor is eligible by reason of age for a driver
1415 license or driving privilege, the court may ~~shall~~ direct the
1416 Department of Highway Safety and Motor Vehicles to revoke or
1417 withhold issuance of the minor’s driver license or driving
1418 privilege for not more than 1 year.
1419 (b) The minor’s driver license or driving privilege is
1420 under suspension or revocation for any reason, the court may
1421 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1422 to extend the period of suspension or revocation by an
1423 additional period of not more than 1 year.
1424 (c) The minor is ineligible by reason of age for a driver
1425 license or driving privilege, the court may ~~shall~~ direct the
1426 Department of Highway Safety and Motor Vehicles to withhold
1427 issuance of the minor’s driver license or driving privilege for
1428 not more than 1 year after the date on which he or she would
1429 otherwise have become eligible.
1430 (8) A minor whose driver license or driving privilege is
1431 revoked, suspended, or withheld under subsection (7) may elect

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1432 to reduce the period of revocation, suspension, or withholding
1433 by performing community service at the rate of 1 day for each
1434 hour of community service performed. In addition, if the court
1435 determines that due to a family hardship, the minor's driver
1436 license or driving privilege is necessary for employment or
1437 medical purposes of the minor or a member of the minor's family,
1438 the court shall order the minor to perform community service and
1439 reduce the period of revocation, suspension, or withholding at
1440 the rate of 1 day for each hour of community service performed.
1441 As used in this subsection, the term "community service" means
1442 cleaning graffiti from public property.
1443 Section 34. Paragraphs (c), (d), and (e) of subsection (2)
1444 of section 812.014, Florida Statutes, are amended, and
1445 subsection (7) is added to that section, to read:
1446 812.014 Theft.—
1447 (2)
1448 (c) It is grand theft of the third degree and a felony of
1449 the third degree, punishable as provided in s. 775.082, s.
1450 775.083, or s. 775.084, if the property stolen is:
1451 1. Valued at $750 ~~$300~~ or more, but less than $5,000.
1452 2. Valued at $5,000 or more, but less than $10,000.
1453 3. Valued at $10,000 or more, but less than $20,000.
1454 4. A will, codicil, or other testamentary instrument.
1455 5. A firearm.
1456 6. A motor vehicle, except as provided in paragraph (a).
1457 7. Any commercially farmed animal, including any animal of
1458 the equine, avian, bovine, or swine class or other grazing
1459 animal; a bee colony of a registered beekeeper; and aquaculture
1460 species raised at a certified aquaculture facility. If the

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1461 property stolen is a commercially farmed animal, including an
1462 animal of the equine, avian, bovine, or swine class or other
1463 grazing animal; a bee colony of a registered beekeeper; or an
1464 aquaculture species raised at a certified aquaculture facility,
1465 a $10,000 fine shall be imposed.
1466 8. Any fire extinguisher.
1467 9. Any amount of citrus fruit consisting of 2,000 or more
1468 individual pieces of fruit.
1469 10. Taken from a designated construction site identified by
1470 the posting of a sign as provided for in s. 810.09(2)(d).
1471 11. Any stop sign.
1472 12. Anhydrous ammonia.
1473 13. Any amount of a controlled substance as defined in s.
1474 893.02. Notwithstanding any other law, separate judgments and
1475 sentences for theft of a controlled substance under this
1476 subparagraph and for any applicable possession of controlled
1477 substance offense under s. 893.13 or trafficking in controlled
1478 substance offense under s. 893.135 may be imposed when all such
1479 offenses involve the same amount or amounts of a controlled
1480 substance.
1481
1482 However, if the property is stolen within a county that is
1483 subject to a state of emergency declared by the Governor under
1484 chapter 252, the property is stolen after the declaration of
1485 emergency is made, and the perpetration of the theft is
1486 facilitated by conditions arising from the emergency, the
1487 offender commits a felony of the second degree, punishable as
1488 provided in s. 775.082, s. 775.083, or s. 775.084, if the
1489 property is valued at $5,000 or more, but less than $10,000, as

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1490 provided under subparagraph 2., or if the property is valued at
1491 $10,000 or more, but less than $20,000, as provided under
1492 subparagraph 3. As used in this paragraph, the term "conditions
1493 arising from the emergency" means civil unrest, power outages,
1494 curfews, voluntary or mandatory evacuations, or a reduction in
1495 the presence of or the response time for first responders or
1496 homeland security personnel. For purposes of sentencing under
1497 chapter 921, a felony offense that is reclassified under this
1498 paragraph is ranked one level above the ranking under s.
1499 921.0022 or s. 921.0023 of the offense committed.
1500 (d) It is grand theft of the third degree and a felony of
1501 the third degree, punishable as provided in s. 775.082, s.
1502 775.083, or s. 775.084, if the property stolen is valued at $100
1503 or more, but less than $750 ~~$300~~, and is taken from a dwelling
1504 as defined in s. 810.011(2) or from the unenclosed curtilage of
1505 a dwelling pursuant to s. 810.09(1).
1506 (e) Except as provided in paragraph (d), if the property
1507 stolen is valued at $100 or more, but less than $750 ~~$300~~, the
1508 offender commits petit theft of the first degree, punishable as
1509 a misdemeanor of the first degree, as provided in s. 775.082 or
1510 s. 775.083.
1511 (7) The Office of Program Policy Analysis and Government
1512 Accountability shall perform a study every 5 years to determine
1513 the appropriateness of the threshold amounts included in this
1514 section. The study's scope must include, but need not be limited
1515 to, the crime trends related to theft offenses, the theft
1516 threshold amounts of other states in effect at the time of the
1517 study, the fiscal impact of any modifications to this state's
1518 threshold amounts, and the effect on economic factors, such as

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1519 inflation. The study must include options for amending the
1520 threshold amounts if the study finds that such amounts are
1521 inconsistent with current trends. In conducting the study,
1522 OPPAGA shall consult with the Office of Economic and Demographic
1523 Research in addition to other interested entities. OPPAGA shall
1524 submit a report to the Governor, the President of the Senate,
1525 and the Speaker of the House of Representatives by September 1
1526 of each fifth year.
1527 Section 35. Subsections (8) and (9) of section 812.015,
1528 Florida Statutes, are amended, and subsections (10) and (11) are
1529 added to that section, to read:
1530 812.015 Retail and farm theft; transit fare evasion;
1531 mandatory fine; alternative punishment; detention and arrest;
1532 exemption from liability for false arrest; resisting arrest;
1533 penalties.—
1534 (8) Except as provided in subsection (9), a person who
1535 commits retail theft commits a felony of the third degree,
1536 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
1537 if the property stolen is valued at $750 ~~$300~~ or more, and the
1538 person:
1539 (a) Individually commits retail theft, or in concert with
1540 one or more other persons, coordinates the activities of one or
1541 more individuals in committing the offense, which may occur
1542 through multiple acts of retail theft, in which ~~case~~ the amount
1543 of each individual theft is aggregated within a 30-day period to
1544 determine the value of the property stolen;
1545 (b) Conspires with another person to commit retail theft
1546 with the intent to sell the stolen property for monetary or
1547 other gain, and subsequently takes or causes such property to be

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1548 placed in the control of another person in exchange for
1549 consideration, in which the stolen property taken or placed
1550 within a 30-day period is aggregated to determine the value of
1551 the stolen property;
1552 (c) ~~(b)~~ Individually, or in concert with one or more other
1553 persons, commits theft from more than one location within a 30-
1554 day ~~48-hour~~ period, in which ~~case~~ the amount of each individual
1555 theft is aggregated to determine the value of the property
1556 stolen;
1557 (d) ~~(c)~~ Acts in concert with one or more other individuals
1558 within one or more establishments to distract the merchant,
1559 merchant's employee, or law enforcement officer in order to
1560 carry out the offense, or acts in other ways to coordinate
1561 efforts to carry out the offense; or
1562 (e) ~~(d)~~ Commits the offense through the purchase of
1563 merchandise in a package or box that contains merchandise other
1564 than, or in addition to, the merchandise purported to be
1565 contained in the package or box.
1566 (9) A person commits a felony of the second degree,
1567 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
1568 if the person:
1569 (a) Violates subsection (8) and has previously been
1570 convicted of a violation of subsection (8); ~~or~~
1571 (b) Individually, or in concert with one or more other
1572 persons, coordinates the activities of one or more persons in
1573 committing the offense of retail theft, in which the amount of
1574 each individual theft within a 30-day period is aggregated to
1575 determine the value of the stolen property and such ~~where the~~
1576 ~~stolen property has a~~ value is in excess of $3,000; or

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1577 (c) Conspires with another person to commit retail theft
1578 with the intent to sell the stolen property for monetary or
1579 other gain, and subsequently takes or causes such property to be
1580 placed in control of another person in exchange for
1581 consideration, in which the stolen property taken or placed
1582 within a 30-day period is aggregated to have a value in excess
1583 of $3,000.
1584 (10) If a person commits retail theft in more than one
1585 judicial circuit within a 30-day period, the value of the stolen
1586 property resulting from the thefts in each judicial circuit may
1587 be aggregated and must be prosecuted by the Office of the
1588 Statewide Prosecutor in accordance with s. 16.56.
1589 (11) The Office of Program Policy Analysis and Government
1590 Accountability shall perform a study every 5 years to determine
1591 the appropriateness of the threshold amounts included in this
1592 section. The study's scope must include, but need not be limited
1593 to, the crime trends related to theft offenses, the theft
1594 threshold amounts of other states in effect at the time of the
1595 study, the fiscal impact of any modifications to this state's
1596 threshold amounts, and the effect on economic factors, such as
1597 inflation. The study must include options for amending the
1598 threshold amounts if the study finds that such amounts are
1599 inconsistent with current trends. In conducting the study,
1600 OPPAGA shall consult with the Office of Economic and Demographic
1601 Research in addition to other interested entities. OPPAGA shall
1602 submit a report to the Governor, the President of the Senate,
1603 and the Speaker of the House of Representatives by September 1
1604 of each fifth year.
1605 Section 36. Section 812.0155, Florida Statutes, is amended

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1606 to read:
1607 812.0155 Driver license suspension as an alternative
1608 sentence for a person under 18 years of age ~~Suspension of driver~~
1609 ~~license following an adjudication of guilt for theft.~~
1610 ~~(1) Except as provided in subsections (2) and (3), the~~
1611 ~~court may order the suspension of the driver license of each~~
1612 ~~person adjudicated guilty of any misdemeanor violation of s.~~
1613 ~~812.014 or s. 812.015, regardless of the value of the property~~
1614 ~~stolen. Upon ordering the suspension of the driver license of~~
1615 ~~the person adjudicated guilty, the court shall forward the~~
1616 ~~driver license of the person adjudicated guilty to the~~
1617 ~~Department of Highway Safety and Motor Vehicles in accordance~~
1618 ~~with s. 322.25.~~
1619 ~~(a) The first suspension of a driver license under this~~
1620 ~~subsection shall be for a period of up to 6 months.~~
1621 ~~(b) A second or subsequent suspension of a driver license~~
1622 ~~under this subsection shall be for 1 year.~~
1623 (1) ~~(2)~~ The court may revoke, suspend, or withhold issuance
1624 of a driver license of a person less than 18 years of age who
1625 violates s. 812.014 or s. 812.015 as an alternative to
1626 sentencing the person to:
1627 (a) Probation as defined in s. 985.03 or commitment to the
1628 Department of Juvenile Justice, if the person is adjudicated
1629 delinquent for such violation and has not previously been
1630 convicted of or adjudicated delinquent for any criminal offense,
1631 regardless of whether adjudication was withheld.
1632 (b) Probation as defined in s. 985.03, commitment to the
1633 Department of Juvenile Justice, probation as defined in chapter
1634 948, community control, or incarceration, if the person is

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1635 convicted as an adult of such violation and has not previously
1636 been convicted of or adjudicated delinquent for any criminal
1637 offense, regardless of whether adjudication was withheld.
1638 (2) ~~(3)~~ As used in this subsection, the term “department”
1639 means the Department of Highway Safety and Motor Vehicles. A
1640 court that revokes, suspends, or withholds issuance of a driver
1641 license under subsection (1) ~~(2)~~ shall:
1642 (a) If the person is eligible by reason of age for a driver
1643 license or driving privilege, direct the department to revoke or
1644 withhold issuance of the person’s driver license or driving
1645 privilege for not less than 6 months and not more than 1 year;
1646 (b) If the person’s driver license is under suspension or
1647 revocation for any reason, direct the department to extend the
1648 period of suspension or revocation by not less than 6 months and
1649 not more than 1 year; or
1650 (c) If the person is ineligible by reason of age for a
1651 driver license or driving privilege, direct the department to
1652 withhold issuance of the person’s driver license or driving
1653 privilege for not less than 6 months and not more than 1 year
1654 after the date on which the person would otherwise become
1655 eligible.
1656 (3) ~~(4)~~ This section does ~~Subsections (2) and (3) do~~ not
1657 preclude the court from imposing any other sanction ~~specified or~~
1658 ~~not specified in subsection (2) or subsection (3)~~.
1659 ~~(5) A court that suspends the driver license of a person~~
1660 ~~pursuant to subsection (1) may direct the Department of Highway~~
1661 ~~Safety and Motor Vehicles to issue the person a license for~~
1662 ~~driving privilege restricted to business purposes only, as~~
1663 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

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1664 Section 37. Subsection (1) of section 815.03, Florida
1665 Statutes, is amended to read:
1666 815.03 Definitions.—As used in this chapter, unless the
1667 context clearly indicates otherwise:
1668 (1) "Access" means to approach, instruct, communicate with,
1669 store data in, retrieve data from, or otherwise make use of any
1670 resources of a computer, a computer system, a ~~or~~ computer
1671 network, or an electronic device.
1672 Section 38. Subsection (2) of section 815.06, Florida
1673 Statutes, is amended, and subsection (3) of that section is
1674 republished, to read:
1675 815.06 Offenses against users of computers, computer
1676 systems, computer networks, and electronic devices.—
1677 (2) A person commits an offense against users of computers,
1678 computer systems, computer networks, or electronic devices if he
1679 or she willfully, knowingly, and without authorization or
1680 exceeding authorization:
1681 (a) Accesses or causes to be accessed any computer,
1682 computer system, computer network, or electronic device with
1683 knowledge that such access is unauthorized or the manner of use
1684 exceeds authorization;
1685 (b) Disrupts or denies or causes the denial of the ability
1686 to transmit data to or from an authorized user of a computer,
1687 computer system, computer network, or electronic device, which,
1688 in whole or in part, is owned by, under contract to, or operated
1689 for, on behalf of, or in conjunction with another;
1690 (c) Destroys, takes, injures, or damages equipment or
1691 supplies used or intended to be used in a computer, computer
1692 system, computer network, or electronic device;

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1693 (d) Destroys, injures, or damages any computer, computer
1694 system, computer network, or electronic device;
1695 (e) Introduces any computer contaminant into any computer,
1696 computer system, computer network, or electronic device; or
1697 (f) Engages in audio or video surveillance of an individual
1698 by accessing any inherent feature or component of a computer,
1699 computer system, computer network, or electronic device,
1700 including accessing the data or information of a computer,
1701 computer system, computer network, or electronic device that is
1702 stored by a third party.
1703 (3)(a) Except as provided in paragraphs (b) and (c), a
1704 person who violates subsection (2) commits a felony of the third
1705 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1706 775.084.
1707 (b) A person commits a felony of the second degree,
1708 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
1709 if he or she violates subsection (2) and:
1710 1. Damages a computer, computer equipment or supplies, a
1711 computer system, or a computer network and the damage or loss is
1712 at least $5,000;
1713 2. Commits the offense for the purpose of devising or
1714 executing any scheme or artifice to defraud or obtain property;
1715 3. Interrupts or impairs a governmental operation or public
1716 communication, transportation, or supply of water, gas, or other
1717 public service; or
1718 4. Intentionally interrupts the transmittal of data to or
1719 from, or gains unauthorized access to, a computer, computer
1720 system, computer network, or electronic device belonging to any
1721 mode of public or private transit, as defined in s. 341.031.

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1722 (c) A person who violates subsection (2) commits a felony
1723 of the first degree, punishable as provided in s. 775.082, s.
1724 775.083, or s. 775.084, if the violation:
1725 1. Endangers human life; or
1726 2. Disrupts a computer, computer system, computer network,
1727 or electronic device that affects medical equipment used in the
1728 direct administration of medical care or treatment to a person.
1729 Section 39. Section 817.413, Florida Statutes, is amended
1730 to read:
1731 817.413 Sale of used motor vehicle goods as new; penalty.—
1732 (1) With respect to a transaction for which any charges
1733 will be paid from the proceeds of a motor vehicle insurance
1734 policy, ~~and in which the purchase price of motor vehicle goods~~
1735 ~~exceeds $100,~~ it is unlawful for the seller to knowingly
1736 misrepresent orally, in writing, or by failure to speak, that
1737 the goods are new or original when they are used or repossessed
1738 or have been used for sales demonstration.
1739 (2) A person who violates ~~the provisions of~~ this section,
1740 if the purchase price of the motor vehicle goods is $1,000 or
1741 more, commits a felony of the third degree, punishable as
1742 provided in s. 775.082, s. 775.083, or s. 775.084. If the
1743 purchase price of the motor vehicle goods is less than $1,000,
1744 the person commits a misdemeanor of the first degree, punishable
1745 as provided in s. 775.082 or s. 775.083.
1746 Section 40. Paragraph (a) of subsection (2) of section
1747 831.28, Florida Statutes, is amended to read:
1748 831.28 Counterfeiting a payment instrument; possessing a
1749 counterfeit payment instrument; penalties.—
1750 (2)(a) It is unlawful to counterfeit a payment instrument

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1751 with the intent to defraud a financial institution, account
1752 holder, or any other person or organization or for a person to
1753 have any counterfeit payment instrument in such person's
1754 possession with the intent to defraud a financial institution,
1755 an account holder, or any other person or organization. Any
1756 person who violates this subsection commits a felony of the
1757 third degree, punishable as provided in s. 775.082, s. 775.083,
1758 or s. 775.084.
1759 Section 41. Present subsections (5) through (10) of section
1760 847.011, Florida Statutes, are redesignated as subsections (6)
1761 through (11), respectively, and a new subsection (5) is added to
1762 that section, to read:
1763 847.011 Prohibition of certain acts in connection with
1764 obscene, lewd, etc., materials; penalty.—
1765 (5)(a) A person may not knowingly sell, lend, give away,
1766 distribute, transmit, show, or transmute; offer to sell, lend,
1767 give away, distribute, transmit, show, or transmute; have in his
1768 or her possession, custody, or control with the intent to sell,
1769 lend, give away, distribute, transmit, show, or transmute; or
1770 advertise in any manner an obscene, child-like sex doll. A
1771 person who violates this paragraph commits a misdemeanor of the
1772 first degree, punishable as provided in s. 775.082 or s.
1773 775.083.
1774 (b) A person who is convicted of violating paragraph (a) a
1775 second or subsequent time commits a felony of the third degree,
1776 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1777 (c) A person who knowingly has in his or her possession,
1778 custody, or control an obscene, child-like sex doll without
1779 intent to sell, lend, give away, distribute, transmit, show,

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1780 transmute, or advertise the same, commits a misdemeanor of the
1781 second degree, punishable as provided in s. 775.082 or s.
1782 775.083. A person who, after having been convicted of violating
1783 this subsection, thereafter violates any of its provisions
1784 commits a misdemeanor of the first degree, punishable as
1785 provided in s. 775.082 or s. 775.083. In any prosecution for
1786 such possession, it is not necessary to allege or prove the
1787 absence of such intent.
1788 Section 42. Section 849.01, Florida Statutes, is amended to
1789 read:
1790 849.01 Keeping gambling houses, etc.—Whoever by herself or
1791 himself, her or his servant, clerk or agent, or in any other
1792 manner has, keeps, exercises or maintains a gaming table or
1793 room, or gaming implements or apparatus, or house, booth, tent,
1794 shelter or other place for the purpose of gaming or gambling or
1795 in any place of which she or he may directly or indirectly have
1796 charge, control or management, either exclusively or with
1797 others, procures, suffers or permits any person to play for
1798 money or other valuable thing at any game whatever, whether
1799 heretofore prohibited or not, commits ~~shall be guilty of~~ a
1800 misdemeanor ~~felony~~ of the second ~~third~~ degree, punishable as
1801 provided in s. 775.082 or~~,~~ s. 775.083~~, or s. 775.084~~.
1802 Section 43. Subsections (6) and (7) and paragraphs (c) and
1803 (d) of subsection (8) of section 877.112, Florida Statutes, are
1804 amended to read:
1805 877.112 Nicotine products and nicotine dispensing devices;
1806 prohibitions for minors; penalties; civil fines; signage
1807 requirements; preemption.—
1808 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR

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1809 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
1810 person under 18 years of age to knowingly possess any nicotine
1811 product or a nicotine dispensing device. Any person under 18
1812 years of age who violates this subsection commits a noncriminal
1813 violation as defined in s. 775.08(3), punishable by:
1814 (a) For a first violation, 16 hours of community service
1815 or, instead of community service, a $25 fine. In addition, the
1816 person must attend a school-approved anti-tobacco and nicotine
1817 program, if locally available; or
1818 (b) For a second or subsequent violation within 12 weeks
1819 after ~~of~~ the first violation, a $25 fine.~~; or~~
1820 ~~(c) For a third or subsequent violation within 12 weeks of~~
1821 ~~the first violation, the court must direct the Department of~~
1822 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
1823 ~~suspend or revoke the person's driver license or driving~~
1824 ~~privilege, as provided in s. 322.056.~~
1825
1826 Any second or subsequent violation not within the 12-week time
1827 period after the first violation is punishable as provided for a
1828 first violation.
1829 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
1830 any person under 18 years of age to misrepresent his or her age
1831 or military service for the purpose of inducing a retailer of
1832 nicotine products or nicotine dispensing devices or an agent or
1833 employee of such retailer to sell, give, barter, furnish, or
1834 deliver any nicotine product or nicotine dispensing device, or
1835 to purchase, or attempt to purchase, any nicotine product or
1836 nicotine dispensing device from a person or a vending machine.
1837 Any person under 18 years of age who violates this subsection

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1838 commits a noncriminal violation as defined in s. 775.08(3),
1839 punishable by:
1840 (a) For a first violation, 16 hours of community service
1841 or, instead of community service, a $25 fine and, in addition,
1842 the person must attend a school-approved anti-tobacco and
1843 nicotine program, if available; or
1844 (b) For a second violation within 12 weeks of the first
1845 violation, a $25 fine.~~; or~~
1846 ~~(c) For a third or subsequent violation within 12 weeks of~~
1847 ~~the first violation, the court must direct the Department of~~
1848 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
1849 ~~suspend or revoke the person's driver license or driving~~
1850 ~~privilege, as provided in s. 322.056.~~
1851
1852 Any second or subsequent violation not within the 12-week time
1853 period after the first violation is punishable as provided for a
1854 first violation.
1855 (8) PENALTIES FOR MINORS.—
1856 (c) If a person under 18 years of age is found by the court
1857 to have committed a noncriminal violation under this section and
1858 that person has failed to complete community service, pay the
1859 fine as required by paragraph (6)(a) or paragraph (7)(a), or
1860 attend a school-approved anti-tobacco and nicotine program, if
1861 locally available, the court may ~~must~~ direct the Department of
1862 Highway Safety and Motor Vehicles to withhold issuance of or
1863 suspend the driver license or driving privilege of that person
1864 for 30 consecutive days.
1865 (d) If a person under 18 years of age is found by the court
1866 to have committed a noncriminal violation under this section and

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1867 that person has failed to pay the applicable fine as required by
1868 paragraph (6)(b) or paragraph (7)(b), the court may ~~must~~ direct
1869 the Department of Highway Safety and Motor Vehicles to withhold
1870 issuance of or suspend the driver license or driving privilege
1871 of that person for 45 consecutive days.
1872 Section 44. Present subsections (6) and (7) of section
1873 893.135, Florida Statutes, are redesignated as subsections (7)
1874 and (8), respectively, paragraph (o) is added to subsection (1)
1875 of that section and a new subsection (6) and subsection (9) are
1876 added to that section, to read:
1877 893.135 Trafficking; mandatory sentences; suspension or
1878 reduction of sentences; conspiracy to engage in trafficking.—
1879 (1) Except as authorized in this chapter or in chapter 499
1880 and notwithstanding the provisions of s. 893.13:
1881 (o)1. As used in this paragraph, the term "dosage unit"
1882 means an individual tablet, capsule, pill, transdermal patch,
1883 unit of sublingual gelatin, or other visually distinctive form,
1884 with a clear manufacturer marking on each unit, of a commercial
1885 drug product approved by the United States Food and Drug
1886 Administration and manufactured and distributed by a
1887 pharmaceutical company lawfully doing business in the United
1888 States.
1889 2. Notwithstanding any other provision of this section, the
1890 sale, purchase, manufacture, delivery, or actual or constructive
1891 possession of fewer than 120 dosage units containing any
1892 controlled substance described in this section is not a
1893 violation of any other provision of this section.
1894 3. A person who knowingly sells, purchases, delivers, or
1895 brings into this state, or who is knowingly in actual or

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1896 constructive possession of, 120 or more dosage units containing
1897 a controlled substance described in this section commits a
1898 felony of the first degree, which felony shall be known as
1899 "trafficking in pharmaceuticals," punishable as provided in s.
1900 775.082, s. 775.083, or s. 775.084, and must be prosecuted under
1901 this paragraph. If the quantity involved:
1902 a. Is 120 or more dosage units, but less than 500 dosage
1903 units, such person shall be sentenced to a mandatory minimum
1904 term of imprisonment of 3 years and shall be ordered to pay a
1905 fine of up to $25,000.
1906 b. Is 500 or more dosage units, but less than 1,000 dosage
1907 units, such person shall be sentenced to a mandatory minimum
1908 term of imprisonment of 7 years and shall be ordered to pay a
1909 fine of up to $50,000.
1910 c. Is 1,000 or more dosage units, but less than 5,000
1911 dosage units, such person shall be sentenced to a mandatory
1912 minimum term of imprisonment of 15 years and shall be ordered to
1913 pay a fine of up to $100,000.
1914 d. Is 5,000 or more dosage units, such person shall be
1915 sentenced to a mandatory minimum term of imprisonment of 25
1916 years and shall be ordered to pay a fine of up to $250,000.
1917 (6) Notwithstanding any other provision of law, for an
1918 offense under this section the court shall impose a sentence
1919 pursuant to the Criminal Punishment Code under chapter 921 and
1920 without regard to any statutory minimum sentence, if the court
1921 finds at sentencing, after the state attorney has been afforded
1922 the opportunity to make a recommendation, all of the following:
1923 (a) The defendant has not previously been convicted of a
1924 dangerous crime as defined in s. 907.041(4)(a), or a violation

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1925 specified as a predicate offense for registration as a sexual
1926 predator under s. 775.21 or for registration as a sexual
1927 offender under s. 943.0435.
1928 (b) The defendant did not use violence or credible threats
1929 of violence or possess a firearm or other dangerous weapon, or
1930 induce another participant to do so, in connection with the
1931 offense.
1932 (c) The offense did not result in death or serious bodily
1933 injury to any person.
1934 (d) The defendant was not engaged in a continuing criminal
1935 enterprise, as described in s. 893.20.
1936 (e) By the time of the sentencing hearing, the defendant
1937 has truthfully provided to the state all information and
1938 evidence the defendant has concerning the offense or offenses
1939 that were part of the same course of conduct or of a common
1940 scheme or plan. The fact that the defendant has no other
1941 relevant or useful information to provide or that the state is
1942 already aware of the information does not preclude a
1943 determination by the court that the defendant has complied with
1944 this requirement.
1945 (9)(a) It is the intent of the Legislature to retroactively
1946 apply chapter 2014-176, Laws of Florida, only as provided in
1947 this subsection, to violations of former s. 893.135(1)(c)1.
1948 involving hydrocodone or oxycodone or any mixture containing
1949 hydrocodone or oxycodone. A reference in this subsection to
1950 "former s. 893.135(1)(c)1." is a reference to s. 893.135(1)(c)1.
1951 as it existed at any time before the amendment of this section
1952 by chapter 2014-176, Laws of Florida.
1953 (b) A person who committed a violation of former s.

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1954 893.135(1)(c)1. before July 1, 2014, but who was not sentenced
1955 for such violation before October 1, 2019, shall be sentenced as
1956 provided in this subsection. A person who was sentenced before
1957 October 1, 2019, for a violation of former s. 893.135(1)(c)1.
1958 committed before July 1, 2014, may petition the court for
1959 resentencing pursuant to this subsection.
1960 (c) A violation of former s. 893.135(1)(c)1. is a felony of
1961 the first degree, punishable as provided in s. 775.082, s.
1962 775.083, or s. 775.084.
1963 (d) If the controlled substance involved in the violation
1964 of former s. 893.135(1)(c)1. was hydrocodone or any mixture
1965 containing hydrocodone, and the quantity involved:
1966 1. Was 4 grams or more, but less than 14 grams, such person
1967 shall be sentenced or resentenced as provided in s. 775.082, s.
1968 775.083, or s. 775.084.
1969 2. Was 14 grams or more, but less than 28 grams, such
1970 person shall be sentenced or resentenced to a mandatory minimum
1971 term of imprisonment of 3 years and shall be ordered to pay a
1972 fine of $50,000.
1973 3. Was 28 grams or more, but less than 50 grams, such
1974 person shall be sentenced or resentenced to a mandatory minimum
1975 term of imprisonment of 7 years and shall be ordered to pay a
1976 fine of $100,000.
1977 4. Was 50 grams or more, but less than 200 grams, such
1978 person shall be sentenced or resentenced to a mandatory minimum
1979 term of imprisonment of 15 years and shall be ordered to pay a
1980 fine of $500,000.
1981 5. Was 200 grams or more, but less than 30 kilograms, such
1982 person shall be sentenced or resentenced to a mandatory minimum

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1983 term of imprisonment of 25 years and shall be ordered to pay a
1984 fine of $500,000.
1985 (c) If the controlled substance involved in the violation
1986 of former s. 893.135(1)(c)1. was oxycodone or any mixture
1987 containing oxycodone, and the quantity involved:
1988 1. Was 4 grams or more, but less than 7 grams, such person
1989 shall be sentenced or resentenced as provided in s. 775.082, s.
1990 775.083, or s. 775.084.
1991 2. Was 7 grams or more, but less than 14 grams, such person
1992 shall be sentenced or resentenced to a mandatory minimum term of
1993 imprisonment of 3 years and shall be ordered to pay a fine of
1994 $50,000.
1995 3. Was 14 grams or more, but less than 25 grams, such
1996 person shall be sentenced or resentenced to a mandatory minimum
1997 term of imprisonment of 7 years and shall be ordered to pay a
1998 fine of $100,000.
1999 4. Was 25 grams or more, but less than 100 grams, such
2000 person shall be sentenced or resentenced to a mandatory minimum
2001 term of imprisonment of 15 years and shall be ordered to pay a
2002 fine of $500,000.
2003 5. Was 100 grams or more, but less than 30 kilograms, such
2004 person shall be sentenced or resentenced to a mandatory minimum
2005 term of imprisonment of 25 years and shall be ordered to pay a
2006 fine of $500,000.
2007 Section 45. Effective upon becoming a law, section 900.05,
2008 Florida Statutes, is amended to read:
2009 900.05 Criminal justice data collection.—
2010 (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of
2011 the Legislature to create a model of uniform criminal justice

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2012 data collection by requiring local and state criminal justice
2013 agencies to report complete, accurate, and timely data, and
2014 making such data available to the public. The Legislature finds
2015 that it is an important state interest to implement a uniform
2016 data collection process and promote criminal justice data
2017 transparency.
2018 (2) DEFINITIONS.—As used in this section, the term:
2019 (a) "Annual felony caseload" means the yearly caseload of
2020 each full-time state attorney and assistant state attorney, ~~or~~
2021 public defender and assistant public defender, or regional
2022 conflict counsel and assistant regional conflict counsel for
2023 cases assigned to the circuit criminal division, based on the
2024 number of felony cases reported to the Supreme Court under s.
2025 25.075. The term does not include the appellate caseload of a
2026 public defender, ~~or~~ assistant public defender, regional conflict
2027 counsel, or assistant regional conflict counsel. Cases reported
2028 pursuant to this term must be associated with a case number, and
2029 each case number must only be reported once regardless of the
2030 number of attorney assignments that occur during the course of
2031 litigation. The caseload shall be calculated on June 30 and
2032 reported once at the beginning of the reporting agency's fiscal
2033 year.
2034 (b) "Annual felony conflict caseload" means the total
2035 number of felony cases the office of the public defender or
2036 office of regional conflict counsel has declined or withdrawn
2037 from in the previous calendar year due to lack of qualified
2038 counsel or due to excessive caseload. The caseload shall be
2039 calculated on June 30 and reported once at the beginning of
2040 reporting agency's fiscal year.

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2041 (c) ~~(b)~~ "Annual misdemeanor caseload" means the yearly
2042 caseload of each full-time state attorney and assistant state
2043 attorney, ~~or~~ public defender and assistant public defender, or
2044 regional conflict counsel and assistant regional conflict
2045 counsel for cases assigned to the county criminal division,
2046 based on the number of misdemeanor cases reported to the Supreme
2047 Court under s. 25.075. The term does not include the appellate
2048 caseload of a public defender, ~~or~~ assistant public defender,
2049 regional conflict counsel, or assistant regional conflict
2050 counsel. Cases reported pursuant to this term must be associated
2051 with a case number, and each case number must only be reported
2052 once regardless of the number of attorney assignments that occur
2053 during the course of litigation. The caseload shall be
2054 calculated on June 30 and reported once at the beginning of the
2055 reporting agency's fiscal year.
2056 (d) "Annual misdemeanor conflict caseload" means the total
2057 number of misdemeanor cases the office of the public defender or
2058 office of regional conflict counsel has declined or withdrawn
2059 from in the previous calendar year due to lack of qualified
2060 counsel or due to excessive caseload. The caseload shall be
2061 calculated on June 30 and reported once at the beginning of the
2062 reporting agency's fiscal year.
2063 (e) ~~(c)~~ "Attorney assignment date" means the date a court-
2064 appointed attorney is assigned to the case or, if privately
2065 retained, the date an attorney files a notice of appearance with
2066 the clerk of court.
2067 (f) ~~(d)~~ "Attorney withdrawal date" means the date the court
2068 removes court-appointed counsel from a case or, for a privately
2069 retained attorney, the date a motion to withdraw is granted by

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2070 the court.
2071 (g) ~~(e)~~ "Case number" means the uniform case ~~identification~~
2072 number assigned by the clerk of court to a criminal case.
2073 (h) ~~(f)~~ "Case status" means whether a case is open, active,
2074 inactive, closed, reclosed, or reopened due to a violation of
2075 probation or community control.
2076 (i) ~~(g)~~ "Charge description" means the statement of the
2077 conduct that is alleged to have been violated, the associated
2078 statutory section establishing such conduct as criminal, and the
2079 misdemeanor or felony classification that is provided for in the
2080 statutory section alleged to have been violated.
2081 (j) "Charge disposition" means the final adjudication for
2082 each charged crime, including, but not limited to, dismissal by
2083 state attorney, dismissal by judge, acquittal, no contest plea,
2084 guilty plea, or guilty finding at trial.
2085 (k) ~~(h)~~ "Charge modifier" means an aggravating circumstance
2086 of an alleged crime that enhances or reclassifies a charge to a
2087 more serious misdemeanor or felony offense level.
2088 (l) ~~(i)~~ "Concurrent or consecutive sentence flag" means an
2089 indication that a defendant is serving another sentence
2090 concurrently or consecutively in addition to the sentence for
2091 which data is being reported.
2092 (m) ~~(j)~~ "Daily number of correctional officers" means the
2093 number of full-time, part-time, and auxiliary correctional
2094 officers who are actively providing supervision, protection,
2095 care, custody, and control of inmates in a county detention
2096 facility or state correctional institution or facility each day.
2097 (n) ~~(k)~~ "Defense attorney type" means whether the attorney
2098 is a public defender, regional conflict counsel, or other

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2099 counsel court-appointed for the defendant; the attorney is
2100 privately retained by the defendant; or the defendant is
2101 represented pro se.
2102 (o) ~~(l)~~ "Deferred prosecution or pretrial diversion
2103 agreement date" means the date an agreement ~~a contract~~ is signed
2104 by the parties regarding a defendant's admission into a deferred
2105 prosecution or pretrial diversion program.
2106 (p) ~~(m)~~ "Deferred prosecution or pretrial diversion hearing
2107 date" means each date that a hearing, including a status
2108 hearing, is held on a case that is in a deferred prosecution or
2109 pretrial diversion program, if applicable.
2110 (q) ~~(n)~~ "Disciplinary violation and action" means any
2111 conduct performed by an inmate in violation of the rules of a
2112 county detention facility or state correctional institution or
2113 facility that results in the initiation of disciplinary
2114 proceedings by the custodial entity and the consequences of such
2115 disciplinary proceedings.
2116 (r) ~~(o)~~ "Disposition date" means the date of final judgment,
2117 adjudication, adjudication withheld, dismissal, or nolle
2118 prosequi for the case and if different dates apply, the
2119 disposition dates of each charge.
2120 (s) "Disposition type" means the manner in which the charge
2121 was closed, including final judgment, adjudication, adjudication
2122 withheld, dismissal, or nolle prosequi.
2123 (t) ~~(p)~~ "Domestic violence flag" means an indication that a
2124 filed charge involves domestic violence as defined in s. 741.28.
2125 (u) ~~(q)~~ "Gang affiliation flag" means an indication that a
2126 defendant is involved in or associated with a criminal gang as
2127 defined in s. 874.03 at the time of the current offense.

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2128 (v) ~~(r)~~ "Gain-time credit earned" means a credit of time
2129 awarded to an inmate in a county detention facility in
2130 accordance with s. 951.22 or a state correctional institution or
2131 facility in accordance with s. 944.275.
2132 (w) ~~(s)~~ "Habitual offender flag" means an indication that a
2133 defendant is a habitual felony offender as defined in s. 775.084
2134 or a habitual misdemeanor offender as defined in s. 775.0837.
2135 (x) "Habitual violent felony offender flag" means an
2136 indication that a defendant is a habitual violent felony
2137 offender as defined in s. 775.084.
2138 ~~(t) "Judicial transfer date" means a date on which a~~
2139 ~~defendant's case is transferred to another court or presiding~~
2140 ~~judge.~~
2141 (y) ~~(u)~~ "Number of contract attorneys representing indigent
2142 defendants for the office of the public defender" means the
2143 number of attorneys hired on a temporary basis, by contract, to
2144 represent indigent clients who were appointed a public defender.
2145 (z) ~~(v)~~ "Pretrial release violation flag" means an
2146 indication that the defendant has violated the terms of his or
2147 her pretrial release.
2148 (aa) ~~(w)~~ "Prior incarceration within the state" means any
2149 prior history of a defendant's incarceration ~~defendant being~~
2150 ~~incarcerated~~ in a ~~county detention facility or~~ state
2151 correctional institution or facility.
2152 (bb) "Prison releasee reoffender flag" means an indication
2153 that the defendant is a prison releasee reoffender as defined in
2154 s. 775.082 or any other statute.
2155 (dd) ~~(x)~~ "Tentative release date" means the anticipated date
2156 that an inmate will be released from incarceration after the

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2157 application of adjustments for any gain-time earned or credit
2158 for time served.
2159 (cc) ~~(y)~~ "Sexual offender flag" means an indication that a
2160 defendant was ~~is~~ required to register as a sexual predator as
2161 defined in s. 775.21 or as a sexual offender as defined in s.
2162 943.0435.
2163 (ee) "Three-time violent felony offender flag" means an
2164 indication that the defendant is a three-time violent felony
2165 offender as defined in s. 775.084 or any other statute.
2166 (ff) "Violent career criminal flag" means an indication
2167 that the defendant is a violent career criminal as defined in s.
2168 775.084 or any other statute.
2169 (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~
2170 ~~2019,~~ An entity required to collect data in accordance with this
2171 subsection shall collect the specified data and ~~required of the~~
2172 ~~entity on a biweekly basis. Each entity shall~~ report it ~~the data~~
2173 ~~collected~~ in accordance with this subsection to the Department
2174 of Law Enforcement on a monthly basis.
2175 (a) *Clerk of the court*.—Each clerk of court shall collect
2176 the following data for each criminal case:
2177 1. Case number.
2178 2. Date that the alleged offense occurred.
2179 ~~3. County in which the offense is alleged to have occurred.~~
2180 3. ~~4.~~ Date the defendant is taken into physical custody by a
2181 law enforcement agency or is issued a notice to appear on a
2182 criminal charge~~, if such date is different from the date the~~
2183 ~~offense is alleged to have occurred~~.
2184 4. Whether the case originated by notice to appear.
2185 5. Date that the criminal prosecution of a defendant is

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2186 formally initiated ~~through the filing, with the clerk of the~~
2187 ~~court, of an information by the state attorney or an indictment~~
2188 ~~issued by a grand jury~~.
2189 6. Arraignment date.
2190 7. Attorney appointment ~~assignment~~ date.
2191 8. Attorney withdrawal date.
2192 9. Case status.
2193 10. Charge disposition.
2194 11.~~10.~~ Disposition date and disposition type.
2195 12.~~11.~~ Information related to each defendant, including:
2196 a. Identifying information, including name, known aliases,
2197 date of birth, ~~age,~~ race, ~~or~~ ethnicity, and gender.
2198 b. Zip code of last known address ~~primary residence~~.
2199 c. Primary language.
2200 d. Citizenship.
2201 e. Immigration status, if applicable.
2202 f. Whether the defendant has been found ~~by a court~~ to be
2203 indigent under ~~pursuant to~~ s. 27.52.
2204 13.~~12.~~ Information related to the ~~formal~~ charges filed
2205 against the defendant, including:
2206 a. Charge description.
2207 b. Charge modifier description and statute, if applicable.
2208 c. Drug type for each drug charge, if known.
2209 d. Qualification for a flag designation as defined in this
2210 section, including a domestic violence flag, gang affiliation
2211 flag, sexual offender flag, habitual offender flag, habitual
2212 violent felony offender flag, ~~or~~ pretrial release violation
2213 flag, prison releasee reoffender flag, three-time violent felony
2214 offender flag, or violent career criminal flag.

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2215 14.~~13.~~ Information related to bail or bond and pretrial
2216 release determinations, including the dates of any such
2217 determinations:
2218 a. Pretrial release determination made at a first
2219 appearance hearing that occurs within 24 hours of arrest,
2220 including any ~~all~~ monetary and nonmonetary conditions of
2221 release.
2222 b. Modification of bail or bond conditions made by a court
2223 having jurisdiction to try the defendant or, in the absence of
2224 the judge of the trial court, by the circuit court, including
2225 modifications to any monetary and nonmonetary conditions of
2226 release.
2227 c. Cash bail or bond payment, including whether the
2228 defendant utilized a bond agent to post a surety bond.
2229 d. Date defendant is released on bail, bond, or pretrial
2230 release for the current case.
2231 e. Bail or bond revocation due to a new offense, a failure
2232 to appear, or a violation of the terms of bail or bond, if
2233 applicable.
2234 15.~~14.~~ Information related to court dates and dates of
2235 motions and appearances, including:
2236 a. Date of any court appearance and the type of proceeding
2237 scheduled for each date reported.
2238 b. Date of any failure to appear in court, if applicable.
2239 c. Deferred prosecution or pretrial diversion hearing, if
2240 applicable.
2241 ~~c. Judicial transfer date, if applicable.~~
2242 d. Each scheduled trial date.
2243 e. Date that a defendant files a notice to participate in

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2244 discovery.
2245 f. Speedy trial motion date and each hearing date~~s~~, if
2246 applicable.
2247 g. Dismissal motion date and each hearing date ~~dates~~, if
2248 applicable.
2249 16.~~15.~~ Defense attorney type.
2250 17.~~16.~~ Information related to sentencing, including:
2251 a. Date that a court enters a sentence against a defendant.
2252 b. Charge sentenced to, including charge sequence number,
2253 and charge description~~, statute, type, and charge class~~
2254 ~~severity~~.
2255 c. Sentence type and length imposed by the court in the
2256 current case, reported in years, months, and days, including,
2257 but not limited to, the total duration of incarceration
2258 ~~imprisonment~~ in a county detention facility or state
2259 correctional institution or facility, and conditions of
2260 probation or community control supervision.
2261 d. Amount of time served in custody by the defendant
2262 related to each charge ~~the reported criminal case~~ that is
2263 credited at the time of disposition of the charge ~~case~~ to reduce
2264 the imposed ~~actual~~ length of time the defendant will serve on
2265 the term of incarceration ~~imprisonment~~ that is ordered by the
2266 court at disposition.
2267 e. Total amount of court costs ~~fees~~ imposed by the court at
2268 the disposition of the case.
2269 ~~f. Outstanding balance of the defendant's court fees~~
2270 ~~imposed by the court at disposition of the case.~~
2271 f.~~g.~~ Total amount of fines imposed by the court at the
2272 disposition of the case.

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2273 ~~h. Outstanding balance of the defendant's fines imposed by~~
2274 ~~the court at disposition of the case.~~
2275 g.~~i.~~ Restitution amount ordered at sentencing~~, including~~
2276 ~~the amount collected by the court and the amount paid to the~~
2277 ~~victim, if applicable~~.
2278 ~~j. Digitized sentencing scoresheet prepared in accordance~~
2279 ~~with s. 921.0024.~~
2280 18.~~17.~~ The sentencing judge or magistrate, or their
2281 equivalent, ~~number of judges or magistrates, or their~~
2282 ~~equivalents, hearing cases in circuit or county criminal~~
2283 ~~divisions of the circuit court. Judges or magistrates, or their~~
2284 ~~equivalents, who solely hear appellate cases from the county~~
2285 ~~criminal division are not to be reported under this~~
2286 ~~subparagraph~~.
2287 (b) *State attorney.*—Each state attorney shall collect the
2288 following data:
2289 1. Information related to a human victim of a criminal
2290 offense, including:
2291 a. Identifying information of the victim, including race,
2292 ~~or~~ ethnicity, gender, and age at the time of the offense.
2293 b. Relationship to the offender, if any.
2294 2. Number of full-time prosecutors.
2295 3. Number of part-time prosecutors.
2296 4. Annual felony caseload.
2297 5. Annual misdemeanor caseload.
2298 6. Any charge referred to the state attorney by a law
2299 enforcement agency or sworn complainant related to an episode of
2300 criminal activity.
2301 7. Disposition of each referred charge, such as filed,

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2302 declined, or diverted.
2303 8.~~7.~~ Number of cases in which a no-information was filed.
2304 9.~~8.~~ Information related to each defendant, including:
2305 a. Each charge referred to the state attorney by a law
2306 enforcement agency or sworn complainant related to an episode of
2307 criminal activity.
2308 b. Case number, name, and date of birth.
2309 c.~~b.~~ Drug type for each drug charge, if applicable.
2310 d. Deferred prosecution or pretrial diversion agreement
2311 date, if applicable.
2312 (c) *Public defender*.—Each public defender shall collect the
2313 following data ~~for each criminal case~~:
2314 1. Number of full-time public defenders.
2315 2. Number of part-time public defenders.
2316 3. Number of contract attorneys representing indigent
2317 defendants for the office of the public defender.
2318 4. Annual felony caseload.
2319 5. Annual felony conflict caseload.
2320 6.~~5.~~ Annual misdemeanor caseload.
2321 7. Annual misdemeanor conflict caseload.
2322 (d) *County detention facility*.—The administrator of each
2323 county detention facility shall collect the following data:
2324 1. Maximum capacity for the county detention facility.
2325 2. Weekly admissions to the county detention facility for a
2326 revocation of probation or community control.
2327 3. Weekly admissions to the county detention facility for a
2328 revocation of pretrial release.
2329 4.~~3.~~ Daily population of the county detention facility,
2330 including the specific number of inmates in the custody of the

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2331 county that:
2332 a. Are awaiting case disposition.
2333 b. Have been sentenced by a court to a term of
2334 incarceration ~~imprisonment~~ in the county detention facility.
2335 c. Have been sentenced by a court to a term of imprisonment
2336 with the Department of Corrections and who are awaiting
2337 transportation to the department.
2338 d. Have a federal detainer, ~~or~~ are awaiting disposition of
2339 a case in federal court, or are awaiting other federal
2340 disposition.
2341 5.~~4.~~ Information related to each inmate, including:
2342 a. Identifying information, including name, date of birth,
2343 race, ethnicity, gender, case number, and identification number
2344 assigned by the county detention facility.
2345 b.~~a.~~ Date when an inmate ~~a defendant~~ is processed and
2346 booked into the county detention facility subsequent to an
2347 arrest for a new violation of law, ~~or~~ for a violation of
2348 probation or community control, or for a violation of pretrial
2349 release.
2350 c.~~b.~~ Reason why an inmate ~~a defendant~~ is processed and
2351 booked into the county detention facility, including ~~if it is~~
2352 ~~for~~ a new law violation, ~~or~~ a violation of probation or
2353 community control, or a violation of pretrial release.
2354 d.~~c.~~ Qualification for a flag designation as defined in
2355 this section, including domestic violence flag, gang affiliation
2356 flag, habitual offender flag, habitual violent felony offender
2357 flag, pretrial release violation flag, ~~or~~ sexual offender flag,
2358 prison releasee reoffender flag, three-time violent felony
2359 offender flag, or violent career criminal flag.

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2360 5. Total population of the county detention facility at
2361 year-end. This data must include the same specified
2362 classifications as subparagraph 3.
2363 6. Per diem rate for a county detention facility bed.
2364 7. Daily number of correctional officers for the county
2365 detention facility.
2366 8. Annual county detention facility budget. This
2367 information only needs to be reported once annually at the
2368 beginning of the county's fiscal year.
2369 9. Annual revenue generated for the county from the
2370 temporary incarceration of federal defendants or inmates.
2371 (e) *Department of Corrections*.—The Department of
2372 Corrections shall collect the following data:
2373 1. Information related to each inmate, including:
2374 a. Identifying information, including name, date of birth,
2375 race, ~~or~~ ethnicity, gender, case number, and identification
2376 number assigned by the department.
2377 ~~b. Number of children.~~
2378 b.~~c~~. Highest education level~~, including any vocational~~
2379 ~~training~~.
2380 c.~~d.~~ Date the inmate was admitted to the custody of the
2381 department for his or her current incarceration.
2382 d.~~e.~~ Current institution placement and the security level
2383 assigned to the institution.
2384 e.~~f.~~ Custody level assignment.
2385 f.~~g.~~ Qualification for a flag designation as defined in
2386 this section, including sexual offender flag, habitual offender
2387 flag, habitual violent felony offender flag, prison releasee
2388 reoffender flag, three-time violent felony offender flag,

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2389 violent career criminal flag, gang affiliation flag, or
2390 concurrent or consecutive sentence flag.
2391 g.~~h.~~ County that committed the prisoner to the custody of
2392 the department.
2393 h.~~i.~~ Whether the reason for admission to the department is
2394 for a new conviction or a violation of probation, community
2395 control, or parole. For an admission for a probation, community
2396 control, or parole violation, the department shall report
2397 whether the violation was technical or based on a new violation
2398 of law.
2399 i.~~j.~~ Specific statutory citation for which the inmate was
2400 committed to the department, including, for an inmate convicted
2401 of drug trafficking under s. 893.135, the statutory citation for
2402 each specific drug trafficked.
2403 j. Length of sentence served.
2404 k. Length of sentence or concurrent or consecutive
2405 sentences served.
2406 l. Tentative release date.
2407 m. Gain time earned in accordance with s. 944.275.
2408 n. Prior incarceration within the state.
2409 o. Disciplinary violation and action.
2410 p. Participation in rehabilitative or educational programs
2411 while in the custody of the department.
2412 q. Digitized sentencing scoresheet prepared in accordance
2413 with s. 921.0024.
2414 2. Information about each state correctional institution or
2415 facility, including:
2416 a. Budget for each state correctional institution or
2417 facility.

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2418 b. Daily prison population of all inmates incarcerated in a
2419 state correctional institution or facility.
2420 c. Daily number of correctional officers for each state
2421 correctional institution or facility.
2422 3. Information related to persons supervised by the
2423 department on probation or community control, including:
2424 a. Identifying information for each person supervised by
2425 the department on probation or community control, including his
2426 or her name, date of birth, race, ~~or~~ ethnicity, gender, case
2427 number ~~sex~~, and department-assigned case number.
2428 b. Length of probation or community control sentence
2429 imposed and amount of time that has been served on such
2430 sentence.
2431 c. Projected termination date for probation or community
2432 control.
2433 d. Revocation of probation or community control due to a
2434 violation, including whether the revocation is due to a
2435 technical violation of the conditions of supervision or from the
2436 commission of a new law violation.
2437 4. Per diem rates for:
2438 a. Prison bed.
2439 b. Probation.
2440 c. Community control.
2441
2442 This information only needs to be reported once annually at the
2443 time the most recent per diem rate is published.
2444 (f) *Justice Administrative Commission.*—The Justice
2445 Administrative Commission shall collect the following data:
2446 1. Number of private registry attorneys representing

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2447 indigent adult defendants.
2448 2. Annual felony caseload assigned to private registry
2449 contract attorneys.
2450 3. Annual misdemeanor caseload assigned to private registry
2451 contract attorneys.
2452 (g) *Criminal conflict regional counsel.*—Each office of
2453 criminal conflict regional counsel shall report the following
2454 data:
2455 1. Number of full-time assistant regional conflict counsel
2456 handling criminal cases.
2457 2. Number of part-time assistant regional conflict counsel
2458 handling criminal cases.
2459 3. Number of contract attorneys representing indigent adult
2460 defendants.
2461 4. Annual felony caseload.
2462 5. Annual felony conflict caseload.
2463 6. Annual misdemeanor caseload.
2464 7. Annual misdemeanor conflict caseload.
2465 (4) DATA PUBLICLY AVAILABLE.—~~Beginning January 1, 2019,~~ The
2466 Department of Law Enforcement shall publish datasets in its
2467 possession in a modern, open, electronic format that is machine-
2468 readable and readily accessible by the public on the
2469 department's website. The published data must be searchable, at
2470 a minimum, by ~~each~~ data elements, county, circuit, and unique
2471 identifier. Beginning March 1, 2019, the department shall
2472 publish ~~begin publishing~~ the data received under subsection (3)
2473 ~~(2)~~ in the same modern, open, electronic format that is machine-
2474 readable and readily accessible to the public on the
2475 department's website. The department shall publish all data

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2476 received under subsection (3) ~~(2)~~ no later than January 1, 2020,
2477 and monthly thereafter ~~July 1, 2019~~.
2478 (5) NONCOMPLIANCE.—Notwithstanding any other provision of
2479 law, an entity required to collect and transmit data under
2480 subsection (3) ~~paragraph (3)(a) or paragraph (3)(d)~~ which does
2481 not comply with the requirements of this section is ineligible
2482 to receive funding from the General Appropriations Act, any
2483 state grant program administered by the Department of Law
2484 Enforcement, or any other state agency for 5 years after the
2485 date of noncompliance.
2486 (6) CONFIDENTIALITY.—Information collected by any reporting
2487 agency which is confidential and exempt upon collection remains
2488 confidential and exempt when reported to the Department of Law
2489 Enforcement under this section.
2490 Section 46. Effective July 1, 2020, section 900.06, Florida
2491 Statutes, is created to read:
2492 900.06 Recording of custodial interrogations for certain
2493 offenses.—
2494 (1) As used in this section, the term:
2495 (a) "Custodial interrogation" means questioning or other
2496 conduct by a law enforcement officer which is reasonably likely
2497 to elicit an incriminating response from an individual and which
2498 occurs under circumstances in which a reasonable individual in
2499 the same circumstances would consider himself or herself to be
2500 in the custody of a law enforcement agency.
2501 (b) "Electronic recording" means an audio recording or an
2502 audio and video recording that accurately records a custodial
2503 interrogation.
2504 (c) "Covered offense" includes:

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2505 1. Arson.
2506 2. Sexual battery.
2507 3. Robbery.
2508 4. Kidnapping.
2509 5. Aggravated child abuse.
2510 6. Aggravated abuse of an elderly person or disabled adult.
2511 7. Aggravated assault with a deadly weapon.
2512 8. Murder.
2513 9. Manslaughter.
2514 10. Aggravated manslaughter of an elderly person or
2515 disabled adult.
2516 11. Aggravated manslaughter of a child.
2517 12. The unlawful throwing, placing, or discharging of a
2518 destructive device or bomb.
2519 13. Armed burglary.
2520 14. Aggravated battery.
2521 15. Aggravated stalking.
2522 16. Home-invasion robbery.
2523 17. Carjacking.
2524 (d) "Place of detention" means a police station, sheriff's
2525 office, correctional facility, prisoner holding facility, county
2526 detention facility, or other governmental facility where an
2527 individual may be held in connection with a criminal charge that
2528 has been or may be filed against the individual.
2529 (e) "Statement" means a communication that is oral,
2530 written, electronic, nonverbal, or in sign language.
2531 (2)(a) A custodial interrogation at a place of detention,
2532 including the giving of a required warning, the advisement of
2533 the rights of the individual being questioned, and the waiver of

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2534 any rights by the individual, must be electronically recorded in
2535 its entirety if the interrogation is related to a covered
2536 offense.
2537 (b) If a law enforcement officer conducts a custodial
2538 interrogation at a place of detention without electronically
2539 recording the interrogation, the officer must prepare a written
2540 report explaining the reason why he or she did not record the
2541 interrogation.
2542 (c) As soon as practicable, a law enforcement officer who
2543 conducts a custodial interrogation at a place other than a place
2544 of detention shall prepare a written report explaining the
2545 circumstances of the interrogation at that place and summarizing
2546 the custodial interrogation process and the individual's
2547 statements made at that place.
2548 (d) Paragraph (a) does not apply:
2549 1. If an unforeseen equipment malfunction prevents
2550 recording the custodial interrogation in its entirety;
2551 2. If a suspect refuses to participate in a custodial
2552 interrogation if his or her statements are to be electronically
2553 recorded;
2554 3. If an equipment operator error prevents recording the
2555 custodial interrogation in its entirety;
2556 4. If the statement is made spontaneously and not in
2557 response to a custodial interrogation question;
2558 5. If the statement is made during the processing of the
2559 arrest of a suspect;
2560 6. If the custodial interrogation occurs when the law
2561 enforcement officer participating in the interrogation does not
2562 have any knowledge of facts and circumstances that would lead an

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2563 officer to reasonably believe that the individual being
2564 interrogated may have committed a covered offense;
2565 7. If the law enforcement officer conducting the custodial
2566 interrogation reasonably believes that making an electronic
2567 recording would jeopardize the safety of the officer, the
2568 individual being interrogated, or others; or
2569 8. If the custodial interrogation is conducted outside of
2570 this state.
2571 (3) Unless a court finds that one or more of the
2572 circumstances specified in paragraph (2)(d) apply, the court
2573 must consider the circumstances of an interrogation conducted by
2574 a law enforcement officer in which he or she did not
2575 electronically record all or part of a custodial interrogation
2576 in determining whether a statement made during the interrogation
2577 is admissible. If the court admits into evidence a statement
2578 made during a custodial interrogation that was not
2579 electronically recorded as required under paragraph (2)(a), the
2580 court must, upon request of the defendant, give cautionary
2581 instructions to the jury regarding the law enforcement officer's
2582 failure to comply with that requirement.
2583 (4) A law enforcement agency in this state which has
2584 enforced rules adopted pursuant to this section which are
2585 reasonably designed to ensure compliance with the requirements
2586 of this section is not subject to civil liability for damages
2587 arising from a violation of this section. This section does not
2588 create a cause of action against a law enforcement officer.
2589 Section 47. Paragraph (e) of subsection (1) of section
2590 921.002, Florida Statutes, is amended to read:
2591 921.002 The Criminal Punishment Code.—The Criminal

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2592 Punishment Code shall apply to all felony offenses, except
2593 capital felonies, committed on or after October 1, 1998.
2594 (1) The provision of criminal penalties and of limitations
2595 upon the application of such penalties is a matter of
2596 predominantly substantive law and, as such, is a matter properly
2597 addressed by the Legislature. The Legislature, in the exercise
2598 of its authority and responsibility to establish sentencing
2599 criteria, to provide for the imposition of criminal penalties,
2600 and to make the best use of state prisons so that violent
2601 criminal offenders are appropriately incarcerated, has
2602 determined that it is in the best interest of the state to
2603 develop, implement, and revise a sentencing policy. The Criminal
2604 Punishment Code embodies the principles that:
2605 (e) The sentence imposed by the sentencing judge reflects
2606 the length of actual time to be served, shortened only by the
2607 application of incentive and meritorious gain-time as provided
2608 by law, and may not be shortened if the defendant would
2609 consequently serve less than 65 percent of his or her term of
2610 imprisonment as provided in s. 944.275(4)(b)3.a. or 85 percent
2611 of his or her term of imprisonment as provided in s. 944.275(4)
2612 or s. 944.275(4)(b)3.b. The provisions of chapter 947, relating
2613 to parole, do not ~~shall not~~ apply to persons sentenced under the
2614 Criminal Punishment Code. This paragraph applies retroactively
2615 to October 1, 1995, as provided in s. 944.275(4)(b)3.a. and b.
2616 Section 48. Section 943.0578, Florida Statutes, is created
2617 to read:
2618 943.0578 Lawful Self-Defense Expunction.—
2619 (1) Notwithstanding the eligibility requirements defined in
2620 s. 943.0585(1) and (2), the department shall issue a certificate

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2621 of eligibility for expunction under this section to a person who
2622 is the subject of a criminal history record if that person has
2623 obtained, and submitted to the department, on a form provided by
2624 the department, a written, certified statement from the
2625 appropriate state attorney or statewide prosecutor which states
2626 whether an information, indictment, or other charging document
2627 was not filed or was dismissed by the state attorney, or
2628 dismissed by the court, because it was found that the person
2629 acted in lawful self-defense pursuant to chapter 776.
2630 (2) Each petition to expunge a criminal history record
2631 pursuant to this section must be accompanied by:
2632 (a) A valid certificate of eligibility for expunction
2633 issued by the department pursuant to this section; and
2634 (b) The petitioner's sworn statement attesting that the
2635 petitioner is eligible for such an expunction to the best of his
2636 or her knowledge or belief.
2637
2638 Any person who knowingly provides false information on such
2639 sworn statement to the court commits a felony of the third
2640 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2641 775.084.
2642 (3) This section does not confer any right to the
2643 expunction of a criminal history record, and any request for
2644 expunction of a criminal history record may be denied at the
2645 discretion of the court.
2646 (4) Section 943.0585(5) and (6) apply to an expunction
2647 ordered under this section.
2648 (5) The department shall adopt rules to establish
2649 procedures for applying for and issuing a certificate of

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2650 eligibility for expunction under this section.
2651 Section 49. Section 943.0581, Florida Statutes, is amended
2652 to read:
2653 943.0581 Administrative expunction for arrests made
2654 contrary to law or by mistake.—
2655 (1) Notwithstanding any law dealing generally with the
2656 preservation and destruction of public records, the department
2657 may adopt a rule pursuant to chapter 120 for the administrative
2658 expunction of any nonjudicial record of an arrest of a minor or
2659 an adult made contrary to law or by mistake.
2660 (2) A law enforcement agency shall apply to the department
2661 in the manner prescribed by rule for the administrative
2662 expunction of any nonjudicial record of any arrest of a minor or
2663 an adult who is subsequently determined by the agency, at its
2664 discretion, or by the final order of a court of competent
2665 jurisdiction, to have been arrested contrary to law or by
2666 mistake.
2667 (3) An adult or, in the case of a minor child, the parent
2668 or legal guardian of the minor child, may apply to the
2669 department in the manner prescribed by rule for the
2670 administrative expunction of any nonjudicial record of an arrest
2671 alleged to have been made contrary to law or by mistake,
2672 provided that the application is supported by the endorsement of
2673 the head of the arresting agency or his or her designee or the
2674 state attorney of the judicial circuit in which the arrest
2675 occurred or his or her designee.
2676 (4) An application for administrative expunction shall
2677 include the date and time of the arrest, the name of the person
2678 arrested, the offender-based tracking system (OBTS) number, and

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2679 the crime or crimes charged. The application shall be on the
2680 submitting agency's letterhead and shall be signed by the head
2681 of the submitting agency or his or her designee.
2682 (5) If the person was arrested on a warrant, capias, or
2683 pickup order, a request for an administrative expunction may be
2684 made by the sheriff of the county in which the warrant, capias,
2685 or pickup order was issued or his or her designee or by the
2686 state attorney of the judicial circuit in which the warrant,
2687 capias, or pickup order was issued or his or her designee.
2688 (6) An application or endorsement under this section is not
2689 admissible as evidence in any judicial or administrative
2690 proceeding and may not be construed in any way as an admission
2691 of liability in connection with an arrest.
2692 Section 50. Section 943.0584, Florida Statutes, is created
2693 to read:
2694 943.0584 Criminal history records ineligible for court-
2695 ordered expunction or court-ordered sealing.—
2696 (1) As used in this section, the term "conviction" means a
2697 determination of guilt which is the result of a trial or the
2698 entry of a plea of guilty or nolo contendere, regardless of
2699 whether adjudication is withheld, or if the defendant was a
2700 minor, a finding that the defendant committed or pled guilty or
2701 nolo contendere to committing a delinquent act, regardless of
2702 whether adjudication of delinquency is withheld.
2703 (2) A criminal history record is ineligible for a
2704 certificate of eligibility for expunction or a court-ordered
2705 expunction pursuant to s. 943.0585 or a certificate of
2706 eligibility for sealing or a court-ordered sealing pursuant to
2707 s. 943.059 if the record is a conviction, information,

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2708 indictment, notice to appear, or arrest for any of the following
2709 offenses:
2710 (a) Sexual misconduct, as defined in s. 393.135, s.
2711 394.4593, or s. 916.1075;
2712 (b) Illegal use of explosives, as defined in chapter 552;
2713 (c) Terrorism, as defined in s. 775.30;
2714 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
2715 782.09;
2716 (e) Manslaughter or homicide, as defined in s. 782.07, s.
2717 782.071, or s. 782.072;
2718 (f) Assault or battery, as defined in ss. 784.011 and
2719 784.03, respectively, of one family or household member by
2720 another family or household member, as defined in s. 741.28(3);
2721 (g) Aggravated assault, as defined in s. 784.021;
2722 (h) Felony battery, domestic battery by strangulation, or
2723 aggravated battery, as defined in s. 784.03, s. 784.041, and s.
2724 784.045, respectively;
2725 (i) Stalking or aggravated stalking, as defined in s.
2726 784.048;
2727 (j) Luring or enticing a child, as defined in s. 787.025;
2728 (k) Human trafficking, as defined in s. 787.06;
2729 (l) Kidnapping or false imprisonment, as defined in s.
2730 787.01 or s. 787.02;
2731 (m) Any offense defined in chapter 794;
2732 (n) Procuring a person under the age of 18 for
2733 prostitution, as defined in former s. 796.03;
2734 (o) Lewd or lascivious offenses committed upon or in the
2735 presence of persons less than 16 years of age, as defined in s.
2736 800.04;

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2737 (p) Arson, as defined in s. 806.01;
2738 (q) Burglary of a dwelling, as defined in s. 810.02;
2739 (r) Voyeurism or video voyeurism, as defined in s. 810.14
2740 and s. 810.145, respectively;
2741 (s) Robbery or robbery by sudden snatching, as defined in
2742 s. 812.13 and s. 812.131, respectively;
2743 (t) Carjacking, as defined in s. 812.133;
2744 (u) Home-invasion robbery, as defined in s. 812.135;
2745 (v) A violation of the Florida Communications Fraud Act, s.
2746 817.034;
2747 (w) Abuse of an elderly person or disabled adult, or
2748 aggravated abuse of an elderly person or disabled adult, as
2749 defined in s. 825.102;
2750 (x) Lewd or lascivious offenses committed upon or in the
2751 presence of an elderly person or disabled person, as defined in
2752 s. 825.1025;
2753 (y) Child abuse or aggravated child abuse, as defined in s.
2754 827.03;
2755 (z) Sexual performance by a child, as defined in s.
2756 827.071;
2757 (aa) Any offense defined in chapter 839;
2758 (bb) Certain acts in connection with obscenity, as defined
2759 in s. 847.0133;
2760 (cc) Any offense defined in s. 847.0135;
2761 (dd) Selling or buying of minors, as defined in s.
2762 847.0145;
2763 (ee) Aircraft piracy, as defined in s. 860.16;
2764 (ff) Manufacturing a controlled substance in violation of
2765 chapter 893;

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2766 (gg) Drug trafficking, as defined in s. 893.135; or
2767 (hh) Any violation specified as a predicate offense for
2768 registration as a sexual predator pursuant to s. 775.21, or
2769 sexual offender pursuant to s. 943.0435, without regard to
2770 whether that offense alone is sufficient to require such
2771 registration.
2772 Section 51. Section 943.0585, Florida Statutes, is amended
2773 to read:
2774 (Substantial rewording of section. See
2775 s. 943.0585, F.S., for present text.)
2776 943.0585 Court-ordered expunction of criminal history
2777 records.—
2778 (1) ELIGIBILITY.—A person is eligible to petition a court
2779 to expunge a criminal history record when:
2780 (a) An indictment, information, or other charging document
2781 was not filed or issued in the case giving rise to the criminal
2782 history record.
2783 (b) If an indictment, information, or other charging
2784 document was filed or issued in the case giving rise to the
2785 criminal history record, it was dismissed or nolle prosequi by
2786 the state attorney or statewide prosecutor, or was dismissed by
2787 a court of competent jurisdiction, or a judgment of acquittal
2788 was rendered by a judge, or a verdict of not guilty was rendered
2789 by a judge or jury.
2790 (c) The person is not seeking to expunge a criminal history
2791 record that is ineligible for court-ordered expunction pursuant
2792 to s. 943.0584.
2793 (d) The person has never, as of the date the application
2794 for a certificate of expunction is filed, been adjudicated

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2795 guilty in this state of a criminal offense or been adjudicated
2796 delinquent in this state for committing any felony or any of the
2797 following misdemeanors, unless the record of such adjudication
2798 of delinquency has been expunged pursuant to s. 943.0515:
2799 1. Assault, as defined in s. 784.011;
2800 2. Battery, as defined in s. 784.03;
2801 3. Assault on a law enforcement officer, a firefighter, or
2802 other specified officers, as defined in s. 784.07(2)(a);
2803 4. Carrying a concealed weapon, as defined in s. 790.01(1);
2804 5. Open carrying of a weapon, as defined in s. 790.053;
2805 6. Unlawful possession or discharge of a weapon or firearm
2806 at a school-sponsored event or on school property, as defined in
2807 s. 790.115;
2808 7. Unlawful use of destructive devices or bombs, as defined
2809 in s. 790.1615(1);
2810 8. Unlawful possession of a firearm, as defined in s.
2811 790.22(5);
2812 9. Exposure of sexual organs, as defined in s. 800.03;
2813 10. Arson, as defined in s. 806.031(1);
2814 11. Petit theft, as defined in s. 812.014(3);
2815 12. Neglect of a child, as defined in s. 827.03(1)(e); or
2816 13. Cruelty to animals, as defined in s. 828.12(1).
2817 (e) The person has not been adjudicated guilty of, or
2818 adjudicated delinquent for committing, any of the acts stemming
2819 from the arrest or alleged criminal activity to which the
2820 petition pertains.
2821 (f) The person is no longer under court supervision
2822 applicable to the disposition of arrest or alleged criminal
2823 activity to which the petition to expunge pertains.

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2824 (g) The person has never secured a prior sealing or
2825 expunction of a criminal history record under this section, s.
2826 943.059, former s. 893.14, former s. 901.33, or former s.
2827 943.058, unless expunction is sought of a criminal history
2828 record previously sealed for 10 years pursuant to paragraph (h)
2829 and the record is otherwise eligible for expunction.
2830 (h) The person has previously obtained a court order
2831 sealing the criminal history record under this section, former
2832 s. 893.14, former s. 901.33, or former s. 943.058 for a minimum
2833 of 10 years because adjudication was withheld or because all
2834 charges related to the arrest or alleged criminal activity to
2835 which the petition to expunge pertains were not dismissed before
2836 trial, without regard to whether the outcome of the trial was
2837 other than an adjudication of guilt. The requirement for the
2838 record to have previously been sealed for a minimum of 10 years
2839 does not apply when a plea was not entered or all charges
2840 related to the arrest or alleged criminal activity to which the
2841 petition to expunge pertains were dismissed before trial or a
2842 judgment of acquittal was rendered by a judge or a verdict of
2843 not guilty was rendered by a judge or jury.
2844 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
2845 to expunge a criminal history record, a person seeking to
2846 expunge a criminal history record shall apply to the department
2847 for a certificate of eligibility for expunction. The department
2848 shall adopt rules to establish procedures for applying for and
2849 issuing a certificate of eligibility for expunction.
2850 (a) The department shall issue a certificate of eligibility
2851 for expunction to a person who is the subject of a criminal
2852 history record if that person:

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2853 1. Satisfies the eligibility criteria in paragraphs (1)(a)-
2854 (h) and is not ineligible under s. 943.0584.
2855 2. Has submitted to the department a written certified
2856 statement from the appropriate state attorney or statewide
2857 prosecutor which confirms the criminal history record complies
2858 with the criteria in paragraph (1)(a) or paragraph (1)(b) and
2859 (c).
2860 3. Has submitted to the department a certified copy of the
2861 disposition of the charge to which the petition to expunge
2862 pertains.
2863 4. Remits a $75 processing fee to the department for
2864 placement in the Department of Law Enforcement Operating Trust
2865 Fund, unless the executive director waives such fee.
2866 (b) A certificate of eligibility for expunction is valid
2867 for 12 months after the date stamped on the certificate when
2868 issued by the department. After that time, the petitioner must
2869 reapply to the department for a new certificate of eligibility.
2870 The petitioner’s status and the law in effect at the time of the
2871 renewal application determines the petitioner’s eligibility.
2872 (3) PETITION.—Each petition to expunge a criminal history
2873 record must be accompanied by:
2874 (a) A valid certificate of eligibility issued by the
2875 department.
2876 (b) The petitioner’s sworn statement that he or she:
2877 1. Satisfies the eligibility requirements for expunction in
2878 subsection (1).
2879 2. Is eligible for expunction to the best of his or her
2880 knowledge and does not have any other petition to seal or
2881 expunge a criminal history record pending before any court.

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2882
2883 A person who knowingly provides false information on such sworn
2884 statement commits a felony of the third degree, punishable as
2885 provided in s. 775.082, s. 775.083, or s. 775.084.
2886 (4) COURT AUTHORITY.—
2887 (a) The courts of this state have jurisdiction over their
2888 own procedures, including the maintenance, expunction, and
2889 correction of judicial records containing criminal history
2890 information to the extent that such procedures are not
2891 inconsistent with the conditions, responsibilities, and duties
2892 established by this section.
2893 (b) A court of competent jurisdiction may order a criminal
2894 justice agency to expunge the criminal history record of a minor
2895 or an adult who complies with the requirements of this section.
2896 The court may not order a criminal justice agency to expunge a
2897 criminal history record until the person seeking to expunge a
2898 criminal history record has applied for and received a
2899 certificate of eligibility under subsection (2).
2900 (c) The court may only order expunction of a criminal
2901 history record pertaining to one arrest or one incident of
2902 alleged criminal activity, except that the court may order the
2903 expunction of a criminal history record pertaining to more than
2904 one arrest if the additional arrests directly relate to the
2905 original arrest. If the court intends to order the expunction of
2906 records pertaining to such additional arrests, such intent must
2907 be specified in the order. A criminal justice agency may not
2908 expunge any record pertaining to such additional arrests if the
2909 order to expunge does not articulate the intention of the court
2910 to expunge a record pertaining to more than one arrest. This

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2911 section does not prevent the court from ordering the expunction
2912 of only a portion of a criminal history record pertaining to one
2913 arrest or one incident of alleged criminal activity.
2914 (d) Notwithstanding any law to the contrary, a criminal
2915 justice agency may comply with laws, court orders, and official
2916 requests of other jurisdictions relating to expunction,
2917 correction, or confidential handling of criminal history records
2918 or information derived therefrom.
2919 (e) This section does not confer any right to expunction of
2920 any criminal history record, and any request for expunction of a
2921 criminal history record may be denied at the sole discretion of
2922 the court.
2923 (5) PROCESSING OF A PETITION OR AN ORDER.—
2924 (a) In judicial proceedings under this section, a copy of
2925 the completed petition to expunge shall be served upon the
2926 appropriate state attorney or the statewide prosecutor and upon
2927 the arresting agency; however, it is not necessary to make any
2928 agency other than the state a party. The appropriate state
2929 attorney or the statewide prosecutor and the arresting agency
2930 may respond to the court regarding the completed petition to
2931 expunge.
2932 (b) If relief is granted by the court, the clerk of the
2933 court shall certify copies of the order to the appropriate state
2934 attorney or the statewide prosecutor and the arresting agency.
2935 The arresting agency shall forward the order to any other agency
2936 to which the arresting agency disseminated the criminal history
2937 record information to which the order pertains. The department
2938 shall forward the order to expunge to the Federal Bureau of
2939 Investigation. The clerk of the court shall certify a copy of

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2940 the order to any other agency which the records of the court
2941 reflect has received the criminal history record from the court.
2942 (c) The department or any other criminal justice agency is
2943 not required to act on an order to expunge entered by a court
2944 when such order does not comply with the requirements of this
2945 section. Upon receipt of such an order, the department must
2946 notify the issuing court, the appropriate state attorney or
2947 statewide prosecutor, the petitioner or the petitioner's
2948 attorney, and the arresting agency of the reason for
2949 noncompliance. The appropriate state attorney or statewide
2950 prosecutor shall take action within 60 days to correct the
2951 record and petition the court to void the order. No cause of
2952 action, including contempt of court, shall arise against any
2953 criminal justice agency for failure to comply with an order to
2954 expunge when the petitioner for such order failed to obtain the
2955 certificate of eligibility as required by this section or such
2956 order does not otherwise comply with the requirements of this
2957 section.
2958 (6) EFFECT OF EXPUNCTION ORDER.—
2959 (a) Any criminal history record of a minor or an adult
2960 which is ordered expunged by a court of competent jurisdiction
2961 pursuant to this section must be physically destroyed or
2962 obliterated by any criminal justice agency having custody of
2963 such record; except that any criminal history record in the
2964 custody of the department must be retained in all cases. A
2965 criminal history record ordered expunged which is retained by
2966 the department is confidential and exempt from s. 119.07(1) and
2967 s. 24(a), Art. I of the State Constitution and not available to
2968 any person or entity except upon order of a court of competent

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2969 jurisdiction. A criminal justice agency may retain a notation
2970 indicating compliance with an order to expunge.
2971 (b) The person who is the subject of a criminal history
2972 record that is expunged under this section or under other
2973 provisions of law, including former s. 893.14, former s. 901.33,
2974 and former s. 943.058, may lawfully deny or fail to acknowledge
2975 the arrests covered by the expunged record, except when the
2976 subject of the record:
2977 1. Is a candidate for employment with a criminal justice
2978 agency;
2979 2. Is a defendant in a criminal prosecution;
2980 3. Concurrently or subsequently petitions for relief under
2981 this section, s. 943.0583, or s. 943.059;
2982 4. Is a candidate for admission to The Florida Bar;
2983 5. Is seeking to be employed or licensed by or to contract
2984 with the Department of Children and Families, the Division of
2985 Vocational Rehabilitation within the Department of Education,
2986 the Agency for Health Care Administration, the Agency for
2987 Persons with Disabilities, the Department of Health, the
2988 Department of Elderly Affairs, or the Department of Juvenile
2989 Justice or to be employed or used by such contractor or licensee
2990 in a sensitive position having direct contact with children, the
2991 disabled, or the elderly;
2992 6. Is seeking to be employed or licensed by the Department
2993 of Education, any district school board, any university
2994 laboratory school, any charter school, any private or parochial
2995 school, or any local governmental entity that licenses child
2996 care facilities;
2997 7. Is seeking to be licensed by the Division of Insurance

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2998 Agent and Agency Services within the Department of Financial
2999 Services; or
3000 8. Is seeking to be appointed as a guardian pursuant to s.
3001 744.3125.
3002 (c) Subject to the exceptions in paragraph (b), a person
3003 who has been granted an expunction under this section, former s.
3004 893.14, former s. 901.33, or former s. 943.058 may not be held
3005 under any provision of law of this state to commit perjury or to
3006 be otherwise liable for giving a false statement by reason of
3007 such person's failure to recite or acknowledge an expunged
3008 criminal history record.
3009 (d) Information relating to the existence of an expunged
3010 criminal history record which is provided in accordance with
3011 paragraph (a) is confidential and exempt from s. 119.07(1) and
3012 s. 24(a), Art. I of the State Constitution, except that the
3013 department shall disclose the existence of a criminal history
3014 record ordered expunged to the entities set forth in
3015 subparagraphs (b)1., 4., 5., 6., 7., and 8. for their respective
3016 licensing, access authorization, and employment purposes, and to
3017 criminal justice agencies for their respective criminal justice
3018 purposes. It is unlawful for any employee of an entity set forth
3019 in subparagraph (b)1., 4., 5., 6., 7., or 8. to disclose
3020 information relating to the existence of an expunged criminal
3021 history record of a person seeking employment, access
3022 authorization, or licensure with such entity or contractor,
3023 except to the person to whom the criminal history record relates
3024 or to persons having direct responsibility for employment,
3025 access authorization, or licensure decisions. Any person who
3026 violates this paragraph commits a misdemeanor of the first

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3027 degree, punishable as provided in s. 775.082 or s. 775.083.
3028 Section 52. Section 943.059, Florida Statutes, is amended
3029 to read:
3030 (Substantial rewording of section. See
3031 s. 943.059, F.S., for present text.)
3032 943.059 Court-ordered sealing of criminal history records.—
3033 (1) ELIGIBILITY.—A person is eligible to petition a court
3034 to seal a criminal history record when:
3035 (a) The criminal history record is not ineligible for
3036 court-ordered sealing under s. 943.0584;
3037 (b) The person has never, before the date the application
3038 for a certificate of eligibility is filed, been adjudicated
3039 guilty in this state of a criminal offense, or been adjudicated
3040 delinquent in this state for committing any felony or any of the
3041 following misdemeanor offenses, unless the record of such
3042 adjudication of delinquency has been expunged pursuant to s.
3043 943.0515:
3044 1. Assault, as defined in s. 784.011;
3045 2. Battery, as defined in s. 784.03;
3046 3. Assault on a law enforcement officer, a firefighter, or
3047 other specified officers, as defined in s. 784.07(2)(a);
3048 4. Carrying a concealed weapon, as defined in s. 790.01(1);
3049 5. Open carrying of a weapon, as defined in s. 790.053;
3050 6. Unlawful possession or discharge of a weapon or firearm
3051 at a school-sponsored event or on school property, as defined in
3052 s. 790.115;
3053 7. Unlawful use of destructive devices or bombs, as defined
3054 in s. 790.1615(1);
3055 8. Unlawful possession of a firearm by a minor, as defined

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3056 in s. 790.22(5);
3057 9. Exposure of sexual organs, as defined in s. 800.03;
3058 10. Arson, as defined in s. 806.031(1);
3059 11. Petit theft, as defined in s. 812.014(3);
3060 12. Neglect of a child, as defined in s. 827.03(1)(e); or
3061 13. Cruelty to animals, as defined in s. 828.12(10).
3062 (c) The person has not been adjudicated guilty of, or
3063 adjudicated delinquent for committing, any of the acts stemming
3064 from the arrest or alleged criminal activity to which the
3065 petition to seal pertains.
3066 (d) The person is no longer under court supervision
3067 applicable to the disposition of arrest or alleged criminal
3068 activity to which the petition to seal pertains.
3069 (e) The person has never secured a prior sealing or
3070 expunction of a criminal history record under this section, s.
3071 943.0585, former s. 893.14, former s. 901.33, or former s.
3072 943.058.
3073 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the
3074 court to seal a criminal history record, a person seeking to
3075 seal a criminal history record shall apply to the department for
3076 a certificate of eligibility for sealing. The department shall
3077 adopt rules relating to the application for and issuance of
3078 certificates of eligibility for sealing.
3079 (a) The department shall issue a certificate of eligibility
3080 for sealing to a person who is the subject of a criminal history
3081 record if that person:
3082 1. Satisfies the eligibility criteria in paragraphs (1)(a)-
3083 (e) and is not ineligible for court-ordered sealing under s.
3084 943.0584.

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3085 2. Has submitted to the department a certified copy of the
3086 disposition of charge to which the petition pertains.
3087 3. Remits a $75 processing fee to the department for
3088 placement in the Department of Law Enforcement Operating Trust
3089 Fund, unless the executive directors waives such fee.
3090 (b) A certificate of eligibility for sealing is valid for
3091 12 months after the date stamped on the certificate when issued
3092 by the department. After that time, the petitioner must reapply
3093 to the department for a new certificate of eligibility. The
3094 status of the applicant and the law in effect at the time of the
3095 renewal application determines the petitioner's eligibility.
3096 (3) PETITION.—Each petition to a court to seal a criminal
3097 history record is complete only when accompanied by:
3098 (a) A valid certificate of eligibility issued by the
3099 department pursuant to this section.
3100 (b) The petitioner's sworn statement that the petitioner:
3101 1. Satisfies the eligibility requirements for sealing in
3102 subsection (1).
3103 2. Is eligible for sealing to the best of his or her
3104 knowledge and does not have any other petition to seal or
3105 expunge a criminal history record pending before any court.
3106
3107 Any person who knowingly provides false information on such
3108 sworn statement to the court commits a felony of the third
3109 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3110 775.084.
3111 (4) COURT AUTHORITY.—
3112 (a) The courts of this state have jurisdiction over their
3113 own procedures, including the maintenance, sealing, and

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3114 correction of judicial records containing criminal history
3115 information to the extent that such procedures are not
3116 inconsistent with the conditions, responsibilities, and duties
3117 established by this section.
3118 (b) Any court of competent jurisdiction may order a
3119 criminal justice agency to seal the criminal history record of a
3120 minor or an adult who complies with the requirements of this
3121 section. The court may not order a criminal justice agency to
3122 seal a criminal history record until the person seeking to seal
3123 a criminal history record has applied for and received a
3124 certificate of eligibility pursuant to subsection (2).
3125 (c) The court may only order the sealing of a criminal
3126 history record pertaining to one arrest or one incident of
3127 alleged criminal activity, except the court may order the
3128 sealing of a criminal history record pertaining to more than one
3129 arrest if the additional arrests directly relate to the original
3130 arrest. If the court intends to order the sealing of records
3131 pertaining to such additional arrests, such intent must be
3132 specified in the order. A criminal justice agency may not seal
3133 any record pertaining to such additional arrests if the order to
3134 seal does not articulate the intention of the court to seal a
3135 record pertaining to more than one arrest. This section does not
3136 prevent the court from ordering the sealing of only a portion of
3137 a criminal history record pertaining to one arrest or one
3138 incident of alleged criminal activity.
3139 (d) Notwithstanding any law to the contrary, a criminal
3140 justice agency may comply with laws, court orders, and official
3141 requests of other jurisdictions relating to sealing, correction,
3142 or confidential handling of criminal history records or

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3143 information derived therefrom.
3144 (e) This section does not confer any right to the sealing
3145 of any criminal history record, and any request for sealing of a
3146 criminal history record may be denied at the sole discretion of
3147 the court.
3148 (5) PROCESSING OF A PETITION OR ORDER.—
3149 (a) In judicial proceedings under this section, a copy of
3150 the completed petition to seal shall be served upon the
3151 appropriate state attorney or the statewide prosecutor and upon
3152 the arresting agency; however, it is not necessary to make any
3153 agency other than the state a party. The appropriate state
3154 attorney or the statewide prosecutor and the arresting agency
3155 may respond to the court regarding the completed petition to
3156 seal.
3157 (b) If relief is granted by the court, the clerk of the
3158 court shall certify copies of the order to the appropriate state
3159 attorney or the statewide prosecutor and the arresting agency.
3160 The arresting agency is responsible for forwarding the order to
3161 any other agency to which the arresting agency disseminated the
3162 criminal history record information to which the order pertains.
3163 The department shall forward the order to seal to the Federal
3164 Bureau of Investigation. The clerk of the court shall certify a
3165 copy of the order to any other agency which the records of the
3166 court reflect has received the criminal history record from the
3167 court.
3168 (c) The department or any other criminal justice agency is
3169 not required to act on an order to seal entered by a court when
3170 such order does not comply with the requirements of this
3171 section. Upon receipt of such an order, the department must

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3172 notify the issuing court, the appropriate state attorney or
3173 statewide prosecutor, the petitioner or the petitioner's
3174 attorney, and the arresting agency of the reason for
3175 noncompliance. The appropriate state attorney or statewide
3176 prosecutor shall take action within 60 days to correct the
3177 record and petition the court to void the order. No cause of
3178 action, including contempt of court, shall arise against any
3179 criminal justice agency for failure to comply with an order to
3180 seal when the petitioner for such order failed to obtain the
3181 certificate of eligibility as required by this section or such
3182 order does not otherwise comply with the requirements of this
3183 section.
3184 (6) EFFECT OF ORDER.—
3185 (a) A criminal history record of a minor or an adult which
3186 is ordered sealed by a court pursuant to this section is
3187 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
3188 of the State Constitution and is available only to the following
3189 persons:
3190 1. The subject of the record;
3191 2. The subject's attorney;
3192 3. Criminal justice agencies for their respective criminal
3193 justice purposes, which include conducting a criminal history
3194 background check for approval of firearms purchases or transfers
3195 as authorized by state or federal law;
3196 4. Judges in the state courts system for the purpose of
3197 assisting them in their case-related decision making
3198 responsibilities, as set forth in s. 943.053(5); or
3199 5. To those entities set forth in subparagraphs (b)1., 4.,
3200 5., 6., 8., 9., and 10. for their respective licensing access

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3201 authorization and employment purposes.
3202 (b) The subject of the criminal history record sealed under
3203 this section or under other provisions of law, including former
3204 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
3205 deny or fail to acknowledge the arrests covered by the sealed
3206 record, except when the subject of the record:
3207 1. Is a candidate for employment with a criminal justice
3208 agency;
3209 2. Is a defendant in a criminal prosecution;
3210 3. Concurrently or subsequently petitions for relief under
3211 this section, s. 943.0583 or s. 943.0585;
3212 4. Is a candidate for admission to the Florida Bar;
3213 5. Is seeking to be employed or licensed by or to contract
3214 with the Department of Children and Families, the Division of
3215 Vocational Rehabilitation within the Department of Education,
3216 the Agency for Health Care Administration, the Agency for
3217 Persons with Disabilities, the Department of Health, the
3218 Department of Elderly Affairs, or the Department of Juvenile
3219 Justice or to be employed or used by such contractor or licensee
3220 in a sensitive position having direct contact with children, the
3221 disabled, or the elderly;
3222 6. Is seeking to be employed or licensed by the Department
3223 of Education, a district school board, a university laboratory
3224 school, a charter school, a private or parochial school, or a
3225 local governmental entity that licenses child care facilities;
3226 7. Is attempting to purchase a firearm from a licensed
3227 importer, licensed manufacturer, or licensed dealer and is
3228 subject to a criminal history check under state or federal law;
3229 8. Is seeking to be licensed by the Division of Insurance

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3230 Agent and Agency Services within the Department of Financial
3231 Services;
3232 9. Is seeking to be appointed as a guardian pursuant to s.
3233 744.3125; or
3234 10. Is seeking to be licensed by the Bureau of License
3235 Issuance of the Division of Licensing within the Department of
3236 Agriculture and Consumer Services to carry a concealed weapon or
3237 concealed firearm. This subparagraph applies only in the
3238 determination of an applicant's eligibility under s. 790.06.
3239 (c) Subject to the exceptions in paragraph (b), a person
3240 who has been granted a sealing under this section, former s.
3241 893.14, former s. 901.33, or former s. 943.058 may not be held
3242 under any provision of law of this state to commit perjury or to
3243 be otherwise liable for giving a false statement by reason of
3244 such person's failure to recite or acknowledge a sealed criminal
3245 history record.
3246 (d) Information relating to the existence of a sealed
3247 criminal record provided in accordance with paragraph (b) is
3248 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
3249 of the State Constitution, except that the department shall
3250 disclose the sealed criminal history record to the entities set
3251 forth in subparagraphs (b)1., 4., 5., 6., 8., 9., and 10., for
3252 their respective licensing, access authorization, and employment
3253 purposes. An employee of an entity set forth in subparagraph
3254 (b)1., 4., 5., 6., 8., 9., or 10. may not disclose information
3255 relating to the existence of a sealed criminal history record of
3256 a person seeking employment, access authorization, or licensure
3257 with such entity or contractor, except to the person to whom the
3258 criminal history record relates or to persons having direct

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3259 responsibility for employment, access authorization, or
3260 licensure decisions. A person who violates this paragraph
3261 commits a misdemeanor of the first degree, punishable as
3262 provided in s. 775.082 or s. 775.083.
3263 Section 53. Section 943.0595, Florida Statutes, is created
3264 to read:
3265 943.0595 AUTOMATIC SEALING OF CRIMINAL HISTORY RECORDS.—
3266 (1) RULEMAKING.—Notwithstanding any law dealing generally
3267 with the preservation and destruction of public records, the
3268 department shall adopt rules addressing the automatic sealing of
3269 any criminal history record of a minor or adult described in
3270 this section.
3271 (2) ELIGIBILITY.—
3272 (a) The department shall automatically seal a criminal
3273 history record when:
3274 1. An indictment, information, or other charging document
3275 was not filed or issued in the case giving rise to the criminal
3276 history record.
3277 2. An indictment, information, or other charging document
3278 was filed in the case giving rise to the criminal history
3279 record, but was dismissed or nolle prosequi by the state
3280 attorney or statewide prosecutor, or was dismissed by a court of
3281 competent jurisdiction. However, a person is not eligible for
3282 automatic sealing under this section if the dismissal was
3283 pursuant to s. 916.145 or s. 985.19.
3284 3. A not guilty verdict was rendered by a judge or jury.
3285 However, a person is not eligible for automatic sealing under
3286 this section if the defendant was found not guilty by reason of
3287 insanity.

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3288 4. A judgment of acquittal was rendered by a judge.
3289 (b) There is no limitation on the number of times a person
3290 may obtain an automatic sealing for a criminal history record
3291 described in paragraph (a).
3292 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—
3293 (a) Upon the disposition of a criminal case resulting in a
3294 criminal history record eligible for automatic sealing under
3295 paragraph (2)(a), the clerk of the court shall transmit a
3296 certified copy of the disposition of the criminal history record
3297 to the department, which shall seal the criminal history record
3298 upon receipt of the certified copy.
3299 (b) Automatic sealing of a criminal history record does not
3300 require sealing by the court or other criminal justice agencies,
3301 or that such record be surrendered to the court, and such record
3302 shall continue to be maintained by the department and other
3303 criminal justice agencies.
3304 (c) Except as provided in this section, automatic sealing
3305 of a criminal history record shall have the same effect, and the
3306 department may disclose such a record in the same manner, as a
3307 record sealed under s. 943.059.
3308 Section 54. Paragraph (b) of subsection (1) of section
3309 943.325, Florida Statutes, is amended to read:
3310 943.325 DNA database.—
3311 (1) LEGISLATIVE INTENT.—
3312 (b) The Legislature also finds that upon establishment of
3313 the Florida DNA database, a match between casework evidence DNA
3314 samples from a criminal investigation and DNA samples from a
3315 state or federal DNA database of certain offenders may be used
3316 to find probable cause for the issuance of a warrant for arrest

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3317 or to obtain the DNA sample from an offender.
3318 Section 55. Effective upon becoming a law, subsection (9)
3319 is added to section 943.6871, Florida Statutes, to read:
3320 943.6871 Criminal justice data transparency.—In order to
3321 facilitate the availability of comparable and uniform criminal
3322 justice data, the department shall:
3323 (9) Keep all information received by the department under
3324 s. 900.05 which is confidential and exempt when collected by the
3325 reporting agency confidential and exempt for purposes of this
3326 section and s. 900.05.
3327 Section 56. Paragraphs (b) and (f) of subsection (4) of
3328 section 944.275, Florida Statutes, are amended to read:
3329 944.275 Gain-time.—
3330 (4)
3331 (b) For each month in which an inmate works diligently,
3332 participates in training, uses time constructively, or otherwise
3333 engages in positive activities, the department may grant
3334 incentive gain-time in accordance with this paragraph. The rate
3335 of incentive gain-time in effect on the date the inmate
3336 committed the offense that ~~which~~ resulted in his or her
3337 incarceration shall be the inmate's rate of eligibility to earn
3338 incentive gain-time throughout the period of incarceration and
3339 may ~~shall~~ not be altered by a subsequent change in the severity
3340 level of the offense for which the inmate was sentenced.
3341 1. For sentences imposed for offenses committed before
3342 ~~prior to~~ January 1, 1994, up to 20 days of incentive gain-time
3343 may be granted. If granted, such gain-time shall be credited and
3344 applied monthly.
3345 2. For sentences imposed for offenses committed on or after

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3346 January 1, 1994, and before October 1, 1995:
3347 a. For offenses ranked in offense severity levels 1 through
3348 7, under former s. 921.0012 or former s. 921.0013, up to 25 days
3349 of incentive gain-time may be granted. If granted, such gain-
3350 time shall be credited and applied monthly.
3351 b. For offenses ranked in offense severity levels 8, 9, and
3352 10, under former s. 921.0012 or former s. 921.0013, up to 20
3353 days of incentive gain-time may be granted. If granted, such
3354 gain-time shall be credited and applied monthly.
3355 3. For sentences imposed for offenses committed on or after
3356 October 1, 1995 and retroactive to October 1, 1995, the
3357 department may grant up to 20 ~~10~~ days per month of incentive
3358 gain-time except that:
3359 a. If the offense is a nonviolent felony, as defined in s.
3360 948.08(6), the prisoner is not eligible to earn any type of
3361 gain-time in an amount that would cause a sentence to expire,
3362 end, or terminate, or that would result in a prisoner's release,
3363 before he or she serves a minimum of 65 percent of the sentence
3364 imposed. For purposes of this sub-subparagraph, credits awarded
3365 by the court for time physically incarcerated must be credited
3366 toward satisfaction of 65 percent of the sentence imposed. A
3367 prisoner who is granted incentive gain-time pursuant to this
3368 sub-subparagraph may not accumulate further gain-time awards at
3369 any point when the tentative release date is the same as that
3370 date at which the prisoner will have served 65 percent of the
3371 sentence imposed. State prisoners sentenced to life imprisonment
3372 must be incarcerated for the rest of their natural lives, unless
3373 granted pardon or clemency.
3374 b. If the offense is not a nonviolent felony, as defined in

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3375 s. 948.08(6), the prisoner is not eligible to earn any type of
3376 gain-time in an amount that would cause a sentence to expire,
3377 end, or terminate, or that would result in a prisoner's release,
3378 before he or she serves a minimum of 85 percent of the sentence
3379 imposed. For purposes of this sub-subparagraph, credits awarded
3380 by the court for time physically incarcerated must be credited
3381 toward satisfaction of 85 percent of the sentence imposed. A
3382 prisoner who is granted incentive gain-time pursuant to this
3383 sub-subparagraph may not accumulate further gain-time awards at
3384 any point when the tentative release date is the same as that
3385 date at which the prisoner will have served 85 percent of the
3386 sentence imposed. State prisoners sentenced to life imprisonment
3387 must be incarcerated for the rest of their natural lives, unless
3388 granted pardon or clemency.
3389 ~~(f) An inmate who is subject to subparagraph (b)3. is not~~
3390 ~~eligible to earn or receive gain-time under paragraph (a),~~
3391 ~~paragraph (b), paragraph (c), or paragraph (d) or any other type~~
3392 ~~of gain-time in an amount that would cause a sentence to expire,~~
3393 ~~end, or terminate, or that would result in a prisoner's release,~~
3394 ~~prior to serving a minimum of 85 percent of the sentence~~
3395 ~~imposed. For purposes of this paragraph, credits awarded by the~~
3396 ~~court for time physically incarcerated shall be credited toward~~
3397 ~~satisfaction of 85 percent of the sentence imposed. Except as~~
3398 ~~provided by this section, a prisoner may not accumulate further~~
3399 ~~gain-time awards at any point when the tentative release date is~~
3400 ~~the same as that date at which the prisoner will have served 85~~
3401 ~~percent of the sentence imposed. State prisoners sentenced to~~
3402 ~~life imprisonment shall be incarcerated for the rest of their~~
3403 ~~natural lives, unless granted pardon or clemency.~~

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3404 Section 57. Subsection (2) of section 944.47, Florida
3405 Statutes, is amended to read:
3406 944.47 Introduction, removal, or possession of contraband
3407 ~~certain articles unlawful~~; penalty.—
3408 (2)(a) A person who violates ~~any provision of~~ this section
3409 as it pertains to an article of contraband described in
3410 subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph
3411 (1)(a)6. commits a felony of the third degree, punishable as
3412 provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In~~
3413 ~~all other cases~~, a violation of ~~a provision of~~ this section is
3414 ~~constitutes~~ a felony of the second degree, punishable as
3415 provided in s. 775.082, s. 775.083, or s. 775.084.
3416 (b) A violation of this section by an employee, as defined
3417 in s. 944.115(2)(b), who uses or attempts to use the powers,
3418 rights, privileges, duties, or position of his or her employment
3419 in the commission of the violation is ranked one level above the
3420 ranking specified in s. 921.0022 or s. 921.0023 for the offense
3421 committed.
3422 Section 58. Subsection (2) of section 944.611, Florida
3423 Statutes, is amended to read:
3424 944.611 Legislative intent.—The Legislature finds and
3425 declares that:
3426 (2) It is the intent of the Legislature that:
3427 (a) The secretary shall designate the place of each
3428 inmate’s confinement and shall, subject to bed availability and
3429 the inmate’s security designation, programmatic needs, and
3430 mental and medical health needs, place each inmate in an
3431 institution or facility as close as practicable to within 300
3432 driving miles of the inmate’s primary residence, unless the

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3433 safety of department employees or inmates requires other
3434 placement. Subject to bed availability and the inmate's security
3435 designation, the department shall transfer an inmate to an
3436 institution or facility that is as close as practicable to
3437 within 300 driving miles of the inmate's primary residence,
3438 unless the inmate chooses to remain at his or her current
3439 institution or facility.
3440 (b) ~~(a)~~ To the extent possible, an inmate be returned, upon
3441 release, to the same area from which the inmate was committed.
3442 (c) ~~(b)~~ An inmate being released from a community work-
3443 release program is not eligible for the provision of
3444 transportation.
3445 (d) ~~(c)~~ Transportation provided for an eligible inmate upon
3446 release shall be to one of the following points:
3447 1. The county where parole placement has been approved and
3448 supervision is to commence.
3449 2. Another state.
3450 3. The county of employment within the state.
3451 4. The county of legal residence within the state.
3452 5. The county of original commitment within the state.
3453 (e) ~~(d)~~ Each releasee who is eligible for the provision of
3454 transportation shall be escorted to the site of embarkation by
3455 an officer of the correctional facility, who shall remain until
3456 the releasee has departed.
3457 Section 59. Section 944.704, Florida Statutes, is amended
3458 to read:
3459 944.704 Staff who provide transition assistance; duties.—
3460 (1) The department shall provide a transition assistance
3461 specialist at each of the major institutions.

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3462 (2) The department may increase the number of transition
3463 assistance specialists in proportion to the number of inmates
3464 served at each of the major institutions and may increase the
3465 number of employment specialists per judicial circuit based on
3466 the number of released inmates served under community
3467 supervision in that circuit, subject to appropriations.
3468 (3) The transition assistance specialists' ~~whose~~ duties
3469 include, but are not limited to:
3470 (a) ~~(1)~~ Coordinating delivery of transition assistance
3471 program services at the institution and at the community
3472 correctional centers authorized pursuant to s. 945.091(1)(b).
3473 (b) ~~(2)~~ Assisting in the development of each inmate's
3474 postrelease plan.
3475 (c) ~~(3)~~ Obtaining job placement information. Such
3476 information must include identifying any job assignment
3477 credentialing or industry certifications for which the inmate is
3478 eligible.
3479 (d) ~~(4)~~ Providing a written medical discharge plan and
3480 referral to a county health department.
3481 (e) ~~(5)~~ For an inmate who is known to be HIV positive,
3482 providing a 30-day supply of all HIV/AIDS-related medication
3483 that the inmate is taking before ~~prior to~~ release, if required
3484 under protocols of the Department of Corrections and treatment
3485 guidelines of the United States Department of Health and Human
3486 Services.
3487 (f) ~~(6)~~ Facilitating placement in a private transition
3488 housing program, if requested by any eligible inmate. If an
3489 inmate who is nearing his or her date of release requests
3490 placement in a contracted substance abuse transition housing

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3491 program, the transition assistance specialist shall inform the
3492 inmate of program availability and assess the inmate's need and
3493 suitability for transition housing assistance. If an inmate is
3494 approved for placement, the specialist shall assist the inmate
3495 and coordinate the release of the inmate with the selected
3496 program. If an inmate requests and is approved for placement in
3497 a contracted faith-based substance abuse transition housing
3498 program, the specialist must consult with the chaplain before
3499 ~~prior to~~ such placement. In selecting inmates who are nearing
3500 their date of release for placement in a faith-based program,
3501 the department shall ensure that an inmate's faith orientation,
3502 or lack thereof, will not be considered in determining admission
3503 to the program and that the program does not attempt to convert
3504 an inmate toward a particular faith or religious preference.
3505 (g) ~~(7)~~ Providing a photo identification card to all inmates
3506 before ~~prior to~~ their release.
3507 (4) A ~~The~~ transition assistance specialist may not be a
3508 correctional officer or correctional probation officer as
3509 defined in s. 943.10.
3510 Section 60. Present subsections (3) through (6) of section
3511 944.705, Florida Statutes, are redesignated as subsections (4)
3512 through (7), respectively, and a new subsection (3) and
3513 subsections (8) through (12) are added to that section, to read:
3514 944.705 Release orientation program.—
3515 (3)(a) The department shall establish a toll-free hotline
3516 for the benefit of released inmates. The hotline shall provide
3517 information to released inmates seeking to obtain post-release
3518 referrals for community-based reentry services.
3519 (b) Before an inmate's release, the department shall

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3520 provide the inmate with a comprehensive community reentry
3521 resource directory organized by county and which must include
3522 the name, address, and a description of the services offered by
3523 each reentry service provider. The directory must also include
3524 the name, address, and telephone number of existing portals of
3525 entry and the toll-free hotline number required by paragraph
3526 (a).
3527 (c) The department shall expand the use of the Spectrum
3528 system to provide inmates and offenders with community-specific
3529 reentry service provider referrals.
3530 (8) A nonprofit faith-based or professional business, or a
3531 civic or community organization, may apply for registration with
3532 the department to provide inmate reentry services. Reentry
3533 services include, but are not limited to, counseling; providing
3534 information on housing and job placement; money management
3535 assistance; and programs that address substance abuse, mental
3536 health, or co-occurring conditions.
3537 (9) The department shall adopt policies and procedures for
3538 screening, approving, and registering an organization that
3539 applies under subsection (8). The department may deny approval
3540 and registration of an organization or a representative from an
3541 organization if it determines that the organization or
3542 representative does not meet the department's policies and
3543 procedures.
3544 (10) The department may contract with a public or private
3545 educational institution's Veteran Advocacy Clinic or Veteran
3546 Legal Clinic to assist qualified veteran inmates in applying for
3547 veteran's benefits upon release.
3548 (11) The department may contract with public or private

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3549 organizations to establish transitional employment programs that
3550 provide employment opportunities for released inmates.
3551 (12) The department shall adopt rules to implement this
3552 section.
3553 Section 61. Present subsections (4), (5), and (6) of
3554 section 944.801, Florida Statutes, are redesignated as
3555 subsections (6), (7), and (8), respectively, and new subsections
3556 (4) and (5) are added to that section, to read:
3557 944.801 Education for state prisoners.—
3558 (4) The department may expand the use of job assignment
3559 credentialing and industry certifications.
3560 (5) The Correctional Education Program may establish a
3561 Prison Entrepreneurship Program and adopt procedures for
3562 admitting student inmates. If the department elects to develop
3563 the program, it must include at least 180 days of in-prison
3564 education. The program curriculum must include a component on
3565 developing a business plan, procedures for graduation and
3566 certification of successful student inmates, and at least 90
3567 days of transitional and postrelease continuing educational
3568 services. Transitional and postrelease continuing educational
3569 services may be offered to graduate student inmates on a
3570 voluntary basis and are not a requirement for completion of the
3571 program. The department shall enter into agreements with public
3572 or private colleges or universities or other nonprofit entities
3573 to implement the program. The program must be funded with
3574 existing resources.
3575 Section 62. Subsection (1) of section 948.001, Florida
3576 Statutes, is amended to read:
3577 948.001 Definitions.—As used in this chapter, the term:

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3578 (1) "Administrative probation" means a form of no contact,
3579 nonreporting supervision that may be imposed by order of the
3580 court or transfer by the Department of Corrections as provided
3581 in s. 948.013 ~~in which an offender who presents a low risk of~~
3582 ~~harm to the community may, upon satisfactory completion of half~~
3583 ~~the term of probation, be transferred by the Department of~~
3584 ~~Corrections to this type of reduced level of supervision, as~~
3585 ~~provided in s. 948.013~~.
3586 Section 63. Subsection (1) of section 948.013, Florida
3587 Statutes, is amended to read:
3588 948.013 Administrative probation.—
3589 (1) The Department of Corrections may transfer an offender
3590 to administrative probation if he or she presents a low risk of
3591 harm to the community and has satisfactorily completed at least
3592 half of his or her probation term. The department ~~of Corrections~~
3593 may establish procedures for transferring an offender to
3594 administrative probation. The department may collect an initial
3595 processing fee of up to $50 for each probationer transferred to
3596 administrative probation. The offender is exempt from further
3597 payment for the cost of supervision as required in s. 948.09.
3598 Section 64. Subsection (3) is added to section 948.03,
3599 Florida Statutes, to read:
3600 948.03 Terms and conditions of probation.—
3601 (3) The Department of Corrections shall include in the
3602 Florida Crime Information Center system all conditions of
3603 probation as determined by the court for each probationer.
3604 Section 65. Subsections (4), (5), and (6) are added to
3605 section 948.04, Florida Statutes, to read:
3606 948.04 Period of probation; duty of probationer; early

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3607 termination; conversion of term.—
3608 (4) Except as provided in subsection (5), for defendants
3609 sentenced to probation on or after October 1, 2019, the court,
3610 upon motion by the probationer or the probation officer, shall
3611 either early terminate the probationer's supervision or convert
3612 the supervisory term to administrative probation if all of the
3613 following requirements are met:
3614 (a) The probationer has completed at least half of the term
3615 of probation to which he or she was sentenced.
3616 (b) The probationer has successfully completed all other
3617 conditions of probation.
3618 (c) The court has not found the probationer in violation of
3619 probation pursuant to a filed affidavit of violation of
3620 probation at any point during the current supervisory term.
3621 (d) The parties did not specifically exclude the
3622 possibility of early termination or conversion to administrative
3623 probation as part of a negotiated sentence.
3624 (e) The probationer does not qualify as a violent felony
3625 offender of special concern under s. 948.06(8)(b).
3626 (5) Upon making written findings that continued reporting
3627 probation is necessary to protect the community or the interests
3628 of justice, the court may decline to early terminate the
3629 probationary term or convert the term to administrative
3630 probation for a probationer who is otherwise eligible under
3631 subsection (4).
3632 (6) Subsections (4) and (5) do not apply to an offender on
3633 community control. If an offender on community control is
3634 subsequently placed on probation, he or she must complete half
3635 of the probationary term to which he or she was sentenced,

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3636 without receiving credit for time served on community control,
3637 before being eligible for mandatory early termination or
3638 conversion to administrative probation under this section.
3639 Section 66. Section 948.05, Florida Statutes, is amended to
3640 read:
3641 948.05 Court to admonish or commend probationer or offender
3642 in community control; graduated incentives.—
3643 (1) A court may at any time cause a probationer or offender
3644 in community control to appear before it to be admonished or
3645 commended, and, when satisfied that its action will be for the
3646 best interests of justice and the welfare of society, it may
3647 discharge the probationer or offender in community control from
3648 further supervision.
3649 (2) The department shall implement a system of graduated
3650 incentives to promote compliance with the terms of supervision
3651 and prioritize the highest levels of supervision for offenders
3652 presenting the greatest risk of recidivism.
3653 (a) As part of the graduated incentives system, the
3654 department may, without leave of court, offer the following
3655 incentives to a compliant probationer or offender in community
3656 control:
3657 1. Up to 25 percent reduction of required community service
3658 hours;
3659 2. Waiver of supervision fees;
3660 3. Reduction in frequency of reporting;
3661 4. Permission to report by mail or telephone; or
3662 5. Transfer of an eligible offender to administrative
3663 probation as authorized under s. 948.013.
3664 (b) The department may also incentivize positive behavior

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3665 and compliance with recommendations to the court to modify the
3666 terms of supervision, including recommending:
3667 1. Permission to travel;
3668 2. Reduction of supervision type;
3669 3. Modification or cessation of curfew;
3670 4. Reduction or cessation of substance abuse testing; or
3671 5. Early termination of supervision.
3672 (c) An offender who commits a subsequent violation of
3673 probation may forfeit any previously earned probation incentive,
3674 as determined appropriate by his or her probation officer.
3675 Section 67. Present paragraphs (c) through (g) of
3676 subsection (1) of section 948.06, Florida Statutes, are
3677 redesignated as paragraphs (d) through (h), respectively, a new
3678 paragraph (c) is added to that subsection, and present paragraph
3679 (h) of that subsection is amended, present paragraphs (f)
3680 through (j) of subsection (2) are redesignated as paragraphs (g)
3681 through (k), respectively, and a new paragraph (f) is added to
3682 that subsection, and subsection (9) is added to that section, to
3683 read:
3684 948.06 Violation of probation or community control;
3685 revocation; modification; continuance; failure to pay
3686 restitution or cost of supervision.—
3687 (1)
3688 (c) If a probationer or offender on community control
3689 commits a technical violation, the probation officer shall
3690 determine whether the probationer or offender on community
3691 control is eligible for the alternative sanctioning program
3692 under subsection (9). If the probation officer determines that
3693 the probationer or offender on community control is eligible,

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3694 the probation officer may proceed with the alternative
3695 sanctioning program in lieu of filing an affidavit of violation
3696 with the court. For purposes of this section, the term
3697 "technical violation" means an alleged violation of supervision
3698 that is not a new felony offense, misdemeanor offense, or
3699 criminal traffic offense.
3700 ~~(h)1. The chief judge of each judicial circuit, in~~
3701 ~~consultation with the state attorney, the public defender, and~~
3702 ~~the department, may establish an alternative sanctioning program~~
3703 ~~in which the department, after receiving court approval, may~~
3704 ~~enforce specified sanctions for certain technical violations of~~
3705 ~~supervision. For purposes of this paragraph, the term "technical~~
3706 ~~violation" means any alleged violation of supervision that is~~
3707 ~~not a new felony offense, misdemeanor offense, or criminal~~
3708 ~~traffic offense.~~
3709 ~~2. To establish an alternative sanctioning program, the~~
3710 ~~chief judge must issue an administrative order specifying:~~
3711 ~~a. Eligibility criteria.~~
3712 ~~b. The technical violations that are eligible for the~~
3713 ~~program.~~
3714 ~~c. The sanctions that may be recommended by a probation~~
3715 ~~officer for each technical violation.~~
3716 ~~d. The process for reporting technical violations through~~
3717 ~~the alternative sanctioning program, including approved forms.~~
3718 ~~3. If an offender is alleged to have committed a technical~~
3719 ~~violation of supervision that is eligible for the program, the~~
3720 ~~offender may:~~
3721 ~~a. Waive participation in the alternative sanctioning~~
3722 ~~program, in which case the probation officer may submit a~~

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3723 ~~violation report, affidavit, and warrant to the court in~~
3724 ~~accordance with this section; or~~
3725 ~~b. Elect to participate in the alternative sanctioning~~
3726 ~~program after receiving written notice of an alleged technical~~
3727 ~~violation and a disclosure of the evidence against the offender,~~
3728 ~~admit to the technical violation, agree to comply with the~~
3729 ~~probation officer's recommended sanction if subsequently ordered~~
3730 ~~by the court, and agree to waive the right to:~~
3731 ~~(I) Be represented by legal counsel.~~
3732 ~~(II) Require the state to prove his or her guilt before a~~
3733 ~~neutral and detached hearing body.~~
3734 ~~(III) Subpoena witnesses and present to a judge evidence in~~
3735 ~~his or her defense.~~
3736 ~~(IV) Confront and cross-examine adverse witnesses.~~
3737 ~~(V) Receive a written statement from a factfinder as to the~~
3738 ~~evidence relied on and the reasons for the sanction imposed.~~
3739 ~~4. If the offender admits to committing the technical~~
3740 ~~violation and agrees with the probation officer's recommended~~
3741 ~~sanction, the probation officer must, before imposing the~~
3742 ~~sanction, submit the recommended sanction to the court as well~~
3743 ~~as documentation reflecting the offender's admission to the~~
3744 ~~technical violation and agreement with the recommended sanction.~~
3745 ~~5. The court may impose the recommended sanction or may~~
3746 ~~direct the department to submit a violation report, affidavit,~~
3747 ~~and warrant to the court in accordance with this section.~~
3748 ~~6. An offender's participation in an alternative~~
3749 ~~sanctioning program is voluntary. The offender may elect to~~
3750 ~~waive or discontinue participation in an alternative sanctioning~~
3751 ~~program at any time before the issuance of a court order~~

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3752 ~~imposing the recommended sanction.~~
3753 ~~7. If an offender waives or discontinues participation in~~
3754 ~~an alternative sanctioning program, the probation officer may~~
3755 ~~submit a violation report, affidavit, and warrant to the court~~
3756 ~~in accordance with this section. The offender's prior admission~~
3757 ~~to the technical violation may not be used as evidence in~~
3758 ~~subsequent proceedings.~~
3759 (2)
3760 (f)1. Except as provided in subparagraph 3. or upon waiver
3761 by the probationer, the court shall modify or continue a
3762 probationary term upon finding a probationer in violation when
3763 any of the following applies:
3764 a. The term of supervision is probation.
3765 b. The probationer does not qualify as a violent felony
3766 offender of special concern, as defined in paragraph (8)(b).
3767 c. The violation is a low-risk technical violation, as
3768 defined in paragraph (9)(b).
3769 d. The court has not previously found the probationer in
3770 violation of his or her probation pursuant to a filed violation
3771 of probation affidavit during the current term of supervision. A
3772 probationer who has successfully completed sanctions through the
3773 alternative sanctioning program is eligible for mandatory
3774 modification or continuation of his or her probation.
3775 2. Upon modifying probation under subparagraph 1., the
3776 court may include in the sentence a maximum of 90 days in county
3777 jail as a special condition of probation.
3778 3. Notwithstanding s. 921.0024, if a probationer has less
3779 than 90 days of supervision remaining on his or her term of
3780 probation and meets the criteria for mandatory modification or

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3781 continuation in subparagraph 1., the court may revoke probation
3782 and sentence the probationer to a maximum of 90 days in county
3783 jail.
3784 4. For purposes of imposing a jail sentence under this
3785 paragraph only, the court may grant credit only for time served
3786 in the county jail since the probationer's most recent arrest
3787 for the violation. However, the court may not order the
3788 probationer to a total term of incarceration greater than the
3789 maximum provided by s. 775.082.
3790 (9)(a) Each judicial circuit shall establish an alternative
3791 sanctioning program as provided in this subsection. The chief
3792 judge of each judicial circuit may, by administrative order,
3793 define additional sanctions or eligibility criteria and specify
3794 the process for reporting technical violations through the
3795 alternative sanctioning program. Any sanctions recommended for
3796 imposition through an alternative sanctions program must be
3797 submitted to the court by the probation officer for approval
3798 before imposing the sanction.
3799 (b) As used in this subsection, the term "low-risk
3800 violation," when committed by a probationer, means any of the
3801 following:
3802 1. A positive drug or alcohol test result.
3803 2. Failure to report to the probation office.
3804 3. Failure to report a change in address or other required
3805 information.
3806 4. Failure to attend a required class, treatment or
3807 counseling session, or meeting.
3808 5. Failure to submit to a drug or alcohol test.
3809 6. A violation of curfew.

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3810 7. Failure to meet a monthly quota on any required
3811 probation condition, including, but not limited to, making
3812 restitution payments, paying court costs, or completing
3813 community service hours.
3814 8. Leaving the county without permission.
3815 9. Failure to report a change in employment.
3816 10. Associating with a person engaged in criminal activity.
3817 11. Any other violation as determined by administrative
3818 order of the chief judge of the circuit.
3819 (c) As used in this subsection, the term "moderate-risk
3820 violation" means any of the following:
3821 1. A violation identified in paragraph (b), when committed
3822 by an offender on community control.
3823 2. Failure to remain at an approved residence by an
3824 offender on community control.
3825 3. A third violation identified in paragraph (b) by a
3826 probationer within the current term of supervision.
3827 4. Any other violation as determined by administrative
3828 order of the chief judge of the circuit.
3829 (d) A probationer or offender on community control is not
3830 eligible for an alternative sanction if:
3831 1. He or she is a violent felony offender of special
3832 concern as defined in paragraph (8)(b);
3833 2. The violation is a felony, misdemeanor, or criminal
3834 traffic offense;
3835 3. The violation is absconding;
3836 4. The violation is of a stay-away order or no-contact
3837 order;
3838 5. The violation is not identified as low-risk or moderate-

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3839 risk under this subsection or by administrative order;
3840 6. He or she has a prior moderate-risk level violation
3841 during the current term of supervision;
3842 7. He or she has three prior low-risk level violations
3843 during the same term of supervision;
3844 8. The term of supervision is scheduled to terminate in
3845 less than 90 days; or
3846 9. The terms of the sentence prohibit alternative
3847 sanctioning.
3848 (e) For a first or second low-risk violation, as defined in
3849 paragraph (b), within the current term of supervision, a
3850 probation officer may offer an eligible probationer one or more
3851 of the following as an alternative sanction:
3852 1. Up to 5 days in the county jail.
3853 2. Up to 50 additional community service hours.
3854 3. Counseling or treatment.
3855 4. Support group attendance.
3856 5. Drug testing.
3857 6. Loss of travel or other privileges.
3858 7. Curfew for up to 30 days.
3859 8. House arrest for up to 30 days.
3860 9.a. Any other sanction as determined by administrative
3861 order of the chief judge of the circuit.
3862 b. However, in no circumstance shall participation in an
3863 alternative sanctioning program convert a withheld adjudication
3864 to an adjudication of guilt.
3865 (f) For a first moderate-risk violation, as defined in
3866 paragraph (c), within the current term of supervision, a
3867 probation officer, with a supervisor’s approval, may offer an

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3868 eligible probationer or offender on community control one or
3869 more of the following as an alternative sanction:
3870 1. Up to 21 days in the county jail.
3871 2. Curfew for up to 90 days.
3872 3. House arrest for up to 90 days.
3873 4. Electronic monitoring for up to 90 days.
3874 5. Residential treatment for up to 90 days.
3875 6. Any other sanction available for a low-risk violation.
3876 7.a. Any other sanction as determined by administrative
3877 order of the chief judge of the circuit.
3878 b. However, in no circumstance shall participation in an
3879 alternative sanctioning program convert a withheld adjudication
3880 to an adjudication of guilt.
3881 (g) The participation of a probationer or an offender on
3882 community control in the program is voluntary. The probationer
3883 or offender on community control may waive or discontinue
3884 participation in the program at any time before the court
3885 imposes a recommended sanction.
3886 (h)1. If a probationer or offender on community control is
3887 eligible for the alternative sanctioning program under this
3888 subsection, he or she may:
3889 a. Waive participation in the program, in which case the
3890 probation officer may submit a violation report, affidavit, and
3891 warrant to the court; or
3892 b. Elect to participate in the program after receiving
3893 written notice of an alleged technical violation and disclosure
3894 of the evidence against him or her, and admit the technical
3895 violation, agree to comply with the probation officer's
3896 recommended sanction if subsequently ordered by the court, and

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3897 agree to waive the right to:
3898 (I) Be represented by legal counsel.
3899 (II) Require the state to prove his or her guilt before a
3900 neutral and detached hearing body.
3901 (III) Subpoena witnesses and present to a judge evidence in
3902 his or her defense.
3903 (IV) Confront and cross-examine adverse witnesses.
3904 (V) Receive a written statement from a judge as to the
3905 evidence relied on and the reasons for the sanction imposed.
3906 2. If the probationer or offender on community control
3907 admits to committing the technical violation and agrees with the
3908 probation officer’s recommended sanction, the probation officer
3909 must, before imposing the sanction, submit the recommended
3910 sanction to the court with documentation reflecting the
3911 probationer’s admission to the technical violation and agreement
3912 with the recommended sanction.
3913 (i) The court may impose the recommended sanction or direct
3914 the department to submit a violation report, affidavit, and
3915 warrant to the court.
3916 (j) If a probationer or offender on community control
3917 waives or discontinues participation in the program or fails to
3918 successfully complete all alternative sanctions within 90 days
3919 after imposition or within the timeframe specified in the agreed
3920 upon sanction, the probation officer may submit a violation
3921 report, affidavit, and warrant to the court. A prior admission
3922 by the probationer or offender on community control to a
3923 technical violation may not be used as evidence in subsequent
3924 proceedings.
3925 Section 68. Subsection (6) and paragraph (a) of subsection

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3926 (7) of section 948.08, Florida Statutes, are amended to read:
3927 948.08 Pretrial intervention program.—
3928 (6)(a) For purposes of this subsection, the term
3929 "nonviolent felony" means a third degree felony violation of
3930 chapter 810 or any other felony offense that is not a forcible
3931 felony as defined in s. 776.08.
3932 (b) Notwithstanding any provision of this section, a person
3933 ~~who is charged with a nonviolent felony and is identified as~~
3934 ~~having a substance abuse problem or is charged with a felony of~~
3935 ~~the second or third degree for purchase or possession of a~~
3936 ~~controlled substance under chapter 893, prostitution, tampering~~
3937 ~~with evidence, solicitation for purchase of a controlled~~
3938 ~~substance, or obtaining a prescription by fraud; who has not~~
3939 ~~been charged with a crime involving violence, including, but not~~
3940 ~~limited to, murder, sexual battery, robbery, carjacking, home-~~
3941 ~~invasion robbery, or any other crime involving violence; and who~~
3942 ~~has not previously been convicted of a felony~~ is eligible for
3943 voluntary admission into a pretrial substance abuse education
3944 and treatment intervention program, including a treatment-based
3945 drug court program established pursuant to s. 397.334, approved
3946 by the chief judge of the circuit, for a period of not less than
3947 1 year in duration, if he or she:
3948 1. Is identified as having a substance abuse problem and is
3949 amenable to treatment.
3950 2. Is charged with a nonviolent felony.
3951 3. Has never been charged with a crime involving violence
3952 including, but not limited to, murder, sexual battery, robbery,
3953 carjacking, home-invasion robbery, or any other crime involving
3954 violence.

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3955 4. Has two or fewer felony convictions, provided that the
3956 prior convictions are for nonviolent felonies.
3957 (c) Upon motion of either party or the court's own motion,
3958 and with the agreement of the defendant, the court shall admit
3959 an eligible person into a pretrial substance abuse education and
3960 treatment intervention program, except:
3961 1. If a defendant was previously offered admission to a
3962 pretrial substance abuse education and treatment intervention
3963 program at any time before ~~prior to~~ trial and the defendant
3964 rejected that offer on the record, ~~then~~ the court or the state
3965 attorney may deny the defendant's admission to such a program.
3966 2. If the state attorney believes that the facts and
3967 circumstances of the case suggest the defendant's involvement in
3968 the dealing and selling of controlled substances, the court
3969 shall hold a preadmission hearing. If the state attorney
3970 establishes, by a preponderance of the evidence at such hearing,
3971 that the defendant was involved in the dealing or selling of
3972 controlled substances, the court shall deny the defendant's
3973 admission into a pretrial intervention program.
3974 3. If the defendant has two or fewer prior felony
3975 convictions as provided in subparagraph (b)4., the court, in its
3976 discretion, may deny admission to such a program.
3977 (d) ~~(b)~~ While enrolled in a pretrial intervention program
3978 authorized by this subsection, the participant is subject to a
3979 coordinated strategy developed by a drug court team under s.
3980 397.334(4). The coordinated strategy may include a protocol of
3981 sanctions that may be imposed upon the participant for
3982 noncompliance with program rules. The protocol of sanctions may
3983 include, but is not limited to, placement in a substance abuse

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3984 treatment program offered by a licensed service provider as
3985 defined in s. 397.311 or in a jail-based treatment program or
3986 serving a period of incarceration within the time limits
3987 established for contempt of court. The coordinated strategy must
3988 be provided in writing to the participant before the participant
3989 agrees to enter into a pretrial treatment-based drug court
3990 program or other pretrial intervention program. Any person whose
3991 charges are dismissed after successful completion of the
3992 treatment-based drug court program, if otherwise eligible, may
3993 have his or her arrest record and plea of nolo contendere to the
3994 dismissed charges expunged under s. 943.0585.
3995 (e) ~~(c)~~ At the end of the pretrial intervention period, the
3996 court shall consider the recommendation of the administrator
3997 pursuant to subsection (5) and the recommendation of the state
3998 attorney as to disposition of the pending charges. The court
3999 shall determine, by written finding, whether the defendant has
4000 successfully completed the pretrial intervention program.
4001 Notwithstanding the coordinated strategy developed by a drug
4002 court team pursuant to s. 397.334(4), if the court finds that
4003 the defendant has not successfully completed the pretrial
4004 intervention program, the court may order the person to continue
4005 in education and treatment, which may include substance abuse
4006 treatment programs offered by licensed service providers as
4007 defined in s. 397.311 or jail-based treatment programs, or order
4008 that the charges revert to normal channels for prosecution. The
4009 court shall dismiss the charges upon a finding that the
4010 defendant has successfully completed the pretrial intervention
4011 program.
4012 (f) ~~(d)~~ Any entity, whether public or private, providing a

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4013 pretrial substance abuse education and treatment intervention
4014 program under this subsection must contract with the county or
4015 appropriate governmental entity, and the terms of the contract
4016 must include, but need not be limited to, the requirements
4017 established for private entities under s. 948.15(3).
4018 (7)(a) Notwithstanding any provision of this section, a
4019 person who is charged with a felony, other than a felony listed
4020 in s. 948.06(8)(c), and identified as a veteran, as defined in
4021 s. 1.01, including a veteran who is discharged or released under
4022 a general discharge, or servicemember, as defined in s. 250.01;
4023 an individual who is a current or former United States
4024 Department of Defense contractor; or an individual who is a
4025 current or former military member of a foreign allied country,
4026 who suffers from a military service-related mental illness,
4027 traumatic brain injury, substance abuse disorder, or
4028 psychological problem, is eligible for voluntary admission into
4029 a pretrial veterans' treatment intervention program approved by
4030 the chief judge of the circuit, upon motion of either party or
4031 the court's own motion, except:
4032 1. If a defendant was previously offered admission to a
4033 pretrial veterans' treatment intervention program at any time
4034 before trial and the defendant rejected that offer on the
4035 record, the court may deny the defendant's admission to such a
4036 program.
4037 2. If a defendant previously entered a court-ordered
4038 veterans' treatment program, the court may deny the defendant's
4039 admission into the pretrial veterans' treatment program.
4040 Section 69. Section 948.081, Florida Statutes, is created
4041 to read:

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4042 948.081 Community court programs.—
4043 (1) Each judicial circuit may establish a community court
4044 program for defendants charged with certain misdemeanor
4045 offenses. Each community court shall, at a minimum:
4046 (a) Adopt a nonadversarial approach.
4047 (b) Establish an advisory committee to recommend solutions
4048 and sanctions in each case.
4049 (c) Provide for judicial leadership and interaction.
4050 (d) In each particular case, consider the needs of the
4051 victim, consider individualized treatment services for the
4052 defendant, and monitor the defendant's compliance.
4053 (2) The chief judge of the judicial circuit, by
4054 administrative order, shall specify each misdemeanor offense
4055 eligible for the community court program. In making such
4056 determination, the chief judge shall consider the particular
4057 needs and concerns of the communities within the judicial
4058 circuit.
4059 (3) A defendant's entry into any community court program
4060 must be voluntary.
4061 (4) The chief judge shall appoint a community court
4062 resource coordinator, who shall:
4063 (a) Coordinate the responsibilities of the participating
4064 agencies and service providers.
4065 (b) Provide case management services.
4066 (c) Monitor compliance by defendants with court
4067 requirements.
4068 (d) Manage the collection of data for program evaluation
4069 and accountability.
4070 (5) The chief judge of the judicial circuit shall appoint

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4071 members to an advisory committee for each community court. The
4072 members of the advisory committee must include, at a minimum:
4073 (a) The chief judge or a community court judge designated
4074 by the chief judge, who shall serve as chair.
4075 (b) The state attorney or his or her designee.
4076 (c) The public defender or his or her designee.
4077 (d) The community court resource coordinator.
4078
4079 The committee may also include community stakeholders, treatment
4080 representatives, and other persons the chair deems appropriate.
4081 (6) The advisory committee shall review each defendant's
4082 case. Each committee member may make recommendations to the
4083 judge, including appropriate sanctions and treatment solutions
4084 for the defendant. The judge shall consider such recommendations
4085 and make the final decision concerning sanctions and treatment
4086 with respect to each defendant.
4087 (7) Each judicial circuit shall report client-level and
4088 programmatic data to the Office of State Courts Administrator
4089 annually for program evaluation. Client-level data include
4090 primary offenses resulting in the community court referral or
4091 sentence, treatment compliance, completion status, reasons for
4092 failing to complete the program, offenses committed during
4093 treatment and sanctions imposed, frequency of court appearances,
4094 and units of service. Programmatic data include referral and
4095 screening procedures, eligibility criteria, type and duration of
4096 treatment offered, and residential treatment resources.
4097 (8) The Department of Corrections, the Department of
4098 Juvenile Justice, the Department of Health, the Department of
4099 Law Enforcement, the Department of Education, law enforcement

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4100 agencies, and other governmental entities involved in the
4101 criminal justice system shall support such community court
4102 programs.
4103 (9) Community court program funding must be secured from
4104 sources other than the state for costs not assumed by the state
4105 under s. 29.004. However, this subsection does not preclude the
4106 use of funds provided for treatment and other services through
4107 state executive branch agencies.
4108 Section 70. Paragraph (a) of subsection (2) of section
4109 948.16, Florida Statutes, is amended to read:
4110 948.16 Misdemeanor pretrial substance abuse education and
4111 treatment intervention program; misdemeanor pretrial veterans'
4112 treatment intervention program; misdemeanor pretrial mental
4113 health court program.—
4114 (2)(a) A veteran, ~~as defined in s. 1.01,~~ including a
4115 veteran who is discharged or released under a general discharge,
4116 or servicemember, as defined in s. 250.01; an individual who is
4117 a current or former United States Department of Defense
4118 contractor; or an individual who is a current or former military
4119 member of a foreign allied country, who suffers from a military
4120 service-related mental illness, traumatic brain injury,
4121 substance abuse disorder, or psychological problem, and who is
4122 charged with a misdemeanor is eligible for voluntary admission
4123 into a misdemeanor pretrial veterans' treatment intervention
4124 program approved by the chief judge of the circuit, for a period
4125 based on the program's requirements and the treatment plan for
4126 the offender, upon motion of either party or the court's own
4127 motion. However, the court may deny the defendant admission into
4128 a misdemeanor pretrial veterans' treatment intervention program

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4129 if the defendant has previously entered a court-ordered
4130 veterans' treatment program.
4131 Section 71. Subsection (2) of section 948.21, Florida
4132 Statutes, is amended to read:
4133 948.21 Condition of probation or community control;
4134 military servicemembers, ~~and~~ veterans, and others.—
4135 (2) Effective for a probationer or community controllee
4136 whose crime is committed on or after July 1, 2016, and who is a
4137 veteran, as defined in s. 1.01, including a veteran who is
4138 discharged or released under a general discharge, or
4139 servicemember, as defined in s. 250.01; an individual who is a
4140 current or former United States Department of Defense
4141 contractor; or an individual who is a current or former military
4142 member of a foreign allied country, who suffers from a military
4143 service-related mental illness, traumatic brain injury,
4144 substance abuse disorder, or psychological problem, the court
4145 may, in addition to any other conditions imposed, impose a
4146 condition requiring the probationer or community controllee to
4147 participate in a treatment program capable of treating the
4148 probationer or community controllee's mental illness, traumatic
4149 brain injury, substance abuse disorder, or psychological
4150 problem.
4151 Section 72. Section 951.22, Florida Statutes, is amended to
4152 read:
4153 951.22 County detention facilities; contraband articles.—
4154 (1) It is unlawful, except through regular channels as duly
4155 authorized by the sheriff or officer in charge, to introduce
4156 into or possess upon the grounds of any county detention
4157 facility as defined in s. 951.23 or to give to or receive from

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4158 any inmate of any such facility wherever said inmate is located
4159 at the time or to take or to attempt to take or send therefrom
4160 any of the following articles, which are ~~hereby declared to be~~
4161 contraband:
4162 (a) ~~for the purposes of this act, to wit:~~ Any written or
4163 recorded communication.~~;~~
4164 (b) Any currency or coin.~~;~~
4165 (c) Any article of food or clothing.~~;~~
4166 (d) Any tobacco products as defined in s. 210.25(12).~~;~~
4167 (e) Any cigarette as defined in s. 210.01(1).~~;~~
4168 (f) Any cigar.~~;~~
4169 (g) Any intoxicating beverage or beverage that ~~which~~ causes
4170 or may cause an intoxicating effect.~~;~~
4171 (h) Any narcotic, hypnotic, or excitative drug or drug of
4172 any kind or nature, including nasal inhalators, sleeping pills,
4173 barbiturates, and controlled substances as defined in s.
4174 893.02(4).~~;~~
4175 (i) Any firearm or any instrumentality customarily used or
4176 which is intended to be used as a dangerous weapon.~~; and~~
4177 (j) Any instrumentality of any nature which ~~that~~ may be or
4178 is intended to be used as an aid in effecting or attempting to
4179 effect an escape from a county facility.
4180 (k) Any cellular telephone or other portable communication
4181 device as described in s. 944.47(1)(a)6. The term does not
4182 include any device that has communication capabilities which has
4183 been approved or issued by the sheriff or officer in charge for
4184 investigative or institutional security purposes or for
4185 conducting other official business.
4186 (2) A person who ~~Whoever~~ violates paragraph (1)(a),

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4187 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph
4188 (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a
4189 misdemeanor of the first degree, punishable as provided in s.
4190 775.082 or s. 775.083. A person who violates paragraph (1)(h),
4191 paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits
4192 ~~subsection (1) shall be guilty of~~ a felony of the third degree,
4193 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
4194 Section 73. Subsection (1) of section 958.04, Florida
4195 Statutes, is amended to read:
4196 958.04 Judicial disposition of youthful offenders.—
4197 (1) The court may sentence as a youthful offender any
4198 person:
4199 (a) Who is at least 18 years of age or who has been
4200 transferred for prosecution to the criminal division of the
4201 circuit court pursuant to chapter 985;
4202 (b) Who is found guilty of or who has tendered, and the
4203 court has accepted, a plea of nolo contendere or guilty to a
4204 crime that is, under the laws of this state, a felony if such
4205 crime was committed before the defendant turned 21 years of age
4206 ~~the offender is younger than 21 years of age at the time~~
4207 ~~sentence is imposed~~; and
4208 (c) Who has not previously been classified as a youthful
4209 offender under ~~the provisions of~~ this act; however, a person who
4210 has been found guilty of a capital or life felony may not be
4211 sentenced as a youthful offender under this act.
4212 Section 74. Subsections (2), (3), and (4) of section
4213 960.07, Florida Statutes, are amended to read:
4214 960.07 Filing of claims for compensation.—
4215 (2) Except as provided in subsection (3), a claim must be

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4216 filed not later than 5 years ~~1 year~~ after:
4217 (a) The occurrence of the crime upon which the claim is
4218 based.
4219 (b) The death of the victim or intervenor.
4220 (c) The death of the victim or intervenor is determined to
4221 be the result of a crime, and the crime occurred after June 30,
4222 1994.
4223
4224 However, for good cause the department may extend the time for
4225 filing for a period not exceeding 7 ~~2~~ years after such
4226 occurrence.
4227 (3) Notwithstanding ~~the provisions of~~ subsection (2) and
4228 regardless of when the crime occurred, if the victim or
4229 intervenor was under the age of 18 at the time the crime upon
4230 which the claim is based occurred, a claim may be filed in
4231 accordance with this subsection.
4232 (a) The victim’s or intervenor’s parent or guardian may
4233 file a claim on behalf of the victim or intervenor while the
4234 victim or intervenor is less than 18 years of age; or
4235 (b) When a victim or intervenor who was under the age of 18
4236 at the time the crime occurred reaches the age of 18, the victim
4237 or intervenor has 5 years ~~1 year~~ within which to file a claim.
4238
4239 For good cause, the department may extend the time period
4240 allowed for filing a claim under paragraph (b) for an additional
4241 period not to exceed 2 years ~~1 year~~.
4242 (4) Notwithstanding ~~The provisions of~~ subsection (2)
4243 ~~notwithstanding~~, and regardless of when the crime occurred, a
4244 victim of a sexually violent offense as defined in s. 394.912,

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4245 may file a claim for compensation for counseling or other mental
4246 health services within 5 years ~~1 year~~ after the filing of a
4247 petition under s. 394.914, to involuntarily civilly commit the
4248 individual who perpetrated the sexually violent offense.
4249 Section 75. Paragraph (b) of subsection (1) of section
4250 960.13, Florida Statutes, is amended to read:
4251 960.13 Awards.—
4252 (1)
4253 (b) In no case may an award be made when the record shows
4254 that such report was made more than 5 days ~~72 hours~~ after the
4255 occurrence of such crime unless the department, for good cause
4256 shown, finds the delay to have been justified. The department,
4257 upon finding that any claimant or award recipient has not duly
4258 cooperated with the state attorney, all law enforcement
4259 agencies, and the department, may deny, reduce, or withdraw any
4260 award, as the case may be.
4261 Section 76. Subsection (1) of section 960.195, Florida
4262 Statutes, is amended to read:
4263 960.195 Awards to elderly persons or disabled adults for
4264 property loss.—
4265 (1) Notwithstanding the criteria in s. 960.13, for crime
4266 victim compensation awards, the department may award a maximum
4267 of $500 on any one claim and a lifetime maximum of $1,000 on all
4268 claims to elderly persons or disabled adults who suffer a
4269 property loss that causes a substantial diminution in their
4270 quality of life when:
4271 (a) There is proof that a criminal or delinquent act was
4272 committed;
4273 (b) The criminal or delinquent act is reported to law

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4274 enforcement authorities within 5 days ~~72 hours~~, unless the
4275 department, for good cause shown, finds the delay to have been
4276 justified;
4277 (c) There is proof that the tangible personal property in
4278 question belonged to the claimant;
4279 (d) The claimant did not contribute to the criminal or
4280 delinquent act;
4281 (e) There is no other source of reimbursement or
4282 indemnification available to the claimant; and
4283 (f) The claimant would not be able to replace the tangible
4284 personal property in question without incurring a serious
4285 financial hardship.
4286 Section 77. Paragraph (b) of subsection (2) of section
4287 960.196, Florida Statutes, is amended to read:
4288 960.196 Relocation assistance for victims of human
4289 trafficking.—
4290 (2) In order for an award to be granted to a victim for
4291 relocation assistance:
4292 (b) The crime must be reported to the proper authorities
4293 and the claim must be filed within 5 years ~~1 year~~, or 7 ~~2~~ years
4294 with good cause, after the date of the last human trafficking
4295 offense, as described in s. 787.06(3)(b), (d), (f), or (g). In a
4296 case that exceeds the 7 ~~2~~-year requirement due to an active and
4297 ongoing investigation, a state attorney, statewide prosecutor,
4298 or federal prosecutor may certify in writing a human trafficking
4299 victim’s need to relocate from an unsafe environment due to the
4300 threat of future violence which is directly related to the human
4301 trafficking offense.
4302 Section 78. Effective upon becoming a law, paragraphs (c),

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4303 (d), and (f) of subsection (2) of section 985.12, Florida
4304 Statutes, are amended to read:
4305 985.12 Civil citation or similar prearrest diversion
4306 programs.—
4307 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST
4308 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—
4309 (c) The state attorney of each circuit shall operate a
4310 civil citation or similar prearrest diversion program in each
4311 circuit. A sheriff, police department, county, municipality,
4312 locally authorized entity, or public or private educational
4313 institution may continue to operate an independent civil
4314 citation or similar prearrest diversion program that is in
4315 operation as of October 1, 2018, if the independent program is
4316 reviewed by the state attorney of the applicable circuit and he
4317 or she determines that the independent program is substantially
4318 similar to the civil citation or similar prearrest diversion
4319 program developed by the circuit. If the state attorney
4320 determines that the independent program is not substantially
4321 similar to the civil citation or similar prearrest diversion
4322 program developed by the circuit, the operator of the
4323 independent diversion program may revise the program and the
4324 state attorney may conduct an additional review of the
4325 independent program.
4326 (d) A judicial circuit may model an existing sheriff’s,
4327 police department’s, county’s, municipality’s, locally
4328 authorized entity’s, or public or private educational
4329 institution’s independent civil citation or similar prearrest
4330 diversion program in developing the civil citation or similar
4331 prearrest diversion program for the circuit.

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4332 (f) Each civil citation or similar prearrest diversion
4333 program shall enter the appropriate youth data into the Juvenile
4334 Justice Information System Prevention Web within 7 days after
4335 the admission of the youth into the program ~~A copy of each civil~~
4336 ~~citation or similar prearrest diversion program notice issued~~
4337 ~~under this section shall be provided to the department, and the~~
4338 ~~department shall enter appropriate information into the juvenile~~
4339 ~~offender information system~~.
4340 Section 79. Effective upon becoming a law, subsection (2)
4341 and paragraph (c) of subsection (3) of section 985.126, Florida
4342 Statutes, are amended to read:
4343 985.126 Diversion programs; data collection; denial of
4344 participation or expunged record.—
4345 (2) Upon issuance of documentation requiring a minor to
4346 participate in a diversion program, before or without an arrest,
4347 the issuing law enforcement officer shall send a copy of such
4348 documentation to the entity designated to operate the diversion
4349 program ~~and to the department~~, which shall enter such
4350 information into the Juvenile Justice Information System
4351 Prevention Web within 7 days after the youth's admission into
4352 the program.
4353 (3)
4354 (c) The data required pursuant to paragraph (a) shall be
4355 entered into the Juvenile Justice Information System Prevention
4356 Web within 7 days after the youth's admission into the program
4357 ~~submitted to the department quarterly~~.
4358 Section 80. Effective upon becoming a law, paragraph (f) of
4359 subsection (1) of section 985.145, Florida Statutes, is amended
4360 to read:

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4361 985.145 Responsibilities of the department during intake;
4362 screenings and assessments.—
4363 (1) The department shall serve as the primary case manager
4364 for the purpose of managing, coordinating, and monitoring the
4365 services provided to the child. Each program administrator
4366 within the Department of Children and Families shall cooperate
4367 with the primary case manager in carrying out the duties and
4368 responsibilities described in this section. In addition to
4369 duties specified in other sections and through departmental
4370 rules, the department shall be responsible for the following:
4371 ~~(f) *Prevention web*.—For a child with a first-time~~
4372 ~~misdemeanor offense, the department shall enter all related~~
4373 ~~information into the Juvenile Justice Information System~~
4374 ~~Prevention Web until such time as formal charges are filed. If~~
4375 ~~formal charges are not filed, the information shall remain in~~
4376 ~~the Juvenile Justice Information System Prevention Web until~~
4377 ~~removed pursuant to department policies.~~
4378 Section 81. Subsection (2) of section 985.557, Florida
4379 Statutes, is amended to read:
4380 985.557 Direct filing of an information; discretionary ~~and~~
4381 ~~mandatory~~ criteria.—
4382 ~~(2) MANDATORY DIRECT FILE.—~~
4383 ~~(a) With respect to any child who was 16 or 17 years of age~~
4384 ~~at the time the alleged offense was committed, the state~~
4385 ~~attorney shall file an information if the child has been~~
4386 ~~previously adjudicated delinquent for an act classified as a~~
4387 ~~felony, which adjudication was for the commission of, attempt to~~
4388 ~~commit, or conspiracy to commit murder, sexual battery, armed or~~
4389 ~~strong-armed robbery, carjacking, home-invasion robbery,~~

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4390 ~~aggravated battery, or aggravated assault, and the child is~~
4391 ~~currently charged with a second or subsequent violent crime~~
4392 ~~against a person.~~
4393 ~~(b) With respect to any child 16 or 17 years of age at the~~
4394 ~~time an offense classified as a forcible felony, as defined in~~
4395 ~~s. 776.08, was committed, the state attorney shall file an~~
4396 ~~information if the child has previously been adjudicated~~
4397 ~~delinquent or had adjudication withheld for three acts~~
4398 ~~classified as felonies each of which occurred at least 45 days~~
4399 ~~apart from each other. This paragraph does not apply when the~~
4400 ~~state attorney has good cause to believe that exceptional~~
4401 ~~circumstances exist which preclude the just prosecution of the~~
4402 ~~juvenile in adult court.~~
4403 ~~(c) The state attorney must file an information if a child,~~
4404 ~~regardless of the child's age at the time the alleged offense~~
4405 ~~was committed, is alleged to have committed an act that would be~~
4406 ~~a violation of law if the child were an adult, that involves~~
4407 ~~stealing a motor vehicle, including, but not limited to, a~~
4408 ~~violation of s. 812.133, relating to carjacking, or s.~~
4409 ~~812.014(2)(c)6., relating to grand theft of a motor vehicle, and~~
4410 ~~while the child was in possession of the stolen motor vehicle~~
4411 ~~the child caused serious bodily injury to or the death of a~~
4412 ~~person who was not involved in the underlying offense. For~~
4413 ~~purposes of this section, the driver and all willing passengers~~
4414 ~~in the stolen motor vehicle at the time such serious bodily~~
4415 ~~injury or death is inflicted shall also be subject to mandatory~~
4416 ~~transfer to adult court. "Stolen motor vehicle," for the~~
4417 ~~purposes of this section, means a motor vehicle that has been~~
4418 ~~the subject of any criminal wrongful taking. For purposes of~~

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4419 ~~this section, "willing passengers" means all willing passengers~~
4420 ~~who have participated in the underlying offense.~~
4421 ~~(d)1. With respect to any child who was 16 or 17 years of~~
4422 ~~age at the time the alleged offense was committed, the state~~
4423 ~~attorney shall file an information if the child has been charged~~
4424 ~~with committing or attempting to commit an offense listed in s.~~
4425 ~~775.087(2)(a)1.a.-p., and, during the commission of or attempt~~
4426 ~~to commit the offense, the child:~~
4427 ~~a. Actually possessed a firearm or destructive device, as~~
4428 ~~those terms are defined in s. 790.001.~~
4429 ~~b. Discharged a firearm or destructive device, as described~~
4430 ~~in s. 775.087(2)(a)2.~~
4431 ~~c. Discharged a firearm or destructive device, as described~~
4432 ~~in s. 775.087(2)(a)3., and, as a result of the discharge, death~~
4433 ~~or great bodily harm was inflicted upon any person.~~
4434 ~~2. Upon transfer, any child who is:~~
4435 ~~a. Charged under sub-subparagraph 1.a. and who has been~~
4436 ~~previously adjudicated or had adjudication withheld for a~~
4437 ~~forcible felony offense or any offense involving a firearm, or~~
4438 ~~who has been previously placed in a residential commitment~~
4439 ~~program, shall be subject to sentencing under s. 775.087(2)(a),~~
4440 ~~notwithstanding s. 985.565.~~
4441 ~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~
4442 ~~1.c., shall be subject to sentencing under s. 775.087(2)(a),~~
4443 ~~notwithstanding s. 985.565.~~
4444 ~~3. Upon transfer, any child who is charged under this~~
4445 ~~paragraph, but who does not meet the requirements specified in~~
4446 ~~subparagraph 2., shall be sentenced under s. 985.565; however,~~
4447 ~~if the court imposes a juvenile sanction, the court must commit~~

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4448 ~~the child to a high-risk or maximum-risk juvenile facility.~~
4449 ~~4. This paragraph shall not apply if the state attorney has~~
4450 ~~good cause to believe that exceptional circumstances exist that~~
4451 ~~preclude the just prosecution of the child in adult court.~~
4452 ~~5. The Department of Corrections shall make every~~
4453 ~~reasonable effort to ensure that any child 16 or 17 years of age~~
4454 ~~who is convicted and sentenced under this paragraph be~~
4455 ~~completely separated such that there is no physical contact with~~
4456 ~~adult offenders in the facility, to the extent that it is~~
4457 ~~consistent with chapter 958.~~
4458 Section 82. Subsection (3) of section 776.09, Florida
4459 Statutes, is amended to read:
4460 776.09 Retention of records pertaining to persons found to
4461 be acting in lawful self-defense; expunction of criminal history
4462 records.—
4463 (3) Under either condition described in subsection (1) or
4464 subsection (2), the person accused may apply for a certificate
4465 of eligibility to expunge the associated criminal history
4466 record, pursuant to s. 943.0578 ~~s. 943.0585(5)~~, notwithstanding
4467 the eligibility requirements prescribed in s. 943.0585(1) ~~s.~~
4468 ~~943.0585(1)(b)~~ or (2).
4469 Section 83. Paragraph (c) of subsection (3) of section
4470 893.03, Florida Statutes, is amended to read:
4471 893.03 Standards and schedules.—The substances enumerated
4472 in this section are controlled by this chapter. The controlled
4473 substances listed or to be listed in Schedules I, II, III, IV,
4474 and V are included by whatever official, common, usual,
4475 chemical, trade name, or class designated. The provisions of
4476 this section shall not be construed to include within any of the

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4477 schedules contained in this section any excluded drugs listed
4478 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
4479 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
4480 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
4481 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
4482 Anabolic Steroid Products."
4483 (3) SCHEDULE III.—A substance in Schedule III has a
4484 potential for abuse less than the substances contained in
4485 Schedules I and II and has a currently accepted medical use in
4486 treatment in the United States, and abuse of the substance may
4487 lead to moderate or low physical dependence or high
4488 psychological dependence or, in the case of anabolic steroids,
4489 may lead to physical damage. The following substances are
4490 controlled in Schedule III:
4491 (c) Unless specifically excepted or unless listed in
4492 another schedule, any material, compound, mixture, or
4493 preparation containing limited quantities of any of the
4494 following controlled substances or any salts thereof:
4495 1. Not more than 1.8 grams of codeine per 100 milliliters
4496 or not more than 90 milligrams per dosage unit, with an equal or
4497 greater quantity of an isoquinoline alkaloid of opium.
4498 2. Not more than 1.8 grams of codeine per 100 milliliters
4499 or not more than 90 milligrams per dosage unit, with recognized
4500 therapeutic amounts of one or more active ingredients which are
4501 not controlled substances.
4502 3. Not more than 300 milligrams of hydrocodone per 100
4503 milliliters or not more than 15 milligrams per dosage unit, with
4504 a fourfold or greater quantity of an isoquinoline alkaloid of
4505 opium.

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4506 4. Not more than 300 milligrams of hydrocodone per 100
4507 milliliters or not more than 15 milligrams per dosage unit, with
4508 recognized therapeutic amounts of one or more active ingredients
4509 that are not controlled substances.
4510 5. Not more than 1.8 grams of dihydrocodeine per 100
4511 milliliters or not more than 90 milligrams per dosage unit, with
4512 recognized therapeutic amounts of one or more active ingredients
4513 which are not controlled substances.
4514 6. Not more than 300 milligrams of ethylmorphine per 100
4515 milliliters or not more than 15 milligrams per dosage unit, with
4516 one or more active, nonnarcotic ingredients in recognized
4517 therapeutic amounts.
4518 7. Not more than 50 milligrams of morphine per 100
4519 milliliters or per 100 grams, with recognized therapeutic
4520 amounts of one or more active ingredients which are not
4521 controlled substances.
4522
4523 For purposes of charging a person with a violation of s. 893.135
4524 involving any controlled substance described in subparagraph 3.
4525 or subparagraph 4., the controlled substance is a Schedule III
4526 controlled substance pursuant to this paragraph but the weight
4527 of the controlled substance per milliliters or per dosage unit
4528 is not relevant to the charging of a violation of s. 893.135.
4529 The weight of the controlled substance shall be determined
4530 pursuant to s. 893.135(7) ~~s. 893.135(6)~~.
4531 Section 84. Paragraph (c) of subsection (3) of section
4532 943.053, Florida Statutes, is amended to read:
4533 943.053 Dissemination of criminal justice information;
4534 fees.—

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4535 (3)
4536 (c)1. Criminal history information relating to juveniles,
4537 including criminal history information consisting in whole or in
4538 part of information that is confidential and exempt under
4539 paragraph (b), shall be available to:
4540 a. A criminal justice agency for criminal justice purposes
4541 on a priority basis and free of charge;
4542 b. The person to whom the record relates, or his or her
4543 attorney;
4544 c. The parent, guardian, or legal custodian of the person
4545 to whom the record relates, provided such person has not reached
4546 the age of majority, been emancipated by a court, or been
4547 legally married; or
4548 d. An agency or entity specified in s. 943.0585(6) ~~s.~~
4549 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~, for the purposes
4550 specified therein, and to any person within such agency or
4551 entity who has direct responsibility for employment, access
4552 authorization, or licensure decisions.
4553 2. After providing the program with all known personal
4554 identifying information, the criminal history information
4555 relating to a juvenile which is not confidential and exempt
4556 under this subsection may be released to the private sector and
4557 noncriminal justice agencies not specified in s. 943.0585(6) ~~s.~~
4558 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~ in the same manner as
4559 provided in paragraph (a). Criminal history information relating
4560 to a juvenile which is not confidential and exempt under this
4561 subsection is the entire criminal history information relating
4562 to a juvenile who satisfies any of the criteria listed in sub-
4563 subparagraphs (b)1.a.-d., except for any portion of such

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4564 juvenile's criminal history record which has been expunged or
4565 sealed under any law applicable to such record.
4566 3. All criminal history information relating to juveniles,
4567 other than that provided to criminal justice agencies for
4568 criminal justice purposes, shall be provided upon tender of fees
4569 as established in this subsection and in the manner prescribed
4570 by rule of the Department of Law Enforcement.
4571 Section 85. Paragraph (b) of subsection (2) of section
4572 943.0582, Florida Statutes, is amended to read:
4573 943.0582 Diversion program expunction.—
4574 (2) As used in this section, the term:
4575 (b) "Expunction" has the same meaning ascribed in and
4576 effect as s. 943.0585, except that:
4577 1. Section ~~The provisions of~~ 943.0585(6)(b) does ~~s.~~
4578 ~~943.0585(4)(a) do~~ not apply, except that the criminal history
4579 record of a person whose record is expunged pursuant to this
4580 section shall be made available only to criminal justice
4581 agencies for the purpose of:
4582 a. Determining eligibility for diversion programs;
4583 b. A criminal investigation; or
4584 c. Making a prosecutorial decision under s. 985.15.
4585 2. Records maintained by local criminal justice agencies in
4586 the county in which the arrest occurred that are eligible for
4587 expunction pursuant to this section shall be sealed as the term
4588 is used in s. 943.059.
4589 Section 86. Paragraphs (a) and (b) of subsection (4) of
4590 section 985.565, Florida Statutes, are amended to read:
4591 985.565 Sentencing powers; procedures; alternatives for
4592 juveniles prosecuted as adults.—

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4593 (4) SENTENCING ALTERNATIVES.—
4594 (a) *Adult sanctions.*—
4595 1. Cases prosecuted on indictment.—If the child is found to
4596 have committed the offense punishable by death or life
4597 imprisonment, the child shall be sentenced as an adult. If the
4598 juvenile is not found to have committed the indictable offense
4599 but is found to have committed a lesser included offense or any
4600 other offense for which he or she was indicted as a part of the
4601 criminal episode, the court may sentence as follows:
4602 a. As an adult;
4603 b. Under chapter 958; or
4604 c. As a juvenile under this section.
4605 2. Other cases.—If a child who has been transferred for
4606 criminal prosecution pursuant to information or waiver of
4607 juvenile court jurisdiction is found to have committed a
4608 violation of state law or a lesser included offense for which he
4609 or she was charged as a part of the criminal episode, the court
4610 may sentence as follows:
4611 a. As an adult;
4612 b. Under chapter 958; or
4613 c. As a juvenile under this section.
4614 3. Notwithstanding any other provision to the contrary, if
4615 the state attorney is required to file a motion to transfer and
4616 certify the juvenile for prosecution as an adult under s.
4617 985.556(3) and that motion is granted~~, or if the state attorney~~
4618 ~~is required to file an information under s. 985.557(2)(a) or~~
4619 ~~(b)~~, the court must impose adult sanctions.
4620 4. Any sentence imposing adult sanctions is presumed
4621 appropriate, and the court is not required to set forth specific

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4622 findings or enumerate the criteria in this subsection as any
4623 basis for its decision to impose adult sanctions.
4624 5. When a child has been transferred for criminal
4625 prosecution as an adult and has been found to have committed a
4626 violation of state law, the disposition of the case may include
4627 the enforcement of any restitution ordered in any juvenile
4628 proceeding.
4629 (b) *Juvenile sanctions.*—For juveniles transferred to adult
4630 court but who do not qualify for such transfer under s.
4631 985.556(3) ~~or s. 985.557(2)(a) or (b)~~, the court may impose
4632 juvenile sanctions under this paragraph. If juvenile sentences
4633 are imposed, the court shall, under this paragraph, adjudge the
4634 child to have committed a delinquent act. Adjudication of
4635 delinquency may ~~shall~~ not be deemed a conviction, nor shall it
4636 operate to impose any of the civil disabilities ordinarily
4637 resulting from a conviction. The court shall impose an adult
4638 sanction or a juvenile sanction and may not sentence the child
4639 to a combination of adult and juvenile punishments. An adult
4640 sanction or a juvenile sanction may include enforcement of an
4641 order of restitution or probation previously ordered in any
4642 juvenile proceeding. However, if the court imposes a juvenile
4643 sanction and the department determines that the sanction is
4644 unsuitable for the child, the department shall return custody of
4645 the child to the sentencing court for further proceedings,
4646 including the imposition of adult sanctions. Upon adjudicating a
4647 child delinquent under subsection (1), the court may:
4648 1. Place the child in a probation program under the
4649 supervision of the department for an indeterminate period of
4650 time until the child reaches the age of 19 years or sooner if

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4651 discharged by order of the court.
4652 2. Commit the child to the department for treatment in an
4653 appropriate program for children for an indeterminate period of
4654 time until the child is 21 or sooner if discharged by the
4655 department. The department shall notify the court of its intent
4656 to discharge no later than 14 days before ~~prior to~~ discharge.
4657 Failure of the court to timely respond to the department's
4658 notice shall be considered approval for discharge.
4659 3. Order disposition under ss. 985.435, 985.437, 985.439,
4660 985.441, 985.45, and 985.455 as an alternative to youthful
4661 offender or adult sentencing if the court determines not to
4662 impose youthful offender or adult sanctions.
4663
4664 It is the intent of the Legislature that the criteria and
4665 guidelines in this subsection are mandatory and that a
4666 determination of disposition under this subsection is subject to
4667 the right of the child to appellate review under s. 985.534.
4668 Section 87. Subsection (3) of section 921.0022, Florida
4669 Statutes, is amended to read:
4670 921.0022 Criminal Punishment Code; offense severity ranking
4671 chart.—
4672 (3) OFFENSE SEVERITY RANKING CHART
4673 (a) LEVEL 1
4674

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.

4675

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4676

212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.

4677

212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than $1,000 ~~$300~~ but less than $20,000.

4678

316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.

4679

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.

4680

319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.

4681

320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.

4682

322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver

271420

			license; possession of simulated identification.
4683			
	322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
4684			
	322.212(5)(a)	3rd	False application for driver license or identification card.
4685			
	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.
4686			
	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
4687			
	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than $1,000 ~~$300~~.
4688			
	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
4689			

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~~562.27(1)~~	~~3rd~~	~~Possess still or still apparatus.~~
713.69	3rd	Tenant removes property upon which lien has accrued, value more than $1,000 ~~$50~~.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	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.

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4696

826.01	3rd	Bigamy.

4697

828.122(3)	3rd	Fighting or baiting animals.

4698

831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

4699

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

4700

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

4701

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.

4702

838.15(2)	3rd	Commercial bribe receiving.

4703

838.16	3rd	Commercial bribery.

4704

843.18	3rd	Fleeing by boat to elude a

271420

		law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
~~849.01~~	~~3rd~~	~~Keeping gambling house.~~
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.

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893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in

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			weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
4724	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
4725	590.28(1)	3rd	Intentional burning of lands.
4726	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
4727	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
4728	806.13(1)(b)3.	3rd	Criminal mischief; damage $1,000 or more to public communication or any other public service.

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4729

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

4730

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

4731

812.014(2)(c)1.	3rd	Grand theft, 3rd degree; $750 ~~$300~~ or more but less than $5,000.

4732

812.014(2)(d)	3rd	Grand theft, 3rd degree; $100 or more but less than $750 ~~$300~~, taken from unenclosed curtilage of dwelling.

4733

812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

4734

817.234(1)(a)2.	3rd	False statement in support of insurance claim.

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4735

817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over $300.

4736

817.52(3)	3rd	Failure to redeliver hired vehicle.

4737

817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.

4738

817.60(5)	3rd	Dealing in credit cards of another.

4739

817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.

4740

817.61	3rd	Fraudulent use of credit cards over $100 or more within 6 months.

4741

826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

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4742

831.01	3rd	Forgery.

4743

831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.

4744

831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.

4745

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

4746

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

4747

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

4748

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

4749

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843.08	3rd	False personation.
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 of drug paraphernalia.

(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.

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4760
316.193(2)(b) 3rd Felony DUI, 3rd conviction.
4761
316.1935(2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
4762
319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.
4763
319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.
4764
319.33(1)(c) 3rd Procure or pass title on stolen vehicle.
4765
319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
4766
327.35(2)(b) 3rd Felony BUI.

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4767

328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

4768

328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

4769

376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

4770

379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

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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.
379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.

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	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
4777			
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
4778			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
4779			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
4780			
	697.08	3rd	Equity skimming.
4781			
	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
4782			
	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

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4783

806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.

4784

810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

4785

812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.

4786

812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.

4787

812.015(8)(b)	3rd	Retail theft with intent to sell; coordination with others.

4788

815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.

4789

817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less

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		than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods as new.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.

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	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
4798			
	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
4799			
	843.19	3rd	Injure, disable, or kill police dog or horse.
4800			
	860.15(3)	3rd	Overcharging for repairs and parts.
4801			
	870.01(2)	3rd	Riot; inciting or encouraging.
4802			
	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
4803			
	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2.,

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			(2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
4804	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
4805	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
4806	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
4807	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a

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			controlled substance.
4808	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
4809	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
4810	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
4811	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner’s practice.
4812	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner’s practice to assist a patient, other

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			person, or owner of an animal in obtaining a controlled substance.
4813			
	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
4814			
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
4815			
	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
4816			
	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
4817			
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
4818			
	985.721	3rd	Escapes from a juvenile

271420

		facility (secure detention or residential commitment facility).

4819
4820
4821
4822
4823 (d) LEVEL 4
4824

Florida Statute	Felony Degree	Description
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.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession

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			with intent to sell, contraband prescription drugs.
4828	517.07(1)	3rd	Failure to register securities.
4829	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
4830	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
4831	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
4832	784.075	3rd	Battery on detention or commitment facility staff.
4833	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

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4834

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

4835

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

4836

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

4837

784.083(3)	3rd	Battery on code inspector.

4838

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

4839

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

4840

787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody

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		proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.

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810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree; specified items~~, a will, firearm, motor vehicle, livestock, etc~~.
812.0195(2)	3rd	Dealing in stolen

271420

			property by use of the Internet; property stolen $300 or more.
4854			
	817.505(4)(a)	3rd	Patient brokering.
4855			
	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
4856			
	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
4857			
	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
4858			
	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
4859			
	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or

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		cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or

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			communication.
4867	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
4868	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
4869	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
4870	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).
4871	914.14(2)	3rd	Witnesses accepting bribes.
4872	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
4873			

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914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j), & (k)	3rd	Intoxicating drug, instrumentality, or cellular telephone or other device to aid escape introduced into county detention facility.

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4880
4881
4882 (e) LEVEL 5
4883

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.

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4889

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 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.

4890

379.367(4)	3rd	Willful molestation of a

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			commercial harvester's spiny lobster trap, line, or buoy.
4891			
	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
4892			
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
4893			
	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
4894			
	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
4895			
	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
4896			

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	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.
4897			
	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
4898			
	790.01(2)	3rd	Carrying a concealed firearm.
4899			
	790.162	2nd	Threat to throw or discharge destructive device.
4900			
	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
4901			
	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
4902			
	790.23	2nd	Felons in possession of

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		firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; $10,000 or more but less than $50,000.
812.015(8)(a), (c), (d), & (e)	3rd	Retail theft; property stolen is valued at $750 ~~$300~~ or more and one or more specified acts.

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4909

812.019(1)	2nd	Stolen property; dealing in or trafficking in.

4910

812.131(2)(b)	3rd	Robbery by sudden snatching.

4911

812.16(2)	3rd	Owning, operating, or conducting a chop shop.

4912

817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.

4913

817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.

4914

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.

4915

817.568(2)(b)	2nd	Fraudulent use of

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			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.
4916			
	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
4917			
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
4918			
	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
4919			
	827.071(4)	2nd	Possess with intent to

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			promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
4920	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
4921	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
4922	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.
4923	843.01	3rd	Resist officer with violence to person; resist arrest with violence.

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4924

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

4925

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

4926

847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.

4927

874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

4928

874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.

4929

893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or

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		other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

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	893.13(1)(e)2.	2nd	Sell, 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 for religious services or a specified business site.
4933			
	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
4934			
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
4935			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking

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		in or manufacturing of controlled substance.

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4940 (f) LEVEL 6
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Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.

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499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.

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784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.

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790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.

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4967

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.

4968

800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.

4969

806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.

4970

810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.

4971

810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.

4972

812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.

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4973

812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.

4974

812.015(9)(a)	2nd	Retail theft; property stolen $750 ~~$300~~ or more; second or subsequent conviction.

4975

812.015(9)(b)	2nd	Retail theft; property stolen $3,000 or more; coordination of others.

4976

812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).

4977

817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.

4978

817.505(4)(b)	2nd	Patient brokering; 10 or more patients.

4979

825.102(1)	3rd	Abuse of an elderly person or disabled adult.

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4980	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
4981	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
4982	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
4983	827.03(2)(c)	3rd	Abuse of a child.
4984	827.03(2)(d)	3rd	Neglect of a child.
4985	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
4986	836.05	2nd	Threats; extortion.
4987	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting

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			or an act of terrorism.
4988			
	843.12	3rd	Aids or assists person to escape.
4989			
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
4990			
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
4991			
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
4992			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
4993			
	944.35(3)(a)2.	3rd	Committing malicious

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		battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)(i) ~~951.22(1)~~	3rd	~~Intoxicating drug,~~ Firearm~~,~~ or weapon introduced into county detention facility.

(g) LEVEL 7

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Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent

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		disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.

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461.012(1)	3rd	Practicing podiatric medicine without a license.

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462.17	3rd	Practicing naturopathy without a license.

5018

463.015(1)	3rd	Practicing optometry without a license.

5019

464.016(1)	3rd	Practicing nursing without a license.

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465.015(2)	3rd	Practicing pharmacy without a license.

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466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.

5022

467.201	3rd	Practicing midwifery without a license.

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468.366	3rd	Delivering respiratory care services without a license.

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483.828(1)	3rd	Practicing as clinical

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		laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person,

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		currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or

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			the perpetrator of an attempted felony.
5036			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
5037			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
5038			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
5039			
	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
5040			
	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
5041			
	784.045(1)(b)	2nd	Aggravated battery;

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		perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.

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784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any

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			hoax bomb while committing or attempting to commit a felony.
5056			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
5057			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
5058			
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
5059			
	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.
5060			
	796.05(1)	1st	Live on earnings of a

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			prostitute; 2nd offense.
5061	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
5062	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
5063	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
5064	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.
5065	806.01(2)	2nd	Maliciously damage structure by fire or

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			explosive.
5066	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
5067	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
5068	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
5069	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
5070	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.
5071	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in

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		2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud,

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		value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit

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			cards or related documents.
5085	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
5086	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.
5087	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
5088	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
5089	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.

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5090
838.015 2nd Bribery.
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838.016 2nd Unlawful compensation or reward for official behavior.
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838.021(3)(a) 2nd Unlawful harm to a public servant.
5093
838.22 2nd Bid tampering.
5094
843.0855(2) 3rd Impersonation of a public officer or employee.
5095
843.0855(3) 3rd Unlawful simulation of legal process.
5096
843.0855(4) 3rd Intimidation of a public officer or employee.
5097
847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.
5098
847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

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5099	872.06	2nd	Abuse of a dead human body.
5100	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
5101	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
5102	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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5103	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
5104	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
5105	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
5106	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
5107	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
5108	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or

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			more, less than 28 grams.
5109	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
5110	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
5111	893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
5112	893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
5113	893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
5114	893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
5115	893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or

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			more, less than 28 grams.
5116	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
5117	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
5118	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
5119	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
5120	893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
5121	893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.

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893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.

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893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.

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896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.

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896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.

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943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

5127

943.0435(8)	2nd	Sexual offender; remains

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			in state after indicating intent to leave; failure to comply with reporting requirements.
5128	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
5129	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5130	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5131	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
5132	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

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5133

944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

5134

944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

5135

985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

5136

985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

5137

985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false

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registration information.

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5142 (h) LEVEL 8
5143

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
499.0051(7)	1st	Knowing forgery of prescription labels or prescription drug labels.
560.123(8)(b)2.	2nd	Failure to report

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			currency or payment instruments totaling or exceeding $20,000, but less than $100,000 by money transmitter.
5150	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding $20,000, but less than $100,000.
5151	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding $20,000, but less than $100,000 by financial institutions.
5152	777.03(2)(a)	1st	Accessory after the fact, capital felony.
5153	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery,

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			burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
5154			
	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
5155			
	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
5156			
	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
5157			
	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.
5158			
	787.06(3)(b)	1st	Human trafficking using

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			coercion for commercial sexual activity of an adult.
5159			
	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
5160			
	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
5161			
	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
5162			
	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
5163			

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	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
5164			
	794.011(5)(b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
5165			
	794.011(5)(c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
5166			
	794.011(5)(d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

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794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.

5168

800.04(4)(b)	2nd	Lewd or lascivious battery.

5169

800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.

5170

806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

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810.02(2)(a)	1st,PBL	Burglary with assault or battery.

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810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.

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810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.014(2)(a)2.	1st	Property stolen; cargo valued at $50,000 or more, grand theft in 1st degree.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
817.505(4)(c)	1st	Patient brokering; 20 or more patients.
817.535(2)(b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
817.535(3)(a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or

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			employee.
5180			
	817.535(4)(a)1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
5181			
	817.535(5)(a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
5182			
	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
5183			
	817.611(2)(c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
5184			
	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.

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5185

825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.

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825.103(3)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $50,000 or more.

5187

837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.

5188

837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.

5189

860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

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860.16	1st	Aircraft piracy.

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893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135	1st	Trafficking in

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	(1)(c)2.c.		hydrocodone, 50 grams or more, less than 200 grams.
5198			
	893.135 (1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
5199			
	893.135 (1)(c)4.b.(II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
5200			
	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
5201			
	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
5202			
	893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
5203			
	893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams

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		or more, less than 28 grams.
893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
893.135 (1)(m)2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
893.135 (1)(n)2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.

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893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding $20,000, but less than $100,000.
896.104(4)(a)2.	2nd	Structuring transactions

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		to evade reporting or registration requirements, financial transactions totaling or exceeding $20,000 but less than $100,000.

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5219 (i) LEVEL 9
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Florida Statute	Felony Degree	Description
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35 (3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2)(b)1.c.	1st	Medicaid provider fraud; $50,000 or more.
499.0051(8)	1st	Knowing sale or purchase of contraband prescription drugs

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		resulting in great bodily harm.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding $100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding $100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding $100,000 by financial institution.
775.0844	1st	Aggravated white collar crime.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.

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782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with

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		performance of any governmental or political function.
787.02(3)(a)	1st,PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
787.06(3)(f)1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.

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790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)(a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
794.011(4)(b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age

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		or older.
794.011(4)(c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
794.011(4)(d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
794.011(8)(b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

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812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.

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812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.

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812.135(2)(b)	1st	Home-invasion robbery with weapon.

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817.535(3)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

5255

817.535(4)(a)2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

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817.535(5)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs

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			financial loss as a result of the false instrument.
5257			
	817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
5258			
	827.03(2)(a)	1st	Aggravated child abuse.
5259			
	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
5260			
	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
5261			
	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill

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		or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(c)2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
893.135 (1)(c)3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
893.135 (1)(c)4.b.(III)	1st	Trafficking in fentanyl, 28 grams or more.

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893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, 200 grams or more.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
893.135 (1)(m)2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.

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893.135 (1)(n)2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding $100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $100,000.

(j) LEVEL 10

Florida Statute	Felony Degree	Description
499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.

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782.04(2)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
782.07(3)	1st	Aggravated manslaughter of a child.
787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
787.06(3)(g)	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.
787.06(4)(a)	Life	Selling or buying of minors into human trafficking.

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794.011(3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.

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812.135(2)(a)	1st,PBL	Home-invasion robbery with firearm or other deadly weapon.

5294

876.32	1st	Treason against the state.

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5299 Section 88. For the purpose of incorporating the amendment
5300 made by this act to section 322.056, Florida Statutes, in a
5301 reference thereto, subsection (11) of section 322.05, Florida
5302 Statutes, is reenacted to read:
5303 322.05 Persons not to be licensed.—The department may not
5304 issue a license:
5305 (11) To any person who is ineligible under s. 322.056.
5306 Section 89. For the purpose of incorporating the amendment
5307 made by this act to section 322.34, Florida Statutes, in a
5308 reference thereto, paragraph (c) of subsection (2) of section
5309 316.027, Florida Statutes, is reenacted to read:

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5310 316.027 Crash involving death or personal injuries.—
5311 (2)
5312 (c) The driver of a vehicle involved in a crash occurring
5313 on public or private property which results in the death of a
5314 person shall immediately stop the vehicle at the scene of the
5315 crash, or as close thereto as possible, and shall remain at the
5316 scene of the crash until he or she has fulfilled the
5317 requirements of s. 316.062. A person who is arrested for a
5318 violation of this paragraph and who has previously been
5319 convicted of a violation of this section, s. 316.061, s.
5320 316.191, or s. 316.193, or a felony violation of s. 322.34,
5321 shall be held in custody until brought before the court for
5322 admittance to bail in accordance with chapter 903. A person who
5323 willfully violates this paragraph commits a felony of the first
5324 degree, punishable as provided in s. 775.082, s. 775.083, or s.
5325 775.084, and shall be sentenced to a mandatory minimum term of
5326 imprisonment of 4 years. A person who willfully commits such a
5327 violation while driving under the influence as set forth in s.
5328 316.193(1) shall be sentenced to a mandatory minimum term of
5329 imprisonment of 4 years.
5330 Section 90. For the purpose of incorporating the amendment
5331 made by this act to section 322.34, Florida Statutes, in a
5332 reference thereto, paragraph (c) of subsection (4) of section
5333 907.041, Florida Statutes, is reenacted to read:
5334 907.041 Pretrial detention and release.—
5335 (4) PRETRIAL DETENTION.—
5336 (c) The court may order pretrial detention if it finds a
5337 substantial probability, based on a defendant’s past and present
5338 patterns of behavior, the criteria in s. 903.046, and any other

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5339 relevant facts, that any of the following circumstances exist:
5340 1. The defendant has previously violated conditions of
5341 release and that no further conditions of release are reasonably
5342 likely to assure the defendant’s appearance at subsequent
5343 proceedings;
5344 2. The defendant, with the intent to obstruct the judicial
5345 process, has threatened, intimidated, or injured any victim,
5346 potential witness, juror, or judicial officer, or has attempted
5347 or conspired to do so, and that no condition of release will
5348 reasonably prevent the obstruction of the judicial process;
5349 3. The defendant is charged with trafficking in controlled
5350 substances as defined by s. 893.135, that there is a substantial
5351 probability that the defendant has committed the offense, and
5352 that no conditions of release will reasonably assure the
5353 defendant’s appearance at subsequent criminal proceedings;
5354 4. The defendant is charged with DUI manslaughter, as
5355 defined by s. 316.193, and that there is a substantial
5356 probability that the defendant committed the crime and that the
5357 defendant poses a threat of harm to the community; conditions
5358 that would support a finding by the court pursuant to this
5359 subparagraph that the defendant poses a threat of harm to the
5360 community include, but are not limited to, any of the following:
5361 a. The defendant has previously been convicted of any crime
5362 under s. 316.193, or of any crime in any other state or
5363 territory of the United States that is substantially similar to
5364 any crime under s. 316.193;
5365 b. The defendant was driving with a suspended driver
5366 license when the charged crime was committed; or
5367 c. The defendant has previously been found guilty of, or

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5368 has had adjudication of guilt withheld for, driving while the
5369 defendant’s driver license was suspended or revoked in violation
5370 of s. 322.34;
5371 5. The defendant poses the threat of harm to the community.
5372 The court may so conclude, if it finds that the defendant is
5373 presently charged with a dangerous crime, that there is a
5374 substantial probability that the defendant committed such crime,
5375 that the factual circumstances of the crime indicate a disregard
5376 for the safety of the community, and that there are no
5377 conditions of release reasonably sufficient to protect the
5378 community from the risk of physical harm to persons;
5379 6. The defendant was on probation, parole, or other release
5380 pending completion of sentence or on pretrial release for a
5381 dangerous crime at the time the current offense was committed;
5382 7. The defendant has violated one or more conditions of
5383 pretrial release or bond for the offense currently before the
5384 court and the violation, in the discretion of the court,
5385 supports a finding that no conditions of release can reasonably
5386 protect the community from risk of physical harm to persons or
5387 assure the presence of the accused at trial; or
5388 8.a. The defendant has ever been sentenced pursuant to s.
5389 775.082(9) or s. 775.084 as a prison releasee reoffender,
5390 habitual violent felony offender, three-time violent felony
5391 offender, or violent career criminal, or the state attorney
5392 files a notice seeking that the defendant be sentenced pursuant
5393 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
5394 habitual violent felony offender, three-time violent felony
5395 offender, or violent career criminal;
5396 b. There is a substantial probability that the defendant

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5397 committed the offense; and
5398 c. There are no conditions of release that can reasonably
5399 protect the community from risk of physical harm or ensure the
5400 presence of the accused at trial.
5401 Section 91. For the purpose of incorporating the amendment
5402 made by this act to section 394.47891, Florida Statutes, in a
5403 reference thereto, subsection (5) of section 910.035, Florida
5404 Statutes, is reenacted to read:
5405 910.035 Transfer from county for plea, sentence, or
5406 participation in a problem-solving court.—
5407 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—
5408 (a) For purposes of this subsection, the term "problem-
5409 solving court" means a drug court pursuant to s. 948.01, s.
5410 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'
5411 and servicemembers' court pursuant to s. 394.47891, s. 948.08,
5412 s. 948.16, or s. 948.21; a mental health court program pursuant
5413 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;
5414 or a delinquency pretrial intervention court program pursuant to
5415 s. 985.345.
5416 (b) Any person eligible for participation in a problem-
5417 solving court shall, upon request by the person or a court, have
5418 the case transferred to a county other than that in which the
5419 charge arose if the person agrees to the transfer, the
5420 authorized representative of the trial court consults with the
5421 authorized representative of the problem-solving court in the
5422 county to which transfer is desired, and both representatives
5423 agree to the transfer.
5424 (c) If all parties agree to the transfer as required by
5425 paragraph (b), the trial court shall enter a transfer order

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5426 directing the clerk to transfer the case to the county which has
5427 accepted the defendant into its problem-solving court.
5428 (d)1. When transferring a pretrial problem-solving court
5429 case, the transfer order shall include a copy of the probable
5430 cause affidavit; any charging documents in the case; all
5431 reports, witness statements, test results, evidence lists, and
5432 other documents in the case; the defendant’s mailing address and
5433 telephone number; and the defendant’s written consent to abide
5434 by the rules and procedures of the receiving county’s problem-
5435 solving court.
5436 2. When transferring a postadjudicatory problem-solving
5437 court case, the transfer order shall include a copy of the
5438 charging documents in the case; the final disposition; all
5439 reports, test results, and other documents in the case; the
5440 defendant’s mailing address and telephone number; and the
5441 defendant’s written consent to abide by the rules and procedures
5442 of the receiving county’s problem-solving court.
5443 (e) After the transfer takes place, the receiving clerk
5444 shall set the matter for a hearing before the problem-solving
5445 court in the receiving jurisdiction to ensure the defendant’s
5446 entry into the problem-solving court.
5447 (f) Upon successful completion of the problem-solving court
5448 program, the jurisdiction to which the case has been transferred
5449 shall dispose of the case. If the defendant does not complete
5450 the problem-solving court program successfully, the jurisdiction
5451 to which the case has been transferred shall dispose of the case
5452 within the guidelines of the Criminal Punishment Code.
5453 Section 92. For the purpose of incorporating the amendment
5454 made by this act to section 509.151, Florida Statutes, in a

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5455 reference thereto, section 509.161, Florida Statutes, is
5456 reenacted to read:
5457 509.161 Rules of evidence in prosecutions.—In prosecutions
5458 under s. 509.151, proof that lodging, food, or other
5459 accommodations were obtained by false pretense; by false or
5460 fictitious show of baggage or other property; by absconding
5461 without paying or offering to pay for such food, lodging, or
5462 accommodations; or by surreptitiously removing or attempting to
5463 remove baggage shall constitute prima facie evidence of
5464 fraudulent intent. If the operator of the establishment has
5465 probable cause to believe, and does believe, that any person has
5466 obtained food, lodging, or other accommodations at such
5467 establishment with intent to defraud the operator thereof, the
5468 failure to make payment upon demand therefor, there being no
5469 dispute as to the amount owed, shall constitute prima facie
5470 evidence of fraudulent intent in such prosecutions.
5471 Section 93. For the purpose of incorporating the amendment
5472 made by this act to section 784.048, Florida Statutes, in a
5473 reference thereto, paragraph (c) of subsection (2) of section
5474 790.065, Florida Statutes, is reenacted to read:
5475 790.065 Sale and delivery of firearms.—
5476 (2) Upon receipt of a request for a criminal history record
5477 check, the Department of Law Enforcement shall, during the
5478 licensee’s call or by return call, forthwith:
5479 (c)1. Review any records available to it to determine
5480 whether the potential buyer or transferee has been indicted or
5481 has had an information filed against her or him for an offense
5482 that is a felony under either state or federal law, or, as
5483 mandated by federal law, has had an injunction for protection

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5484 against domestic violence entered against the potential buyer or
5485 transferee under s. 741.30, has had an injunction for protection
5486 against repeat violence entered against the potential buyer or
5487 transferee under s. 784.046, or has been arrested for a
5488 dangerous crime as specified in s. 907.041(4)(a) or for any of
5489 the following enumerated offenses:
5490 a. Criminal anarchy under ss. 876.01 and 876.02.
5491 b. Extortion under s. 836.05.
5492 c. Explosives violations under s. 552.22(1) and (2).
5493 d. Controlled substances violations under chapter 893.
5494 e. Resisting an officer with violence under s. 843.01.
5495 f. Weapons and firearms violations under this chapter.
5496 g. Treason under s. 876.32.
5497 h. Assisting self-murder under s. 782.08.
5498 i. Sabotage under s. 876.38.
5499 j. Stalking or aggravated stalking under s. 784.048.
5500
5501 If the review indicates any such indictment, information, or
5502 arrest, the department shall provide to the licensee a
5503 conditional nonapproval number.
5504 2. Within 24 working hours, the department shall determine
5505 the disposition of the indictment, information, or arrest and
5506 inform the licensee as to whether the potential buyer is
5507 prohibited from receiving or possessing a firearm. For purposes
5508 of this paragraph, “working hours” means the hours from 8 a.m.
5509 to 5 p.m. Monday through Friday, excluding legal holidays.
5510 3. The office of the clerk of court, at no charge to the
5511 department, shall respond to any department request for data on
5512 the disposition of the indictment, information, or arrest as

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5513 soon as possible, but in no event later than 8 working hours.
5514 4. The department shall determine as quickly as possible
5515 within the allotted time period whether the potential buyer is
5516 prohibited from receiving or possessing a firearm.
5517 5. If the potential buyer is not so prohibited, or if the
5518 department cannot determine the disposition information within
5519 the allotted time period, the department shall provide the
5520 licensee with a conditional approval number.
5521 6. If the buyer is so prohibited, the conditional
5522 nonapproval number shall become a nonapproval number.
5523 7. The department shall continue its attempts to obtain the
5524 disposition information and may retain a record of all approval
5525 numbers granted without sufficient disposition information. If
5526 the department later obtains disposition information which
5527 indicates:
5528 a. That the potential buyer is not prohibited from owning a
5529 firearm, it shall treat the record of the transaction in
5530 accordance with this section; or
5531 b. That the potential buyer is prohibited from owning a
5532 firearm, it shall immediately revoke the conditional approval
5533 number and notify local law enforcement.
5534 8. During the time that disposition of the indictment,
5535 information, or arrest is pending and until the department is
5536 notified by the potential buyer that there has been a final
5537 disposition of the indictment, information, or arrest, the
5538 conditional nonapproval number shall remain in effect.
5539 Section 94. For the purpose of incorporating the amendment
5540 made by this act to section 784.048, Florida Statutes, in a
5541 reference thereto, subsection (1) of section 794.056, Florida

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5542 Statutes, is reenacted to read:
5543 794.056 Rape Crisis Program Trust Fund.—
5544 (1) The Rape Crisis Program Trust Fund is created within
5545 the Department of Health for the purpose of providing funds for
5546 rape crisis centers in this state. Trust fund moneys shall be
5547 used exclusively for the purpose of providing services for
5548 victims of sexual assault. Funds credited to the trust fund
5549 consist of those funds collected as an additional court
5550 assessment in each case in which a defendant pleads guilty or
5551 nolo contendere to, or is found guilty of, regardless of
5552 adjudication, an offense provided in s. 775.21(6) and (10)(a),
5553 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
5554 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
5555 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
5556 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
5557 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
5558 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
5559 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
5560 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
5561 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
5562 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
5563 fund also shall include revenues provided by law, moneys
5564 appropriated by the Legislature, and grants from public or
5565 private entities.
5566 Section 95. For the purpose of incorporating the amendment
5567 made by this act to section 784.048, Florida Statutes, in a
5568 reference thereto, subsection (4) of section 847.0141, Florida
5569 Statutes, is reenacted to read:
5570 847.0141 Sexting; prohibited acts; penalties.—

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5571 (4) This section does not prohibit the prosecution of a
5572 minor for a violation of any law of this state if the photograph
5573 or video that depicts nudity also includes the depiction of
5574 sexual conduct or sexual excitement, and does not prohibit the
5575 prosecution of a minor for stalking under s. 784.048.
5576 Section 96. For the purpose of incorporating the amendment
5577 made by this act to section 784.048, Florida Statutes, in a
5578 reference thereto, subsection (5) of section 901.41, Florida
5579 Statutes, is reenacted to read:
5580 901.41 Prearrest diversion programs.—
5581 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime
5582 of domestic violence, as defined in s. 741.28, or a misdemeanor
5583 under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048,
5584 s. 784.0487, or s. 784.049 does not qualify for a civil citation
5585 or prearrest diversion program.
5586 Section 97. For the purpose of incorporating the amendment
5587 made by this act to section 784.048, Florida Statutes, in a
5588 reference thereto, section 938.08, Florida Statutes, is
5589 reenacted to read:
5590 938.08 Additional cost to fund programs in domestic
5591 violence.—In addition to any sanction imposed for a violation of
5592 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.
5593 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.
5594 784.083, s. 784.085, s. 794.011, or for any offense of domestic
5595 violence described in s. 741.28, the court shall impose a
5596 surcharge of $201. Payment of the surcharge shall be a condition
5597 of probation, community control, or any other court-ordered
5598 supervision. The sum of $85 of the surcharge shall be deposited
5599 into the Domestic Violence Trust Fund established in s. 741.01.

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5600 The clerk of the court shall retain $1 of each surcharge that
5601 the clerk of the court collects as a service charge of the
5602 clerk's office. The remainder of the surcharge shall be provided
5603 to the governing board of the county and must be used only to
5604 defray the costs of incarcerating persons sentenced under s.
5605 741.283 and provide additional training to law enforcement
5606 personnel in combating domestic violence.
5607 Section 98. For the purpose of incorporating the amendment
5608 made by this act to section 784.048, Florida Statutes, in a
5609 reference thereto, section 938.085, Florida Statutes, is
5610 reenacted to read:
5611 938.085 Additional cost to fund rape crisis centers.—In
5612 addition to any sanction imposed when a person pleads guilty or
5613 nolo contendere to, or is found guilty of, regardless of
5614 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
5615 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
5616 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
5617 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
5618 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
5619 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
5620 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
5621 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
5622 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
5623 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
5624 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
5625 $151. Payment of the surcharge shall be a condition of
5626 probation, community control, or any other court-ordered
5627 supervision. The sum of $150 of the surcharge shall be deposited
5628 into the Rape Crisis Program Trust Fund established within the

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5629 Department of Health by chapter 2003-140, Laws of Florida. The
5630 clerk of the court shall retain $1 of each surcharge that the
5631 clerk of the court collects as a service charge of the clerk's
5632 office.
5633 Section 99. For the purpose of incorporating the amendment
5634 made by this act to section 784.048, Florida Statutes, in a
5635 reference thereto, paragraph (g) of subsection (2) of section
5636 943.325, Florida Statutes, is reenacted to read:
5637 943.325 DNA database.—
5638 (2) DEFINITIONS.—As used in this section, the term:
5639 (g) "Qualifying offender" means any person, including
5640 juveniles and adults, who is:
5641 1.a. Committed to a county jail;
5642 b. Committed to or under the supervision of the Department
5643 of Corrections, including persons incarcerated in a private
5644 correctional institution operated under contract pursuant to s.
5645 944.105;
5646 c. Committed to or under the supervision of the Department
5647 of Juvenile Justice;
5648 d. Transferred to this state under the Interstate Compact
5649 on Juveniles, part XIII of chapter 985; or
5650 e. Accepted under Article IV of the Interstate Corrections
5651 Compact, part III of chapter 941; and who is:
5652 2.a. Convicted of any felony offense or attempted felony
5653 offense in this state or of a similar offense in another
5654 jurisdiction;
5655 b. Convicted of a misdemeanor violation of s. 784.048, s.
5656 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
5657 offense that was found, pursuant to s. 874.04, to have been

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5658 committed for the purpose of benefiting, promoting, or
5659 furthering the interests of a criminal gang as defined in s.
5660 874.03; or
5661 c. Arrested for any felony offense or attempted felony
5662 offense in this state.
5663 Section 100. For the purpose of incorporating the amendment
5664 made by this act to section 784.048, Florida Statutes, in a
5665 reference thereto, paragraph (c) of subsection (8) of section
5666 948.06, Florida Statutes, is reenacted to read:
5667 948.06 Violation of probation or community control;
5668 revocation; modification; continuance; failure to pay
5669 restitution or cost of supervision.—
5670 (8)
5671 (c) For purposes of this section, the term "qualifying
5672 offense" means any of the following:
5673 1. Kidnapping or attempted kidnapping under s. 787.01,
5674 false imprisonment of a child under the age of 13 under s.
5675 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
5676 or (c).
5677 2. Murder or attempted murder under s. 782.04, attempted
5678 felony murder under s. 782.051, or manslaughter under s. 782.07.
5679 3. Aggravated battery or attempted aggravated battery under
5680 s. 784.045.
5681 4. Sexual battery or attempted sexual battery under s.
5682 794.011(2), (3), (4), or (8)(b) or (c).
5683 5. Lewd or lascivious battery or attempted lewd or
5684 lascivious battery under s. 800.04(4), lewd or lascivious
5685 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
5686 conduct under s. 800.04(6)(b), lewd or lascivious exhibition

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5687 under s. 800.04(7)(b), or lewd or lascivious exhibition on
5688 computer under s. 847.0135(5)(b).
5689 6. Robbery or attempted robbery under s. 812.13, carjacking
5690 or attempted carjacking under s. 812.133, or home invasion
5691 robbery or attempted home invasion robbery under s. 812.135.
5692 7. Lewd or lascivious offense upon or in the presence of an
5693 elderly or disabled person or attempted lewd or lascivious
5694 offense upon or in the presence of an elderly or disabled person
5695 under s. 825.1025.
5696 8. Sexual performance by a child or attempted sexual
5697 performance by a child under s. 827.071.
5698 9. Computer pornography under s. 847.0135(2) or (3),
5699 transmission of child pornography under s. 847.0137, or selling
5700 or buying of minors under s. 847.0145.
5701 10. Poisoning food or water under s. 859.01.
5702 11. Abuse of a dead human body under s. 872.06.
5703 12. Any burglary offense or attempted burglary offense that
5704 is either a first degree felony or second degree felony under s.
5705 810.02(2) or (3).
5706 13. Arson or attempted arson under s. 806.01(1).
5707 14. Aggravated assault under s. 784.021.
5708 15. Aggravated stalking under s. 784.048(3), (4), (5), or
5709 (7).
5710 16. Aircraft piracy under s. 860.16.
5711 17. Unlawful throwing, placing, or discharging of a
5712 destructive device or bomb under s. 790.161(2), (3), or (4).
5713 18. Treason under s. 876.32.
5714 19. Any offense committed in another jurisdiction which
5715 would be an offense listed in this paragraph if that offense had

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5716 been committed in this state.
5717 Section 101. For the purpose of incorporating the amendment
5718 made by this act to section 784.048, Florida Statutes, in a
5719 reference thereto, subsection (1) of section 948.062, Florida
5720 Statutes, is reenacted to read:
5721 948.062 Reviewing and reporting serious offenses committed
5722 by offenders placed on probation or community control.—
5723 (1) The department shall review the circumstances related
5724 to an offender placed on probation or community control who has
5725 been arrested while on supervision for the following offenses:
5726 (a) Any murder as provided in s. 782.04;
5727 (b) Any sexual battery as provided in s. 794.011 or s.
5728 794.023;
5729 (c) Any sexual performance by a child as provided in s.
5730 827.071;
5731 (d) Any kidnapping, false imprisonment, or luring of a
5732 child as provided in s. 787.01, s. 787.02, or s. 787.025;
5733 (e) Any lewd and lascivious battery or lewd and lascivious
5734 molestation as provided in s. 800.04(4) or (5);
5735 (f) Any aggravated child abuse as provided in s.
5736 827.03(2)(a);
5737 (g) Any robbery with a firearm or other deadly weapon, home
5738 invasion robbery, or carjacking as provided in s. 812.13(2)(a),
5739 s. 812.135, or s. 812.133;
5740 (h) Any aggravated stalking as provided in s. 784.048(3),
5741 (4), or (5);
5742 (i) Any forcible felony as provided in s. 776.08, committed
5743 by a person on probation or community control who is designated
5744 as a sexual predator; or

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5745 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
5746 or vehicular or vessel homicide as provided in s. 782.071 or s.
5747 782.072, committed by a person who is on probation or community
5748 control for an offense involving death or injury resulting from
5749 a driving incident.
5750 Section 102. For the purpose of incorporating the amendment
5751 made by this act to section 784.048, Florida Statutes, in a
5752 reference thereto, paragraph (b) of subsection (1) of section
5753 960.001, Florida Statutes, is reenacted to read:
5754 960.001 Guidelines for fair treatment of victims and
5755 witnesses in the criminal justice and juvenile justice systems.—
5756 (1) The Department of Legal Affairs, the state attorneys,
5757 the Department of Corrections, the Department of Juvenile
5758 Justice, the Florida Commission on Offender Review, the State
5759 Courts Administrator and circuit court administrators, the
5760 Department of Law Enforcement, and every sheriff's department,
5761 police department, or other law enforcement agency as defined in
5762 s. 943.10(4) shall develop and implement guidelines for the use
5763 of their respective agencies, which guidelines are consistent
5764 with the purposes of this act and s. 16(b), Art. I of the State
5765 Constitution and are designed to implement s. 16(b), Art. I of
5766 the State Constitution and to achieve the following objectives:
5767 (b) *Information for purposes of notifying victim or*
5768 *appropriate next of kin of victim or other designated contact of*
5769 *victim.*—In the case of a homicide, pursuant to chapter 782; or a
5770 sexual offense, pursuant to chapter 794; or an attempted murder
5771 or sexual offense, pursuant to chapter 777; or stalking,
5772 pursuant to s. 784.048; or domestic violence, pursuant to s.
5773 25.385:

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5774 1. The arresting law enforcement officer or personnel of an
5775 organization that provides assistance to a victim or to the
5776 appropriate next of kin of the victim or other designated
5777 contact must request that the victim or appropriate next of kin
5778 of the victim or other designated contact complete a victim
5779 notification card. However, the victim or appropriate next of
5780 kin of the victim or other designated contact may choose not to
5781 complete the victim notification card.
5782 2. Unless the victim or the appropriate next of kin of the
5783 victim or other designated contact waives the option to complete
5784 the victim notification card, a copy of the victim notification
5785 card must be filed with the incident report or warrant in the
5786 sheriff’s office of the jurisdiction in which the incident
5787 report or warrant originated. The notification card shall, at a
5788 minimum, consist of:
5789 a. The name, address, and phone number of the victim; or
5790 b. The name, address, and phone number of the appropriate
5791 next of kin of the victim; or
5792 c. The name, address, and telephone number of a designated
5793 contact other than the victim or appropriate next of kin of the
5794 victim; and
5795 d. Any relevant identification or case numbers assigned to
5796 the case.
5797 3. The chief administrator, or a person designated by the
5798 chief administrator, of a county jail, municipal jail, juvenile
5799 detention facility, or residential commitment facility shall
5800 make a reasonable attempt to notify the alleged victim or
5801 appropriate next of kin of the alleged victim or other
5802 designated contact within 4 hours following the release of the

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5803 defendant on bail or, in the case of a juvenile offender, upon
5804 the release from residential detention or commitment. If the
5805 chief administrator, or designee, is unable to contact the
5806 alleged victim or appropriate next of kin of the alleged victim
5807 or other designated contact by telephone, the chief
5808 administrator, or designee, must send to the alleged victim or
5809 appropriate next of kin of the alleged victim or other
5810 designated contact a written notification of the defendant's
5811 release.
5812 4. Unless otherwise requested by the victim or the
5813 appropriate next of kin of the victim or other designated
5814 contact, the information contained on the victim notification
5815 card must be sent by the chief administrator, or designee, of
5816 the appropriate facility to the subsequent correctional or
5817 residential commitment facility following the sentencing and
5818 incarceration of the defendant, and unless otherwise requested
5819 by the victim or the appropriate next of kin of the victim or
5820 other designated contact, he or she must be notified of the
5821 release of the defendant from incarceration as provided by law.
5822 5. If the defendant was arrested pursuant to a warrant
5823 issued or taken into custody pursuant to s. 985.101 in a
5824 jurisdiction other than the jurisdiction in which the defendant
5825 is being released, and the alleged victim or appropriate next of
5826 kin of the alleged victim or other designated contact does not
5827 waive the option for notification of release, the chief
5828 correctional officer or chief administrator of the facility
5829 releasing the defendant shall make a reasonable attempt to
5830 immediately notify the chief correctional officer of the
5831 jurisdiction in which the warrant was issued or the juvenile was

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5832 taken into custody pursuant to s. 985.101, and the chief
5833 correctional officer of that jurisdiction shall make a
5834 reasonable attempt to notify the alleged victim or appropriate
5835 next of kin of the alleged victim or other designated contact,
5836 as provided in this paragraph, that the defendant has been or
5837 will be released.
5838 Section 103. For the purpose of incorporating the amendment
5839 made by this act to section 784.048, Florida Statutes, in a
5840 reference thereto, paragraph (b) of subsection (3) of section
5841 985.265, Florida Statutes, is reenacted to read:
5842 985.265 Detention transfer and release; education; adult
5843 jails.—
5844 (3)
5845 (b) When a juvenile is released from secure detention or
5846 transferred to nonsecure detention, detention staff shall
5847 immediately notify the appropriate law enforcement agency,
5848 school personnel, and victim if the juvenile is charged with
5849 committing any of the following offenses or attempting to commit
5850 any of the following offenses:
5851 1. Murder, under s. 782.04;
5852 2. Sexual battery, under chapter 794;
5853 3. Stalking, under s. 784.048; or
5854 4. Domestic violence, as defined in s. 741.28.
5855 Section 104. For the purpose of incorporating the amendment
5856 made by this act to section 784.048, Florida Statutes, in a
5857 reference thereto, paragraph (e) of subsection (3) of section
5858 1006.147, Florida Statutes, is reenacted to read:
5859 1006.147 Bullying and harassment prohibited.—
5860 (3) For purposes of this section:

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5861 (e) Definitions in s. 815.03 and the definition in s.
5862 784.048(1)(d) relating to stalking are applicable to this
5863 section.
5864 Section 105. For the purpose of incorporating the amendment
5865 made by this act to section 806.13, Florida Statutes, in a
5866 reference thereto, subsection (1) of section 316.0775, Florida
5867 Statutes, is reenacted to read:
5868 316.0775 Interference with official traffic control devices
5869 or railroad signs or signals.—
5870 (1) A person may not, without lawful authority, attempt to
5871 or in fact alter, deface, injure, knock down, or remove any
5872 official traffic control device or any railroad sign or signal
5873 or any inscription, shield, or insignia thereon, or any other
5874 part thereof. A violation of this subsection is a criminal
5875 violation pursuant to s. 318.17 and shall be punishable as set
5876 forth in s. 806.13 related to criminal mischief and graffiti,
5877 beginning on or after July 1, 2000.
5878 Section 106. For the purpose of incorporating the amendment
5879 made by this act to section 812.014, Florida Statutes, in a
5880 reference thereto, subsection (10) of section 95.18, Florida
5881 Statutes, is reenacted to read:
5882 95.18 Real property actions; adverse possession without
5883 color of title.—
5884 (10) A person who occupies or attempts to occupy a
5885 residential structure solely by claim of adverse possession
5886 under this section and offers the property for lease to another
5887 commits theft under s. 812.014.
5888 Section 107. For the purpose of incorporating the amendment
5889 made by this act to section 812.014, Florida Statutes, in a

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5890 reference thereto, paragraph (c) of subsection (3) of section
5891 373.6055, Florida Statutes, is reenacted to read:
5892 373.6055 Criminal history checks for certain water
5893 management district employees and others.—
5894 (3)
5895 (c) In addition to other requirements for employment or
5896 access established by any water management district pursuant to
5897 its water management district’s security plan for buildings,
5898 facilities, and structures, each water management district’s
5899 security plan shall provide that:
5900 1. Any person who has within the past 7 years been
5901 convicted, regardless of whether adjudication was withheld, for
5902 a forcible felony as defined in s. 776.08; an act of terrorism
5903 as defined in s. 775.30; planting of a hoax bomb as provided in
5904 s. 790.165; any violation involving the manufacture, possession,
5905 sale, delivery, display, use, or attempted or threatened use of
5906 a weapon of mass destruction or hoax weapon of mass destruction
5907 as provided in s. 790.166; dealing in stolen property; any
5908 violation of s. 893.135; any violation involving the sale,
5909 manufacturing, delivery, or possession with intent to sell,
5910 manufacture, or deliver a controlled substance; burglary;
5911 robbery; any felony violation of s. 812.014; any violation of s.
5912 790.07; any crime an element of which includes use or possession
5913 of a firearm; any conviction for any similar offenses under the
5914 laws of another jurisdiction; or conviction for conspiracy to
5915 commit any of the listed offenses may not be qualified for
5916 initial employment within or authorized regular access to
5917 buildings, facilities, or structures defined in the water
5918 management district’s security plan as restricted access areas.

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5919 2. Any person who has at any time been convicted of any of
5920 the offenses listed in subparagraph 1. may not be qualified for
5921 initial employment within or authorized regular access to
5922 buildings, facilities, or structures defined in the water
5923 management district’s security plan as restricted access areas
5924 unless, after release from incarceration and any supervision
5925 imposed as a sentence, the person remained free from a
5926 subsequent conviction, regardless of whether adjudication was
5927 withheld, for any of the listed offenses for a period of at
5928 least 7 years prior to the employment or access date under
5929 consideration.
5930 Section 108. For the purpose of incorporating the amendment
5931 made by this act to section 812.014, Florida Statutes, in a
5932 reference thereto, subsection (3) of section 400.9935, Florida
5933 Statutes, is reenacted to read:
5934 400.9935 Clinic responsibilities.—
5935 (3) A charge or reimbursement claim made by or on behalf of
5936 a clinic that is required to be licensed under this part but
5937 that is not so licensed, or that is otherwise operating in
5938 violation of this part, regardless of whether a service is
5939 rendered or whether the charge or reimbursement claim is paid,
5940 is an unlawful charge and is noncompensable and unenforceable. A
5941 person who knowingly makes or causes to be made an unlawful
5942 charge commits theft within the meaning of and punishable as
5943 provided in s. 812.014.
5944 Section 109. For the purpose of incorporating the amendment
5945 made by this act to section 812.014, Florida Statutes, in a
5946 reference thereto, subsection (10) of section 550.6305, Florida
5947 Statutes, is reenacted to read:

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5948 550.6305 Intertrack wagering; guest track payments;
5949 accounting rules.—
5950 (10) All races or games conducted at a permitholder's
5951 facility, all broadcasts of such races or games, and all
5952 broadcast rights relating thereto are owned by the permitholder
5953 at whose facility such races or games are conducted and
5954 constitute the permitholder's property as defined in s.
5955 812.012(4). Transmission, reception of a transmission,
5956 exhibition, use, or other appropriation of such races or games,
5957 broadcasts of such races or games, or broadcast rights relating
5958 thereto without the written consent of the permitholder
5959 constitutes a theft of such property under s. 812.014; and in
5960 addition to the penal sanctions contained in s. 812.014, the
5961 permitholder has the right to avail itself of the civil remedies
5962 specified in ss. 772.104, 772.11, and 812.035 in addition to any
5963 other remedies available under applicable state or federal law.
5964 Section 110. For the purpose of incorporating the amendment
5965 made by this act to section 812.014, Florida Statutes, in a
5966 reference thereto, subsection (2) of section 627.743, Florida
5967 Statutes, is reenacted to read:
5968 627.743 Payment of third-party claims.—
5969 (2) When making any payment on a third party claim for
5970 damage to an automobile for a partial loss, the insurer shall
5971 have printed on the loss estimate, if prepared by the insurer,
5972 the following: "Failure to use the insurance proceeds in
5973 accordance with the security agreement, if any, could be a
5974 violation of s. 812.014, Florida Statutes. If you have any
5975 questions, contact your lending institution." However, this
5976 subsection does not apply if the insurer does not prepare the

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5977 loss estimate.
5978 Section 111. For the purpose of incorporating the amendment
5979 made by this act to section 812.014, Florida Statutes, in a
5980 reference thereto, subsection (2) of section 634.421, Florida
5981 Statutes, is reenacted to read:
5982 634.421 Reporting and accounting for funds.—
5983 (2) Any sales representative who, not being entitled
5984 thereto, diverts or appropriates funds or any portion thereof to
5985 her or his own use commits theft as provided in s. 812.014.
5986 Section 112. For the purpose of incorporating the amendment
5987 made by this act to section 812.014, Florida Statutes, in a
5988 reference thereto, subsection (2) of section 642.038, Florida
5989 Statutes, is reenacted to read:
5990 642.038 Reporting and accounting for funds.—
5991 (2) Any sales representative who, not being entitled
5992 thereto, diverts or appropriates such funds or any portion
5993 thereof to his or her own use commits theft as provided in s.
5994 812.014.
5995 Section 113. For the purpose of incorporating the amendment
5996 made by this act to section 812.014, Florida Statutes, in a
5997 reference thereto, subsection (4) of section 705.102, Florida
5998 Statutes, is reenacted to read:
5999 705.102 Reporting lost or abandoned property.—
6000 (4) Any person who unlawfully appropriates such lost or
6001 abandoned property to his or her own use or refuses to deliver
6002 such property when required commits theft as defined in s.
6003 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
6004 775.084.
6005 Section 114. For the purpose of incorporating the amendment

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6006 made by this act to section 812.014, Florida Statutes, in a
6007 reference thereto, subsection (7) of section 812.14, Florida
6008 Statutes, is reenacted to read:
6009 812.14 Trespass and larceny with relation to utility
6010 fixtures; theft of utility services.—
6011 (7) An owner, lessor, or sublessor who willfully violates
6012 subsection (5) commits a misdemeanor of the first degree,
6013 punishable as provided in s. 775.082 or s. 775.083. Prosecution
6014 for a violation of subsection (5) does not preclude prosecution
6015 for theft pursuant to subsection (8) or s. 812.014.
6016 Section 115. For the purpose of incorporating the amendment
6017 made by this act to section 812.014, Florida Statutes, in a
6018 reference thereto, subsection (3) of section 893.138, Florida
6019 Statutes, is reenacted to read:
6020 893.138 Local administrative action to abate drug-related,
6021 prostitution-related, or stolen-property-related public
6022 nuisances and criminal gang activity.—
6023 (3) Any pain-management clinic, as described in s. 458.3265
6024 or s. 459.0137, which has been used on more than two occasions
6025 within a 6-month period as the site of a violation of:
6026 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
6027 relating to assault and battery;
6028 (b) Section 810.02, relating to burglary;
6029 (c) Section 812.014, relating to theft;
6030 (d) Section 812.131, relating to robbery by sudden
6031 snatching; or
6032 (e) Section 893.13, relating to the unlawful distribution
6033 of controlled substances,
6034

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6035 may be declared to be a public nuisance, and such nuisance may
6036 be abated pursuant to the procedures provided in this section.
6037 Section 116. For the purpose of incorporating the amendment
6038 made by this act to section 812.015, Florida Statutes, in a
6039 reference thereto, subsection (5) of section 538.09, Florida
6040 Statutes, is reenacted to read:
6041 538.09 Registration.—
6042 (5) In addition to the fine provided in subsection (4),
6043 registration under this section may be denied or any
6044 registration granted may be revoked, restricted, or suspended by
6045 the department if the department determines that the applicant
6046 or registrant:
6047 (a) Has violated any provision of this chapter or any rule
6048 or order made pursuant to this chapter;
6049 (b) Has made a material false statement in the application
6050 for registration;
6051 (c) Has been guilty of a fraudulent act in connection with
6052 any purchase or sale or has been or is engaged in or is about to
6053 engage in any practice, purchase, or sale which is fraudulent or
6054 in violation of the law;
6055 (d) Has made a misrepresentation or false statement to, or
6056 concealed any essential or material fact from, any person in
6057 making any purchase or sale;
6058 (e) Is making purchases or sales through any business
6059 associate not registered in compliance with the provisions of
6060 this chapter;
6061 (f) Has, within the preceding 10-year period for new
6062 registrants who apply for registration on or after October 1,
6063 2006, been convicted of, or has entered a plea of guilty or nolo

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6064 contendere to, or had adjudication withheld for, a crime against
6065 the laws of this state or any other state or of the United
6066 States which relates to registration as a secondhand dealer or
6067 which involves theft, larceny, dealing in stolen property,
6068 receiving stolen property, burglary, embezzlement, obtaining
6069 property by false pretenses, possession of altered property, any
6070 felony drug offense, any violation of s. 812.015, or any
6071 fraudulent dealing;
6072 (g) Has had a final judgment entered against her or him in
6073 a civil action upon grounds of fraud, embezzlement,
6074 misrepresentation, or deceit; or
6075 (h) Has failed to pay any sales tax owed to the Department
6076 of Revenue.
6077
6078 In the event the department determines to deny an application or
6079 revoke a registration, it shall enter a final order with its
6080 findings on the register of secondhand dealers and their
6081 business associates, if any; and denial, suspension, or
6082 revocation of the registration of a secondhand dealer shall also
6083 deny, suspend, or revoke the registration of such secondhand
6084 dealer’s business associates.
6085 Section 117. For the purpose of incorporating the amendment
6086 made by this act to section 812.015, Florida Statutes, in a
6087 reference thereto, subsection (2) of section 538.23, Florida
6088 Statutes, is reenacted to read:
6089 538.23 Violations and penalties.—
6090 (2) A secondary metals recycler is presumed to know upon
6091 receipt of stolen regulated metals property in a purchase
6092 transaction that the regulated metals property has been stolen

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6093 from another if the secondary metals recycler knowingly and
6094 intentionally fails to maintain the information required in s.
6095 538.19 and shall, upon conviction of a violation of s. 812.015,
6096 be punished as provided in s. 812.014(2) or (3).
6097 Section 118. For the purpose of incorporating the amendment
6098 made by this act to section 815.03, Florida Statutes, in a
6099 reference thereto, paragraph (e) of subsection (3) of section
6100 1006.147, Florida Statutes, is reenacted to read:
6101 1006.147 Bullying and harassment prohibited.—
6102 (3) For purposes of this section:
6103 (e) Definitions in s. 815.03 and the definition in s.
6104 784.048(1)(d) relating to stalking are applicable to this
6105 section.
6106 Section 119. For the purpose of incorporating the amendment
6107 made by this act to section 815.06, Florida Statutes, in a
6108 reference thereto, subsection (2) of section 316.80, Florida
6109 Statutes, is reenacted to read:
6110 316.80 Unlawful conveyance of fuel; obtaining fuel
6111 fraudulently.—
6112 (2) A person who violates subsection (1) commits a felony
6113 of the second degree, punishable as provided in s. 775.082, s.
6114 775.083, or s. 775.084, if he or she has attempted to or has
6115 fraudulently obtained motor or diesel fuel by:
6116 (a) Presenting a credit card or a credit card account
6117 number in violation of ss. 817.57-817.685;
6118 (b) Using unauthorized access to any computer network in
6119 violation of s. 815.06; or
6120 (c) Using a fraudulently scanned or lost or stolen payment
6121 access device, whether credit card or contactless device.

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6122 Section 120. For the purpose of incorporating the amendment
6123 made by this act to section 815.06, Florida Statutes, in
6124 references thereto, subsections (1) and (2) of section 775.30,
6125 Florida Statutes, are reenacted to read:
6126 775.30 Terrorism; defined; penalties.—
6127 (1) As used in this chapter and the Florida Criminal Code,
6128 the terms “terrorism” or “terrorist activity” mean an activity
6129 that:
6130 (a) Involves:
6131 1. A violent act or an act dangerous to human life which is
6132 a violation of the criminal laws of this state or of the United
6133 States; or
6134 2. A violation of s. 815.06; and
6135 (b) Is intended to:
6136 1. Intimidate, injure, or coerce a civilian population;
6137 2. Influence the policy of a government by intimidation or
6138 coercion; or
6139 3. Affect the conduct of government through destruction of
6140 property, assassination, murder, kidnapping, or aircraft piracy.
6141 (2) A person who violates s. 782.04(1)(a)1. or (2), s.
6142 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.
6143 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,
6144 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.
6145 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.
6146 859.01, or s. 876.34, in furtherance of intimidating or coercing
6147 the policy of a government, or in furtherance of affecting the
6148 conduct of a government by mass destruction, assassination, or
6149 kidnapping, commits the crime of terrorism, a felony of the
6150 first degree, punishable as provided in s. 775.082, s. 775.083,

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6151 or s. 775.084.
6152 Section 121. For the purpose of incorporating the amendment
6153 made by this act to section 815.06, Florida Statutes, in a
6154 reference thereto, subsection (2) of section 775.33, Florida
6155 Statutes, is reenacted to read:
6156 775.33 Providing material support or resources for
6157 terrorism or to terrorist organizations.—
6158 (2) A person commits a felony of the first degree,
6159 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
6160 if the person:
6161 (a) Provides material support or resources or conceals or
6162 disguises the nature, location, source, or ownership of the
6163 material support or resources, knowing or intending that the
6164 support or resources are to be used in preparation for or in
6165 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.
6166 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.
6167 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,
6168 s. 876.34, or s. 876.36;
6169 (b) Conceals an escape from the commission of a violation
6170 of paragraph (a); or
6171 (c) Attempts or conspires to commit a violation of
6172 paragraph (a).
6173 Section 122. For the purpose of incorporating the amendment
6174 made by this act to section 815.06, Florida Statutes, in a
6175 reference thereto, subsection (5) of section 782.04, Florida
6176 Statutes, is reenacted to read:
6177 782.04 Murder.—
6178 (5) As used in this section, the term “terrorism” means an
6179 activity that:

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6180 (a)1. Involves a violent act or an act dangerous to human
6181 life which is a violation of the criminal laws of this state or
6182 of the United States; or
6183 2. Involves a violation of s. 815.06; and
6184 (b) Is intended to:
6185 1. Intimidate, injure, or coerce a civilian population;
6186 2. Influence the policy of a government by intimidation or
6187 coercion; or
6188 3. Affect the conduct of government through destruction of
6189 property, assassination, murder, kidnapping, or aircraft piracy.
6190 Section 123. For the purpose of incorporating the amendment
6191 made by this act to section 815.06, Florida Statutes, in a
6192 reference thereto, subsection (3) of section 934.07, Florida
6193 Statutes, is reenacted to read:
6194 934.07 Authorization for interception of wire, oral, or
6195 electronic communications.—
6196 (3) As used in this section, the term “terrorism” means an
6197 activity that:
6198 (a)1. Involves a violent act or an act dangerous to human
6199 life which is a violation of the criminal laws of this state or
6200 of the United States; or
6201 2. Involves a violation of s. 815.06; and
6202 (b) Is intended to:
6203 1. Intimidate, injure, or coerce a civilian population;
6204 2. Influence the policy of a government by intimidation or
6205 coercion; or
6206 3. Affect the conduct of government through destruction of
6207 property, assassination, murder, kidnapping, or aircraft piracy.
6208 Section 124. For the purpose of incorporating the amendment

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6209 made by this act to section 847.011, Florida Statutes, in a
6210 reference thereto, paragraph (a) of subsection (1) of section
6211 772.102, Florida Statutes, is reenacted to read:
6212 772.102 Definitions.—As used in this chapter, the term:
6213 (1) "Criminal activity" means to commit, to attempt to
6214 commit, to conspire to commit, or to solicit, coerce, or
6215 intimidate another person to commit:
6216 (a) Any crime that is chargeable by indictment or
6217 information under the following provisions:
6218 1. Section 210.18, relating to evasion of payment of
6219 cigarette taxes.
6220 2. Section 414.39, relating to public assistance fraud.
6221 3. Section 440.105 or s. 440.106, relating to workers'
6222 compensation.
6223 4. Part IV of chapter 501, relating to telemarketing.
6224 5. Chapter 517, relating to securities transactions.
6225 6. Section 550.235 or s. 550.3551, relating to dogracing
6226 and horseracing.
6227 7. Chapter 550, relating to jai alai frontons.
6228 8. Chapter 552, relating to the manufacture, distribution,
6229 and use of explosives.
6230 9. Chapter 562, relating to beverage law enforcement.
6231 10. Section 624.401, relating to transacting insurance
6232 without a certificate of authority, s. 624.437(4)(c)1., relating
6233 to operating an unauthorized multiple-employer welfare
6234 arrangement, or s. 626.902(1)(b), relating to representing or
6235 aiding an unauthorized insurer.
6236 11. Chapter 687, relating to interest and usurious
6237 practices.

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6238 12. Section 721.08, s. 721.09, or s. 721.13, relating to
6239 real estate timeshare plans.
6240 13. Chapter 782, relating to homicide.
6241 14. Chapter 784, relating to assault and battery.
6242 15. Chapter 787, relating to kidnapping or human
6243 trafficking.
6244 16. Chapter 790, relating to weapons and firearms.
6245 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
6246 relating to prostitution.
6247 18. Chapter 806, relating to arson.
6248 19. Section 810.02(2)(c), relating to specified burglary of
6249 a dwelling or structure.
6250 20. Chapter 812, relating to theft, robbery, and related
6251 crimes.
6252 21. Chapter 815, relating to computer-related crimes.
6253 22. Chapter 817, relating to fraudulent practices, false
6254 pretenses, fraud generally, and credit card crimes.
6255 23. Section 827.071, relating to commercial sexual
6256 exploitation of children.
6257 24. Chapter 831, relating to forgery and counterfeiting.
6258 25. Chapter 832, relating to issuance of worthless checks
6259 and drafts.
6260 26. Section 836.05, relating to extortion.
6261 27. Chapter 837, relating to perjury.
6262 28. Chapter 838, relating to bribery and misuse of public
6263 office.
6264 29. Chapter 843, relating to obstruction of justice.
6265 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
6266 s. 847.07, relating to obscene literature and profanity.

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6267 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
6268 849.25, relating to gambling.
6269 32. Chapter 893, relating to drug abuse prevention and
6270 control.
6271 33. Section 914.22 or s. 914.23, relating to witnesses,
6272 victims, or informants.
6273 34. Section 918.12 or s. 918.13, relating to tampering with
6274 jurors and evidence.
6275 Section 125. For the purpose of incorporating the amendment
6276 made by this act to section 847.011, Florida Statutes, in a
6277 reference thereto, section 847.02, Florida Statutes, is
6278 reenacted to read:
6279 847.02 Confiscation of obscene material.—Whenever anyone is
6280 convicted under s. 847.011, the court in awarding sentence shall
6281 make an order confiscating said obscene material and authorize
6282 the sheriff of the county in which the material is held to
6283 destroy the same. The sheriff shall file with the court a
6284 certificate of his or her compliance.
6285 Section 126. For the purpose of incorporating the amendment
6286 made by this act to section 847.011, Florida Statutes, in a
6287 reference thereto, section 847.03, Florida Statutes, is
6288 reenacted to read:
6289 847.03 Officer to seize obscene material.—Whenever any
6290 officer arrests any person charged with any offense under s.
6291 847.011, the officer shall seize said obscene material and take
6292 the same into his or her custody to await the sentence of the
6293 court upon the trial of the offender.
6294 Section 127. For the purpose of incorporating the amendment
6295 made by this act to section 847.011, Florida Statutes, in a

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6296 reference thereto, subsection (2) of section 847.09, Florida
6297 Statutes, is reenacted to read:
6298 847.09 Legislative intent.—
6299 (2) Nothing in ss. 847.07-847.09 shall be construed to
6300 repeal or in any way supersede the provisions of s. 847.011, s.
6301 847.012, or s. 847.013.
6302 Section 128. For the purpose of incorporating the amendment
6303 made by this act to section 847.011, Florida Statutes, in a
6304 reference thereto, paragraph (a) of subsection (8) of section
6305 895.02, Florida Statutes, is reenacted to read:
6306 895.02 Definitions.—As used in ss. 895.01-895.08, the term:
6307 (8) "Racketeering activity" means to commit, to attempt to
6308 commit, to conspire to commit, or to solicit, coerce, or
6309 intimidate another person to commit:
6310 (a) Any crime that is chargeable by petition, indictment,
6311 or information under the following provisions of the Florida
6312 Statutes:
6313 1. Section 210.18, relating to evasion of payment of
6314 cigarette taxes.
6315 2. Section 316.1935, relating to fleeing or attempting to
6316 elude a law enforcement officer and aggravated fleeing or
6317 eluding.
6318 3. Section 403.727(3)(b), relating to environmental
6319 control.
6320 4. Section 409.920 or s. 409.9201, relating to Medicaid
6321 fraud.
6322 5. Section 414.39, relating to public assistance fraud.
6323 6. Section 440.105 or s. 440.106, relating to workers'
6324 compensation.

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6325 7. Section 443.071(4), relating to creation of a fictitious
6326 employer scheme to commit reemployment assistance fraud.
6327 8. Section 465.0161, relating to distribution of medicinal
6328 drugs without a permit as an Internet pharmacy.
6329 9. Section 499.0051, relating to crimes involving
6330 contraband, adulterated, or misbranded drugs.
6331 10. Part IV of chapter 501, relating to telemarketing.
6332 11. Chapter 517, relating to sale of securities and
6333 investor protection.
6334 12. Section 550.235 or s. 550.3551, relating to dogracing
6335 and horseracing.
6336 13. Chapter 550, relating to jai alai frontons.
6337 14. Section 551.109, relating to slot machine gaming.
6338 15. Chapter 552, relating to the manufacture, distribution,
6339 and use of explosives.
6340 16. Chapter 560, relating to money transmitters, if the
6341 violation is punishable as a felony.
6342 17. Chapter 562, relating to beverage law enforcement.
6343 18. Section 624.401, relating to transacting insurance
6344 without a certificate of authority, s. 624.437(4)(c)1., relating
6345 to operating an unauthorized multiple-employer welfare
6346 arrangement, or s. 626.902(1)(b), relating to representing or
6347 aiding an unauthorized insurer.
6348 19. Section 655.50, relating to reports of currency
6349 transactions, when such violation is punishable as a felony.
6350 20. Chapter 687, relating to interest and usurious
6351 practices.
6352 21. Section 721.08, s. 721.09, or s. 721.13, relating to
6353 real estate timeshare plans.

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6354 22. Section 775.13(5)(b), relating to registration of
6355 persons found to have committed any offense for the purpose of
6356 benefiting, promoting, or furthering the interests of a criminal
6357 gang.
6358 23. Section 777.03, relating to commission of crimes by
6359 accessories after the fact.
6360 24. Chapter 782, relating to homicide.
6361 25. Chapter 784, relating to assault and battery.
6362 26. Chapter 787, relating to kidnapping or human
6363 trafficking.
6364 27. Chapter 790, relating to weapons and firearms.
6365 28. Chapter 794, relating to sexual battery, but only if
6366 such crime was committed with the intent to benefit, promote, or
6367 further the interests of a criminal gang, or for the purpose of
6368 increasing a criminal gang member’s own standing or position
6369 within a criminal gang.
6370 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
6371 796.05, or s. 796.07, relating to prostitution.
6372 30. Chapter 806, relating to arson and criminal mischief.
6373 31. Chapter 810, relating to burglary and trespass.
6374 32. Chapter 812, relating to theft, robbery, and related
6375 crimes.
6376 33. Chapter 815, relating to computer-related crimes.
6377 34. Chapter 817, relating to fraudulent practices, false
6378 pretenses, fraud generally, credit card crimes, and patient
6379 brokering.
6380 35. Chapter 825, relating to abuse, neglect, or
6381 exploitation of an elderly person or disabled adult.
6382 36. Section 827.071, relating to commercial sexual

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6383 exploitation of children.
6384 37. Section 828.122, relating to fighting or baiting
6385 animals.
6386 38. Chapter 831, relating to forgery and counterfeiting.
6387 39. Chapter 832, relating to issuance of worthless checks
6388 and drafts.
6389 40. Section 836.05, relating to extortion.
6390 41. Chapter 837, relating to perjury.
6391 42. Chapter 838, relating to bribery and misuse of public
6392 office.
6393 43. Chapter 843, relating to obstruction of justice.
6394 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
6395 s. 847.07, relating to obscene literature and profanity.
6396 45. Chapter 849, relating to gambling, lottery, gambling or
6397 gaming devices, slot machines, or any of the provisions within
6398 that chapter.
6399 46. Chapter 874, relating to criminal gangs.
6400 47. Chapter 893, relating to drug abuse prevention and
6401 control.
6402 48. Chapter 896, relating to offenses related to financial
6403 transactions.
6404 49. Sections 914.22 and 914.23, relating to tampering with
6405 or harassing a witness, victim, or informant, and retaliation
6406 against a witness, victim, or informant.
6407 50. Sections 918.12 and 918.13, relating to tampering with
6408 jurors and evidence.
6409 Section 129. For the purpose of incorporating the amendment
6410 made by this act to section 847.011, Florida Statutes, in a
6411 reference thereto, subsection (2) of section 933.02, Florida

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6412 Statutes, is reenacted to read:
6413 933.02 Grounds for issuance of search warrant.—Upon proper
6414 affidavits being made, a search warrant may be issued under the
6415 provisions of this chapter upon any of the following grounds:
6416 (2) When any property shall have been used:
6417 (a) As a means to commit any crime;
6418 (b) In connection with gambling, gambling implements and
6419 appliances; or
6420 (c) In violation of s. 847.011 or other laws in reference
6421 to obscene prints and literature;
6422
6423 This section also applies to any papers or documents used as a
6424 means of or in aid of the commission of any offense against the
6425 laws of the state.
6426 Section 130. For the purpose of incorporating the amendment
6427 made by this act to section 847.011, Florida Statutes, in a
6428 reference thereto, section 933.03, Florida Statutes, is
6429 reenacted to read:
6430 933.03 Destruction of obscene prints and literature.—All
6431 obscene prints and literature, or other things mentioned in s.
6432 847.011 found by an officer in executing a search warrant, or
6433 produced or brought into court, shall be safely kept so long as
6434 is necessary for the purpose of being used as evidence in any
6435 case, and as soon as may be afterwards, shall be destroyed by
6436 order of the court before whom the case is brought.
6437 Section 131. For the purpose of incorporating the amendment
6438 made by this act to section 847.011, Florida Statutes, in a
6439 reference thereto, paragraph (g) of subsection (2) of section
6440 943.325, Florida Statutes, is reenacted to read:

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6441 943.325 DNA database.—
6442 (2) DEFINITIONS.—As used in this section, the term:
6443 (g) "Qualifying offender" means any person, including
6444 juveniles and adults, who is:
6445 1.a. Committed to a county jail;
6446 b. Committed to or under the supervision of the Department
6447 of Corrections, including persons incarcerated in a private
6448 correctional institution operated under contract pursuant to s.
6449 944.105;
6450 c. Committed to or under the supervision of the Department
6451 of Juvenile Justice;
6452 d. Transferred to this state under the Interstate Compact
6453 on Juveniles, part XIII of chapter 985; or
6454 e. Accepted under Article IV of the Interstate Corrections
6455 Compact, part III of chapter 941; and who is:
6456 2.a. Convicted of any felony offense or attempted felony
6457 offense in this state or of a similar offense in another
6458 jurisdiction;
6459 b. Convicted of a misdemeanor violation of s. 784.048, s.
6460 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
6461 offense that was found, pursuant to s. 874.04, to have been
6462 committed for the purpose of benefiting, promoting, or
6463 furthering the interests of a criminal gang as defined in s.
6464 874.03; or
6465 c. Arrested for any felony offense or attempted felony
6466 offense in this state.
6467 Section 132. For the purpose of incorporating the amendment
6468 made by this act to section 849.01, Florida Statutes, in a
6469 reference thereto, section 849.02, Florida Statutes, is

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6470 reenacted to read:
6471 849.02 Agents or employees of keeper of gambling house.—
6472 Whoever acts as servant, clerk, agent, or employee of any person
6473 in the violation of s. 849.01 shall be punished in the manner
6474 and to the extent therein mentioned.
6475 Section 133. For the purpose of incorporating the amendment
6476 made by this act to section 893.135, Florida Statutes, in a
6477 reference thereto, paragraph (c) of subsection (3) of section
6478 373.6055, Florida Statutes, is reenacted to read:
6479 373.6055 Criminal history checks for certain water
6480 management district employees and others.—
6481 (3)
6482 (c) In addition to other requirements for employment or
6483 access established by any water management district pursuant to
6484 its water management district's security plan for buildings,
6485 facilities, and structures, each water management district's
6486 security plan shall provide that:
6487 1. Any person who has within the past 7 years been
6488 convicted, regardless of whether adjudication was withheld, for
6489 a forcible felony as defined in s. 776.08; an act of terrorism
6490 as defined in s. 775.30; planting of a hoax bomb as provided in
6491 s. 790.165; any violation involving the manufacture, possession,
6492 sale, delivery, display, use, or attempted or threatened use of
6493 a weapon of mass destruction or hoax weapon of mass destruction
6494 as provided in s. 790.166; dealing in stolen property; any
6495 violation of s. 893.135; any violation involving the sale,
6496 manufacturing, delivery, or possession with intent to sell,
6497 manufacture, or deliver a controlled substance; burglary;
6498 robbery; any felony violation of s. 812.014; any violation of s.

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6499 790.07; any crime an element of which includes use or possession
6500 of a firearm; any conviction for any similar offenses under the
6501 laws of another jurisdiction; or conviction for conspiracy to
6502 commit any of the listed offenses may not be qualified for
6503 initial employment within or authorized regular access to
6504 buildings, facilities, or structures defined in the water
6505 management district’s security plan as restricted access areas.
6506 2. Any person who has at any time been convicted of any of
6507 the offenses listed in subparagraph 1. may not be qualified for
6508 initial employment within or authorized regular access to
6509 buildings, facilities, or structures defined in the water
6510 management district’s security plan as restricted access areas
6511 unless, after release from incarceration and any supervision
6512 imposed as a sentence, the person remained free from a
6513 subsequent conviction, regardless of whether adjudication was
6514 withheld, for any of the listed offenses for a period of at
6515 least 7 years prior to the employment or access date under
6516 consideration.
6517 Section 134. For the purpose of incorporating the amendment
6518 made by this act to section 893.135, Florida Statutes, in a
6519 reference thereto, subsection (6) of section 397.4073, Florida
6520 Statutes, is reenacted to read:
6521 397.4073 Background checks of service provider personnel.—
6522 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State
6523 funds may not be disseminated to any service provider owned or
6524 operated by an owner, director, or chief financial officer who
6525 has been convicted of, has entered a plea of guilty or nolo
6526 contendere to, or has had adjudication withheld for, a violation
6527 of s. 893.135 pertaining to trafficking in controlled

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6528 substances, or a violation of the law of another state, the
6529 District of Columbia, the United States or any possession or
6530 territory thereof, or any foreign jurisdiction which is
6531 substantially similar in elements and penalties to a trafficking
6532 offense in this state, unless the owner’s or director’s civil
6533 rights have been restored.
6534 Section 135. For the purpose of incorporating the amendment
6535 made by this act to section 893.135, Florida Statutes, in a
6536 reference thereto, subsection (1) of section 414.095, Florida
6537 Statutes, is reenacted to read:
6538 414.095 Determining eligibility for temporary cash
6539 assistance.—
6540 (1) ELIGIBILITY.—An applicant must meet eligibility
6541 requirements of this section before receiving services or
6542 temporary cash assistance under this chapter, except that an
6543 applicant shall be required to register for work and engage in
6544 work activities in accordance with s. 445.024, as designated by
6545 the local workforce development board, and may receive support
6546 services or child care assistance in conjunction with such
6547 requirement. The department shall make a determination of
6548 eligibility based on the criteria listed in this chapter. The
6549 department shall monitor continued eligibility for temporary
6550 cash assistance through periodic reviews consistent with the
6551 food assistance eligibility process. Benefits may not be denied
6552 to an individual solely based on a felony drug conviction,
6553 unless the conviction is for trafficking pursuant to s. 893.135.
6554 To be eligible under this section, an individual convicted of a
6555 drug felony must be satisfactorily meeting the requirements of
6556 the temporary cash assistance program, including all substance

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6557 abuse treatment requirements. Within the limits specified in
6558 this chapter, the state opts out of the provision of Pub. L. No.
6559 104-193, s. 115, that eliminates eligibility for temporary cash
6560 assistance and food assistance for any individual convicted of a
6561 controlled substance felony.
6562 Section 136. For the purpose of incorporating the amendment
6563 made by this act to section 893.135, Florida Statutes, in a
6564 reference thereto, subsection (2) of section 772.12, Florida
6565 Statutes, is reenacted to read:
6566 772.12 Drug Dealer Liability Act.—
6567 (2) A person, including any governmental entity, has a
6568 cause of action for threefold the actual damages sustained and
6569 is entitled to minimum damages in the amount of $1,000 and
6570 reasonable attorney’s fees and court costs in the trial and
6571 appellate courts, if the person proves by the greater weight of
6572 the evidence that:
6573 (a) The person was injured because of the defendant’s
6574 actions that resulted in the defendant’s conviction for:
6575 1. A violation of s. 893.13, except for a violation of s.
6576 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or
6577 2. A violation of s. 893.135; and
6578 (b) The person was not injured by reason of his or her
6579 participation in the same act or transaction that resulted in
6580 the defendant’s conviction for any offense described in
6581 subparagraph (a)1.
6582 Section 137. For the purpose of incorporating the amendment
6583 made by this act to section 893.135, Florida Statutes, in a
6584 reference thereto, paragraph (a) of subsection (2) and paragraph
6585 (a) of subsection (3) of section 775.087, Florida Statutes, are

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6586 reenacted to read:
6587 775.087 Possession or use of weapon; aggravated battery;
6588 felony reclassification; minimum sentence.—
6589 (2)(a)1. Any person who is convicted of a felony or an
6590 attempt to commit a felony, regardless of whether the use of a
6591 weapon is an element of the felony, and the conviction was for:
6592 a. Murder;
6593 b. Sexual battery;
6594 c. Robbery;
6595 d. Burglary;
6596 e. Arson;
6597 f. Aggravated battery;
6598 g. Kidnapping;
6599 h. Escape;
6600 i. Aircraft piracy;
6601 j. Aggravated child abuse;
6602 k. Aggravated abuse of an elderly person or disabled adult;
6603 l. Unlawful throwing, placing, or discharging of a
6604 destructive device or bomb;
6605 m. Carjacking;
6606 n. Home-invasion robbery;
6607 o. Aggravated stalking;
6608 p. Trafficking in cannabis, trafficking in cocaine, capital
6609 importation of cocaine, trafficking in illegal drugs, capital
6610 importation of illegal drugs, trafficking in phencyclidine,
6611 capital importation of phencyclidine, trafficking in
6612 methaqualone, capital importation of methaqualone, trafficking
6613 in amphetamine, capital importation of amphetamine, trafficking
6614 in flunitrazepam, trafficking in gamma-hydroxybutyric acid

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6615 (GHB), trafficking in 1,4-Butanediol, trafficking in
6616 Phenethylamines, or other violation of s. 893.135(1); or
6617 q. Possession of a firearm by a felon
6618
6619 and during the commission of the offense, such person actually
6620 possessed a “firearm” or “destructive device” as those terms are
6621 defined in s. 790.001, shall be sentenced to a minimum term of
6622 imprisonment of 10 years, except that a person who is convicted
6623 for possession of a firearm by a felon or burglary of a
6624 conveyance shall be sentenced to a minimum term of imprisonment
6625 of 3 years if such person possessed a “firearm” or “destructive
6626 device” during the commission of the offense. However, if an
6627 offender who is convicted of the offense of possession of a
6628 firearm by a felon has a previous conviction of committing or
6629 attempting to commit a felony listed in s. 775.084(1)(b)1. and
6630 actually possessed a firearm or destructive device during the
6631 commission of the prior felony, the offender shall be sentenced
6632 to a minimum term of imprisonment of 10 years.
6633 2. Any person who is convicted of a felony or an attempt to
6634 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
6635 regardless of whether the use of a weapon is an element of the
6636 felony, and during the course of the commission of the felony
6637 such person discharged a “firearm” or “destructive device” as
6638 defined in s. 790.001 shall be sentenced to a minimum term of
6639 imprisonment of 20 years.
6640 3. Any person who is convicted of a felony or an attempt to
6641 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
6642 regardless of whether the use of a weapon is an element of the
6643 felony, and during the course of the commission of the felony

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6644 such person discharged a “firearm” or “destructive device” as
6645 defined in s. 790.001 and, as the result of the discharge, death
6646 or great bodily harm was inflicted upon any person, the
6647 convicted person shall be sentenced to a minimum term of
6648 imprisonment of not less than 25 years and not more than a term
6649 of imprisonment of life in prison.
6650 (3)(a)1. Any person who is convicted of a felony or an
6651 attempt to commit a felony, regardless of whether the use of a
6652 firearm is an element of the felony, and the conviction was for:
6653 a. Murder;
6654 b. Sexual battery;
6655 c. Robbery;
6656 d. Burglary;
6657 e. Arson;
6658 f. Aggravated battery;
6659 g. Kidnapping;
6660 h. Escape;
6661 i. Sale, manufacture, delivery, or intent to sell,
6662 manufacture, or deliver any controlled substance;
6663 j. Aircraft piracy;
6664 k. Aggravated child abuse;
6665 l. Aggravated abuse of an elderly person or disabled adult;
6666 m. Unlawful throwing, placing, or discharging of a
6667 destructive device or bomb;
6668 n. Carjacking;
6669 o. Home-invasion robbery;
6670 p. Aggravated stalking; or
6671 q. Trafficking in cannabis, trafficking in cocaine, capital
6672 importation of cocaine, trafficking in illegal drugs, capital

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6673 importation of illegal drugs, trafficking in phencyclidine,
6674 capital importation of phencyclidine, trafficking in
6675 methaqualone, capital importation of methaqualone, trafficking
6676 in amphetamine, capital importation of amphetamine, trafficking
6677 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
6678 (GHB), trafficking in 1,4-Butanediol, trafficking in
6679 Phenethylamines, or other violation of s. 893.135(1);
6680
6681 and during the commission of the offense, such person possessed
6682 a semiautomatic firearm and its high-capacity detachable box
6683 magazine or a machine gun as defined in s. 790.001, shall be
6684 sentenced to a minimum term of imprisonment of 15 years.
6685 2. Any person who is convicted of a felony or an attempt to
6686 commit a felony listed in subparagraph (a)1., regardless of
6687 whether the use of a weapon is an element of the felony, and
6688 during the course of the commission of the felony such person
6689 discharged a semiautomatic firearm and its high-capacity box
6690 magazine or a “machine gun” as defined in s. 790.001 shall be
6691 sentenced to a minimum term of imprisonment of 20 years.
6692 3. Any person who is convicted of a felony or an attempt to
6693 commit a felony listed in subparagraph (a)1., regardless of
6694 whether the use of a weapon is an element of the felony, and
6695 during the course of the commission of the felony such person
6696 discharged a semiautomatic firearm and its high-capacity box
6697 magazine or a “machine gun” as defined in s. 790.001 and, as the
6698 result of the discharge, death or great bodily harm was
6699 inflicted upon any person, the convicted person shall be
6700 sentenced to a minimum term of imprisonment of not less than 25
6701 years and not more than a term of imprisonment of life in

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6702 prison.
6703 Section 138. For the purpose of incorporating the amendment
6704 made by this act to section 893.135, Florida Statutes, in
6705 references thereto, paragraph (a) of subsection (1) and
6706 subsections (3) and (4) of section 782.04, Florida Statutes, are
6707 reenacted to read:
6708 782.04 Murder.—
6709 (1)(a) The unlawful killing of a human being:
6710 1. When perpetrated from a premeditated design to effect
6711 the death of the person killed or any human being;
6712 2. When committed by a person engaged in the perpetration
6713 of, or in the attempt to perpetrate, any:
6714 a. Trafficking offense prohibited by s. 893.135(1),
6715 b. Arson,
6716 c. Sexual battery,
6717 d. Robbery,
6718 e. Burglary,
6719 f. Kidnapping,
6720 g. Escape,
6721 h. Aggravated child abuse,
6722 i. Aggravated abuse of an elderly person or disabled adult,
6723 j. Aircraft piracy,
6724 k. Unlawful throwing, placing, or discharging of a
6725 destructive device or bomb,
6726 l. Carjacking,
6727 m. Home-invasion robbery,
6728 n. Aggravated stalking,
6729 o. Murder of another human being,
6730 p. Resisting an officer with violence to his or her person,

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6731 q. Aggravated fleeing or eluding with serious bodily injury
6732 or death,
6733 r. Felony that is an act of terrorism or is in furtherance
6734 of an act of terrorism, including a felony under s. 775.30, s.
6735 775.32, s. 775.33, s. 775.34, or s. 775.35, or
6736 s. Human trafficking; or
6737 3. Which resulted from the unlawful distribution by a
6738 person 18 years of age or older of any of the following
6739 substances, or mixture containing any of the following
6740 substances, when such substance or mixture is proven to be the
6741 proximate cause of the death of the user:
6742 a. A substance controlled under s. 893.03(1);
6743 b. Cocaine, as described in s. 893.03(2)(a)4.;
6744 c. Opium or any synthetic or natural salt, compound,
6745 derivative, or preparation of opium;
6746 d. Methadone;
6747 e. Alfentanil, as described in s. 893.03(2)(b)1.;
6748 f. Carfentanil, as described in s. 893.03(2)(b)6.;
6749 g. Fentanyl, as described in s. 893.03(2)(b)9.;
6750 h. Sufentanil, as described in s. 893.03(2)(b)30.; or
6751 i. A controlled substance analog, as described in s.
6752 893.0356, of any substance specified in sub-subparagraphs a.-h.,
6753
6754 is murder in the first degree and constitutes a capital felony,
6755 punishable as provided in s. 775.082.
6756 (3) When a human being is killed during the perpetration
6757 of, or during the attempt to perpetrate, any:
6758 (a) Trafficking offense prohibited by s. 893.135(1),
6759 (b) Arson,

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6760 (c) Sexual battery,
6761 (d) Robbery,
6762 (e) Burglary,
6763 (f) Kidnapping,
6764 (g) Escape,
6765 (h) Aggravated child abuse,
6766 (i) Aggravated abuse of an elderly person or disabled
6767 adult,
6768 (j) Aircraft piracy,
6769 (k) Unlawful throwing, placing, or discharging of a
6770 destructive device or bomb,
6771 (l) Carjacking,
6772 (m) Home-invasion robbery,
6773 (n) Aggravated stalking,
6774 (o) Murder of another human being,
6775 (p) Aggravated fleeing or eluding with serious bodily
6776 injury or death,
6777 (q) Resisting an officer with violence to his or her
6778 person, or
6779 (r) Felony that is an act of terrorism or is in furtherance
6780 of an act of terrorism, including a felony under s. 775.30, s.
6781 775.32, s. 775.33, s. 775.34, or s. 775.35,
6782
6783 by a person other than the person engaged in the perpetration of
6784 or in the attempt to perpetrate such felony, the person
6785 perpetrating or attempting to perpetrate such felony commits
6786 murder in the second degree, which constitutes a felony of the
6787 first degree, punishable by imprisonment for a term of years not
6788 exceeding life or as provided in s. 775.082, s. 775.083, or s.

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6789 775.084.
6790 (4) The unlawful killing of a human being, when perpetrated
6791 without any design to effect death, by a person engaged in the
6792 perpetration of, or in the attempt to perpetrate, any felony
6793 other than any:
6794 (a) Trafficking offense prohibited by s. 893.135(1),
6795 (b) Arson,
6796 (c) Sexual battery,
6797 (d) Robbery,
6798 (e) Burglary,
6799 (f) Kidnapping,
6800 (g) Escape,
6801 (h) Aggravated child abuse,
6802 (i) Aggravated abuse of an elderly person or disabled
6803 adult,
6804 (j) Aircraft piracy,
6805 (k) Unlawful throwing, placing, or discharging of a
6806 destructive device or bomb,
6807 (l) Unlawful distribution of any substance controlled under
6808 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
6809 opium or any synthetic or natural salt, compound, derivative, or
6810 preparation of opium by a person 18 years of age or older, when
6811 such drug is proven to be the proximate cause of the death of
6812 the user,
6813 (m) Carjacking,
6814 (n) Home-invasion robbery,
6815 (o) Aggravated stalking,
6816 (p) Murder of another human being,
6817 (q) Aggravated fleeing or eluding with serious bodily

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6818 injury or death,
6819 (r) Resisting an officer with violence to his or her
6820 person, or
6821 (s) Felony that is an act of terrorism or is in furtherance
6822 of an act of terrorism, including a felony under s. 775.30, s.
6823 775.32, s. 775.33, s. 775.34, or s. 775.35,
6824
6825 is murder in the third degree and constitutes a felony of the
6826 second degree, punishable as provided in s. 775.082, s. 775.083,
6827 or s. 775.084.
6828 Section 139. For the purpose of incorporating the amendment
6829 made by this act to section 893.135, Florida Statutes, in a
6830 reference thereto, subsection (3) of section 810.02, Florida
6831 Statutes, is reenacted to read:
6832 810.02 Burglary.—
6833 (3) Burglary is a felony of the second degree, punishable
6834 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
6835 course of committing the offense, the offender does not make an
6836 assault or battery and is not and does not become armed with a
6837 dangerous weapon or explosive, and the offender enters or
6838 remains in a:
6839 (a) Dwelling, and there is another person in the dwelling
6840 at the time the offender enters or remains;
6841 (b) Dwelling, and there is not another person in the
6842 dwelling at the time the offender enters or remains;
6843 (c) Structure, and there is another person in the structure
6844 at the time the offender enters or remains;
6845 (d) Conveyance, and there is another person in the
6846 conveyance at the time the offender enters or remains;

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6847 (e) Authorized emergency vehicle, as defined in s. 316.003;
6848 or
6849 (f) Structure or conveyance when the offense intended to be
6850 committed therein is theft of a controlled substance as defined
6851 in s. 893.02. Notwithstanding any other law, separate judgments
6852 and sentences for burglary with the intent to commit theft of a
6853 controlled substance under this paragraph and for any applicable
6854 possession of controlled substance offense under s. 893.13 or
6855 trafficking in controlled substance offense under s. 893.135 may
6856 be imposed when all such offenses involve the same amount or
6857 amounts of a controlled substance.
6858
6859 However, if the burglary is committed within a county that is
6860 subject to a state of emergency declared by the Governor under
6861 chapter 252 after the declaration of emergency is made and the
6862 perpetration of the burglary is facilitated by conditions
6863 arising from the emergency, the burglary is a felony of the
6864 first degree, punishable as provided in s. 775.082, s. 775.083,
6865 or s. 775.084. As used in this subsection, the term “conditions
6866 arising from the emergency” means civil unrest, power outages,
6867 curfews, voluntary or mandatory evacuations, or a reduction in
6868 the presence of or response time for first responders or
6869 homeland security personnel. A person arrested for committing a
6870 burglary within a county that is subject to such a state of
6871 emergency may not be released until the person appears before a
6872 committing magistrate at a first appearance hearing. For
6873 purposes of sentencing under chapter 921, a felony offense that
6874 is reclassified under this subsection is ranked one level above
6875 the ranking under s. 921.0022 or s. 921.0023 of the offense

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6876 committed.
6877 Section 140. For the purpose of incorporating the amendment
6878 made by this act to section 893.135, Florida Statutes, in a
6879 reference thereto, paragraph (d) of subsection (8) of section
6880 893.13, Florida Statutes, is reenacted to read:
6881 893.13 Prohibited acts; penalties.—
6882 (8)
6883 (d) Notwithstanding paragraph (c), if a prescribing
6884 practitioner has violated paragraph (a) and received $1,000 or
6885 more in payment for writing one or more prescriptions or, in the
6886 case of a prescription written for a controlled substance
6887 described in s. 893.135, has written one or more prescriptions
6888 for a quantity of a controlled substance which, individually or
6889 in the aggregate, meets the threshold for the offense of
6890 trafficking in a controlled substance under s. 893.135, the
6891 violation is reclassified as a felony of the second degree and
6892 ranked in level 4 of the Criminal Punishment Code.
6893 Section 141. For the purpose of incorporating the amendment
6894 made by this act to section 893.135, Florida Statutes, in
6895 references thereto, subsections (1) and (2) of section 893.1351,
6896 Florida Statutes, are reenacted to read:
6897 893.1351 Ownership, lease, rental, or possession for
6898 trafficking in or manufacturing a controlled substance.—
6899 (1) A person may not own, lease, or rent any place,
6900 structure, or part thereof, trailer, or other conveyance with
6901 the knowledge that the place, structure, trailer, or conveyance
6902 will be used for the purpose of trafficking in a controlled
6903 substance, as provided in s. 893.135; for the sale of a
6904 controlled substance, as provided in s. 893.13; or for the

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6905 manufacture of a controlled substance intended for sale or
6906 distribution to another. A person who violates this subsection
6907 commits a felony of the third degree, punishable as provided in
6908 s. 775.082, s. 775.083, or s. 775.084.
6909 (2) A person may not knowingly be in actual or constructive
6910 possession of any place, structure, or part thereof, trailer, or
6911 other conveyance with the knowledge that the place, structure,
6912 or part thereof, trailer, or conveyance will be used for the
6913 purpose of trafficking in a controlled substance, as provided in
6914 s. 893.135; for the sale of a controlled substance, as provided
6915 in s. 893.13; or for the manufacture of a controlled substance
6916 intended for sale or distribution to another. A person who
6917 violates this subsection commits a felony of the second degree,
6918 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
6919 Section 142. For the purpose of incorporating the amendment
6920 made by this act to section 893.135, Florida Statutes, in a
6921 reference thereto, paragraph (e) of subsection (3) of section
6922 900.05, Florida Statutes, is reenacted to read:
6923 900.05 Criminal justice data collection.—
6924 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,
6925 2019, an entity required to collect data in accordance with this
6926 subsection shall collect the specified data required of the
6927 entity on a biweekly basis. Each entity shall report the data
6928 collected in accordance with this subsection to the Department
6929 of Law Enforcement on a monthly basis.
6930 (e) *Department of Corrections*.—The Department of
6931 Corrections shall collect the following data:
6932 1. Information related to each inmate, including:
6933 a. Identifying information, including name, date of birth,

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6934 race or ethnicity, and identification number assigned by the
6935 department.
6936 b. Number of children.
6937 c. Education level, including any vocational training.
6938 d. Date the inmate was admitted to the custody of the
6939 department.
6940 e. Current institution placement and the security level
6941 assigned to the institution.
6942 f. Custody level assignment.
6943 g. Qualification for a flag designation as defined in this
6944 section, including sexual offender flag, habitual offender flag,
6945 gang affiliation flag, or concurrent or consecutive sentence
6946 flag.
6947 h. County that committed the prisoner to the custody of the
6948 department.
6949 i. Whether the reason for admission to the department is
6950 for a new conviction or a violation of probation, community
6951 control, or parole. For an admission for a probation, community
6952 control, or parole violation, the department shall report
6953 whether the violation was technical or based on a new violation
6954 of law.
6955 j. Specific statutory citation for which the inmate was
6956 committed to the department, including, for an inmate convicted
6957 of drug trafficking under s. 893.135, the statutory citation for
6958 each specific drug trafficked.
6959 k. Length of sentence or concurrent or consecutive
6960 sentences served.
6961 l. Tentative release date.
6962 m. Gain time earned in accordance with s. 944.275.

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6963 n. Prior incarceration within the state.
6964 o. Disciplinary violation and action.
6965 p. Participation in rehabilitative or educational programs
6966 while in the custody of the department.
6967 2. Information about each state correctional institution or
6968 facility, including:
6969 a. Budget for each state correctional institution or
6970 facility.
6971 b. Daily prison population of all inmates incarcerated in a
6972 state correctional institution or facility.
6973 c. Daily number of correctional officers for each state
6974 correctional institution or facility.
6975 3. Information related to persons supervised by the
6976 department on probation or community control, including:
6977 a. Identifying information for each person supervised by
6978 the department on probation or community control, including his
6979 or her name, date of birth, race or ethnicity, sex, and
6980 department-assigned case number.
6981 b. Length of probation or community control sentence
6982 imposed and amount of time that has been served on such
6983 sentence.
6984 c. Projected termination date for probation or community
6985 control.
6986 d. Revocation of probation or community control due to a
6987 violation, including whether the revocation is due to a
6988 technical violation of the conditions of supervision or from the
6989 commission of a new law violation.
6990 4. Per diem rates for:
6991 a. Prison bed.

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6992 b. Probation.
6993 c. Community control.
6994
6995 This information only needs to be reported once annually at the
6996 time the most recent per diem rate is published.
6997 Section 143. For the purpose of incorporating the amendment
6998 made by this act to section 893.135, Florida Statutes, in a
6999 reference thereto, Section 903.133, Florida Statutes, is
7000 reenacted to read:
7001 903.133 Bail on appeal; prohibited for certain felony
7002 convictions.—Notwithstanding the provisions of s. 903.132, no
7003 person adjudged guilty of a felony of the first degree for a
7004 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
7005 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
7006 violation of s. 794.011(2) or (3), shall be admitted to bail
7007 pending review either by posttrial motion or appeal.
7008 Section 144. For the purpose of incorporating the amendment
7009 made by this act to section 893.135, Florida Statutes, in a
7010 reference thereto, paragraph (c) of subsection (4) of section
7011 907.041, Florida Statutes, is reenacted to read:
7012 907.041 Pretrial detention and release.—
7013 (4) PRETRIAL DETENTION.—
7014 (c) The court may order pretrial detention if it finds a
7015 substantial probability, based on a defendant’s past and present
7016 patterns of behavior, the criteria in s. 903.046, and any other
7017 relevant facts, that any of the following circumstances exist:
7018 1. The defendant has previously violated conditions of
7019 release and that no further conditions of release are reasonably
7020 likely to assure the defendant’s appearance at subsequent

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7021 proceedings;
7022 2. The defendant, with the intent to obstruct the judicial
7023 process, has threatened, intimidated, or injured any victim,
7024 potential witness, juror, or judicial officer, or has attempted
7025 or conspired to do so, and that no condition of release will
7026 reasonably prevent the obstruction of the judicial process;
7027 3. The defendant is charged with trafficking in controlled
7028 substances as defined by s. 893.135, that there is a substantial
7029 probability that the defendant has committed the offense, and
7030 that no conditions of release will reasonably assure the
7031 defendant’s appearance at subsequent criminal proceedings;
7032 4. The defendant is charged with DUI manslaughter, as
7033 defined by s. 316.193, and that there is a substantial
7034 probability that the defendant committed the crime and that the
7035 defendant poses a threat of harm to the community; conditions
7036 that would support a finding by the court pursuant to this
7037 subparagraph that the defendant poses a threat of harm to the
7038 community include, but are not limited to, any of the following:
7039 a. The defendant has previously been convicted of any crime
7040 under s. 316.193, or of any crime in any other state or
7041 territory of the United States that is substantially similar to
7042 any crime under s. 316.193;
7043 b. The defendant was driving with a suspended driver
7044 license when the charged crime was committed; or
7045 c. The defendant has previously been found guilty of, or
7046 has had adjudication of guilt withheld for, driving while the
7047 defendant’s driver license was suspended or revoked in violation
7048 of s. 322.34;
7049 5. The defendant poses the threat of harm to the community.

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7050 The court may so conclude, if it finds that the defendant is
7051 presently charged with a dangerous crime, that there is a
7052 substantial probability that the defendant committed such crime,
7053 that the factual circumstances of the crime indicate a disregard
7054 for the safety of the community, and that there are no
7055 conditions of release reasonably sufficient to protect the
7056 community from the risk of physical harm to persons;
7057 6. The defendant was on probation, parole, or other release
7058 pending completion of sentence or on pretrial release for a
7059 dangerous crime at the time the current offense was committed;
7060 7. The defendant has violated one or more conditions of
7061 pretrial release or bond for the offense currently before the
7062 court and the violation, in the discretion of the court,
7063 supports a finding that no conditions of release can reasonably
7064 protect the community from risk of physical harm to persons or
7065 assure the presence of the accused at trial; or
7066 8.a. The defendant has ever been sentenced pursuant to s.
7067 775.082(9) or s. 775.084 as a prison releasee reoffender,
7068 habitual violent felony offender, three-time violent felony
7069 offender, or violent career criminal, or the state attorney
7070 files a notice seeking that the defendant be sentenced pursuant
7071 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
7072 habitual violent felony offender, three-time violent felony
7073 offender, or violent career criminal;
7074 b. There is a substantial probability that the defendant
7075 committed the offense; and
7076 c. There are no conditions of release that can reasonably
7077 protect the community from risk of physical harm or ensure the
7078 presence of the accused at trial.

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7079 Section 145. For the purpose of incorporating the amendment
7080 made by this act to section 893.135, Florida Statutes, in a
7081 reference thereto, subsection (9) of section 921.141, Florida
7082 Statutes, is reenacted to read:
7083 921.141 Sentence of death or life imprisonment for capital
7084 felonies; further proceedings to determine sentence.—
7085 (9) APPLICABILITY.—This section does not apply to a person
7086 convicted or adjudicated guilty of a capital drug trafficking
7087 felony under s. 893.135.
7088 Section 146. For the purpose of incorporating the amendment
7089 made by this act to section 893.135, Florida Statutes, in a
7090 reference thereto, subsection (2) of section 921.142, Florida
7091 Statutes, is reenacted to read:
7092 921.142 Sentence of death or life imprisonment for capital
7093 drug trafficking felonies; further proceedings to determine
7094 sentence.—
7095 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon
7096 conviction or adjudication of guilt of a defendant of a capital
7097 felony under s. 893.135, the court shall conduct a separate
7098 sentencing proceeding to determine whether the defendant should
7099 be sentenced to death or life imprisonment as authorized by s.
7100 775.082. The proceeding shall be conducted by the trial judge
7101 before the trial jury as soon as practicable. If, through
7102 impossibility or inability, the trial jury is unable to
7103 reconvene for a hearing on the issue of penalty, having
7104 determined the guilt of the accused, the trial judge may summon
7105 a special juror or jurors as provided in chapter 913 to
7106 determine the issue of the imposition of the penalty. If the
7107 trial jury has been waived, or if the defendant pleaded guilty,

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7108 the sentencing proceeding shall be conducted before a jury
7109 impaneled for that purpose, unless waived by the defendant. In
7110 the proceeding, evidence may be presented as to any matter that
7111 the court deems relevant to the nature of the crime and the
7112 character of the defendant and shall include matters relating to
7113 any of the aggravating factors enumerated in subsection (7) and
7114 for which notice has been provided pursuant to s. 782.04(1)(b)
7115 or mitigating circumstances enumerated in subsection (8). Any
7116 such evidence that the court deems to have probative value may
7117 be received, regardless of its admissibility under the
7118 exclusionary rules of evidence, provided the defendant is
7119 accorded a fair opportunity to rebut any hearsay statements.
7120 However, this subsection shall not be construed to authorize the
7121 introduction of any evidence secured in violation of the
7122 Constitution of the United States or the Constitution of the
7123 State of Florida. The state and the defendant or the defendant's
7124 counsel shall be permitted to present argument for or against
7125 sentence of death.
7126 Section 147. For the purpose of incorporating the amendment
7127 made by this act to section 944.704, Florida Statutes, in a
7128 reference thereto, paragraph (a) of subsection (3) of section
7129 944.026, Florida Statutes, is reenacted to read:
7130 944.026 Community-based facilities and programs.—
7131 (3)(a) The department shall develop and implement
7132 procedures to diagnose offenders prior to sentencing, for the
7133 purpose of recommending to the sentencing court suitable
7134 candidates for placement in a community-based residential drug
7135 treatment facility or probation and restitution center as
7136 provided in this section. The department shall also develop and

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7137 implement procedures to properly identify inmates prior to
7138 release who demonstrate the need for or interest in and
7139 suitability for placement in a community-based substance abuse
7140 transition housing program as provided in this section and
7141 pursuant to ss. 944.4731 and 944.704.
7142 Section 148. For the purpose of incorporating the amendment
7143 made by this act to section 944.705, Florida Statutes, in a
7144 reference thereto, subsection (6) of section 944.4731, Florida
7145 Statutes, is reenacted to read:
7146 944.4731 Addiction-Recovery Supervision Program.—
7147 (6) Six months before an offender is released, the chaplain
7148 and transition assistance specialist at the institution where
7149 the offender is incarcerated shall initiate the prerelease
7150 screening process in addition to the basic release orientation
7151 required under s. 944.705.
7152 (a) The transition assistance specialist and the chaplain
7153 shall provide a list of contracted private providers, including
7154 faith-based providers, to the offender and facilitate the
7155 application process. The transition assistance specialist shall
7156 inform the offender of program availability and assess the
7157 offender’s need and suitability for substance abuse transition
7158 housing assistance. If an offender is approved for placement,
7159 the specialist shall assist the offender and coordinate the
7160 release of the offender with the selected program. If an
7161 offender requests and is approved for placement in a contracted
7162 faith-based substance abuse transition housing program, the
7163 specialist must consult with the chaplain prior to such
7164 placement. A right to substance abuse program services is not
7165 stated, intended, or otherwise implied by this section.

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7166 (b) If an offender has participated in a faith-based
7167 program while incarcerated or housed at a community correctional
7168 center and the same or a similar faith-based provider offers a
7169 contracted substance abuse transition housing program, the
7170 department shall make every attempt to maintain this continuum
7171 of care.
7172 Section 149. For the purpose of incorporating the amendment
7173 made by this act to section 944.801, Florida Statutes, in a
7174 reference thereto, subsection (2) of section 447.203, Florida
7175 Statutes, is reenacted to read:
7176 447.203 Definitions.—As used in this part:
7177 (2) "Public employer" or "employer" means the state or any
7178 county, municipality, or special district or any subdivision or
7179 agency thereof which the commission determines has sufficient
7180 legal distinctiveness properly to carry out the functions of a
7181 public employer. With respect to all public employees determined
7182 by the commission as properly belonging to a statewide
7183 bargaining unit composed of State Career Service System
7184 employees or Selected Professional Service employees, the
7185 Governor shall be deemed to be the public employer; and the
7186 Board of Governors of the State University System, or the
7187 board's designee, shall be deemed to be the public employer with
7188 respect to all public employees of each constituent state
7189 university. The board of trustees of a community college shall
7190 be deemed to be the public employer with respect to all
7191 employees of the community college. The district school board
7192 shall be deemed to be the public employer with respect to all
7193 employees of the school district. The Board of Trustees of the
7194 Florida School for the Deaf and the Blind shall be deemed to be

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7195 the public employer with respect to the academic and academic
7196 administrative personnel of the Florida School for the Deaf and
7197 the Blind. The Governor shall be deemed to be the public
7198 employer with respect to all employees in the Correctional
7199 Education Program of the Department of Corrections established
7200 pursuant to s. 944.801.
7201 Section 150. For the purpose of incorporating the amendment
7202 made by this act to section 948.013, Florida Statutes, in a
7203 reference thereto, paragraph (n) of subsection (1) of section
7204 921.187, Florida Statutes, is reenacted to read:
7205 921.187 Disposition and sentencing; alternatives;
7206 restitution.—
7207 (1) The alternatives provided in this section for the
7208 disposition of criminal cases shall be used in a manner that
7209 will best serve the needs of society, punish criminal offenders,
7210 and provide the opportunity for rehabilitation. If the offender
7211 does not receive a state prison sentence, the court may:
7212 (n) Impose split probation whereby upon satisfactory
7213 completion of half the term of probation, the Department of
7214 Corrections may place the offender on administrative probation
7215 pursuant to s. 948.013 for the remainder of the term of
7216 supervision.
7217 Section 151. For the purpose of incorporating the amendment
7218 made by this act to section 948.06, Florida Statutes, in a
7219 reference thereto, paragraph (b) of subsection (2) of section
7220 948.012, Florida Statutes, is reenacted to read:
7221 948.012 Split sentence of probation or community control
7222 and imprisonment.—
7223 (2) The court may also impose a split sentence whereby the

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7224 defendant is sentenced to a term of probation which may be
7225 followed by a period of incarceration or, with respect to a
7226 felony, into community control, as follows:
7227 (b) If the offender does not meet the terms and conditions
7228 of probation or community control, the court may revoke, modify,
7229 or continue the probation or community control as provided in s.
7230 948.06. If the probation or community control is revoked, the
7231 court may impose any sentence that it could have imposed at the
7232 time the offender was placed on probation or community control.
7233 The court may not provide credit for time served for any portion
7234 of a probation or community control term toward a subsequent
7235 term of probation or community control. However, the court may
7236 not impose a subsequent term of probation or community control
7237 which, when combined with any amount of time served on preceding
7238 terms of probation or community control for offenses pending
7239 before the court for sentencing, would exceed the maximum
7240 penalty allowable as provided in s. 775.082. Such term of
7241 incarceration shall be served under applicable law or county
7242 ordinance governing service of sentences in state or county
7243 jurisdiction. This paragraph does not prohibit any other
7244 sanction provided by law.
7245 Section 152. For the purpose of incorporating the amendment
7246 made by this act to section 948.06, Florida Statutes, in a
7247 reference thereto, subsection (3) of section 948.10, Florida
7248 Statutes, is reenacted to read:
7249 948.10 Community control programs; home confinement.—
7250 (3) Procedures governing violations of community control
7251 are the same as those described in s. 948.06 with respect to
7252 probation.

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7253 Section 153. For the purpose of incorporating the amendment
7254 made by this act to section 948.06, Florida Statutes, in a
7255 reference thereto, subsection (3) of section 948.20, Florida
7256 Statutes, is reenacted to read:
7257 948.20 Drug offender probation.—
7258 (3) Offenders placed on drug offender probation are subject
7259 to revocation of probation as provided in s. 948.06.
7260 Section 154. For the purpose of incorporating the amendment
7261 made by this act to section 948.06, Florida Statutes, in a
7262 reference thereto, section 958.14, Florida Statutes, is
7263 reenacted to read:
7264 958.14 Violation of probation or community control
7265 program.—A violation or alleged violation of probation or the
7266 terms of a community control program shall subject the youthful
7267 offender to the provisions of s. 948.06. However, no youthful
7268 offender shall be committed to the custody of the department for
7269 a substantive violation for a period longer than the maximum
7270 sentence for the offense for which he or she was found guilty,
7271 with credit for time served while incarcerated, or for a
7272 technical or nonsubstantive violation for a period longer than 6
7273 years or for a period longer than the maximum sentence for the
7274 offense for which he or she was found guilty, whichever is less,
7275 with credit for time served while incarcerated.
7276 Section 155. For the purpose of incorporating the amendment
7277 made by this act to section 948.08, Florida Statutes, in a
7278 reference thereto, paragraph (b) of subsection (4) of section
7279 796.07, Florida Statutes, is reenacted to read:
7280 796.07 Prohibiting prostitution and related acts.—
7281 (4)

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7282 (b) A person who is charged with a third or subsequent
7283 violation of this section, other than paragraph (2)(f), shall be
7284 offered admission to a pretrial intervention program or a
7285 substance abuse treatment program as provided in s. 948.08.
7286 Section 156. For the purpose of incorporating the amendment
7287 made by this act to section 948.08, Florida Statutes, in a
7288 reference thereto, paragraph (b) of subsection (3) of section
7289 944.026, Florida Statutes, is reenacted to read:
7290 944.026 Community-based facilities and programs.—
7291 (3)
7292 (b) Pretrial intervention programs in appropriate counties
7293 to provide early counseling and supervision services to
7294 specified offenders as provided in s. 948.08.
7295 Section 157. For the purpose of incorporating the amendment
7296 made by this act to section 948.08, Florida Statutes, in a
7297 reference thereto, subsection (1) of section 948.036, Florida
7298 Statutes, is reenacted to read:
7299 948.036 Work programs as a condition of probation,
7300 community control, or other court-ordered community
7301 supervision.—
7302 (1) Whenever an offender is required by the court to
7303 participate in any work program under the provisions of this
7304 chapter, enters into the pretrial intervention program pursuant
7305 to s. 948.08, or volunteers to work in a supervised work program
7306 conducted by a specified state, county, municipal, or community
7307 service organization or to work for the victim, either as an
7308 alternative to monetary restitution or as a part of the
7309 rehabilitative or community control program, the offender shall
7310 be considered an employee of the state for the purposes of

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7311 chapter 440.
7312 Section 158. For the purpose of incorporating the
7313 amendments made by this act to sections 948.08 and 948.16,
7314 Florida Statutes, in references thereto, subsection (2) of
7315 section 394.47892, Florida Statutes, is reenacted to read:
7316 394.47892 Mental health court programs.—
7317 (2) Mental health court programs may include pretrial
7318 intervention programs as provided in ss. 948.08, 948.16, and
7319 985.345, postadjudicatory mental health court programs as
7320 provided in ss. 948.01 and 948.06, and review of the status of
7321 compliance or noncompliance of sentenced defendants through a
7322 mental health court program.
7323 Section 159. For the purpose of incorporating the
7324 amendments made by this act to sections 948.08 and 948.16,
7325 Florida Statutes, in references thereto, subsection (5) of
7326 section 397.334, Florida Statutes, is reenacted to read:
7327 397.334 Treatment-based drug court programs.—
7328 (5) Treatment-based drug court programs may include
7329 pretrial intervention programs as provided in ss. 948.08,
7330 948.16, and 985.345, treatment-based drug court programs
7331 authorized in chapter 39, postadjudicatory programs as provided
7332 in ss. 948.01, 948.06, and 948.20, and review of the status of
7333 compliance or noncompliance of sentenced offenders through a
7334 treatment-based drug court program. While enrolled in a
7335 treatment-based drug court program, the participant is subject
7336 to a coordinated strategy developed by a drug court team under
7337 subsection (4). The coordinated strategy may include a protocol
7338 of sanctions that may be imposed upon the participant for
7339 noncompliance with program rules. The protocol of sanctions may

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7340 include, but is not limited to, placement in a substance abuse
7341 treatment program offered by a licensed service provider as
7342 defined in s. 397.311 or in a jail-based treatment program or
7343 serving a period of secure detention under chapter 985 if a
7344 child or a period of incarceration within the time limits
7345 established for contempt of court if an adult. The coordinated
7346 strategy must be provided in writing to the participant before
7347 the participant agrees to enter into a treatment-based drug
7348 court program.
7349 Section 160. For the purpose of incorporating the
7350 amendments made by this act to sections 948.08 and 948.16,
7351 Florida Statutes, in references thereto, paragraph (a) of
7352 subsection (5) of section 910.035, Florida Statutes, is
7353 reenacted to read:
7354 910.035 Transfer from county for plea, sentence, or
7355 participation in a problem-solving court.—
7356 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—
7357 (a) For purposes of this subsection, the term "problem-
7358 solving court" means a drug court pursuant to s. 948.01, s.
7359 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'
7360 and servicemembers' court pursuant to s. 394.47891, s. 948.08,
7361 s. 948.16, or s. 948.21; a mental health court program pursuant
7362 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;
7363 or a delinquency pretrial intervention court program pursuant to
7364 s. 985.345.
7365 Section 161. For the purpose of incorporating the amendment
7366 made by this act to section 948.21, Florida Statutes, in a
7367 reference thereto, paragraph (a) of subsection (5) of section
7368 910.035, Florida Statutes, is reenacted to read:

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7369 910.035 Transfer from county for plea, sentence, or
7370 participation in a problem-solving court.—
7371 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—
7372 (a) For purposes of this subsection, the term "problem-
7373 solving court" means a drug court pursuant to s. 948.01, s.
7374 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'
7375 and servicemembers' court pursuant to s. 394.47891, s. 948.08,
7376 s. 948.16, or s. 948.21; a mental health court program pursuant
7377 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;
7378 or a delinquency pretrial intervention court program pursuant to
7379 s. 985.345.
7380 Section 162. For the purpose of incorporating the amendment
7381 made by this act to section 958.04, Florida Statutes, in a
7382 reference thereto, subsection (5) of section 958.03, Florida
7383 Statutes, is reenacted to read:
7384 958.03 Definitions.—As used in this act:
7385 (5) "Youthful offender" means any person who is sentenced
7386 as such by the court or is classified as such by the department
7387 pursuant to s. 958.04.
7388 Section 163. For the purpose of incorporating the amendment
7389 made by this act to section 958.04, Florida Statutes, in a
7390 reference thereto, paragraph (a) of subsection (8) of section
7391 958.045, Florida Statutes, is reenacted to read:
7392 958.045 Youthful offender basic training program.—
7393 (8)(a) The Assistant Secretary for Youthful Offenders shall
7394 continuously screen all institutions, facilities, and programs
7395 for any inmate who meets the eligibility requirements for
7396 youthful offender designation specified in s. 958.04, whose age
7397 does not exceed 24 years. The department may classify and assign

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7398 as a youthful offender any inmate who meets the criteria of s.
7399 958.04.
7400 Section 164. For the purpose of incorporating the amendment
7401 made by this act to section 958.04, Florida Statutes, in a
7402 reference thereto, section 958.046, Florida Statutes, is
7403 reenacted to read:
7404 958.046 Placement in county-operated boot camp programs for
7405 youthful offenders.—In counties where there are county-operated
7406 youthful offender boot camp programs, other than boot camps
7407 described in s. 958.04, the court may sentence a youthful
7408 offender to such a boot camp. In county-operated youthful
7409 offender boot camp programs, juvenile offenders shall not be
7410 commingled with youthful offenders.
7411 Section 165. For the purpose of incorporating the amendment
7412 made by this act to section 958.04, Florida Statutes, in a
7413 reference thereto, paragraph (c) of subsection (4) of section
7414 985.565, Florida Statutes, is reenacted to read:
7415 985.565 Sentencing powers; procedures; alternatives for
7416 juveniles prosecuted as adults.—
7417 (4) SENTENCING ALTERNATIVES.—
7418 (c) *Adult sanctions upon failure of juvenile sanctions.*—If
7419 a child proves not to be suitable to a commitment program,
7420 juvenile probation program, or treatment program under paragraph
7421 (b), the department shall provide the sentencing court with a
7422 written report outlining the basis for its objections to the
7423 juvenile sanction and shall simultaneously provide a copy of the
7424 report to the state attorney and the defense counsel. The
7425 department shall schedule a hearing within 30 days. Upon
7426 hearing, the court may revoke the previous adjudication, impose

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7427 an adjudication of guilt, and impose any sentence which it may
7428 lawfully impose, giving credit for all time spent by the child
7429 in the department. The court may also classify the child as a
7430 youthful offender under s. 958.04, if appropriate. For purposes
7431 of this paragraph, a child may be found not suitable to a
7432 commitment program, community control program, or treatment
7433 program under paragraph (b) if the child commits a new violation
7434 of law while under juvenile sanctions, if the child commits any
7435 other violation of the conditions of juvenile sanctions, or if
7436 the child's actions are otherwise determined by the court to
7437 demonstrate a failure of juvenile sanctions.
7438
7439 It is the intent of the Legislature that the criteria and
7440 guidelines in this subsection are mandatory and that a
7441 determination of disposition under this subsection is subject to
7442 the right of the child to appellate review under s. 985.534.
7443 Section 166. For the purpose of incorporating the amendment
7444 made by this act to section 985.557, Florida Statutes, in a
7445 reference thereto, subsection (1) of section 985.15, Florida
7446 Statutes, is reenacted to read:
7447 985.15 Filing decisions.—
7448 (1) The state attorney may in all cases take action
7449 independent of the action or lack of action of the juvenile
7450 probation officer and shall determine the action that is in the
7451 best interest of the public and the child. If the child meets
7452 the criteria requiring prosecution as an adult under s. 985.556,
7453 the state attorney shall request the court to transfer and
7454 certify the child for prosecution as an adult or shall provide
7455 written reasons to the court for not making such a request. In

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7456 all other cases, the state attorney may:
7457 (a) File a petition for dependency;
7458 (b) File a petition under chapter 984;
7459 (c) File a petition for delinquency;
7460 (d) File a petition for delinquency with a motion to
7461 transfer and certify the child for prosecution as an adult;
7462 (e) File an information under s. 985.557;
7463 (f) Refer the case to a grand jury;
7464 (g) Refer the child to a diversionary, pretrial
7465 intervention, arbitration, or mediation program, or to some
7466 other treatment or care program if such program commitment is
7467 voluntarily accepted by the child or the child's parents or
7468 legal guardian; or
7469 (h) Decline to file.
7470 Section 167. For the purpose of incorporating the amendment
7471 made by this act to section 985.557, Florida Statutes, in a
7472 reference thereto, paragraph (c) of subsection (2) of section
7473 985.26, Florida Statutes, is reenacted to read:
7474 985.26 Length of detention.—
7475 (2)
7476 (c) A prolific juvenile offender under s. 985.255(1)(j)
7477 shall be placed on nonsecure detention care with electronic
7478 monitoring or in secure detention care under a special detention
7479 order until disposition. If secure detention care is ordered by
7480 the court, it must be authorized under this part and may not
7481 exceed:
7482 1. Twenty-one days unless an adjudicatory hearing for the
7483 case has been commenced in good faith by the court or the period
7484 is extended by the court pursuant to paragraph (b); or

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7485 2. Fifteen days after the entry of an order of
7486 adjudication.
7487
7488 As used in this paragraph, the term “disposition” means a
7489 declination to file under s. 985.15(1)(h), the entry of nolle
7490 prosequi for the charges, the filing of an indictment under s.
7491 985.56 or an information under s. 985.557, a dismissal of the
7492 case, or an order of final disposition by the court.
7493 Section 168. For the purpose of incorporating the amendment
7494 made by this act to section 985.557, Florida Statutes, in a
7495 reference thereto, subsection (5) of section 985.265, Florida
7496 Statutes, is reenacted to read:
7497 985.265 Detention transfer and release; education; adult
7498 jails.—
7499 (5) The court shall order the delivery of a child to a jail
7500 or other facility intended or used for the detention of adults:
7501 (a) When the child has been transferred or indicted for
7502 criminal prosecution as an adult under part X, except that the
7503 court may not order or allow a child alleged to have committed a
7504 misdemeanor who is being transferred for criminal prosecution
7505 pursuant to either s. 985.556 or s. 985.557 to be detained or
7506 held in a jail or other facility intended or used for the
7507 detention of adults; however, such child may be held temporarily
7508 in a detention facility; or
7509 (b) When a child taken into custody in this state is wanted
7510 by another jurisdiction for prosecution as an adult.
7511
7512 The child shall be housed separately from adult inmates to
7513 prohibit a child from having regular contact with incarcerated

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7514 adults, including trusties. “Regular contact” means sight and
7515 sound contact. Separation of children from adults shall permit
7516 no more than haphazard or accidental contact. The receiving jail
7517 or other facility shall contain a separate section for children
7518 and shall have an adequate staff to supervise and monitor the
7519 child’s activities at all times. Supervision and monitoring of
7520 children includes physical observation and documented checks by
7521 jail or receiving facility supervisory personnel at intervals
7522 not to exceed 10 minutes. This subsection does not prohibit
7523 placing two or more children in the same cell. Under no
7524 circumstances shall a child be placed in the same cell with an
7525 adult.
7526 Section 169. Except as otherwise expressly provided in this
7527 act, and except for this section, which shall take effect upon
7528 becoming a law, this act shall take effect October 1, 2019.
7529
7530 ========== T I T L E A M E N D M E N T ==========
7531 And the title is amended as follows:
7532 Delete everything before the enacting clause
7533 and insert:
7534 A bill to be entitled
7535 An act relating to public safety; creating s. 25.025,
7536 F.S.; authorizing certain Supreme Court justices to
7537 have an appropriate facility in their district of
7538 residence designated as their official headquarters;
7539 providing that an official headquarters may serve only
7540 as a justice’s private chambers; providing that such
7541 justices are eligible for a certain subsistence
7542 allowance and reimbursement for certain transportation

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7543 expenses; requiring that such allowance and
7544 reimbursement be made to the extent appropriated funds
7545 are available, as determined by the Chief Justice;
7546 requiring the Chief Justice to coordinate with certain
7547 persons in designating official headquarters;
7548 providing that a county is not required to provide
7549 space for a justice in a county courthouse;
7550 authorizing counties to enter into agreements with the
7551 Supreme Court for the use of county courthouse space;
7552 prohibiting the Supreme Court from using state funds
7553 to lease space in specified facilities to allow a
7554 justice to establish an official headquarters;
7555 amending s. 26.031, F.S.; increasing the number of
7556 circuit judges in certain judicial circuits; creating
7557 s. 43.51, F.S.; requiring the Office of the State
7558 Courts Administrator to provide an annual report
7559 containing certain information to the Legislature;
7560 defining the term “problem-solving court”; amending s.
7561 212.15, F.S.; increasing threshold amounts for certain
7562 theft offenses; amending s. 322.055, F.S.; reducing
7563 the length of driver license revocation for possession
7564 or sale of, trafficking in, or conspiracy to possess,
7565 sell, or traffic in a controlled substance; deleting
7566 provisions authorizing a driver to petition the
7567 Department of Highway Safety and Motor Vehicles for
7568 restoration of his or her driving privilege; amending
7569 s. 322.056, F.S.; reducing the period for revocation
7570 or suspension of, or delay of eligibility for, driver
7571 licenses or driving privileges for certain persons

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7572 found guilty of certain drug offenses; deleting
7573 requirements relating to the revocation or suspension
7574 of, or delay of eligibility for, driver licenses or
7575 driving privileges for certain persons found guilty of
7576 certain alcohol or tobacco offenses; deleting
7577 provisions authorizing a driver to petition the
7578 department for restoration of his or her driving
7579 privilege; repealing s. 322.057, F.S., relating to
7580 discretionary revocation or suspension of a driver
7581 license for certain persons who provide alcohol to
7582 persons under a specified age; amending s. 322.34,
7583 F.S; revising criminal for the third offense of
7584 driving while license suspended, revoked, canceled, or
7585 disqualified; creating s. 322.75, F.S.; requiring each
7586 clerk of court to establish a Driver License
7587 Reinstatement Days program for reinstating suspended
7588 driver licenses in certain circumstances; providing
7589 duties of the clerks of the circuit courts and the
7590 department; authorizing such clerks to compromise on
7591 or waive certain fees and costs; providing eligibility
7592 requirements; requiring the clerks of court to collect
7593 specified data and report such data to the Florida
7594 Clerks of Court Operations Corporation; requiring the
7595 Florida Clerks of Court Operations Corporation to
7596 report specified information in the annual report
7597 required by s. 28.35, F.S.; amending s. 394.47891,
7598 F.S.; requiring the chief judge of each judicial
7599 circuit to establish a Military Veterans and
7600 Servicemembers Court Program; revising the list of

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7601 individuals who, if charged or convicted of certain
7602 criminal offenses, may participate in a Military
7603 Veterans and Servicemembers Court Program under
7604 certain circumstances; amending s. 394.917, F.S.;
7605 requiring the Department of Children and Families to
7606 provide rehabilitation to criminal offenders
7607 designated as sexually violent predators; amending s.
7608 397.334, F.S.; conforming provisions to changes made
7609 in the act; amending s. 455.213, F.S.; conforming a
7610 cross-reference; requiring the Department of Business
7611 and Professional Regulation or applicable board to use
7612 a specified process for the review of an applicant's
7613 criminal history record to determine the applicant's
7614 eligibility for certain licenses; prohibiting the
7615 conviction of a crime before a specified date from
7616 being grounds for denial of certain licenses; defining
7617 the term "conviction"; authorizing a person to apply
7618 for a license before his or her lawful release from
7619 confinement or supervision; prohibiting additional
7620 fees for an applicant confined or under supervision;
7621 prohibiting the department or applicable board from
7622 basing a denial of a license application solely on the
7623 applicant's current confinement or supervision;
7624 authorizing the department or applicable board to stay
7625 the issuance of an approved license under certain
7626 circumstances; requiring the department or applicable
7627 board to verify an applicant's release with the
7628 Department of Corrections or other applicable
7629 authority; providing requirements for the appearance

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7630 of certain applicants at certain meetings; requiring
7631 the department or applicable board to provide an
7632 annually updated list on its website specifying how
7633 certain crimes affect an applicant's eligibility for
7634 licensure; providing that certain information be
7635 identified for each crime on the list; requiring such
7636 list be available to the public upon request; amending
7637 s. 474.2165, F.S.; authorizing a veterinarian to
7638 report certain suspected criminal violations without
7639 notice to or authorization from a client; providing an
7640 exception; amending s. 489.126, F.S.; providing a just
7641 cause defense for criminal offenses and disciplinary
7642 violations; providing an inference; deleting an intent
7643 requirement for contractor offenses; revising elements
7644 of offenses; revising criminal penalties for
7645 contractor offenses; amending s. 489.553, F.S.;
7646 prohibiting the conviction of a crime from being
7647 grounds for the denial of registration after a
7648 specified time has passed under certain circumstances;
7649 defining the term "conviction"; authorizing a person
7650 to apply for registration before his or her lawful
7651 release from confinement or supervision; prohibiting
7652 the Department of Business and Professional Regulation
7653 from charging an applicant who is confined or under
7654 supervision additional fees; prohibiting the
7655 applicable board from basing the denial of
7656 registration solely on the applicant's current
7657 confinement or supervision; authorizing the board to
7658 stay the issuance of an approved registration under

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7659 certain circumstances; requiring the board to verify
7660 an applicant’s release with the Department of
7661 Corrections or other applicable authority; providing
7662 requirements for the appearance of certain applicants
7663 at certain meetings; requiring the applicable board to
7664 provide a quarterly updated list on its website
7665 specifying how certain crimes may affect an
7666 applicant’s eligibility for registration; providing
7667 that certain information be identified for each crime
7668 on the list; requiring such list be available to the
7669 public upon request; amending s. 500.451, F.S.;
7670 abolishing mandatory minimum sentence for the sale of
7671 horse meat for human consumption; amending s. 509.151,
7672 F.S.; increasing threshold amounts for certain theft
7673 offenses; amending s. 562.11, F.S.; deleting
7674 provisions relating to withholding, suspending, or
7675 revoking the driving privilege of a person who
7676 provides alcoholic beverages to a person under 21
7677 years of age; amending s. 562.111, F.S.; deleting
7678 provisions relating to withholding, suspending, or
7679 revoking the driving privilege of a person under 21
7680 years of age who possesses alcoholic beverages;
7681 amending s. 562.27, F.S.; reducing the offense
7682 severity of certain crimes related to the possession
7683 of a still or related apparatus; amending s. 562.451,
7684 F.S.; reducing the offense severity for possession of
7685 one or more gallons of certain liquors; amending s.
7686 569.11, F.S.; conforming provisions to changes made by
7687 the act; revising penalties; amending s. 713.69, F.S.;

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7688 increasing thresholds for certain theft offenses;
7689 amending s. 775.082, F.S.; specifying that certain
7690 offenders released from incarceration from county
7691 detention facilities qualify as prison releasee
7692 reoffenders; amending s. 775.087, F.S.; providing
7693 legislative intent regarding retroactive application;
7694 prohibiting mandatory minimum sentencing for
7695 aggravated assault or attempted aggravated assault
7696 committed before July 1, 2016; amending s. 784.046,
7697 F.S.; prohibiting attorney fees in cases seeking an
7698 injunction for protection against repeat, dating, or
7699 sexual violence; amending s. 784.048, F.S.; revising
7700 the definition of the term “cyberstalk”; providing
7701 criminal penalties; amending s. 784.0485, F.S.;
7702 prohibiting attorney fees in cases seeking an
7703 injunction for protection against stalking; amending
7704 s. 790.052, F.S.; specifying that certain law
7705 enforcement and correctional officers meet the
7706 definition of “qualified law enforcement officer” for
7707 the purposes of qualifying for certain rights during
7708 off-duty hours; specifying that certain persons meet
7709 the definition of “qualified retired law enforcement
7710 officer” for the purposes of qualifying for certain
7711 rights during off-duty hours; amending s. 790.22,
7712 F.S.; authorizing, rather than requiring, a court to
7713 withhold issuance of or suspend a person’s driver
7714 license or driving privilege for a minor who possesses
7715 or uses a firearm in certain circumstances; amending
7716 s. 800.09, F.S.; revising the definition of the term

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7717 "employee"; prohibiting certain lewd or lascivious
7718 acts in the presence of county correctional personnel;
7719 providing criminal penalties; amending s. 806.13,
7720 F.S.; authorizing, rather than requiring, a court to
7721 withhold issuance of or suspend a person's driver
7722 license or driving privilege for committing criminal
7723 mischief by a minor; amending s. 812.014, F.S.;
7724 increasing the threshold amount for certain theft
7725 offenses; requiring the Office of Program Policy and
7726 Analysis (OPPAGA) to perform a study about certain
7727 threshold amounts on a specified schedule; providing
7728 study requirements; requiring OPPAGA to consult with
7729 the Office of Economic and Demographic Research and
7730 other interested entities; requiring OPPAGA to submit
7731 a report to the Governor and the Legislature by a
7732 certain date and on a specified basis; amending s.
7733 812.015, F.S.; revising the circumstances under which
7734 an offense of retail theft constitutes a felony of the
7735 second or third degree; authorizing the aggregation of
7736 retail thefts that occur in more than one judicial
7737 circuit within a 30-day period into one total value
7738 and requiring prosecution of such thefts by the Office
7739 of the Statewide Prosecutor in accordance with s.
7740 16.56, F.S.; requiring the OPPAGA to perform a study
7741 about certain threshold amounts on a specified
7742 schedule; providing study requirements; requiring
7743 OPPAGA to consult with the Office of Economic and
7744 Demographic Research and other interested entities;
7745 requiring OPPAGA to submit a report to the Governor

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7746 and the Legislature by a certain date and on a
7747 specified basis; amending s. 812.0155, F.S.; removing
7748 a court's authority to suspend a driver license for a
7749 misdemeanor theft adjudication of guilt for a person
7750 18 years of age or older; allowing a court to suspend
7751 a driver license for a person 18 years of age or
7752 younger as an alternative to other possible sentences;
7753 amending s. 815.03, F.S.; revising the definition of
7754 the term "access" for purposes of provisions relating
7755 to computer crimes; amending s. 815.06, F.S.; revising
7756 conduct constituting an offense against users of
7757 computers, computer systems, computer networks, or
7758 electronic devices; providing criminal penalties;
7759 amending s. 817.413, F.S.; increasing threshold
7760 amounts for certain theft offenses; amending s.
7761 831.28, F.S.; criminalizing possession of a
7762 counterfeit instrument with intent to defraud;
7763 amending s. 847.011, F.S.; prohibiting a person from
7764 knowingly selling, lending, giving away, distributing,
7765 transmitting, showing, or transmuting; offering to
7766 commit such actions, having in his or her possession,
7767 custody, or control with the intent to commit such
7768 actions or advertising in any manner an obscene,
7769 child-like sex doll; providing criminal penalties;
7770 prohibiting a person from knowingly having in his or
7771 her possession, custody, or control an obscene, child-
7772 like sex doll; providing criminal penalties; amending
7773 s. 849.01, F.S.; reducing the offense severity of
7774 certain crimes relating to keeping a gambling house or

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7775 possessing certain gambling apparatuses; amending s.
7776 877.112, F.S.; removing driver license revocation or
7777 suspension as a penalty for certain offenses involving
7778 nicotine products; amending s. 893.135, F.S.; defining
7779 the term “dosage unit”; providing applicability;
7780 prohibiting the sale, purchase, delivery, bringing
7781 into this state, or actual or constructive possession
7782 of specified amounts of dosage units of certain
7783 controlled substances; creating the offense of
7784 “trafficking in pharmaceuticals”; providing criminal
7785 penalties; requiring that the court impose, for an
7786 offense relating to trafficking in certain substances,
7787 a sentence pursuant to the Criminal Punishment Code
7788 and without regard to any statutory minimum sentence
7789 if the court makes specified findings under certain
7790 circumstances; providing legislative intent regarding
7791 retroactive application; providing for sentencing or
7792 resentencing of specified drug trafficking offenses
7793 committed before July 1, 2014; amending s. 900.05,
7794 F.S.; revising and providing definitions; revising and
7795 providing data required to be collected and reported
7796 to the Department of Law Enforcement by specified
7797 entities; requiring the department to publish data
7798 received from reporting agencies by a specified date;
7799 imposing penalties on reporting agencies for
7800 noncompliance with data reporting requirements;
7801 declaring information that is confidential and exempt
7802 upon collection by a reporting agency remains
7803 confidential and exempt when reported to the

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7804 department; creating s. 900.06, F.S.; defining terms
7805 and specifying covered offenses; requiring that a
7806 custodial interrogation at a place of detention be
7807 electronically recorded in its entirety in connection
7808 with certain offenses; requiring law enforcement
7809 officers who do not comply with the electronic
7810 recording requirement or who conduct custodial
7811 interrogations at a place other than a place of
7812 detention to prepare a specified report; providing
7813 exceptions to the electronic recording requirement;
7814 requiring a court to consider a law enforcement
7815 officer’s failure to comply with the electronic
7816 recording requirements in determining the
7817 admissibility of a statement, unless an exception
7818 applies; requiring a court, upon the request of a
7819 defendant, to give cautionary instructions to a jury
7820 under certain circumstances; providing immunity from
7821 civil liability to law enforcement agencies that
7822 enforce certain rules; providing that no cause of
7823 action is created against a law enforcement officer;
7824 amending s. 921.002, F.S.; revising a principle of the
7825 Criminal Punishment Code relating to a prisoner’s
7826 required minimum term of imprisonment; providing
7827 retroactivity; creating s. 943.0578, F.S.;
7828 establishing eligibility criteria for expunction of a
7829 criminal history record by a person found to have
7830 acted in lawful self-defense; requiring the department
7831 to issue a certificate of eligibility for expunction
7832 if specified criteria are fulfilled; specifying

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7833 requirements for a petition to expunge; creating a
7834 penalty for providing false information on such
7835 petition; requiring the department to adopt rules
7836 relating to a certificate of expunction for lawful
7837 self-defense; amending s. 943.0581, F.S.; clarifying
7838 administrative expunction applies to criminal history
7839 records resulting from an arrest made contrary to law
7840 or by mistake; creating s. 943.0584, F.S.; providing a
7841 definition; specifying criminal history records which
7842 are ineligible for court-ordered expunction or court-
7843 ordered sealing; amending s. 943.0585, F.S.; providing
7844 eligibility criteria for court-ordered expunction of a
7845 criminal history record; requiring the department to
7846 issue a certificate of eligibility to petitioners
7847 meeting eligibility criteria; specifying requirements
7848 for a petition for court-ordered expunction;
7849 specifying a court’s authority to expunge criminal
7850 history records; specifying the process for a petition
7851 to expunge a criminal history record; specifying the
7852 process following the issuance of an order to expunge
7853 a criminal history record; specifying the effect of an
7854 order to expunge a criminal history record; amending
7855 s. 943.059, F.S.; providing eligibility criteria for
7856 court-ordered sealing of a criminal history record;
7857 requiring the department to issue a certificate of
7858 eligibility to petitioners meeting eligibility
7859 criteria; specifying requirements for a petition for
7860 court-ordered sealing; specifying a court’s authority
7861 to seal criminal history records; specifying the

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7862 process for a petition to seal a criminal history
7863 record; specifying the effect of an order to seal a
7864 criminal history record; creating s. 943.0595, F.S.;
7865 requiring the department to adopt rules to implement
7866 administrative sealing of specified criminal history
7867 records; providing eligibility criteria for
7868 administrative sealing of criminal history records;
7869 specifying ineligible criminal history records;
7870 providing that there is no limitation on the number of
7871 times a person with an eligible criminal history
7872 record may obtain an automatic administrative sealing;
7873 requiring the clerk of court to transmit a certified
7874 copy of an eligible criminal history record to the
7875 department upon the resolution of a criminal case;
7876 specifying that the effect of automatic sealing is the
7877 same as court-ordered sealing; amending s. 943.325,
7878 F.S.; revising legislative findings relating to the
7879 use of the DNA database; amending s. 943.6871, F.S.;
7880 declaring information received by the department from
7881 a reporting agency that is confidential and exempt
7882 upon collection remains confidential and exempt;
7883 amending s. 944.275, F.S.; revising the incentive
7884 gain-time that the Department of Corrections may grant
7885 a prisoner for offenses committed on or after a
7886 specified date; amending s. 944.47, F.S.; providing
7887 enhanced penalties for offenses involving introduction
7888 of contraband in correctional facilities when
7889 committed by correctional facility employees; amending
7890 s. 944.611, F.S.; providing legislative intent with

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7891 respect to the location of an inmate's confinement;
7892 amending s. 944.704, F.S.; requiring transition
7893 assistance staff to provide job assignment
7894 credentialing and industry certification information
7895 to inmates before their release; authorizing the
7896 department to increase the number of employees serving
7897 as transition specialists and employment specialists;
7898 amending s. 944.705, F.S.; requiring the department to
7899 establish a telephone hotline for released offenders;
7900 requiring that the department provide an inmate with a
7901 comprehensive community reentry resource directory
7902 organized by county before an inmate's release;
7903 requiring the department to use certain programming
7904 data to notify inmates about reentry resources before
7905 release; authorizing a nonprofit faith-based or
7906 professional business or a civic or community
7907 organization to apply for registration with the
7908 department to provide inmate reentry services;
7909 requiring the department to adopt certain policies and
7910 procedures; authorizing the department to deny
7911 approval and registration of an organization or
7912 representative of an organization under certain
7913 circumstances; authorizing the department to contract
7914 with a public or private educational institution's
7915 Veterans Advocacy Clinic or Veterans Legal Clinic for
7916 certain purposes; authorizing the department to
7917 contract with public or private organizations to
7918 establish transitional employment programs that
7919 provide employment opportunities to recently released

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7920 inmates; requiring the department to adopt certain
7921 rules; amending s. 944.801, F.S.; authorizing the
7922 Correctional Education Program to establish a Prison
7923 Entrepreneurship Program and adopt procedures for
7924 admitting student inmates; providing requirements for
7925 the program; authorizing transitional and postrelease
7926 continuing educational services to be offered under
7927 certain circumstances; requiring the department to
7928 enter into certain agreements to implement the
7929 program; requiring that the program be funded with
7930 existing resources; amending s. 948.001, F.S.;
7931 redefining the term “administrative probation”;
7932 amending s. 948.013, F.S.; authorizing the department
7933 to transfer an offender to administrative probation
7934 under certain circumstances; amending s. 948.03, F.S.;
7935 requiring the department to include in the Florida
7936 Crime Information Center system all conditions of
7937 probation as determined by the court for each
7938 probationer; amending s. 948.04, F.S.; requiring a
7939 court to early terminate a term of probation or
7940 convert the term to administrative probation under
7941 certain circumstances; allowing a court to continue
7942 reporting probation upon making written findings;
7943 amending s. 948.05, F.S.; requiring the department to
7944 implement a graduated incentives program for
7945 probationers and offenders on community control;
7946 authorizing the department to issue certain incentives
7947 without leave of court; amending s. 948.06, F.S.;
7948 requiring a court to modify or continue a probationary

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7949 term under certain circumstances; requiring a
7950 probation officer to determine whether a probationer
7951 or offender on community control who commits a
7952 technical violation is eligible for a certain
7953 alternative sanctioning program; authorizing the
7954 probation officer to take certain actions if such
7955 probationer or offender is eligible; defining the term
7956 “technical violation”; requiring that judicial
7957 circuits establish an alternative sanctioning program;
7958 authorizing the chief judge of each judicial circuit
7959 to issue specified administrative orders; requiring a
7960 probation officer to submit to the court for approval
7961 any recommended sanctions against a probationer or
7962 offender determined to be eligible for the program to
7963 the court for approval; defining the terms “low-risk
7964 violation” and “moderate-risk violation”; specifying
7965 circumstances under which a probationer or offender on
7966 community control is not eligible for an alternative
7967 sanction; authorizing a probation officer to offer an
7968 eligible probationer one or more specified alternative
7969 sanctions for a first or second low-risk violation;
7970 authorizing a probation officer, under certain
7971 circumstances, to offer an eligible probationer or
7972 offender on community control one or more specified
7973 alternative sanctions for a first moderate-risk
7974 violation; providing that the participation of a
7975 probationer or offender on community control in the
7976 alternative sanctioning program is voluntary, subject
7977 to certain requirements; specifying actions that a

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7978 probationer or offender on community control may take
7979 if he or she is eligible for an alternative
7980 sanctioning program; providing that a probation
7981 officer, under certain circumstances, submit a
7982 recommended sanction to the court; authorizing the
7983 court to impose the recommended sanction or direct the
7984 department to submit a violation report, affidavit,
7985 and warrant to the court; authorizing a probation
7986 officer to submit a violation report, affidavit, and
7987 warrant to the court under certain circumstances;
7988 prohibiting certain evidence in subsequent
7989 proceedings; amending s. 948.08, F.S.; expanding
7990 eligibility criteria for pretrial substance abuse
7991 education programs to include a person with two or
7992 fewer convictions for nonviolent felonies; revising
7993 the list of individuals who, if charged with certain
7994 felonies, are eligible for voluntary admission into a
7995 pretrial veterans' treatment intervention program
7996 under certain circumstances; creating s. 948.081,
7997 F.S.; authorizing community court programs; amending
7998 s. 948.16, F.S.; revising the list of individuals who,
7999 if charged with certain misdemeanors, are eligible for
8000 voluntary admission into a misdemeanor pretrial
8001 veterans' treatment intervention program under certain
8002 circumstances; amending s. 948.21, F.S.; revising the
8003 list of individuals who, if probationers or community
8004 controlees, may be required to participate in a
8005 certain treatment program under certain circumstances;
8006 providing program criteria; amending s. 951.22, F.S.;

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8007 prohibiting introduction into or possession of certain
8008 cellular telephones or other portable communication
8009 devices on the grounds of any county detention
8010 facility; providing criminal penalties; amending s.
8011 958.04, F.S.; revising the criteria authorizing a
8012 court to sentence as a youthful offender a person who
8013 is found guilty of, or who pled nolo contendere or
8014 guilty to, committing a felony before the person
8015 turned 21 years of age; amending s. 960.07, F.S.;
8016 increasing the timeframe for filing a crime victim
8017 compensation claim; providing an extension for good
8018 cause for a specified period; increasing the timeframe
8019 for a victim or intervenor who was under the age of 18
8020 at the time of the crime to file a claim; provides an
8021 extension for good cause of 2 additional years;
8022 increasing the timeframe for filing a claim for victim
8023 compensation for a victim of a sexually violent
8024 offense; amending s. 960.13, F.S.; increasing the
8025 timeframe for prompt reporting of a crime to be
8026 eligible for a victim compensation award; amending s.
8027 960.195, F.S.; increasing the timeframe for reporting
8028 a criminal or delinquent act resulting in property
8029 loss of an elderly person or disabled adult; amending
8030 s. 960.196, F.S.; increasing the timeframe to report
8031 certain human trafficking offenses to be eligible for
8032 a victim relocation assistance award; providing an
8033 extension for good cause; amending s. 985.12, F.S.;
8034 providing that locally authorized entities may
8035 continue to operate an independent civil citation or

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8036 similar prearrest diversion program that is in
8037 operation as of October 1, 2018; requiring each civil
8038 citation or similar diversion program to enter in
8039 appropriate youth data into the Juvenile Justice
8040 Information System Prevention Web within 7 days after
8041 the admission of the youth into the program; amending
8042 s. 985.126, F.S.; removing the requirement for law
8043 enforcement officers to submit a copy of specified
8044 documentation to the Department of Juvenile Justice;
8045 requiring certain information be entered into the
8046 Juvenile Justice Information System Prevention Web
8047 within a specified timeframe; amending s. 985.145,
8048 F.S.; deleting the requirement that the department
8049 must enter certain information into the Juvenile
8050 Justice Information System Prevention Web in specified
8051 instances; amending s. 985.557, F.S.; deleting
8052 provisions requiring the mandatory direct filing of
8053 charges in adult court against juveniles in certain
8054 circumstances; amending ss. 776.09, 893.03, 943.053,
8055 and 943.0582, F.S.; conforming cross-references;
8056 amending s. 985.565, F.S.; conforming provisions to
8057 changes made by the act; amending s. 921.0022, F.S.;
8058 listing on levels 3 and 4 certain felonies on the
8059 offense severity ranking chart of the Criminal
8060 Punishment Code; conforming provisions to changes made
8061 by the act; reenacting s. 322.05(11), F.S., relating
8062 to prohibiting the issuance of a driver license to
8063 certain persons, to incorporate the amendment made to
8064 s. 322.056, F.S., in a reference thereto; reenacting

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8065 s. 316.027(2)(c) and 907.041(4)(c), F.S., relating to
8066 a crash involving death or personal injuries and
8067 pretrial detention and release, respectively, to
8068 incorporate the amendment made to s. 322.34, F.S., in
8069 references thereto; reenacting s. 910.035(5), F.S.,
8070 relating to transfer for participation in a problem-
8071 solving court, to incorporate the amendment made to s.
8072 394.47891, F.S., in a reference thereto; reenacting s.
8073 509.161, F.S., relating to rules of evidence in
8074 certain prosecutions, to incorporate the amendment
8075 made to s. 509.151, F.S., in a reference thereto;
8076 reenacting ss. 790.065(2)(c), 794.056(1), 847.0141(4),
8077 901.41(5), 938.08, 938.085, 943.325(2)(g),
8078 948.06(8)(c), 948.062(1), 960.001(1)(b),
8079 985.265(3)(b), and 1006.147(3)(e), F.S., relating to
8080 the sale and delivery of firearms, the rape crisis
8081 program trust fund, sexting, prearrest diversion
8082 programs, additional costs to fund programs in
8083 domestic violence and rape crisis centers, the DNA
8084 database, the definition of the term “qualifying
8085 offense” as it relates to the violation of probation
8086 or community control and failure to pay restitution or
8087 cost of supervision, reviewing and reporting serious
8088 offenses committed by offenders placed on probation or
8089 community control, guidelines for fair treatment of
8090 victims and witnesses in the criminal justice and
8091 juvenile justice systems, detention transfer and
8092 release, education, and adult jails, and the
8093 prohibition of bullying and harassment, respectively,

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8094 to incorporate the amendment made to s. 784.048, F.S.,
8095 in references thereto; reenacting s. 316.0775(1),
8096 F.S., relating to interference with official traffic
8097 control devices or railroad signs or signals, to
8098 incorporate the amendment made to s. 806.13, F.S., in
8099 a reference thereto; reenacting ss. 95.18(10),
8100 373.6055(3)(c), 400.9935(3), 550.6305(10). 627.743(2),
8101 634.421(2), 642.038(2), 705.102(4), 812.14(7), and
8102 893.138(3), F.S., relating to real property actions
8103 and adverse possession without color of title,
8104 criminal history checks for certain water management
8105 district employees and others, clinic
8106 responsibilities, intertrack wagering, guest track
8107 payments, and accounting rules, the payment of third-
8108 party claims, reporting and accounting for funds,
8109 reporting lost or abandoned property, trespass and
8110 larceny with relation to utility fixtures and the
8111 theft of utility services, and local administrative
8112 action to abate drug-related, prostitution-related, or
8113 stole-property-related public nuisances and criminal
8114 gang activity, respectively, to incorporate the
8115 amendment made to s. 812.014, F.S., in references
8116 thereto; reenacting ss. 538.09(5) and 538.23(2), F.S.,
8117 relating to the registration of and violations and
8118 penalties for second-hand dealers, respectively, to
8119 incorporate the amendment made to s. 812.015, F.S., in
8120 references thereto; reenacting s. 1006.147(3)(e),
8121 F.S., relating to the prohibition of bullying and
8122 harassment, to incorporate the amendment made to s.

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8123 815.03, F.S., in a reference thereto; reenacting ss.
8124 316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5),
8125 and 934.07(3), F.S., relating to the unlawful
8126 conveyance of fuel and obtaining fuel fraudulently,
8127 terrorism, providing material support or resources for
8128 terrorism or to terrorist organizations, the
8129 definition of the term “terrorism” as it relates to
8130 murder, and the authorization for interception of
8131 wire, oral, or electronic communications,
8132 respectively, to incorporate the amendment made to s.
8133 815.06, F.S., in references thereto; reenacting ss.
8134 772.102(1)(a), 847.02, 847.03, 847.09(2),
8135 895.02(8)(a), 933.02(2), 933.03, and 943.325(2)(g),
8136 F.S., relating to the definition of the term “criminal
8137 activity,” the confiscation of obscene material, the
8138 seizure of obscene material by an officer, legislative
8139 intent regarding obscene materials, the definition of
8140 the term “racketeering activity,” grounds for the
8141 issuance or a search warrant, the destruction of
8142 obscene prints and literature, and the DNA database,
8143 respectively, to incorporate the amendment made to s.
8144 847.011, F.S.; reenacting s. 849.02, F.S., relating to
8145 agents or employees of keepers of gambling houses, to
8146 incorporate the amendment made to s. 849.01, F.S., in
8147 a reference thereto, reenacting ss. 373.6055(3)(c),
8148 397.4073(6), 414.095(1), 772.12(2), 775.087(2)(a) and
8149 (3)(a), 782.04(1)(a), (3), and (4), 810.02(3),
8150 893.13(8)(d), 893.1351(1) and (2), 900.05(3)(e),
8151 903.133, 907.041(4)(c), 921.141(9), and 921.142(2),

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8152 F.S., relating to criminal history checks for certain
8153 water management district employees and others,
8154 background checks of service provider personnel,
8155 determining eligibility for temporary cash assistance,
8156 the Drug Dealer Liability Act, possession or use of a
8157 weapon, aggravated battery, felony reclassifications,
8158 and minimum sentencing, murder, burglary, prohibited
8159 acts and penalties relating to controlled substances,
8160 the ownership, lease, rental, or possession for
8161 trafficking in or manufacturing a controlled
8162 substance, criminal justice data collection, the
8163 prohibition of bail on appeal for certain felony
8164 convictions, pretrial detention and release, the
8165 sentence of death or life imprisonment for capital
8166 felonies and further proceedings to determine
8167 sentences, and the sentence of death or life
8168 imprisonment for capital drug trafficking felonies and
8169 further proceedings to determine sentences,
8170 respectively, to incorporate the amendment made to s.
8171 893.135, F.S., in references thereto; reenacting s.
8172 944.026(3)(a), F.S., relating to community-based
8173 facilities and programs, to incorporate the amendment
8174 made to s. 944.704, F.S., in a reference thereto;
8175 reenacting s. 944.4731(6), F.S., relating to the
8176 Addiction-Recovery Supervision Program, to incorporate
8177 the amendment made to s. 944.705, F.S., in a reference
8178 thereto; reenacting s. 447.203(2), F.S., relating to
8179 the definition of the terms “public employer” or
8180 “employer,” to incorporate the amendment made to s.

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8181 944.801, F.S., in a reference thereto; reenacting s.
8182 921.187(1)(n), F.S., relating to disposition and
8183 sentencing alternatives, to incorporate the amendment
8184 made to s. 948.013, F.S. in a reference thereto;
8185 reenacting ss. 948.012(2)(b), 948.10(3), 948.20(3),
8186 and 958.14, F.S., relating to split sentencing of
8187 probation or community control and imprisonment,
8188 procedures governing violations of community control,
8189 revocation of drug offender probation, and violations
8190 of probation or community control programs,
8191 respectively, to incorporate the amendment made to s.
8192 948.06, F.S., in references thereto; reenacting ss.
8193 796.07(4)(b), 944.026(3)(b), and 948.036(1), F.S.,
8194 relating to charges of prostitution and related acts,
8195 certain pretrial intervention programs, and work
8196 programs, respectively, to incorporate the amendment
8197 made to s. 948.08, F.S., in references thereto;
8198 reenacting ss. 394.47892(2), 397.334(5), and
8199 910.035(5)(a), F.S., relating to mental health court
8200 programs, treatment-based drug court programs, and
8201 transfer for participation in a problem-solving court,
8202 respectively, to incorporate the amendment made to ss.
8203 948.08 and 948.16, F.S., in references thereto;
8204 reenacting s. 910.035(5)(a), F.S., relating to
8205 transfer for participation in a problem-solving court,
8206 respectively, to incorporate the amendment made to s.
8207 948.21, F.S., in a references thereto; reenacting ss.
8208 958.03(5), 958.045(8)(a), 958.046, and 985.565(4)(c),
8209 F.S., relating to definition of the term “youthful

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8210 offender," the Youthful offender basic training
8211 program, county-operated youthful offender boot camp
8212 programs, and adult sanctions upon failure of juvenile
8213 sanctions, to incorporate the amendment made to s.
8214 958.04, F.S., in references thereto; reenacting ss.
8215 985.15(1), 985.26(2)(c), and 985.265(5), F.S.,
8216 relating to filing decisions of state attorneys in the
8217 prosecution of a child, length of detention for
8218 prolific juvenile offenders, and delivery of a child
8219 to a jail or other adult detention facility,
8220 respectively, to incorporate the amendment made to s.
8221 985.557, F.S., in references thereto; providing
8222 effective dates.