

By Senator Brandes

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1                                   A bill to be entitled  
2       An act relating to criminal justice; providing a short  
3       title; amending s. 893.135, F.S.; requiring that the  
4       court impose, for an offense relating to trafficking  
5       in certain substances, a sentence pursuant to the  
6       Criminal Punishment Code and without regard to any  
7       statutory minimum sentence if the court makes  
8       specified findings under certain circumstances;  
9       amending s. 944.275, F.S.; requiring an education  
10      program manager to recommend, and authorizing the  
11      Department of Corrections to grant, an award of a  
12      specified amount of incentive gain-time to an inmate  
13      who has completed the Prison Entrepreneurship Program;  
14      revising circumstances under which certain inmates are  
15      not eligible for certain types of gain-time in amounts  
16      that would cause a sentence to end or require a  
17      release prior to serving a minimum percentage of a  
18      sentence; amending s. 944.611, F.S.; providing  
19      legislative intent with respect to the location of an  
20      inmate's confinement; amending s. 944.705, F.S.;  
21      requiring that the department provide an inmate with a  
22      comprehensive community reentry resource directory  
23      organized by county before an inmate's release;  
24      authorizing a nonprofit faith-based business or a  
25      professional, civic, or community organization to  
26      apply for registration with the department to provide  
27      inmate reentry services; requiring the department to  
28      adopt certain policies and procedures; authorizing the  
29      department to deny approval and registration of an

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30 organization or representative of an organization  
31 under certain circumstances; authorizing the  
32 department to contract with a public or private  
33 educational institution's Veterans Advocacy Clinic or  
34 Veterans Legal Clinic for certain purposes; requiring  
35 the department to include notification of all  
36 outstanding terms of sentence in an inmate's release  
37 documents; requiring the department to adopt certain  
38 rules; amending s. 944.801, F.S.; authorizing the  
39 Correctional Education Program to establish a Prison  
40 Entrepreneurship Program and adopt procedures for  
41 admitting student inmates; providing requirements for  
42 the program; authorizing transitional and postrelease  
43 continuing educational services to be offered under  
44 certain circumstances; requiring the department to  
45 enter into certain agreements to implement the  
46 program; requiring that the program be funded with  
47 existing resources; amending s. 948.001, F.S.;

48 redefining the term "administrative probation";  
49 amending s. 948.013, F.S.; authorizing the department  
50 to transfer an offender to administrative probation  
51 under certain circumstances; amending s. 948.03, F.S.;

52 requiring the department to include in the Florida  
53 Crime Information Center system all conditions of  
54 probation as determined by the court for each  
55 probationer; amending s. 948.06, F.S.; requiring a  
56 probation officer to determine whether a probationer  
57 or offender on community control who commits a  
58 technical violation is eligible for a certain

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59 alternative sanctioning program; authorizing the  
60 probation officer to take certain actions if such  
61 probationer or offender is eligible; defining the term  
62 "technical violation"; requiring that judicial  
63 circuits establish an alternative sanctioning program;  
64 authorizing the chief judge of each judicial circuit  
65 to issue specified administrative orders; requiring a  
66 probation officer to submit to the court for approval  
67 any recommended sanctions against a probationer or  
68 offender determined to be eligible for the program to  
69 the court for approval; defining the terms "low-risk  
70 violation" and "moderate-risk violation"; specifying  
71 circumstances under which a probationer or offender on  
72 community control is not eligible for an alternative  
73 sanction; authorizing a probation officer to offer an  
74 eligible probationer one or more specified alternative  
75 sanctions for a first or second low-risk violation;  
76 authorizing a probation officer, under certain  
77 circumstances, to offer an eligible probationer or  
78 offender on community control one or more specified  
79 alternative sanctions for a first moderate-risk  
80 violation; providing that the participation of a  
81 probationer or offender on community control in the  
82 alternative sanctioning program is voluntary, subject  
83 to certain requirements; specifying actions that a  
84 probationer or offender on community control may take  
85 if he or she is eligible for an alternative  
86 sanctioning program; providing that a probation  
87 officer, under certain circumstances, submit a

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88 recommended sanction to the court; authorizing the  
89 court to impose the recommended sanction or direct the  
90 department to submit a violation report, affidavit,  
91 and warrant to the court; authorizing a probation  
92 officer to submit a violation report, affidavit, and  
93 warrant to the court under certain circumstances;  
94 prohibiting certain evidence in subsequent  
95 proceedings; amending s. 893.03, F.S.; conforming a  
96 cross-reference; providing an effective date.

97

98 Be It Enacted by the Legislature of the State of Florida:

99

100 Section 1. This act may be cited as the Florida First Step  
101 Act.

102 Section 2. Present subsections (6) and (7) of section  
103 893.135, Florida Statutes, are redesignated as subsections (7)  
104 and (8), respectively, and a new subsection (6) is added to that  
105 section, to read:

106 893.135 Trafficking; mandatory sentences; suspension or  
107 reduction of sentences; conspiracy to engage in trafficking.—

108 (6) Notwithstanding any other provision of law, for an  
109 offense under this section the court shall impose a sentence  
110 pursuant to the Criminal Punishment Code under chapter 921 and  
111 without regard to any statutory minimum sentence, if the court  
112 finds at sentencing, after the state attorney has been afforded  
113 the opportunity to make a recommendation, all of the following:

114 (a) The defendant has not previously been convicted of a  
115 dangerous crime as defined in s. 907.041, or a violation  
116 specified as a predicate offense for registration as a sexual

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117 predator under s. 775.21 or for registration as a sexual  
118 offender under s. 943.0435.

119 (b) The defendant did not use violence or credible threats  
120 of violence or possess a firearm or other dangerous weapon, or  
121 induce another participant to do so, in connection with the  
122 offense.

123 (c) The offense did not result in death or serious bodily  
124 injury to any person.

125 (d) The defendant was not engaged in a continuing criminal  
126 enterprise, as defined in s. 893.20.

127 (e) By the time of the sentencing hearing, the defendant  
128 has truthfully provided to the state all information and  
129 evidence the defendant has concerning the offense or offenses  
130 that were part of the same course of conduct or of a common  
131 scheme or plan. The fact that the defendant has no other  
132 relevant or useful information to provide or that the state is  
133 already aware of the information does not preclude a  
134 determination by the court that the defendant has complied with  
135 this requirement.

136 Section 3. Paragraphs (d) and (f) of subsection (4) of  
137 section 944.275, Florida Statutes, are amended to read:

138 944.275 Gain-time.—

139 (4)

140 (d) Notwithstanding the monthly maximum awards of incentive  
141 gain-time under subparagraphs (b)1., 2., and 3., the education  
142 program manager shall recommend, and the Department of  
143 Corrections may grant, a one-time award of 60 additional days of  
144 incentive gain-time to an inmate who is otherwise eligible and  
145 who successfully completes requirements for and is, or has been

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146 during the current commitment, awarded a high school equivalency  
147 diploma or vocational certificate, or has completed the Prison  
148 Entrepreneurship Program. Under no circumstances may an inmate  
149 receive more than 60 days for educational attainment pursuant to  
150 this section.

151 (f) An inmate who is subject to subparagraph (b)3. is not  
152 eligible to earn or receive gain-time under paragraph (a),  
153 paragraph (b), or paragraph (c), ~~or paragraph (d)~~ or any other  
154 type of gain-time other than under paragraph (d) in an amount  
155 that would cause a sentence to expire, end, or terminate, or  
156 that would result in a prisoner's release, prior to serving a  
157 minimum of 85 percent of the sentence imposed. An inmate who is  
158 currently serving a sentence for or has been previously  
159 convicted of a dangerous crime as defined in s. 907.041, or a  
160 violation specified as a predicate offense for registration as a  
161 sexual predator under s. 775.21 or for registration as a sexual  
162 offender under s. 943.0435, is not eligible to earn or receive  
163 gain-time under paragraphs (a) through (d), or any other type of  
164 gain-time in an amount that would cause a sentence to expire,  
165 end, or terminate, or that would result in a prisoner's release,  
166 prior to serving a minimum of 85 percent of the sentence  
167 imposed. For purposes of this paragraph, credits awarded by the  
168 court for time physically incarcerated shall be credited toward  
169 satisfaction of 85 percent of the sentence imposed. Except as  
170 provided by this section, a prisoner may not accumulate further  
171 gain-time awards at any point when the tentative release date is  
172 the same as that date at which the prisoner will have served 85  
173 percent of the sentence imposed. State prisoners sentenced to  
174 life imprisonment shall be incarcerated for the rest of their

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175 natural lives, unless granted pardon or clemency.

176 Section 4. Subsection (2) of section 944.611, Florida  
177 Statutes, is amended to read:

178 944.611 Legislative intent.—The Legislature finds and  
179 declares that:

180 (2) It is the intent of the Legislature that:

181 (a) The secretary shall designate the place of each  
182 inmate's confinement and shall, subject to bed availability and  
183 the inmate's security designation, programmatic needs, and  
184 mental and medical health needs, place each inmate in an  
185 institution or facility as close as practicable to within 150  
186 driving miles of the inmate's primary residence, unless the  
187 safety of department employees or inmates requires other  
188 placement. Subject to bed availability and the inmate's security  
189 designation, the department shall transfer an inmate to an  
190 institution or facility that is as close as practicable to  
191 within 150 driving miles of the inmate's primary residence,  
192 unless the inmate chooses to remain at his or her current  
193 institution or facility.

194 (b)~~(a)~~ To the extent possible, an inmate be returned, upon  
195 release, to the same area from which the inmate was committed.

196 (c)~~(b)~~ An inmate being released from a community work-  
197 release program is not eligible for the provision of  
198 transportation.

199 (d)~~(e)~~ Transportation provided for an eligible inmate upon  
200 release shall be to one of the following points:

201 1. The county where parole placement has been approved and  
202 supervision is to commence.

203 2. Another state.

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204 3. The county of employment within the state.

205 4. The county of legal residence within the state.

206 5. The county of original commitment within the state.

207 (e)~~(d)~~ Each releasee who is eligible for the provision of  
208 transportation shall be escorted to the site of embarkation by  
209 an officer of the correctional facility, who shall remain until  
210 the releasee has departed.

211 Section 5. Present subsections (3), (4), and (5) of section  
212 944.705, Florida Statutes, are redesignated as subsections (4),  
213 (5), and (6), respectively, present subsection (6) of that  
214 section is amended, and new subsection (3) and subsections (7),  
215 (8), (9), and (11) are added to that section, to read:

216 944.705 Release orientation program.—

217 (3) Before an inmate's release, the department shall  
218 provide the inmate with a comprehensive community reentry  
219 resource directory organized by county which includes the name,  
220 address, and telephone number of each provider and a description  
221 of the services offered by each provider. The directory must  
222 also include the name, address, and telephone number of existing  
223 starting points for using such resources.

224 (7) A nonprofit faith-based business or a professional,  
225 civic, or community organization may apply for registration with  
226 the department to provide inmate reentry services. Reentry  
227 services include, but are not limited to, counseling; providing  
228 information on housing and job placement; money management  
229 assistance; and programs that address substance abuse, mental  
230 health, or co-occurring conditions.

231 (8) The department shall adopt policies and procedures for  
232 screening, approving, and registering an organization that



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233 applies under subsection (7). The department may deny approval  
234 and registration of the organization or a representative of the  
235 organization if it determines that the organization or  
236 representative does not meet the department's policies or  
237 procedures.

238 (9) The department may contract with a public or private  
239 educational institution's Veterans Advocacy Clinic or Veterans  
240 Legal Clinic to assist qualified veteran inmates in applying for  
241 veteran's benefits upon release.

242 (10)-(6)-(a) The department shall notify every inmate, in no  
243 less than 18-point type in the inmate's release documents:

244 (a) Of all terms of the inmate's sentence which are  
245 outstanding at the time of release, including, but not limited  
246 to, a term of supervision and any conditions required upon  
247 release from imprisonment or unpaid restitution, court costs,  
248 fees, or fines.

249 (b)1. That the inmate may be sentenced pursuant to s.  
250 775.082(9) if the inmate commits any felony offense described in  
251 s. 775.082(9) within 3 years after the inmate's release. This  
252 notice must be prefaced by the word "WARNING" in boldfaced type.

253 2.-(b) Nothing in This section does not preclude precludes  
254 the sentencing of a person pursuant to s. 775.082(9), and ~~nor~~  
255 ~~shall~~ evidence that the department failed to provide this notice  
256 does not prohibit a person from being sentenced pursuant to s.  
257 775.082(9). The state is ~~shall~~ not ~~be~~ required to demonstrate  
258 that a person received any notice from the department in order  
259 for the court to impose a sentence pursuant to s. 775.082(9).

260 (11) The department shall adopt rules to implement this  
261 section.

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262 Section 6. Present subsections (4), (5), and (6) of section  
263 944.801, Florida Statutes, are redesignated as subsections (5),  
264 (6), and (7), respectively, and a new subsection (4) is added to  
265 that section, to read:

266 944.801 Education for state prisoners.—

267 (4) The Correctional Education Program may establish a  
268 Prison Entrepreneurship Program and adopt procedures for  
269 admitting student inmates. If the department elects to develop  
270 the program, it must include at least 180 days of in-prison  
271 education. The program curriculum must include a component on  
272 developing a business plan, procedures for graduation and  
273 certification of successful student inmates, and at least 90  
274 days of transitional and postrelease continuing educational  
275 services. Transitional and postrelease continuing educational  
276 services may be offered to graduate student inmates on a  
277 voluntary basis and are not a requirement for completion of the  
278 program. The department shall enter into agreements with public  
279 or private colleges or universities or other nonprofit entities  
280 to implement the program. The program must be funded with  
281 existing resources.

282 Section 7. Subsection (1) of section 948.001, Florida  
283 Statutes, is amended to read:

284 948.001 Definitions.—As used in this chapter, the term:

285 (1) "Administrative probation" means a form of no contact,  
286 nonreporting supervision that may be imposed by order of the  
287 court or transfer by the Department of Corrections as provided  
288 in s. 948.013 in which an offender who presents a low risk of  
289 harm to the community may, upon satisfactory completion of half  
290 the term of probation, be transferred by the Department of

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291 ~~Corrections to this type of reduced level of supervision, as~~  
292 ~~provided in s. 948.013.~~

293 Section 8. Subsection (1) of section 948.013, Florida  
294 Statutes, is amended to read:

295 948.013 Administrative probation.—

296 (1) The Department of Corrections may transfer an offender  
297 to administrative probation if he or she presents a low risk of  
298 harm to the community and has satisfactorily completed at least  
299 half of his or her probation term. The department ~~of Corrections~~  
300 may establish procedures for transferring an offender to  
301 administrative probation. The department may collect an initial  
302 processing fee of up to \$50 for each probationer transferred to  
303 administrative probation. The offender is exempt from further  
304 payment for the cost of supervision as required in s. 948.09.

305 Section 9. Subsection (3) is added to section 948.03,  
306 Florida Statutes, to read:

307 948.03 Terms and conditions of probation.—

308 (3) The Department of Corrections shall include in the  
309 Florida Crime Information Center system all conditions of  
310 probation as determined by the court for each probationer.

311 Section 10. Present paragraphs (c) through (g) of  
312 subsection (1) of section 948.06, Florida Statutes, are  
313 redesignated as paragraphs (d) through (h), respectively,  
314 present paragraph (h) of that subsection is amended, a new  
315 paragraph (c) is added to that subsection, and subsection (9) is  
316 added to that section, to read:

317 948.06 Violation of probation or community control;  
318 revocation; modification; continuance; failure to pay  
319 restitution or cost of supervision.—

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320 (1)

321 (c) If a probationer or offender on community control  
322 commits a technical violation, the probation officer shall  
323 determine whether the probationer or offender on community  
324 control is eligible for the alternative sanctioning program  
325 under subsection (9). If the probation officer determines that  
326 the probationer or offender on community control is eligible,  
327 the probation officer may submit recommended sanctions to the  
328 court for its approval in lieu of filing an affidavit of  
329 violation with the court. For purposes of this section, the term  
330 "technical violation" means an alleged violation of supervision  
331 that is not a new felony offense, misdemeanor offense, or  
332 criminal traffic offense.

333 ~~(h)1. The chief judge of each judicial circuit, in~~  
334 ~~consultation with the state attorney, the public defender, and~~  
335 ~~the department, may establish an alternative sanctioning program~~  
336 ~~in which the department, after receiving court approval, may~~  
337 ~~enforce specified sanctions for certain technical violations of~~  
338 ~~supervision. For purposes of this paragraph, the term "technical~~  
339 ~~violation" means any alleged violation of supervision that is~~  
340 ~~not a new felony offense, misdemeanor offense, or criminal~~  
341 ~~traffic offense.~~

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

344 ~~a. Eligibility criteria.~~

345 ~~b. The technical violations that are eligible for the~~  
346 ~~program.~~

347 ~~c. The sanctions that may be recommended by a probation~~  
348 ~~officer for each technical violation.~~

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

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

354 ~~a. Waive participation in the alternative sanctioning~~  
355 ~~program, in which case the probation officer may submit a~~  
356 ~~violation report, affidavit, and warrant to the court in~~  
357 ~~accordance with this section; or~~

358 ~~b. Elect to participate in the alternative sanctioning~~  
359 ~~program after receiving written notice of an alleged technical~~  
360 ~~violation and a disclosure of the evidence against the offender,~~  
361 ~~admit to the technical violation, agree to comply with the~~  
362 ~~probation officer's recommended sanction if subsequently ordered~~  
363 ~~by the court, and agree to waive the right to:~~

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

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

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

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

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

372 ~~4. If the offender admits to committing the technical~~  
373 ~~violation and agrees with the probation officer's recommended~~  
374 ~~sanction, the probation officer must, before imposing the~~  
375 ~~sanction, submit the recommended sanction to the court as well~~  
376 ~~as documentation reflecting the offender's admission to the~~  
377 ~~technical violation and agreement with the recommended sanction.~~

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

381 ~~6. An offender's participation in an alternative~~  
382 ~~sanctioning program is voluntary. The offender may elect to~~  
383 ~~waive or discontinue participation in an alternative sanctioning~~  
384 ~~program at any time before the issuance of a court order~~  
385 ~~imposing the recommended sanction.~~

386 ~~7. If an offender waives or discontinues participation in~~  
387 ~~an alternative sanctioning program, the probation officer may~~  
388 ~~submit a violation report, affidavit, and warrant to the court~~  
389 ~~in accordance with this section. The offender's prior admission~~  
390 ~~to the technical violation may not be used as evidence in~~  
391 ~~subsequent proceedings.~~

392 (9) (a) Each judicial circuit shall establish an alternative  
393 sanctioning program as provided in this subsection. The chief  
394 judge of each judicial circuit may, by administrative order,  
395 define additional sanctions or eligibility criteria and specify  
396 the process for reporting technical violations through the  
397 alternative sanctioning program. Any sanctions recommended for  
398 imposition through an alternative sanctions program must be  
399 submitted to the court by the probation officer for approval  
400 prior to imposing the sanction.

401 (b) When committed by a probationer, a "low-risk violation"  
402 as used in this subsection means any of the following:

- 403 1. A positive drug or alcohol test result.  
404 2. Failure to report to the probation office.  
405 3. Failure to report a change in address or other required  
406 information.

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- 407       4. Failure to attend a required class, treatment or  
408 counseling session, or meeting.
- 409       5. Failure to submit to a drug or alcohol test.
- 410       6. A violation of curfew.
- 411       7. Failure to meet a monthly quota on any required  
412 probation condition, including, but not limited to, making  
413 restitution payments, paying court costs, or completing  
414 community service hours.
- 415       8. Leaving the county without permission.
- 416       9. Failure to report a change of employment.
- 417       10. Associating with a person engaged in criminal activity.
- 418       11. Any other violation as determined by administrative  
419 order of the chief judge of the circuit.
- 420       (c) A "moderate-risk violation" as used in this subsection  
421 means any of the following:
- 422       1. A violation listed in paragraph (b) when committed by an  
423 offender on community control.
- 424       2. Failure to remain at an approved residence by an  
425 offender on community control.
- 426       3. A third violation listed in paragraph (b) by a  
427 probationer within the current term of supervision.
- 428       4. Any other violation as determined by administrative  
429 order of the chief judge of the circuit.
- 430       (d) A probationer or offender on community control is not  
431 eligible for an alternative sanction if:
- 432       1. He or she is a violent felony offender of special  
433 concern as defined in paragraph (8) (b);
- 434       2. The violation is a felony, misdemeanor, or criminal  
435 traffic offense;

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436 3. The violation is absconding;

437 4. The violation is of a stay-away order or no-contact  
438 order;

439 5. The violation is not identified as low-risk or moderate-  
440 risk under this subsection or by administrative order;

441 6. He or she has a prior moderate-risk level violation  
442 during the current term of supervision;

443 7. He or she has three prior low-risk level violations  
444 during the same term of supervision;

445 8. The term of supervision is scheduled to terminate in  
446 less than 90 days; or

447 9. The terms of the sentence prohibit alternative  
448 sanctioning.

449 (e) For a first or second low-risk violation, as defined in  
450 paragraph (b), within the current term of supervision, a  
451 probation officer may offer an eligible probationer one or more  
452 of the following as an alternative sanction:

453 1. Up to 5 days in the county jail.

454 2. Up to 50 additional community service hours.

455 3. Counseling or treatment.

456 4. Support group attendance.

457 5. Drug testing.

458 6. Loss of travel or other privileges.

459 7. Curfew for up to 30 days.

460 8. House arrest for up to 30 days.

461 9. Any other sanction as determined by administrative order  
462 of the chief judge of the circuit.

463 (f) For a first moderate-risk violation, as defined in  
464 paragraph (c), within the current term of supervision, a



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465 probation officer, with a supervisor's approval, may offer an  
466 eligible probationer or offender on community control one or  
467 more of the following as an alternative sanction:

- 468 1. Up to 21 days in the county jail.
- 469 2. Curfew for up to 90 days.
- 470 3. House arrest for up to 90 days.
- 471 4. Electronic monitoring for up to 90 days.
- 472 5. Residential treatment for up to 90 days.
- 473 6. Any other sanction available for a low-risk violation.
- 474 7. Any other sanction as determined by administrative order

475 of the chief judge of the circuit.

476 (g) The participation of a probationer or an offender on  
477 community control in the program is voluntary. The probationer  
478 or offender on community control may waive or discontinue  
479 participation in the program at any time before the court  
480 imposes a recommended sanction.

481 (h)1. If a probationer or offender on community control is  
482 eligible for the alternative sanctioning program under this  
483 subsection, he or she may:

484 a. Waive participation in the program, in which case the  
485 probation officer may submit a violation report, affidavit, and  
486 warrant to the court; or

487 b. Elect to participate in the program after receiving  
488 written notice of an alleged technical violation and disclosure  
489 of the evidence against him or her, admitting to the technical  
490 violation, agreeing to comply with the probation officer's  
491 recommended sanction if subsequently ordered by the court, and  
492 agreeing to waive the right to:

493 (I) Be represented by legal counsel.

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

496 (III) Subpoena witnesses and present to a judge evidence in  
497 his or her defense.

498 (IV) Confront and cross-examine adverse witnesses.

499 (V) Receive a written statement from a judge as to the  
500 evidence relied on and the reasons for the sanction imposed.

501 2. If the probationer or offender on community control  
502 admits to committing the technical violation and agrees with the  
503 probation officer's recommended sanction, the probation officer  
504 must, before imposing the sanction, submit the recommended  
505 sanction to the court with documentation reflecting the  
506 probationer's admission to the technical violation and agreement  
507 with the recommended sanction.

508 (i) The court may impose the recommended sanction or direct  
509 the department to submit a violation report, affidavit, and  
510 warrant to the court.

511 (j) If a probationer or offender on community control  
512 waives or discontinues participation in the program or fails to  
513 successfully complete all alternative sanctions within 90 days  
514 after imposition or within the timeframe specified in the agreed  
515 upon sanction, the probation officer may submit a violation  
516 report, affidavit, and warrant to the court. A prior admission  
517 by the probationer or offender on community control to a  
518 technical violation may not be used as evidence in subsequent  
519 proceedings.

520 Section 11. Paragraph (c) of subsection (3) of section  
521 893.03, Florida Statutes, is amended to read:

522 893.03 Standards and schedules.—The substances enumerated

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523 in this section are controlled by this chapter. The controlled  
524 substances listed or to be listed in Schedules I, II, III, IV,  
525 and V are included by whatever official, common, usual,  
526 chemical, trade name, or class designated. The provisions of  
527 this section shall not be construed to include within any of the  
528 schedules contained in this section any excluded drugs listed  
529 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
530 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
531 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
532 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
533 Anabolic Steroid Products."

534 (3) SCHEDULE III.—A substance in Schedule III has a  
535 potential for abuse less than the substances contained in  
536 Schedules I and II and has a currently accepted medical use in  
537 treatment in the United States, and abuse of the substance may  
538 lead to moderate or low physical dependence or high  
539 psychological dependence or, in the case of anabolic steroids,  
540 may lead to physical damage. The following substances are  
541 controlled in Schedule III:

542 (c) Unless specifically excepted or unless listed in  
543 another schedule, any material, compound, mixture, or  
544 preparation containing limited quantities of any of the  
545 following controlled substances or any salts thereof:

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

549 2. Not more than 1.8 grams of codeine per 100 milliliters  
550 or not more than 90 milligrams per dosage unit, with recognized  
551 therapeutic amounts of one or more active ingredients which are

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552 not controlled substances.

553 3. Not more than 300 milligrams of hydrocodone per 100  
554 milliliters or not more than 15 milligrams per dosage unit, with  
555 a fourfold or greater quantity of an isoquinoline alkaloid of  
556 opium.

557 4. Not more than 300 milligrams of hydrocodone per 100  
558 milliliters or not more than 15 milligrams per dosage unit, with  
559 recognized therapeutic amounts of one or more active ingredients  
560 that are not controlled substances.

561 5. Not more than 1.8 grams of dihydrocodeine per 100  
562 milliliters or not more than 90 milligrams per dosage unit, with  
563 recognized therapeutic amounts of one or more active ingredients  
564 which are not controlled substances.

565 6. Not more than 300 milligrams of ethylmorphine per 100  
566 milliliters or not more than 15 milligrams per dosage unit, with  
567 one or more active, nonnarcotic ingredients in recognized  
568 therapeutic amounts.

569 7. Not more than 50 milligrams of morphine per 100  
570 milliliters or per 100 grams, with recognized therapeutic  
571 amounts of one or more active ingredients which are not  
572 controlled substances.

573

574 For purposes of charging a person with a violation of s. 893.135  
575 involving any controlled substance described in subparagraph 3.  
576 or subparagraph 4., the controlled substance is a Schedule III  
577 controlled substance pursuant to this paragraph but the weight  
578 of the controlled substance per milliliters or per dosage unit  
579 is not relevant to the charging of a violation of s. 893.135.  
580 The weight of the controlled substance shall be determined

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581 pursuant to s. 893.135(7) ~~s. 893.135(6)~~.

582 Section 12. This act shall take effect July 1, 2019.