

By the Committees on Appropriations; and Criminal Justice; and Senators Brandes, Gruters, Rouson, Perry, Broxson, and Taddeo

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1 A bill to be entitled
2 An act relating to public safety; creating s. 25.025,
3 F.S.; authorizing certain Supreme Court justices to
4 have an appropriate facility in their district of
5 residence designated as their official headquarters;
6 providing that an official headquarters may serve only
7 as a justice's private chambers; providing that such
8 justices are eligible for a certain subsistence
9 allowance and reimbursement for certain transportation
10 expenses; requiring that such allowance and
11 reimbursement be made to the extent appropriated funds
12 are available, as determined by the Chief Justice;
13 requiring the Chief Justice to coordinate with certain
14 persons in designating official headquarters;
15 providing that a county is not required to provide
16 space for a justice in a county courthouse;
17 authorizing counties to enter into agreements with the
18 Supreme Court for the use of county courthouse space;
19 prohibiting the Supreme Court from using state funds
20 to lease space in specified facilities to allow a
21 justice to establish an official headquarters;
22 amending s. 26.031, F.S.; increasing the number of
23 circuit judges in certain judicial circuits; creating
24 s. 43.51, F.S.; requiring the Office of the State
25 Courts Administrator to provide an annual report
26 containing certain information to the Legislature;
27 defining the term "problem-solving court"; amending s.
28 57.105, F.S.; prohibiting the awarding of attorney
29 fees for certain proceedings for injunctions for

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30 protection under specified provisions; providing an
31 exception; amending s. 212.15, F.S.; increasing
32 threshold amounts for certain theft offenses; amending
33 s. 322.055, F.S.; reducing the length of driver
34 license revocation for possession or sale of,
35 trafficking in, or conspiracy to possess, sell, or
36 traffic in a controlled substance; deleting provisions
37 authorizing a driver to petition the Department of
38 Highway Safety and Motor Vehicles for restoration of
39 his or her driving privilege; amending s. 322.056,
40 F.S.; reducing the period for revocation or suspension
41 of, or delay of eligibility for, driver licenses or
42 driving privileges for certain persons found guilty of
43 certain drug offenses; deleting requirements relating
44 to the revocation or suspension of, or delay of
45 eligibility for, driver licenses or driving privileges
46 for certain persons found guilty of certain alcohol or
47 tobacco offenses; deleting provisions relating to the
48 suspension or revocation of certain persons' driver
49 licenses; repealing s. 322.057, F.S., relating to
50 discretionary revocation or suspension of a driver
51 license for certain persons who provide alcohol to
52 persons under a specified age; amending s. 322.34,
53 F.S.; revising criminal penalties for the third or
54 subsequent offense of driving while license suspended,
55 revoked, canceled, or disqualified; creating s.
56 322.75, F.S.; requiring each clerk of court to
57 establish a Driver License Reinstatement Days program
58 for reinstating suspended driver licenses in certain

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59 circumstances; providing duties of the clerks of the
60 circuit courts and the department; authorizing such
61 clerks to compromise on or waive certain fees and
62 costs; providing eligibility requirements; requiring
63 the clerks of court to collect specified data and
64 report such data to the Florida Clerks of Court
65 Operations Corporation; requiring the Florida Clerks
66 of Court Operations Corporation to report specified
67 information in the annual report required by s. 28.35,
68 F.S.; amending s. 381.0041, F.S.; providing an
69 exception to allow the donation of human tissue by a
70 person who has human immunodeficiency virus infection
71 under certain circumstances; reclassifying a criminal
72 offense relating to such donations; amending s.
73 384.23, F.S.; providing definitions; amending s.
74 384.24, F.S.; expanding the scope of unlawful acts by
75 a person infected with a sexually transmissible
76 disease; expanding the list of sexually transmissible
77 diseases to include human immunodeficiency virus
78 infection; providing that certain actions are not
79 sufficient evidence to establish intent on the part of
80 the person who transmits the disease; providing a
81 definition; amending s. 384.34, F.S.; reclassifying
82 specified criminal offenses; removing a fine for
83 specified rule violations; amending s. 394.47891,
84 F.S.; requiring, rather than authorizing, the chief
85 judge of each judicial circuit to establish a Military
86 Veterans and Servicemembers Court Program; revising
87 the list of individuals who, if charged or convicted

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88 of certain criminal offenses, may participate in a
89 Military Veterans and Servicemembers Court Program
90 under certain circumstances; amending s. 394.917,
91 F.S.; requiring the Department of Children and
92 Families to provide rehabilitation to criminal
93 offenders designated as sexually violent predators;
94 amending s. 397.334, F.S.; conforming provisions to
95 changes made by the act; amending s. 455.213, F.S.;

96 conforming a cross-reference; requiring the Department
97 of Business and Professional Regulation or applicable
98 board to use a specified process for the review of an
99 applicant's criminal history record to determine the
100 applicant's eligibility for certain licenses;
101 prohibiting the conviction of a crime before a
102 specified date from being grounds for denial of
103 certain licenses; defining the term "conviction";
104 authorizing a person to apply for a license before his
105 or her lawful release from confinement or supervision;
106 prohibiting additional fees for an applicant confined
107 or under supervision; prohibiting the department or
108 applicable board from basing a denial of a license
109 application solely on the applicant's current
110 confinement or supervision; authorizing the department
111 or applicable board to stay the issuance of an
112 approved license under certain circumstances;
113 requiring the department or applicable board to verify
114 an applicant's release with the Department of
115 Corrections or other applicable authority; providing
116 requirements for the appearance of certain applicants

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117 at certain meetings; requiring the department or
118 applicable board to provide an annually updated list
119 on its website specifying how certain crimes affect an
120 applicant's eligibility for licensure; providing that
121 certain information be identified for each crime on
122 the list; requiring that such list be available to the
123 public upon request; amending s. 474.2165, F.S.;
124 authorizing a veterinarian to report certain suspected
125 criminal violations without notice to or authorization
126 from a client; providing an exception; amending s.
127 489.126, F.S.; providing that a contractor has a just
128 cause defense for criminal offenses and disciplinary
129 violations; providing an inference; deleting an intent
130 requirement for contractor offenses; revising elements
131 of offenses; revising criminal penalties for
132 contractor offenses; amending s. 489.553, F.S.;
133 prohibiting the conviction of a crime from being
134 grounds for the denial of registration after a
135 specified time has passed under certain circumstances;
136 defining the term "conviction"; authorizing a person
137 to apply for registration before his or her lawful
138 release from confinement or supervision; prohibiting
139 the Department of Business and Professional Regulation
140 from charging an applicant who is confined or under
141 supervision additional fees; prohibiting the
142 applicable board from basing the denial of
143 registration solely on the applicant's current
144 confinement or supervision; authorizing the board to
145 stay the issuance of an approved registration under

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146 certain circumstances; requiring the board to verify
147 an applicant's release with the Department of
148 Corrections or other applicable authority; providing
149 requirements for the appearance of certain applicants
150 at certain meetings; requiring the applicable board to
151 provide a quarterly updated list on its website
152 specifying how certain crimes may affect an
153 applicant's eligibility for registration; providing
154 that certain information be identified for each crime
155 on the list; requiring that such list be available to
156 the public upon request; amending s. 500.451, F.S.;
157 abolishing mandatory minimum sentence for the sale of
158 horse meat for human consumption; amending s. 509.151,
159 F.S.; increasing threshold amounts for certain theft
160 offenses; amending s. 562.11, F.S.; deleting
161 provisions relating to withholding, suspending, or
162 revoking the driving privilege of a person who
163 provides alcoholic beverages to a person under 21
164 years of age; amending s. 562.111, F.S.; deleting
165 provisions relating to withholding, suspending, or
166 revoking the driving privilege of a person under 21
167 years of age who possesses alcoholic beverages;
168 amending s. 562.27, F.S.; reducing the offense
169 severity of certain crimes related to the possession
170 of a still or related apparatus; amending s. 562.451,
171 F.S.; reducing the offense severity for possession of
172 one or more gallons of certain liquors; amending s.
173 569.11, F.S.; conforming provisions to changes made by
174 the act; revising penalties; amending s. 713.69, F.S.;

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175 increasing threshold amounts for certain theft
176 offenses; amending s. 775.082, F.S.; revising
177 legislative intent that certain offenders released
178 from incarceration from county detention facilities
179 qualify as prison releasee reoffenders; amending s.
180 775.087, F.S.; providing legislative intent regarding
181 retroactive application; prohibiting mandatory minimum
182 sentencing for aggravated assault or attempted
183 aggravated assault committed before July 1, 2016;
184 amending s. 775.0877, F.S.; conforming provisions to
185 changes made by the act; amending s. 784.048, F.S.;
186 revising the definition of the term "cyberstalk";
187 providing criminal penalties; amending s. 790.052,
188 F.S.; specifying that certain law enforcement and
189 correctional officers meet the definition of
190 "qualified law enforcement officer" for the purposes
191 of qualifying for certain rights during off-duty
192 hours; specifying that certain persons meet the
193 definition of "qualified retired law enforcement
194 officer" for the purposes of qualifying for certain
195 rights during off-duty hours; amending s. 790.22,
196 F.S.; authorizing, rather than requiring, a court to
197 withhold issuance of or suspend a person's driver
198 license or driving privilege for a minor who possesses
199 or uses a firearm in certain circumstances; amending
200 s. 800.09, F.S.; revising the definitions of the terms
201 "employee" and "facility"; prohibiting certain lewd or
202 lascivious acts in the presence of county correctional
203 personnel; providing criminal penalties; amending s.

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204 806.13, F.S.; authorizing, rather than requiring, a
205 court to withhold issuance of or suspend a person's
206 driver license or driving privilege for committing
207 criminal mischief by a minor; amending s. 812.014,
208 F.S.; increasing the threshold amount for certain
209 theft offenses; requiring the Office of Program Policy
210 Analysis and Government Accountability (OPPAGA) to
211 perform a study about certain threshold amounts on a
212 specified schedule; providing study requirements;
213 requiring OPPAGA to consult with the Office of
214 Economic and Demographic Research and other interested
215 entities; requiring OPPAGA to submit a report to the
216 Governor and the Legislature by a certain date and on
217 a specified basis; amending s. 812.015, F.S.; revising
218 the circumstances under which an offense of retail
219 theft constitutes a felony of the second or third
220 degree; authorizing the aggregation of retail thefts
221 that occur in more than one judicial circuit within a
222 30-day period into one total value and requiring
223 prosecution of such thefts by the Office of the
224 Statewide Prosecutor in accordance with s. 16.56,
225 F.S.; requiring OPPAGA to perform a study about
226 certain threshold amounts on a specified schedule;
227 providing study requirements; requiring OPPAGA to
228 consult with the Office of Economic and Demographic
229 Research and other interested entities; requiring
230 OPPAGA to submit a report to the Governor and the
231 Legislature by a certain date and on a specified
232 basis; amending s. 812.0155, F.S.; removing a court's

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233 authority to suspend a driver license for a
234 misdemeanor theft adjudication of guilt for a person
235 18 years of age or older; allowing a court to suspend
236 a driver license for a person 18 years of age or
237 younger as an alternative to other possible sentences;
238 amending s. 815.03, F.S.; revising the definition of
239 the term "access" for purposes of provisions relating
240 to computer crimes; amending s. 815.06, F.S.; revising
241 conduct constituting an offense against users of
242 computers, computer systems, computer networks, or
243 electronic devices; providing criminal penalties;
244 amending s. 817.413, F.S.; increasing threshold
245 amounts for certain theft offenses; amending s.
246 831.28, F.S.; criminalizing possession of a
247 counterfeit instrument with intent to defraud;
248 amending s. 847.011, F.S.; prohibiting a person from
249 knowingly selling, lending, giving away, distributing,
250 transmitting, showing, or transmuting a child-like sex
251 doll; prohibiting a person from offering to commit
252 such actions, having in his or her possession,
253 custody, or control with the intent to commit such
254 actions or advertising in any manner an obscene,
255 child-like sex doll; providing criminal penalties;
256 prohibiting a person from knowingly having in his or
257 her possession, custody, or control an obscene, child-
258 like sex doll; providing criminal penalties; amending
259 s. 849.01, F.S.; reducing the offense severity of
260 certain crimes relating to keeping a gambling house or
261 possessing certain gambling apparatuses; amending s.

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262 877.112, F.S.; removing driver license revocation or
263 suspension as a penalty for certain offenses involving
264 nicotine products; amending s. 893.135, F.S.; defining
265 the term "dosage unit"; providing applicability;
266 prohibiting the sale, purchase, delivery, bringing
267 into this state, or actual or constructive possession
268 of specified amounts of dosage units of certain
269 controlled substances; creating the offense of
270 "trafficking in pharmaceuticals"; providing criminal
271 penalties; requiring that the court impose, for an
272 offense relating to trafficking in certain substances,
273 a sentence pursuant to the Criminal Punishment Code
274 and without regard to any statutory minimum sentence
275 if the court makes specified findings under certain
276 circumstances; providing legislative intent regarding
277 retroactive application; providing for sentencing or
278 resentencing of specified drug trafficking offenses
279 committed before July 1, 2014; amending s. 900.05,
280 F.S.; revising and providing definitions; revising and
281 providing data required to be collected and reported
282 to the Department of Law Enforcement by specified
283 entities; requiring the department to publish data
284 received from reporting agencies by a specified date;
285 imposing penalties on reporting agencies for
286 noncompliance with data reporting requirements;
287 declaring information that is confidential and exempt
288 upon collection by a reporting agency remains
289 confidential and exempt when reported to the
290 department; creating s. 900.06, F.S.; defining terms

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291 and specifying covered offenses; requiring that a
292 custodial interrogation at a place of detention be
293 electronically recorded in its entirety in connection
294 with certain offenses; requiring law enforcement
295 officers who do not comply with the electronic
296 recording requirement or who conduct custodial
297 interrogations at a place other than a place of
298 detention to prepare a specified report; providing
299 exceptions to the electronic recording requirement;
300 requiring a court to consider a law enforcement
301 officer's failure to comply with the electronic
302 recording requirement in determining the admissibility
303 of a statement, unless an exception applies; requiring
304 a court, upon the request of a defendant, to give
305 cautionary instructions to a jury under certain
306 circumstances; providing immunity from civil liability
307 to law enforcement agencies that enforce certain
308 rules; providing that no cause of action is created
309 against a law enforcement officer; amending s.
310 921.002, F.S.; revising a principle of the Criminal
311 Punishment Code relating to a prisoner's required
312 minimum term of imprisonment; providing retroactivity;
313 creating s. 943.0578, F.S.; establishing eligibility
314 criteria for expunction of a criminal history record
315 by a person found to have acted in lawful self-
316 defense; requiring the department to issue a
317 certificate of eligibility for expunction if specified
318 criteria are fulfilled; specifying requirements for a
319 petition to expunge; creating a penalty for providing

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320 false information on such petition; requiring the
321 department to adopt rules relating to a certificate of
322 expunction for lawful self-defense; amending s.
323 943.0581, F.S.; clarifying that administrative
324 expunction applies to criminal history records
325 resulting from an arrest made contrary to law or by
326 mistake; creating s. 943.0584, F.S.; providing a
327 definition; specifying criminal history records that
328 are ineligible for court-ordered expunction or court-
329 ordered sealing; amending s. 943.0585, F.S.; providing
330 eligibility criteria for court-ordered expunction of a
331 criminal history record; requiring the department to
332 issue a certificate of eligibility to petitioners
333 meeting eligibility criteria; specifying requirements
334 for a petition for court-ordered expunction;
335 specifying a court's authority to expunge criminal
336 history records; specifying the process for a petition
337 to expunge a criminal history record; specifying the
338 process following the issuance of an order to expunge
339 a criminal history record; specifying the effect of an
340 order to expunge a criminal history record; amending
341 s. 943.059, F.S.; providing eligibility criteria for
342 court-ordered sealing of a criminal history record;
343 requiring the department to issue a certificate of
344 eligibility to petitioners meeting eligibility
345 criteria; specifying requirements for a petition for
346 court-ordered sealing; specifying a court's authority
347 to seal criminal history records; specifying the
348 process for a petition to seal a criminal history

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349 record; specifying the effect of an order to seal a
350 criminal history record; creating s. 943.0595, F.S.;
351 requiring the department to adopt rules to implement
352 administrative sealing of specified criminal history
353 records; providing eligibility criteria for
354 administrative sealing of criminal history records;
355 specifying ineligible criminal history records;
356 providing that there is no limitation on the number of
357 times a person with an eligible criminal history
358 record may obtain an automatic administrative sealing;
359 requiring the clerk of court to transmit a certified
360 copy of an eligible criminal history record to the
361 department upon the resolution of a criminal case;
362 specifying that the effect of automatic sealing is the
363 same as court-ordered sealing; amending s. 943.325,
364 F.S.; revising legislative findings relating to the
365 use of the DNA database; amending s. 943.6871, F.S.;
366 declaring information received by the department from
367 a reporting agency that is confidential and exempt
368 upon collection remains confidential and exempt;
369 requiring the department to commission a racial impact
370 statement on certain proposed criminal justice
371 legislation; amending s. 944.275, F.S.; revising the
372 incentive gain-time that the Department of Corrections
373 may grant a prisoner for offenses committed on or
374 after a specified date; amending s. 944.47, F.S.;
375 providing enhanced penalties for offenses involving
376 introduction of contraband in correctional facilities
377 when committed by correctional facility employees;

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378 amending s. 944.704, F.S.; authorizing the department
379 to increase the number of employees serving as
380 transition specialists and employment specialists;
381 requiring transition assistance staff to provide job
382 assignment credentialing and industry certification
383 information to inmates before their release; amending
384 s. 944.705, F.S.; requiring the department to
385 establish a telephone hotline for released offenders;
386 requiring that the department provide an inmate with a
387 comprehensive community reentry resource directory
388 organized by county before the inmate's release;
389 requiring the department to use certain programming
390 data to notify inmates about reentry resources before
391 release; authorizing a nonprofit faith-based or
392 professional business or a civic or community
393 organization to apply for registration with the
394 department to provide inmate reentry services;
395 requiring the department to adopt certain policies and
396 procedures; authorizing the department to deny
397 approval and registration of an organization or
398 representative of an organization under certain
399 circumstances; authorizing the department to contract
400 with a public or private educational institution's
401 veteran advocacy clinic or veteran legal clinic for
402 certain purposes; authorizing the department to
403 contract with public or private organizations to
404 establish transitional employment programs that
405 provide employment opportunities to recently released
406 inmates; requiring the department to adopt certain

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407 rules; amending s. 944.801, F.S.; authorizing the
408 Correctional Education Program to establish a Prison
409 Entrepreneurship Program and adopt procedures for
410 admitting student inmates; providing requirements for
411 the program; authorizing transitional and postrelease
412 continuing educational services to be offered under
413 certain circumstances; requiring the department to
414 enter into certain agreements to implement the
415 program; requiring that the program be funded with
416 existing resources; amending s. 948.001, F.S.;

417 redefining the term "administrative probation";
418 amending s. 948.013, F.S.; authorizing the department
419 to transfer an offender to administrative probation
420 under certain circumstances; amending s. 948.03, F.S.;

421 requiring the department to include in the Florida
422 Crime Information Center system all conditions of
423 probation as determined by the court for each
424 probationer; amending s. 948.04, F.S.; requiring a
425 court to early terminate a term of probation or
426 convert the term to administrative probation under
427 certain circumstances; authorizing a court to continue
428 reporting probation upon making written findings;

429 amending s. 948.05, F.S.; requiring the department to
430 implement a graduated incentives program for
431 probationers and offenders on community control;
432 authorizing the department to issue certain incentives
433 without leave of court; amending s. 948.06, F.S.;

434 requiring a probation officer to determine whether a
435 probationer or offender on community control who

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436 commits a technical violation is eligible for a
437 certain alternative sanctioning program; authorizing
438 the probation officer to take certain actions if such
439 probationer or offender is eligible; defining the term
440 "technical violation"; requiring a court to modify or
441 continue a probationary term under certain
442 circumstances; requiring that judicial circuits
443 establish an alternative sanctioning program;
444 authorizing the chief judge of each judicial circuit
445 to issue specified administrative orders; requiring a
446 probation officer to submit to the court for approval
447 any recommended sanctions against a probationer or
448 offender determined to be eligible for the program;
449 defining the terms "low-risk violation" and "moderate-
450 risk violation"; specifying circumstances under which
451 a probationer or offender on community control is not
452 eligible for an alternative sanction; authorizing a
453 probation officer to offer an eligible probationer one
454 or more specified alternative sanctions for a first or
455 second low-risk violation; authorizing a probation
456 officer, under certain circumstances, to offer an
457 eligible probationer or offender on community control
458 one or more specified alternative sanctions for a
459 first moderate-risk violation; providing that the
460 participation of a probationer or offender on
461 community control in the alternative sanctioning
462 program is voluntary, subject to certain requirements;
463 specifying actions that a probationer or offender on
464 community control may take if he or she is eligible

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465 for an alternative sanctioning program; requiring that
466 a probation officer, under certain circumstances,
467 submit a recommended sanction to the court;
468 authorizing the court to impose the recommended
469 sanction or direct the department to submit a
470 violation report, affidavit, and warrant to the court;
471 authorizing a probation officer to submit a violation
472 report, affidavit, and warrant to the court under
473 certain circumstances; prohibiting certain evidence in
474 subsequent proceedings; amending s. 948.08, F.S.;

475 expanding eligibility criteria for pretrial substance
476 abuse education programs to include a person with two
477 or fewer convictions for nonviolent felonies; revising
478 the list of individuals who, if charged with certain
479 felonies, are eligible for voluntary admission into a
480 pretrial veterans' treatment intervention program
481 under certain circumstances; creating s. 948.081,
482 F.S.; authorizing community court programs; providing
483 program requirements; amending s. 948.16, F.S.;

484 revising the list of individuals who, if charged with
485 certain misdemeanors, are eligible for voluntary
486 admission into a misdemeanor pretrial veterans'
487 treatment intervention program under certain
488 circumstances; amending s. 948.21, F.S.; revising the
489 list of individuals who, if probationers or community
490 controlees, may be required to participate in a
491 certain treatment program under certain circumstances;
492 providing program criteria; amending s. 951.22, F.S.;

493 prohibiting introduction into or possession of certain

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494 cellular telephones or other portable communication
495 devices on the grounds of any county detention
496 facility; providing criminal penalties; amending s.
497 958.04, F.S.; revising the criteria authorizing a
498 court to sentence as a youthful offender a person who
499 is found guilty of, or who pled nolo contendere or
500 guilty to, committing a felony before the person
501 turned 21 years of age; amending s. 960.003, F.S.;
502 conforming cross-references; amending s. 960.07, F.S.;
503 increasing the timeframe for filing a crime victim
504 compensation claim; providing an extension for good
505 cause for a specified period; increasing the timeframe
506 for a victim or intervenor who was less than 18 years
507 of age at the time of the crime to file a claim;
508 providing an extension for good cause for a specified
509 period; increasing the timeframe for filing a claim
510 for victim compensation for a victim of a sexually
511 violent offense; amending s. 960.13, F.S.; increasing
512 the timeframe for prompt reporting of a crime to be
513 eligible for a victim compensation award; amending s.
514 960.195, F.S.; increasing the timeframe for reporting
515 a criminal or delinquent act resulting in property
516 loss of an elderly person or disabled adult; amending
517 s. 960.196, F.S.; increasing the timeframe to report
518 certain human trafficking offenses to be eligible for
519 a victim relocation assistance award; providing an
520 extension for good cause; amending s. 985.12, F.S.;
521 providing that locally authorized entities may
522 continue to operate an independent civil citation or

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523 similar prearrest diversion program that is in
524 operation as of October 1, 2018; requiring each civil
525 citation or similar diversion program to enter
526 appropriate youth data into the Juvenile Justice
527 Information System Prevention Web within a specified
528 period after the admission of the youth into the
529 program; amending s. 985.126, F.S.; removing the
530 requirement for law enforcement officers to submit a
531 copy of specified documentation to the Department of
532 Juvenile Justice; requiring certain information be
533 entered into the Juvenile Justice Information System
534 Prevention Web within a specified timeframe; amending
535 s. 985.145, F.S.; deleting the requirement that the
536 department must enter certain information into the
537 Juvenile Justice Information System Prevention Web in
538 specified instances; amending s. 985.265, F.S.;

539 revising provisions concerning the housing of children
540 held in detention; prohibiting a child who has been
541 transferred to adult court for criminal prosecution
542 pursuant to direct file from being held in a jail or
543 other facility used for the detention of adults prior
544 to a hearing to determine if the child should remain
545 in adult court; amending s. 985.557, F.S.; deleting
546 references to the state attorney's discretion to
547 direct file a juvenile; revising discretionary direct
548 file criteria; deleting provisions for mandatory
549 direct file; providing for an opportunity for a
550 hearing to reverse a direct file; deleting provisions
551 requiring the mandatory direct filing of charges in

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552 adult court against juveniles in certain
553 circumstances; amending ss. 776.09, 893.03, 943.053,
554 and 943.0582, F.S.; conforming cross-references;
555 amending s. 985.565, F.S.; conforming provisions to
556 changes made by the act; amending s. 921.0022, F.S.;
557 listing on levels 3 and 4 certain felonies on the
558 offense severity ranking chart of the Criminal
559 Punishment Code; conforming provisions to changes made
560 by the act; reenacting s. 322.05(11), F.S., relating
561 to prohibiting the issuance of a driver license to
562 certain persons, to incorporate the amendment made to
563 s. 322.056, F.S., in a reference thereto; reenacting
564 s. 316.027(2)(c) and 907.041(4)(c), F.S., relating to
565 a crash involving death or personal injuries and
566 pretrial detention and release, respectively, to
567 incorporate the amendment made to s. 322.34, F.S., in
568 references thereto; reenacting s. 910.035(5), F.S.,
569 relating to transfer for participation in a problem-
570 solving court, to incorporate the amendment made to s.
571 394.47891, F.S., in a reference thereto; reenacting s.
572 509.161, F.S., relating to rules of evidence in
573 certain prosecutions, to incorporate the amendment
574 made to s. 509.151, F.S., in a reference thereto;
575 reenacting ss. 790.065(2)(c), 794.056(1), 847.0141(4),
576 901.41(5), 938.08, 938.085, 943.325(2)(g),
577 948.06(8)(c), 948.062(1), 960.001(1)(b),
578 985.265(3)(b), and 1006.147(3)(e), F.S., relating to
579 the sale and delivery of firearms, the Rape Crisis
580 Program Trust Fund, sexting, prearrest diversion

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581 programs, additional costs to fund programs in
582 domestic violence and rape crisis centers, the DNA
583 database, the definition of the term "qualifying
584 offense" as it relates to the violation of probation
585 or community control and failure to pay restitution or
586 cost of supervision, reviewing and reporting serious
587 offenses committed by offenders placed on probation or
588 community control, guidelines for fair treatment of
589 victims and witnesses in the criminal justice and
590 juvenile justice systems, detention transfer and
591 release, education, and adult jails, and the
592 prohibition of bullying and harassment, respectively,
593 to incorporate the amendment made to s. 784.048, F.S.,
594 in references thereto; reenacting s. 316.0775(1),
595 F.S., relating to interference with official traffic
596 control devices or railroad signs or signals, to
597 incorporate the amendment made to s. 806.13, F.S., in
598 a reference thereto; reenacting ss. 95.18(10),
599 373.6055(3)(c), 400.9935(3), 550.6305(10), 627.743(2),
600 634.421(2), 642.038(2), 705.102(4), 812.14(7), and
601 893.138(3), F.S., relating to real property actions
602 and adverse possession without color of title,
603 criminal history checks for certain water management
604 district employees and others, clinic
605 responsibilities, intertrack wagering, guest track
606 payments, and accounting rules, the payment of third-
607 party claims, reporting and accounting for funds,
608 reporting lost or abandoned property, trespass and
609 larceny with relation to utility fixtures and the

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610 theft of utility services, and local administrative
611 action to abate drug-related, prostitution-related, or
612 stolen-property-related public nuisances and criminal
613 gang activity, respectively, to incorporate the
614 amendment made to s. 812.014, F.S., in references
615 thereto; reenacting ss. 538.09(5) and 538.23(2), F.S.,
616 relating to the registration of and violations and
617 penalties for secondhand dealers, respectively, to
618 incorporate the amendment made to s. 812.015, F.S., in
619 references thereto; reenacting s. 1006.147(3)(e),
620 F.S., relating to the prohibition of bullying and
621 harassment, to incorporate the amendment made to s.
622 815.03, F.S., in a reference thereto; reenacting ss.
623 316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5),
624 and 934.07(3), F.S., relating to the unlawful
625 conveyance of fuel and obtaining fuel fraudulently,
626 terrorism, providing material support or resources for
627 terrorism or to terrorist organizations, the
628 definition of the term "terrorism" as it relates to
629 murder, and the authorization for interception of
630 wire, oral, or electronic communications,
631 respectively, to incorporate the amendment made to s.
632 815.06, F.S., in references thereto; reenacting ss.
633 772.102(1)(a), 847.02, 847.03, 847.09(2),
634 895.02(8)(a), 933.02(2), 933.03, and 943.325(2)(g),
635 F.S., relating to the definition of the term "criminal
636 activity," the confiscation of obscene material, the
637 seizure of obscene material by an officer, legislative
638 intent regarding obscene materials, the definition of

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639 the term "racketeering activity," grounds for the
640 issuance of a search warrant, the destruction of
641 obscene prints and literature, and the DNA database,
642 respectively, to incorporate the amendment made to s.
643 847.011, F.S., in a reference thereto; reenacting s.
644 849.02, F.S., relating to agents or employees of
645 keepers of gambling houses, to incorporate the
646 amendment made to s. 849.01, F.S., in a reference
647 thereto; reenacting ss. 373.6055(3)(c), 397.4073(6),
648 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a),
649 782.04(1)(a), (3), and (4), 810.02(3), 893.13(8)(d),
650 893.1351(1) and (2), 900.05(3)(e), 903.133,
651 907.041(4)(c), 921.141(9), and 921.142(2), F.S.,
652 relating to criminal history checks for certain water
653 management district employees and others, background
654 checks of service provider personnel, determining
655 eligibility for temporary cash assistance, the Drug
656 Dealer Liability Act, possession or use of a weapon,
657 aggravated battery, felony reclassifications, and
658 minimum sentencing, murder, burglary, prohibited acts
659 and penalties relating to controlled substances, the
660 ownership, lease, rental, or possession for
661 trafficking in or manufacturing a controlled
662 substance, criminal justice data collection, the
663 prohibition of bail on appeal for certain felony
664 convictions, pretrial detention and release, the
665 sentence of death or life imprisonment for capital
666 felonies and further proceedings to determine
667 sentences, and the sentence of death or life

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668 imprisonment for capital drug trafficking felonies and
669 further proceedings to determine sentences,
670 respectively, to incorporate the amendment made to s.
671 893.135, F.S., in references thereto; reenacting s.
672 944.026(3)(a), F.S., relating to community-based
673 facilities and programs, to incorporate the amendment
674 made to s. 944.704, F.S., in a reference thereto;
675 reenacting s. 944.4731(6), F.S., relating to the
676 Addiction-Recovery Supervision Program, to incorporate
677 the amendment made to s. 944.705, F.S., in a reference
678 thereto; reenacting s. 447.203(2), F.S., relating to
679 the definition of the terms "public employer" or
680 "employer," to incorporate the amendment made to s.
681 944.801, F.S., in a reference thereto; reenacting s.
682 921.187(1)(n), F.S., relating to disposition and
683 sentencing alternatives, to incorporate the amendment
684 made to s. 948.013, F.S., in a reference thereto;
685 reenacting ss. 948.012(2)(b), 948.10(3), 948.20(3),
686 and 958.14, F.S., relating to split sentencing of
687 probation or community control and imprisonment,
688 procedures governing violations of community control,
689 revocation of drug offender probation, and violations
690 of probation or community control programs,
691 respectively, to incorporate the amendment made to s.
692 948.06, F.S., in references thereto; reenacting ss.
693 796.07(4)(b), 944.026(3)(b), and 948.036(1), F.S.,
694 relating to charges of prostitution and related acts,
695 certain pretrial intervention programs, and work
696 programs, respectively, to incorporate the amendment

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697 made to s. 948.08, F.S., in references thereto;
698 reenacting ss. 394.47892(2), 397.334(5), and
699 910.035(5)(a), F.S., relating to mental health court
700 programs, treatment-based drug court programs, and
701 transfer for participation in a problem-solving court,
702 respectively, to incorporate the amendments made to
703 ss. 948.08 and 948.16, F.S., in references thereto;
704 reenacting s. 910.035(5)(a), F.S., relating to
705 transfer for participation in a problem-solving court,
706 to incorporate the amendment made to s. 948.21, F.S.,
707 in a reference thereto; reenacting ss. 958.03(5),
708 958.045(8)(a), 958.046, and 985.565(4)(c), F.S.,
709 relating to the definition of the term "youthful
710 offender," the youthful offender basic training
711 program, county-operated youthful offender boot camp
712 programs, and adult sanctions upon failure of juvenile
713 sanctions, to incorporate the amendment made to s.
714 958.04, F.S., in references thereto; reenacting s.
715 985.556(3), F.S., relating to involuntary mandatory
716 waiver, to incorporate the amendment made to s.
717 985.557, F.S., in a reference thereto; reenacting ss.
718 985.15(1), and 985.26(2)(c), F.S., relating to filing
719 decisions of state attorneys in the prosecution of a
720 child, and length of detention for prolific juvenile
721 offenders, respectively, to incorporate the amendment
722 made to s. 985.557, F.S., in references thereto;
723 providing effective dates.

724
725 Be It Enacted by the Legislature of the State of Florida:

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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 another appropriate facility in his or her district of residence designated as his or her official headquarters pursuant to s. 112.061. This official headquarters may serve only as the justice's private chambers.

(b) A justice for whom an official headquarters is designated in his or her district of residence under this subsection is eligible for subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the Supreme Court Building for the conduct of the business of the court. In addition to the subsistence allowance, a justice is eligible for reimbursement for transportation expenses as provided in s. 112.061(7) for travel between the justice's official headquarters and the Supreme Court Building for the conduct of the business of the court.

(c) Payment of subsistence and reimbursement for transportation expenses relating to travel between a justice's official headquarters and the Supreme Court Building must be made to the extent that appropriated funds are available, as determined by the Chief Justice.

(2) The Chief Justice shall coordinate with each affected justice and other state and local officials as necessary to

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755 implement paragraph (1)(a).

756 (3)(a) This section does not require a county to provide
757 space in a county courthouse for a justice. A county may enter
758 into an agreement with the Supreme Court governing the use of
759 space in a county courthouse.

760 (b) The Supreme Court may not use state funds to lease
761 space in a district court of appeal courthouse, county
762 courthouse, or other facility to allow a justice to establish an
763 official headquarters pursuant to subsection (1).

764 Section 2. Subsections (9) and (12) of section 26.031,
765 Florida Statutes, are amended to read:

766 26.031 Judicial circuits; number of judges.—The number of
767 circuit judges in each circuit shall be as follows:

768		
769	JUDICIAL CIRCUIT	TOTAL
770	(9) Ninth.....	<u>44</u> 43
771	(12) Twelfth.....	<u>22</u> 21

772 Section 3. Section 43.51, Florida Statutes, is created to
773 read:

774 43.51 Problem-solving court reports.—

775 (1) The Office of the State Courts Administrator shall
776 provide an annual report to the President of the Senate and the
777 Speaker of the House of Representatives which details the number
778 of participants in each problem-solving court for each fiscal
779 year the court has been operating and the types of services
780 provided, identifies each source of funding for each court
781 during each fiscal year, and provides information on the
782 performance of each court based upon outcome measures
783 established by the courts.

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784 (2) For purposes of this section, the term "problem-solving
785 court" includes, but is not limited to, a drug court pursuant to
786 s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a
787 military veterans' and servicemembers' court pursuant to s.
788 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
789 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
790 948.08, or s. 948.16; a community court pursuant to s. 948.081;
791 or a delinquency pretrial intervention court program pursuant to
792 s. 985.345.

793 Section 4. Subsection (8) is added to section 57.105,
794 Florida Statutes, to read:

795 57.105 Attorney's fee; sanctions for raising unsupported
796 claims or defenses; exceptions; service of motions; damages for
797 delay of litigation.—

798 (8) Attorney fees may not be awarded under this section in
799 proceedings for an injunction for protection pursuant to s.
800 784.046 or s. 784.0485, unless the court finds by clear and
801 convincing evidence that the petitioner knowingly made a false
802 statement or allegation in the petition with regard to a
803 material matter as defined in s. 837.011(3).

804 Section 5. Subsection (2) of section 212.15, Florida
805 Statutes, is amended to read:

806 212.15 Taxes declared state funds; penalties for failure to
807 remit taxes; due and delinquent dates; judicial review.—

808 (2) Any person who, with intent to unlawfully deprive or
809 defraud the state of its moneys or the use or benefit thereof,
810 fails to remit taxes collected under this chapter commits ~~is~~
811 ~~guilty of~~ theft of state funds, punishable as follows:

812 (a) If the total amount of stolen revenue is less than

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813 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,
814 punishable as provided in s. 775.082 or s. 775.083. Upon a
815 second conviction, the offender commits ~~is guilty of~~ a
816 misdemeanor of the first degree, punishable as provided in s.
817 775.082 or s. 775.083. Upon a third or subsequent conviction,
818 the offender commits ~~is guilty of~~ a felony of the third degree,
819 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

820 (b) If the total amount of stolen revenue is \$1,000 ~~\$300~~ or
821 more, but less than \$20,000, the offense is a felony of the
822 third degree, punishable as provided in s. 775.082, s. 775.083,
823 or s. 775.084.

824 (c) If the total amount of stolen revenue is \$20,000 or
825 more, but less than \$100,000, the offense is a felony of the
826 second degree, punishable as provided in s. 775.082, s. 775.083,
827 or s. 775.084.

828 (d) If the total amount of stolen revenue is \$100,000 or
829 more, the offense is a felony of the first degree, punishable as
830 provided in s. 775.082, s. 775.083, or s. 775.084.

831 Section 6. Subsections (1) through (4) of section 322.055,
832 Florida Statutes, are amended to read:

833 322.055 Revocation or suspension of, or delay of
834 eligibility for, driver license for persons 18 years of age or
835 older convicted of certain drug offenses.—

836 (1) Notwithstanding s. 322.28, upon the conviction of a
837 person 18 years of age or older for possession or sale of,
838 trafficking in, or conspiracy to possess, sell, or traffic in a
839 controlled substance, the court shall direct the department to
840 suspend ~~revoke~~ the person's driver license or driving privilege
841 ~~of the person~~. The suspension ~~period of such revocation~~ shall be

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842 6 months ~~1 year~~ or until the person is evaluated for and, if
843 deemed necessary by the evaluating agency, completes a drug
844 treatment and rehabilitation program approved or regulated by
845 the Department of Children and Families. However, the court may,
846 upon finding a compelling circumstance to warrant an exception
847 ~~in its sound discretion~~, direct the department to issue a
848 license for driving privilege restricted to business or
849 employment purposes only, as defined by s. 322.271, if the
850 person is otherwise qualified for such a license. ~~A driver whose~~
851 ~~license or driving privilege has been suspended or revoked under~~
852 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~
853 ~~petition the department for restoration of the driving privilege~~
854 ~~on a restricted or unrestricted basis depending on length of~~
855 ~~suspension or revocation. In no case shall a restricted license~~
856 ~~be available until 6 months of the suspension or revocation~~
857 ~~period has expired.~~

858 (2) If a person 18 years of age or older is convicted for
859 the possession or sale of, trafficking in, or conspiracy to
860 possess, sell, or traffic in a controlled substance and such
861 person is eligible by reason of age for a driver license or
862 privilege, the court shall direct the department to withhold
863 issuance of such person's driver license or driving privilege
864 for a period of 6 months ~~1 year~~ after the date the person was
865 convicted or until the person is evaluated for and, if deemed
866 necessary by the evaluating agency, completes a drug treatment
867 and rehabilitation program approved or regulated by the
868 Department of Children and Families. However, the court may,
869 upon finding a compelling circumstance to warrant an exception
870 ~~in its sound discretion~~, direct the department to issue a

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871 license for driving privilege restricted to business or
872 employment purposes only, as defined by s. 322.271, if the
873 person is otherwise qualified for such a license. ~~A driver whose~~
874 ~~license or driving privilege has been suspended or revoked under~~
875 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~
876 ~~petition the department for restoration of the driving privilege~~
877 ~~on a restricted or unrestricted basis depending on the length of~~
878 ~~suspension or revocation. In no case shall a restricted license~~
879 ~~be available until 6 months of the suspension or revocation~~
880 ~~period has expired.~~

881 (3) If a person 18 years of age or older is convicted for
882 the possession or sale of, trafficking in, or conspiracy to
883 possess, sell, or traffic in a controlled substance and such
884 person's driver license or driving privilege is already under
885 suspension or revocation for any reason, the court shall direct
886 the department to extend the period of such suspension or
887 revocation by an additional period of 6 months ~~1 year~~ or until
888 the person is evaluated for and, if deemed necessary by the
889 evaluating agency, completes a drug treatment and rehabilitation
890 program approved or regulated by the Department of Children and
891 Families. However, the court may, upon finding a compelling
892 circumstance to warrant an exception ~~in its sound discretion,~~
893 direct the department to issue a license for driving privilege
894 restricted to business or employment purposes only, as defined
895 by s. 322.271, if the person is otherwise qualified for such a
896 license. ~~A driver whose license or driving privilege has been~~
897 ~~suspended or revoked under this section or s. 322.056 may, upon~~
898 ~~the expiration of 6 months, petition the department for~~
899 ~~restoration of the driving privilege on a restricted or~~

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900 ~~unrestricted basis depending on the length of suspension or~~
901 ~~revocation. In no case shall a restricted license be available~~
902 ~~until 6 months of the suspension or revocation period has~~
903 ~~expired.~~

904 (4) If a person 18 years of age or older is convicted for
905 the possession or sale of, trafficking in, or conspiracy to
906 possess, sell, or traffic in a controlled substance and such
907 person is ineligible by reason of age for a driver license or
908 driving privilege, the court shall direct the department to
909 withhold issuance of such person's driver license or driving
910 privilege for a period of 6 months ~~1 year~~ after the date that he
911 or she would otherwise have become eligible or until he or she
912 becomes eligible by reason of age for a driver license and is
913 evaluated for and, if deemed necessary by the evaluating agency,
914 completes a drug treatment and rehabilitation program approved
915 or regulated by the Department of Children and Families.
916 However, the court may, upon finding a compelling circumstance
917 to warrant an exception in its sound discretion, direct the
918 department to issue a license for driving privilege restricted
919 to business or employment purposes only, as defined by s.
920 322.271, if the person is otherwise qualified for such a
921 license. ~~A driver whose license or driving privilege has been~~
922 ~~suspended or revoked under this section or s. 322.056 may, upon~~
923 ~~the expiration of 6 months, petition the department for~~
924 ~~restoration of the driving privilege on a restricted or~~
925 ~~unrestricted basis depending on the length of suspension or~~
926 ~~revocation. In no case shall a restricted license be available~~
927 ~~until 6 months of the suspension or revocation period has~~
928 ~~expired.~~

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929 Section 7. Section 322.056, Florida Statutes, is amended to
930 read:

931 322.056 Mandatory revocation or suspension of, or delay of
932 eligibility for, driver license for persons under age 18 found
933 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
934 prohibition.—

935 (1) Notwithstanding ~~the provisions of~~ s. 322.055, if a
936 person under 18 years of age is found guilty of or delinquent
937 for a violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893,
938 and:

939 (a) The person is eligible by reason of age for a driver
940 license or driving privilege, the court shall direct the
941 department to revoke or to withhold issuance of his or her
942 driver license or driving privilege for a period of 6 months÷

943 ~~1. Not less than 6 months and not more than 1 year for the~~
944 ~~first violation.~~

945 ~~2. Two years, for a subsequent violation.~~

946 (b) The person's driver license or driving privilege is
947 under suspension or revocation for any reason, the court shall
948 direct the department to extend the period of suspension or
949 revocation by an additional period of 6 months÷

950 ~~1. Not less than 6 months and not more than 1 year for the~~
951 ~~first violation.~~

952 ~~2. Two years, for a subsequent violation.~~

953 (c) The person is ineligible by reason of age for a driver
954 license or driving privilege, the court shall direct the
955 department to withhold issuance of his or her driver license or
956 driving privilege for a period of÷

957 ~~1. Not less than 6 months and not more than 1 year after~~

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958 the date on which he or she would otherwise have become
959 eligible, ~~for the first violation.~~

960 ~~2. Two years after the date on which he or she would~~
961 ~~otherwise have become eligible, for a subsequent violation.~~

962

963 However, the court may, upon finding a compelling circumstance
964 to warrant an exception in its sound discretion, direct the
965 department to issue a license for driving privileges restricted
966 to business or employment purposes only, as defined in s.
967 322.271, if the person is otherwise qualified for such a
968 license.

969 ~~(2) If a person under 18 years of age is found by the court~~
970 ~~to have committed a noncriminal violation under s. 569.11 or s.~~
971 ~~877.112(6) or (7) and that person has failed to comply with the~~
972 ~~procedures established in that section by failing to fulfill~~
973 ~~community service requirements, failing to pay the applicable~~
974 ~~fine, or failing to attend a locally available school-approved~~
975 ~~anti-tobacco program, and:~~

976 ~~(a) The person is eligible by reason of age for a driver~~
977 ~~license or driving privilege, the court shall direct the~~
978 ~~department to revoke or to withhold issuance of his or her~~
979 ~~driver license or driving privilege as follows:~~

980 ~~1. For the first violation, for 30 days.~~

981 ~~2. For the second violation within 12 weeks of the first~~
982 ~~violation, for 45 days.~~

983 ~~(b) The person's driver license or driving privilege is~~
984 ~~under suspension or revocation for any reason, the court shall~~
985 ~~direct the department to extend the period of suspension or~~
986 ~~revocation by an additional period as follows:~~

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987 ~~1. For the first violation, for 30 days.~~

988 ~~2. For the second violation within 12 weeks of the first~~
989 ~~violation, for 45 days.~~

990 ~~(c) The person is ineligible by reason of age for a driver~~
991 ~~license or driving privilege, the court shall direct the~~
992 ~~department to withhold issuance of his or her driver license or~~
993 ~~driving privilege as follows:~~

994 ~~1. For the first violation, for 30 days.~~

995 ~~2. For the second violation within 12 weeks of the first~~
996 ~~violation, for 45 days.~~

997
998 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
999 ~~within the 12-week period after the first violation will be~~
1000 ~~treated as a first violation and in the same manner as provided~~
1001 ~~in this subsection.~~

1002 ~~(3) If a person under 18 years of age is found by the court~~
1003 ~~to have committed a third violation of s. 569.11 or s.~~
1004 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
1005 ~~court must direct the Department of Highway Safety and Motor~~
1006 ~~Vehicles to suspend or withhold issuance of his or her driver~~
1007 ~~license or driving privilege for 60 consecutive days. Any third~~
1008 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
1009 ~~12-week period after the first violation will be treated as a~~
1010 ~~first violation and in the same manner as provided in subsection~~
1011 ~~(2).~~

1012 (2)~~(4)~~ A penalty imposed under this section shall be in
1013 addition to any other penalty imposed by law.

1014 ~~(5) The suspension or revocation of a person's driver~~
1015 ~~license imposed pursuant to subsection (2) or subsection (3),~~

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1016 shall not result in or be cause for an increase of the convicted
1017 person's, or his or her parent's or legal guardian's, automobile
1018 insurance rate or premium or result in points assessed against
1019 the person's driving record.

1020 Section 8. Section 322.057, Florida Statutes, is repealed.

1021 Section 9. Subsection (2) of section 322.34, Florida
1022 Statutes, is amended to read:

1023 322.34 Driving while license suspended, revoked, canceled,
1024 or disqualified.—

1025 (2) Any person whose driver license or driving privilege
1026 has been canceled, suspended, or revoked as provided by law,
1027 except persons defined in s. 322.264, who, knowing of such
1028 cancellation, suspension, or revocation, drives any motor
1029 vehicle upon the highways of this state while such license or
1030 privilege is canceled, suspended, or revoked, upon:

1031 (a) A first conviction commits ~~is guilty of~~ a misdemeanor
1032 of the second degree, punishable as provided in s. 775.082 or s.
1033 775.083.

1034 (b) A second or subsequent conviction commits ~~is guilty of~~
1035 a misdemeanor of the first degree, punishable as provided in s.
1036 775.082 or s. 775.083.

1037 ~~(c) A third or subsequent conviction is guilty of a felony~~
1038 ~~of the third degree, punishable as provided in s. 775.082, s.~~
1039 ~~775.083, or s. 775.084.~~

1040
1041 The element of knowledge is satisfied if the person has been
1042 previously cited as provided in subsection (1); or the person
1043 admits to knowledge of the cancellation, suspension, or
1044 revocation; or the person received notice as provided in

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1045 subsection (4). There shall be a rebuttable presumption that the
1046 knowledge requirement is satisfied if a judgment or order as
1047 provided in subsection (4) appears in the department's records
1048 for any case except for one involving a suspension by the
1049 department for failure to pay a traffic fine or for a financial
1050 responsibility violation.

1051 Section 10. Section 322.75, Florida Statutes, is created to
1052 read:

1053 322.75 Driver License Reinstatement Days.-

1054 (1) Each clerk of court shall establish a Driver License
1055 Reinstatement Days program for reinstating suspended driver
1056 licenses. Participants may include, but are not limited to, the
1057 Department of Highway Safety and Motor Vehicles, the state
1058 attorney's office, the public defender's office, the circuit and
1059 county courts, the clerk of court, and any interested community
1060 organization.

1061 (2) The clerk of court, in consultation with other
1062 participants, shall select 1 or more days annually for an event
1063 at which a person may have his or her driver license reinstated.
1064 The clerk may work with the Florida Association of Court Clerks
1065 and Comptrollers to promote such program, develop
1066 communications, and coordinate the event. A person must pay the
1067 full license reinstatement fee; however, the clerk may reduce or
1068 waive other fees and costs to facilitate reinstatement.

1069 (3) The clerk of court is encouraged to schedule at least
1070 one event on a weekend or with hours after 5 p.m. on a weekday.

1071 (4) (a) A person is eligible for reinstatement under the
1072 program if his or her license was suspended due to:

1073 1. Driving without a valid driver license;

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1074 2. Driving with a suspended driver license;
1075 3. Failing to make a payment on penalties in collection;
1076 4. Failing to appear in court for a traffic violation; or
1077 5. Failing to comply with any provision of chapter 318 or
1078 this chapter.

1079 (b) Notwithstanding paragraphs (5) (a)-(c), a person is
1080 eligible for reinstatement under the program if the period of
1081 suspension or revocation has elapsed, the person has completed
1082 any required course or program as described in paragraph (5) (c),
1083 and the person is otherwise eligible for reinstatement.

1084 (5) A person is not eligible for reinstatement under the
1085 program if his or her driver license is suspended or revoked due
1086 to:

1087 (a) The person's failure to fulfill a court-ordered child
1088 support obligation;

1089 (b) A violation of s. 316.193;

1090 (c) The person's failure to complete a driver training
1091 program, driver improvement course, or alcohol or substance
1092 abuse education or evaluation program required under s. 316.192,
1093 s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;

1094 (d) A traffic-related felony; or

1095 (e) The person being designated as a habitual traffic
1096 offender under s. 322.264.

1097 (6) The clerk of court and the Department of Highway Safety
1098 and Motor Vehicles shall verify any information necessary for
1099 reinstatement of a driver license under the program.

1100 (7) The clerk of court must collect and report to the
1101 Florida Clerks of Court Operations Corporation all of the
1102 following:

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- 1103 (a) Number of cases paid in full.
- 1104 (b) Number of cases put on a payment plan.
- 1105 (c) Number of driver license reinstatements.
- 1106 (d) Number of driver licenses made eligible for
1107 reinstatement.
- 1108 (e) Amount of fees and costs collected, reported by the
1109 entity receiving the funds. The Florida Clerks of Court
1110 Operations Corporation must report the aggregate funds received
1111 by the clerks of court, the local governmental entities, and
1112 state entities, including the General Revenue Fund.
- 1113 (f) The personnel, operating, security, and other
1114 expenditures incurred by the clerk of court.
- 1115 (g) The number of cases that fail to comply with a payment
1116 plan and subsequently result in driver license suspension.
- 1117 (8) The Florida Clerks of Court Operations Corporation
1118 shall report the information collected in subsection (7) in its
1119 annual report required by s. 28.35.
- 1120 Section 11. Paragraph (b) of subsection (11) of section
1121 381.0041, Florida Statutes, is amended to read:
- 1122 381.0041 Donation and transfer of human tissue; testing
1123 requirements.-
- 1124 (11)
- 1125 (b) Any person who has human immunodeficiency virus
1126 infection, who knows he or she is infected with human
1127 immunodeficiency virus, and who has been informed that he or she
1128 may communicate this disease by donating blood, plasma, organs,
1129 skin, or other human tissue who donates blood, plasma, organs,
1130 skin, or other human tissue for use in another person, other
1131 than a person who knows he or she is infected with human

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1132 immunodeficiency virus, commits ~~is guilty of~~ a felony of the
1133 third degree, punishable as provided in s. 775.082, s. 775.083,
1134 or s. 775.084.

1135 Section 12. Present subsection (3) of section 384.23,
1136 Florida Statutes, is redesignated as subsection (4), and a new
1137 subsection (3) and subsection (5) are added to that section, to
1138 read:

1139 384.23 Definitions.—

1140 (3) "Sexual conduct" means conduct between persons,
1141 regardless of gender, which is capable of transmitting a
1142 sexually transmissible disease, including, but not limited to,
1143 contact between a:

1144 (a) Penis and a vulva or an anus; or

1145 (b) Mouth and a penis, a vulva, or an anus.

1146 (5) "Substantial risk of transmission" means a reasonable
1147 probability of disease transmission as proven by competent
1148 medical or epidemiological evidence.

1149 Section 13. Section 384.24, Florida Statutes, is amended to
1150 read:

1151 384.24 Unlawful acts.—

1152 (1) It is unlawful for any person who has chancroid,
1153 gonorrhea, granuloma inguinale, lymphogranuloma venereum,
1154 genital herpes simplex, chlamydia, nongonococcal urethritis
1155 (NGU), pelvic inflammatory disease (PID)/acute salpingitis, ~~or~~
1156 syphilis, or human immunodeficiency virus infection, when such
1157 person knows he or she is infected with one or more of these
1158 diseases and when such person has been informed that he or she
1159 may communicate this disease to another person through sexual
1160 conduct ~~intercourse~~, to act with the intent to transmit the

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1161 disease, to engage in ~~have~~ sexual conduct that poses a
1162 substantial risk of transmission to another person when the
1163 ~~intercourse with any other person is unaware that the person is~~
1164 a carrier of the disease, and to transmit the disease to the,
1165 ~~unless such other person has been informed of the presence of~~
1166 ~~the sexually transmissible disease and has consented to the~~
1167 ~~sexual intercourse.~~

1168 (2) A person does not act with the intent set forth in
1169 subsection (1) if he or she in good faith complies with a
1170 treatment regimen prescribed by his or her health care provider
1171 or with the behavioral recommendations of his or her health care
1172 provider or public health officials to limit the risk of
1173 transmission, or if he or she offers to comply with such
1174 behavioral recommendations, but such offer is rejected by the
1175 other person with whom he or she is engaging in sexual conduct.
1176 For purposes of this section, the term "behavioral
1177 recommendations" includes, but is not limited to, the use of a
1178 prophylactic device to limit the risk of transmission of the
1179 disease. Evidence of the person's failure to comply with such a
1180 treatment regimen or such behavioral recommendations is not, in
1181 and of itself, sufficient to establish that he or she acted with
1182 the intent set forth in subsection (1) ~~It is unlawful for any~~
1183 ~~person who has human immunodeficiency virus infection, when such~~
1184 ~~person knows he or she is infected with this disease and when~~
1185 ~~such person has been informed that he or she may communicate~~
1186 ~~this disease to another person through sexual intercourse, to~~
1187 ~~have sexual intercourse with any other person, unless such other~~
1188 ~~person has been informed of the presence of the sexually~~
1189 ~~transmissible disease and has consented to the sexual~~

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1190 intercourse.

1191 Section 14. Section 384.34, Florida Statutes, is amended to
1192 read:

1193 384.34 Penalties.—

1194 (1) Any person who violates s. 384.24 ~~the provisions of s.~~
1195 ~~384.24(1)~~ commits a misdemeanor of the first degree, punishable
1196 as provided in s. 775.082 or s. 775.083.

1197 (2) Any person who violates ~~the provisions of~~ s. 384.26 or
1198 s. 384.29 commits a misdemeanor of the first degree, punishable
1199 as provided in s. 775.082 or s. 775.083.

1200 (3) Any person who maliciously disseminates any false
1201 information or report concerning the existence of any sexually
1202 transmissible disease commits a misdemeanor ~~felony~~ of the first
1203 ~~third~~ degree, punishable as provided in s. 775.082 or s. 775.083
1204 ~~ss. 775.082, 775.083, and 775.084.~~

1205 (4) ~~Any person who violates the provisions of the~~
1206 ~~department's rules pertaining to sexually transmissible diseases~~
1207 ~~may be punished by a fine not to exceed \$500 for each violation.~~
1208 ~~Any penalties enforced under this subsection shall be in~~
1209 ~~addition to other penalties provided by this chapter. The~~
1210 ~~department may enforce this section and adopt rules necessary to~~
1211 ~~administer this section.~~

1212 (5) ~~Any person who violates s. 384.24(2) commits a felony~~
1213 ~~of the third degree, punishable as provided in s. 775.082, s.~~
1214 ~~775.083, or s. 775.084. Any person who commits multiple~~
1215 ~~violations of s. 384.24(2) commits a felony of the first degree,~~
1216 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

1217 (6) Any person who obtains information that identifies an
1218 individual who has a sexually transmissible disease, who knew or

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1219 should have known the nature of the information and maliciously,
1220 or for monetary gain, disseminates this information or otherwise
1221 makes this information known to any other person, except by
1222 providing it either to a physician or nurse employed by the
1223 Department of Health or to a law enforcement agency, commits a
1224 felony of the third degree, punishable as provided in s.
1225 775.082, s. 775.083, or s. 775.084.

1226 Section 15. Section 394.47891, Florida Statutes, is amended
1227 to read:

1228 394.47891 Military veterans, ~~and~~ servicemembers, and others
1229 court programs.—The chief judge of each judicial circuit shall
1230 ~~may~~ establish a Military Veterans and Servicemembers Court
1231 Program under which veterans, as defined in s. 1.01, including
1232 veterans who were discharged or released under a general
1233 discharge, and servicemembers, as defined in s. 250.01;
1234 individuals who are current or former United States Department
1235 of Defense contractors; and individuals who are current or
1236 former military members of a foreign allied country, who are
1237 charged or convicted of a criminal offense and who suffer from a
1238 military-related mental illness, traumatic brain injury,
1239 substance abuse disorder, or psychological problem can be
1240 sentenced in accordance with chapter 921 in a manner that
1241 appropriately addresses the severity of the mental illness,
1242 traumatic brain injury, substance abuse disorder, or
1243 psychological problem through services tailored to the
1244 individual needs of the participant. Entry into any Military
1245 Veterans and Servicemembers Court Program must be based upon the
1246 sentencing court's assessment of the defendant's criminal
1247 history, military service, substance abuse treatment needs,

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1248 mental health treatment needs, amenability to the services of
1249 the program, the recommendation of the state attorney and the
1250 victim, if any, and the defendant's agreement to enter the
1251 program.

1252 Section 16. Subsection (2) of section 394.917, Florida
1253 Statutes, is amended to read:

1254 394.917 Determination; commitment procedure; mistrials;
1255 housing; counsel and costs in indigent appellate cases.—

1256 (2) If the court or jury determines that the person is a
1257 sexually violent predator, upon the expiration of the
1258 incarcerative portion of all criminal sentences and disposition
1259 of any detainers, the person shall be committed to the custody
1260 of the Department of Children and Families for control, care,
1261 ~~and treatment,~~ and rehabilitation of criminal offenders, until
1262 such time as the person's mental abnormality or personality
1263 disorder has so changed that it is safe for the person to be at
1264 large. At all times, persons who are detained or committed under
1265 this part shall be kept in a secure facility segregated from
1266 patients of the department who are not detained or committed
1267 under this part.

1268 Section 17. Subsection (2) of section 397.334, Florida
1269 Statutes, is amended to read:

1270 397.334 Treatment-based drug court programs.—

1271 (2) Entry into any pretrial treatment-based drug court
1272 program shall be voluntary. When neither s. 948.08(6)(c)1. nor
1273 2. s. 948.08(6)(a)1. nor 2. applies, the court may order an
1274 eligible individual to enter into a pretrial treatment-based
1275 drug court program only upon written agreement by the
1276 individual, which shall include a statement that the individual

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1277 understands the requirements of the program and the potential
1278 sanctions for noncompliance.

1279 Section 18. Present subsections (3) through (12) of section
1280 455.213, Florida Statutes, are redesignated as subsections (4)
1281 through (13), respectively, subsection (2) of that section is
1282 amended, and a new subsection (3) is added to that section, to
1283 read:

1284 455.213 General licensing provisions.—

1285 (2) Before the issuance of any license, the department may
1286 charge an initial license fee as determined by rule of the
1287 applicable board or, if no such board exists, by rule of the
1288 department. Upon receipt of the appropriate license fee, except
1289 as provided in subsection (4) ~~(3)~~, the department shall issue a
1290 license to any person certified by the appropriate board, or its
1291 designee, or the department when there is no board, as having
1292 met the applicable requirements imposed by law or rule. However,
1293 an applicant who is not otherwise qualified for licensure is not
1294 entitled to licensure solely based on a passing score on a
1295 required examination. Upon a determination by the department
1296 that it erroneously issued a license, or upon the revocation of
1297 a license by the applicable board, or by the department when
1298 there is no board, the licensee must surrender his or her
1299 license to the department.

1300 (3) (a) Notwithstanding any other provision of law, the
1301 department or applicable board shall use the process in this
1302 subsection for review of an applicant's criminal history record
1303 to determine his or her eligibility for licensure.

1304 (b) A conviction, or any other adjudication, for a crime
1305 more than 5 years before the date the application is received by

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1306 the applicable board may not be grounds for denial of a license.
1307 For purposes of this paragraph, the term "conviction" means a
1308 determination of guilt that is the result of a plea or trial,
1309 regardless of whether adjudication is withheld. This paragraph
1310 does not limit the department or applicable board from
1311 considering an applicant's criminal history that includes a
1312 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time only
1313 if such criminal history has been found to relate to the
1314 practice of the applicable profession, or any crime if it has
1315 been found to relate to good moral character if the practice of
1316 the applicable profession requires such a standard.

1317 (c)1. A person may apply for a license before his or her
1318 lawful release from confinement or supervision. The department
1319 may not charge an applicant an additional fee for being confined
1320 or under supervision. The department or applicable board may not
1321 deny an application for a license solely on the basis of the
1322 applicant's current confinement or supervision.

1323 2. After a license application is approved, the department
1324 or applicable board may stay the issuance of a license until the
1325 applicant is lawfully released from confinement or supervision
1326 and the applicant notifies the department or applicable board of
1327 such release. The department or applicable board must verify the
1328 applicant's release with the Department of Corrections, or other
1329 applicable authority, before it issues a license.

1330 3. If an applicant is unable to appear in person due to his
1331 or her confinement or supervision, the department or applicable
1332 board must permit the applicant to appear by teleconference or
1333 video conference, as appropriate, at any meeting of the
1334 applicable board or other hearing by the agency concerning his

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1335 or her application.

1336 4. If an applicant is confined or under supervision, the
1337 Department of Corrections, or other applicable authority, and
1338 the department or applicable board shall cooperate and
1339 coordinate to facilitate the appearance of the applicant at a
1340 board meeting or agency hearing in person, by teleconference, or
1341 by video conference, as appropriate.

1342 (d) The department and each applicable board shall compile
1343 a list of crimes that do not relate to the practice of the
1344 profession or the ability to practice the profession and do not
1345 constitute grounds for denial of a license even when such crimes
1346 result in a conviction, regardless of adjudication. This list
1347 shall be made available on the department's website and be
1348 updated annually. Beginning October 1, 2019, each applicable
1349 board shall compile a list of crimes that, although reported by
1350 an applicant for licensure, were not used as a basis for denial.
1351 The list must identify the crime reported for each license
1352 application and:

1353 1. The date of conviction or the sentencing date, whichever
1354 occurs later; and

1355 2. The date that adjudication was entered.

1356 (e) The department and each applicable board shall compile
1357 a list of crimes that have been used as a basis for denial of a
1358 license in the past 2 years, which shall be made available on
1359 the department's website. Beginning October 1, 2019, the
1360 applicable board shall compile a list indicating each crime used
1361 as a basis for denial and update such list quarterly thereafter.
1362 For each crime listed, the applicable board must identify:

1363 1. The date of conviction or the sentencing date, whichever

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1364 occurs later; and

1365 2. The date that adjudication was entered.

1366

1367 Such denials must be made available to the public upon request.

1368 Section 19. Subsection (4) of section 474.2165, Florida
1369 Statutes, is amended to read:

1370 474.2165 Ownership and control of veterinary medical
1371 patient records; report or copies of records to be furnished.—

1372 (4) Except as otherwise provided in this section, such
1373 records may not be furnished to, and the medical condition of a
1374 patient may not be discussed with, any person other than the
1375 client or the client's legal representative or other
1376 veterinarians involved in the care or treatment of the patient,
1377 except upon written authorization of the client. However, such
1378 records may be furnished without written authorization under the
1379 following circumstances:

1380 (a) To any person, firm, or corporation that has procured
1381 or furnished such examination or treatment with the client's
1382 consent.

1383 (b) In any civil ~~or criminal~~ action, unless otherwise
1384 prohibited by law, upon the issuance of a subpoena from a court
1385 of competent jurisdiction and proper notice to the client or the
1386 client's legal representative by the party seeking such records.

1387 (c) For statistical and scientific research, provided the
1388 information is abstracted in such a way as to protect the
1389 identity of the patient and the client, or provided written
1390 permission is received from the client or the client's legal
1391 representative.

1392 (d) In any criminal action or situation in which a

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1393 veterinarian suspects a criminal violation. If a criminal
1394 violation is suspected, a veterinarian may, without notice to or
1395 authorization from the client, report the violation to a law
1396 enforcement officer, an animal control officer who is certified
1397 pursuant to s. 828.27(4) (a), or an agent appointed under s.
1398 828.03. However, if a suspected violation occurs at a commercial
1399 food-producing animal operation on land classified as
1400 agricultural under s. 193.461, the veterinarian must provide
1401 notice to the client or the client's legal representative before
1402 reporting the suspected violation to an officer or agent under
1403 this paragraph. The report may not include written medical
1404 records except upon the issuance of an order from a court of
1405 competent jurisdiction.

1406 Section 20. Subsections (2), (3), and (4) of section
1407 489.126, Florida Statutes, are amended, and subsections (5) and
1408 (6) are added to that section, to read:

1409 489.126 Moneys received by contractors.—

1410 (2) (a) A contractor who receives, as initial payment, money
1411 totaling more than 10 percent of the contract price for repair,
1412 restoration, improvement, or construction to residential real
1413 property must:

1414 1. ~~(a)~~ Apply for permits necessary to do work within 30 days
1415 after the date payment is made, except where the work does not
1416 require a permit under the applicable codes and ordinances, and

1417 2. ~~(b)~~ Start the work within 90 days after the date all
1418 necessary permits for work, if any, are issued,

1419
1420 unless the contractor has just cause for failing to apply for
1421 the necessary permits, starting the work, or refunding the

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1422 payment, or unless the person who made the payment agreed, in
1423 writing, to a longer period to apply for the necessary permits
1424 or start the work or to longer periods for both.

1425 (b)1. If a contractor fails to comply with paragraph (a),
1426 written demand must be made to the contractor in the form of a
1427 letter that includes a demand to apply for the necessary
1428 permits, start the work, or refund the payment sent via
1429 certified mail, return receipt requested, mailed to the address
1430 listed in the contracting agreement. If there is no address for
1431 the contractor listed in the contracting agreement, or no
1432 written agreement exists, the letter must be mailed to the
1433 address listed with the department for licensing purposes or the
1434 local construction industry licensing board, if applicable.

1435 2. It may be inferred that a contractor does not have just
1436 cause if the contractor fails to apply for the necessary
1437 permits, start the work, or refund payments within 30 days of
1438 receiving written demand to apply for the necessary permits,
1439 start the work, or refund the payment from the person who made
1440 the payment.

1441 (3) (a) A contractor who receives money for repair,
1442 restoration, addition, improvement, or construction of
1443 residential real property in excess of the value of the work
1444 performed may ~~shall not, with intent to defraud the owner,~~ fail
1445 or refuse to perform any work for any 90-day period.

1446 (b) It is prima facie evidence ~~Proof~~ that a contractor
1447 received money for the repair, restoration, addition,
1448 improvement, or construction of residential real property and
1449 that the amount received exceeds the value of the work performed
1450 by the contractor when ~~and that:~~

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1451 1. The contractor failed to perform any of the work for
1452 which he or she contracted during any 90-day ~~60-day~~ period;

1453 2. The failure to perform any such work during the 90-day
1454 ~~60-day~~ period was not related to the owner's termination of the
1455 contract or a material breach of the contract by the owner; and

1456 3. The contractor failed to perform for 90 days without
1457 just cause or terminated the contract without proper
1458 notification to the owner.

1459 a. Proper notification of termination for purposes of this
1460 subparagraph must be made by the contractor in the form of a
1461 letter that includes the reason for termination of the contract
1462 or the reason for failure to perform sent via certified mail,
1463 return receipt requested, mailed to the address of the owner
1464 listed in the contracting agreement. If no written agreement
1465 exists, the letter must be mailed to the address where the work
1466 was to be performed or the address listed on the permit, if
1467 applicable.

1468 b. If a contractor fails to comply with paragraph (a),
1469 written demand must be made to the contractor in the form of a
1470 letter that includes a demand to perform work, or refund the
1471 money received in excess of the value of the work performed,
1472 sent via certified mail, return receipt requested, mailed to the
1473 address listed in the contracting agreement. If there is no
1474 address for the contractor listed in the contracting agreement,
1475 or no agreement exists, the letter must be mailed to the address
1476 listed with the department for licensing purposes or the local
1477 construction industry licensing board, if applicable.

1478 c. It may be inferred that a contractor does not have just
1479 cause if the contractor fails to perform work, or refund the

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1480 money received in excess of the value of the work performed,
1481 within 30 days after receiving a written demand to perform the
1482 work, or refund the money received in excess of the value of the
1483 work performed, from the person who made the payment., ~~for an~~
1484 ~~additional 30-day period after the date of mailing of~~
1485 ~~notification as specified in paragraph (c), to perform any work~~
1486 ~~for which he or she contracted,~~

1487
1488 ~~gives rise to an inference that the money in excess of the value~~
1489 ~~of the work performed was taken with the intent to defraud.~~

1490 ~~(c) Notification as contemplated in paragraph (b) consists~~
1491 ~~of a certified letter, return receipt requested, mailed to the~~
1492 ~~address of the contractor as listed in the written contracting~~
1493 ~~agreement. The letter must indicate that the contractor has~~
1494 ~~failed to perform any work for a 60-day period, that the failure~~
1495 ~~to perform the work was not the result of the owner's~~
1496 ~~termination of the contract or a material breach of the contract~~
1497 ~~by the owner, and that the contractor must recommence~~
1498 ~~construction within 30 days after the date of mailing of the~~
1499 ~~letter. If there is no address for the contractor listed in the~~
1500 ~~written contracting agreement, or no written agreement exists,~~
1501 ~~the letter must be mailed to the address of the contractor~~
1502 ~~listed in the building permit application.~~

1503 (4) Any violation of subsection (2) or subsection (3) must
1504 be prosecuted in accordance with the thresholds established in
1505 this section and the following: ~~Any person who violates any~~
1506 ~~provision of this section is guilty of theft and shall be~~
1507 ~~prosecuted and punished under s. 812.014.~~

1508 (a) The required intent to prove a criminal violation may

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1509 be shown to exist at the time that the contractor appropriated
1510 the money to his or her own use and is not required to be proven
1511 to exist at the time of the taking of the money from the owner
1512 or at the time the owner makes a payment to the contractor.

1513 (b) It may be inferred that a contractor intended to
1514 deprive the owner of the right to the money owed, or deprive the
1515 owner of the benefit from it, and inferred that the contractor
1516 appropriated the money for his or her own use, or to a person
1517 not entitled to the use of the money, if the contractor fails to
1518 refund any portion of the money owed within 30 days after
1519 receiving a written demand for such money from the owner.

1520 (c) In a prosecution for a violation of this section, the
1521 fact that the person so charged intended to return the money
1522 owed is not a defense.

1523 (5) A person who violates subsection (2) commits:

1524 (a) A misdemeanor of the first degree, punishable as
1525 provided in s. 775.082 or s. 775.083, if the total money
1526 received is less than \$1,000.

1527 (b) A felony of the third degree, punishable as provided in
1528 s. 775.082, s. 775.083, or s. 775.084, if the total money
1529 received is \$1,000 or more, but less than \$20,000.

1530 (c) A felony of the second degree, punishable as provided
1531 in s. 775.082, s. 775.083, or s. 775.084, if the total money
1532 received is \$20,000 or more, but less than \$200,000.

1533 (d) A felony of the first degree, punishable as provided in
1534 s. 775.082, s. 775.083, or s. 775.084, if the total money
1535 received is \$200,000 or more.

1536 (6) A person who violates subsection (3) commits:

1537 (a) A misdemeanor of the first degree, punishable as

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1538 provided in s. 775.082 or s. 775.083, if the total money
1539 received exceeding the value of the work performed is less than
1540 \$1,000.

1541 (b) A felony of the third degree, punishable as provided in
1542 s. 775.082, s. 775.083, or s. 775.084, if the total money
1543 received exceeding the value of the work performed is \$1,000 or
1544 more, but less than \$20,000.

1545 (c) A felony of the second degree, punishable as provided
1546 in s. 775.082, s. 775.083, or s. 775.084, if the total money
1547 received exceeding the value of the work performed is \$20,000 or
1548 more, but less than \$200,000.

1549 (d) A felony of the first degree, punishable as provided in
1550 s. 775.082, s. 775.083, or s. 775.084, if the total money
1551 received exceeding the value of the work performed is \$200,000
1552 or more.

1553 Section 21. Present subsection (6) of section 489.553,
1554 Florida Statutes, is redesignated as subsection (10), and a new
1555 subsection (6) and subsections (7), (8), and (9) are added to
1556 that section, to read:

1557 489.553 Administration of part; registration
1558 qualifications; examination.-

1559 (6) Notwithstanding any other provision of law, a
1560 conviction, or any other adjudication, for a crime more than 5
1561 years before the date the application is received by the
1562 department may not be grounds for denial of registration. For
1563 purposes of this subsection, the term "conviction" means a
1564 determination of guilt that is the result of a plea or trial,
1565 regardless of whether adjudication is withheld. This subsection
1566 does not limit a board from considering an applicant's criminal

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1567 history that includes any crime listed in s. 775.21(4)(a)1. or
1568 s. 776.08 at any time only if such criminal history has been
1569 found to relate to the practice of the applicable profession, or
1570 any crime if it has been found to relate to good moral
1571 character.

1572 (7)(a) A person may apply to be registered before his or
1573 her lawful release from confinement or supervision. The
1574 department may not charge an applicant an additional fee for
1575 being confined or under supervision. The department may not deny
1576 an application for registration solely on the basis of the
1577 applicant's current confinement or supervision.

1578 (b) After a registration application is approved, the
1579 department may stay the issuance of registration until the
1580 applicant is lawfully released from confinement or supervision
1581 and the applicant notifies the board of such release. The
1582 department must verify the applicant's release with the
1583 Department of Corrections, or other applicable authority, before
1584 it registers such applicant.

1585 (c) If an applicant is unable to appear in person due to
1586 his or her confinement or supervision, the department must
1587 permit the applicant to appear by teleconference or video
1588 conference, as appropriate, at any meeting or hearing by the
1589 department concerning his or her application.

1590 (d) If an applicant is confined or under supervision, the
1591 Department of Corrections, or other applicable authority, and
1592 the department shall cooperate and coordinate to facilitate the
1593 appearance of the applicant at a meeting or hearing in person,
1594 by teleconference, or by video conference, as appropriate.

1595 (8) The department shall compile a list of crimes that do

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1596 not relate to the practice of the profession or the ability to
1597 practice the profession and do not constitute grounds for denial
1598 of registration even when such crimes result in a conviction,
1599 regardless of adjudication. This list shall be made available on
1600 the department's website and be updated annually. Beginning
1601 October 1, 2019, and updated quarterly thereafter, the
1602 department shall add to this list such crimes that, although
1603 reported by an applicant for registration, were not used as a
1604 basis for denial in the past 2 years. The list must identify the
1605 crime reported for each registration application and:

1606 (a) The date of conviction or sentencing, whichever occurs
1607 later; and

1608 (b) The date that adjudication was entered.

1609 (9) The department shall compile a list of crimes that have
1610 been used as a basis for denial of registration in the past 2
1611 years, which shall be made available on the department's
1612 website. Beginning October 1, 2019, and updated quarterly
1613 thereafter, the department shall add to this list each crime
1614 used as a basis for denial. For each crime listed, the
1615 department must identify:

1616 (a) The date of conviction or sentencing, whichever occurs
1617 later.

1618 (b) The date adjudication was entered.

1619
1620 Such denials must be made available to the public upon request.

1621 Section 22. Subsection (2) of section 500.451, Florida
1622 Statutes, is amended and subsection (1) of that section is
1623 republished, to read:

1624 500.451 Horse meat; offenses.—

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1625 (1) It is unlawful for any person to:

1626 (a) Sell in the markets of this state horse meat for human
1627 consumption unless the horse meat is clearly stamped, marked,
1628 and described as horse meat for human consumption.

1629 (b) Knowingly transport, distribute, sell, purchase, or
1630 possess horse meat for human consumption that is not clearly
1631 stamped, marked, and described as horse meat for human
1632 consumption or horse meat that is not acquired from a licensed
1633 slaughterhouse.

1634 (2) A person that violates this section commits a felony of
1635 the third degree, punishable as provided in s. 775.082, s.
1636 775.083, or s. 775.084, except that any person who commits a
1637 violation of this section must ~~shall~~ be sentenced to a minimum
1638 mandatory fine of \$3,500 ~~and a minimum mandatory period of~~
1639 ~~incarceration of 1 year.~~

1640 Section 23. Subsection (1) of section 509.151, Florida
1641 Statutes, is amended to read:

1642 509.151 Obtaining food or lodging with intent to defraud;
1643 penalty.—

1644 (1) Any person who obtains food, lodging, or other
1645 accommodations having a value of less than \$1,000 ~~\$300~~ at any
1646 public food service establishment, or at any transient
1647 establishment, with intent to defraud the operator thereof,
1648 commits ~~is guilty of~~ a misdemeanor of the second degree,
1649 punishable as provided in s. 775.082 or s. 775.083; if such
1650 food, lodging, or other accommodations have a value of \$1,000
1651 ~~\$300~~ or more, such person commits ~~is guilty of~~ a felony of the
1652 third degree, punishable as provided in s. 775.082, s. 775.083,
1653 or s. 775.084.

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1654 Section 24. Paragraph (a) of subsection (1) and paragraph
1655 (c) of subsection (2) of section 562.11, Florida Statutes, are
1656 amended to read:

1657 562.11 Selling, giving, or serving alcoholic beverages to
1658 person under age 21; providing a proper name; misrepresenting or
1659 misstating age or age of another to induce licensee to serve
1660 alcoholic beverages to person under 21; penalties.—

1661 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to
1662 be served alcoholic beverages to a person under 21 years of age
1663 or permit a person under 21 years of age to consume such
1664 beverages on the licensed premises. A person who violates this
1665 paragraph ~~subparagraph~~ commits a misdemeanor of the second
1666 degree, punishable as provided in s. 775.082 or s. 775.083. A
1667 person who violates this paragraph ~~subparagraph~~ a second or
1668 subsequent time within 1 year after a prior conviction commits a
1669 misdemeanor of the first degree, punishable as provided in s.
1670 775.082 or s. 775.083.

1671 ~~2. In addition to any other penalty imposed for a violation~~
1672 ~~of subparagraph 1., the court may order the Department of~~
1673 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~
1674 ~~or suspend or revoke, the driver license or driving privilege,~~
1675 ~~as provided in s. 322.057, of any person who violates~~
1676 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
1677 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
1678 ~~acting within the scope of his or her license or an employee or~~
1679 ~~agent of a licensee, as defined in s. 561.01, who violates~~
1680 ~~subparagraph 1. while engaged within the scope of his or her~~
1681 ~~employment or agency.~~

1682 ~~3. A court that withholds the issuance of, or suspends or~~

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1683 ~~revokes, the driver license or driving privilege of a person~~
1684 ~~pursuant to subparagraph 2. may direct the Department of Highway~~
1685 ~~Safety and Motor Vehicles to issue the person a license for~~
1686 ~~driving privilege restricted to business purposes only, as~~
1687 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1688 (2) It is unlawful for any person to misrepresent or
1689 misstate his or her age or the age of any other person for the
1690 purpose of inducing any licensee or his or her agents or
1691 employees to sell, give, serve, or deliver any alcoholic
1692 beverages to a person under 21 years of age, or for any person
1693 under 21 years of age to purchase or attempt to purchase
1694 alcoholic beverages.

1695 (c) In addition to any other penalty imposed for a
1696 violation of this subsection, if a person uses a driver license
1697 or identification card issued by the Department of Highway
1698 Safety and Motor Vehicles in violation of this subsection, the
1699 court:

1700 ~~1. may order the person to participate in public service or~~
1701 ~~a community work project for a period not to exceed 40 hours;~~
1702 ~~and~~

1703 ~~2. Shall direct the Department of Highway Safety and Motor~~
1704 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
1705 ~~person's driver license or driving privilege, as provided in s.~~
1706 ~~322.056.~~

1707 Section 25. Subsection (3) of section 562.111, Florida
1708 Statutes, is amended to read:

1709 562.111 Possession of alcoholic beverages by persons under
1710 age 21 prohibited.—

1711 ~~(3) In addition to any other penalty imposed for a~~

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1712 ~~violation of subsection (1), the court shall direct the~~
1713 ~~Department of Highway Safety and Motor Vehicles to withhold~~
1714 ~~issuance of, or suspend or revoke, the violator's driver license~~
1715 ~~or driving privilege, as provided in s. 322.056.~~

1716 Section 26. Subsection (8) of section 562.27, Florida
1717 Statutes, is amended, and subsections (1) through (7) of that
1718 section are republished, to read:

1719 562.27 Seizure and forfeiture.—

1720 (1) It is unlawful for any person to have in her or his
1721 possession, custody, or control, or to own, make, construct, or
1722 repair, any still, still piping, still apparatus, or still worm,
1723 or any piece or part thereof, designed or adapted for the
1724 manufacture of an alcoholic beverage, or to have in her or his
1725 possession, custody or control any receptacle or container
1726 containing any mash, wort, or wash, or other fermented liquids
1727 whatever capable of being distilled or manufactured into an
1728 alcoholic beverage, unless such possession, custody, control,
1729 ownership, manufacture, construction, or repairing be by or for
1730 a person authorized by law to manufacture such alcoholic
1731 beverage.

1732 (2) It is unlawful for any person to have in her or his
1733 possession, custody, or control any raw materials or substance
1734 intended to be used in the distillation or manufacturing of an
1735 alcoholic beverage unless the person holds a license from the
1736 state authorizing the manufacture of the alcoholic beverage.

1737 (3) The terms "raw material" or "substance" for the purpose
1738 of this chapter shall mean and include, but not be limited to,
1739 any of the following: Any grade or type of sugar, syrup, or
1740 molasses derived from sugarcane, sugar beets, corn, sorghum, or

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1741 any other source; starch; potatoes; grain or cornmeal, corn
1742 chops, cracked corn, rye chops, middlings, shorts, bran, or any
1743 other grain derivative; malt; malt sugar or malt syrup; oak
1744 chips, charred or not charred; yeast; cider; honey; fruit;
1745 grapes; berries; fruit, grape or berry juices or concentrates;
1746 wine; caramel; burnt sugar; gin flavor; Chinese bean cake or
1747 Chinese wine cake; urea; ammonium phosphate, ammonium carbonate,
1748 ammonium sulphate, or any other yeast food; ethyl acetate or any
1749 other ethyl ester; any other material of the character used in
1750 the manufacture of distilled spirits or any chemical or other
1751 material suitable for promoting or accelerating fermentation;
1752 any chemical or material of the character used in the production
1753 of distilled spirits by chemical reaction; or any combination of
1754 such materials or chemicals.

1755 (4) Any such raw materials, substance, or any still, still
1756 piping, still apparatus, or still worm, or any piece or part
1757 thereof, or any mash, wort, or wash, or other fermented liquid
1758 and the receptacle or container thereof, and any alcoholic
1759 beverage, together with all personal property used to facilitate
1760 the manufacture or production of the alcoholic beverage or to
1761 facilitate the violation of the alcoholic beverage control laws
1762 of this state or the United States, may be seized by the
1763 division or by any sheriff or deputy sheriff and shall be
1764 forfeited to the state.

1765 (5) It shall be unlawful for any person to sell or
1766 otherwise dispose of raw materials or other substances knowing
1767 same are to be used in the distillation or manufacture of an
1768 alcoholic beverage unless such person receiving same, by
1769 purchase or otherwise, holds a license from the state

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1770 authorizing the manufacture of such alcoholic beverage.

1771 (6) Any vehicle, vessel, or aircraft used in the
1772 transportation or removal of or for the deposit or concealment
1773 of any illicit liquor still or stilling apparatus; any mash,
1774 wort, wash, or other fermented liquids capable of being
1775 distilled or manufactured into an alcoholic beverage; or any
1776 alcoholic beverage commonly known and referred to as "moonshine
1777 whiskey" shall be seized and may be forfeited as provided by the
1778 Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff,
1779 employee of the division, or police officer may seize any of the
1780 vehicles, vessels, or conveyances, and the same may be forfeited
1781 as provided by law.

1782 (7) The finding of any still, still piping, still
1783 apparatus, or still worm, or any piece or part thereof, or any
1784 mash, wort, or wash or other fermented liquids in the dwelling
1785 house or place of business, or so near thereto as to lead to the
1786 reasonable belief that they are within the possession, custody,
1787 or control of the occupants of the dwelling house or place of
1788 business, shall be prima facie evidence of a violation of this
1789 section by the occupants of the dwelling house or place of
1790 business.

1791 (8) Any person violating any provisions of this section of
1792 the law commits ~~shall be guilty of a misdemeanor felony~~ of the
1793 second ~~third~~ degree, punishable as provided in s. 775.082 or, s.
1794 775.083, ~~or s. 775.084.~~

1795 Section 27. Subsections (1) and (2) of section 562.451,
1796 Florida Statutes, are amended to read:

1797 562.451 Moonshine whiskey; ownership, possession, or
1798 control prohibited; penalties; rule of evidence.-

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1799 (1) Any person who owns or has in her or his possession or
1800 under her or his control less than 1 gallon of liquor, as
1801 defined in the Beverage Law, which was not made or manufactured
1802 in accordance with the laws in effect at the time when and place
1803 where the same was made or manufactured commits ~~shall be guilty~~
1804 ~~of~~ a misdemeanor of the second degree, punishable as provided in
1805 s. 775.082 or s. 775.083.

1806 (2) Any person who owns or has in her or his possession or
1807 under her or his control 1 gallon or more of liquor, as defined
1808 in the Beverage Law, which was not made or manufactured in
1809 accordance with the laws in effect at the time when and place
1810 where the same was made or manufactured commits ~~shall be guilty~~
1811 ~~of~~ a misdemeanor ~~felony~~ of the first ~~third~~ degree, punishable as
1812 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084~~.

1813 Section 28. Subsections (1), (2), and (5) of section
1814 569.11, Florida Statutes, are amended to read:

1815 569.11 Possession, misrepresenting age or military service
1816 to purchase, and purchase of tobacco products by persons under
1817 18 years of age prohibited; penalties; jurisdiction; disposition
1818 of fines.—

1819 (1) It is unlawful for any person under 18 years of age to
1820 knowingly possess any tobacco product. Any person under 18 years
1821 of age who violates ~~the provisions of~~ this subsection commits a
1822 noncriminal violation as provided in s. 775.08(3), punishable
1823 by:

1824 (a) For a first violation, 16 hours of community service
1825 or, instead of community service, a \$25 fine. In addition, the
1826 person must attend a school-approved anti-tobacco program, if
1827 locally available; or

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1828 (b) For a second or subsequent violation within 12 weeks
1829 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1830 ~~(c) For a third or subsequent violation within 12 weeks of~~
1831 ~~the first violation, the court must direct the Department of~~
1832 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
1833 ~~suspend or revoke the person's driver license or driving~~
1834 ~~privilege, as provided in s. 322.056.~~

1835

1836 Any second or subsequent violation not within the 12-week ~~time~~
1837 period after the first violation is punishable as provided for a
1838 first violation.

1839 (2) It is unlawful for any person under 18 years of age to
1840 misrepresent his or her age or military service for the purpose
1841 of inducing a dealer or an agent or employee of the dealer to
1842 sell, give, barter, furnish, or deliver any tobacco product, or
1843 to purchase, or attempt to purchase, any tobacco product from a
1844 person or a vending machine. Any person under 18 years of age
1845 who violates ~~a provision of~~ this subsection commits a
1846 noncriminal violation as provided in s. 775.08(3), punishable
1847 by:

1848 (a) For a first violation, 16 hours of community service
1849 or, instead of community service, a \$25 fine and, in addition,
1850 the person must attend a school-approved anti-tobacco program,
1851 if available; or

1852 (b) For a second or subsequent violation within 12 weeks
1853 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1854 ~~(c) For a third or subsequent violation within 12 weeks of~~
1855 ~~the first violation, the court must direct the Department of~~
1856 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~

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1857 ~~suspend or revoke the person's driver license or driving~~
1858 ~~privilege, as provided in s. 322.056.~~

1859

1860 Any second or subsequent violation not within the 12-week ~~time~~
1861 period after the first violation is punishable as provided for a
1862 first violation.

1863 (5) (a) If a person under 18 years of age is found by the
1864 court to have committed a noncriminal violation under this
1865 section and that person has failed to complete community
1866 service, pay the fine as required by paragraph (1) (a) or
1867 paragraph (2) (a), or attend a school-approved anti-tobacco
1868 program, if locally available, the court may ~~must~~ direct the
1869 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 a period of 30 consecutive days.

1872 (b) If a person under 18 years of age is found by the court
1873 to have committed a noncriminal violation under this section and
1874 that person has failed to pay the applicable fine as required by
1875 paragraph (1) (b) or paragraph (2) (b), the court may ~~must~~ direct
1876 the Department of Highway Safety and Motor Vehicles to withhold
1877 issuance of or suspend the driver license or driving privilege
1878 of that person for a period of 45 consecutive days.

1879 Section 29. Section 713.69, Florida Statutes, is amended to
1880 read:

1881 713.69 Unlawful to remove property upon which lien has
1882 accrued.—It is unlawful for any person to remove any property
1883 upon which a lien has accrued under ~~the provisions of~~ s. 713.68
1884 from any hotel, apartment house, roominghouse, lodginghouse,
1885 boardinghouse or tenement house without first making full

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1886 payment to the person operating or conducting the same of all
 1887 sums due and payable for such occupancy or without first having
 1888 the written consent of such person so conducting or operating
 1889 such place to so remove such property. Any person who violates
 1890 ~~violating the provisions of this section shall~~, if the value of
 1891 the property removed in violation hereof is less than \$1,000 ~~be~~
 1892 ~~of the value of \$50 or less, commits~~ be guilty of a misdemeanor
 1893 of the second degree, punishable as provided in s. 775.082 or s.
 1894 775.083; and if the value of the property so removed is \$1,000
 1895 or more, should be of greater value than \$50 then such person
 1896 commits ~~shall be guilty of~~ a felony of the third degree,
 1897 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1898 Section 30. Paragraphs (a) and (d) of subsection (9) of
 1899 section 775.082, Florida Statutes, are amended to read:

1900 775.082 Penalties; applicability of sentencing structures;
 1901 mandatory minimum sentences for certain reoffenders previously
 1902 released from prison.-

1903 (9) (a) 1. "Prison releasee reoffender" means any defendant
 1904 who commits, or attempts to commit:

- 1905 a. Treason;
- 1906 b. Murder;
- 1907 c. Manslaughter;
- 1908 d. Sexual battery;
- 1909 e. Carjacking;
- 1910 f. Home-invasion robbery;
- 1911 g. Robbery;
- 1912 h. Arson;
- 1913 i. Kidnapping;
- 1914 j. Aggravated assault with a deadly weapon;

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- 1915 k. Aggravated battery;
- 1916 l. Aggravated stalking;
- 1917 m. Aircraft piracy;
- 1918 n. Unlawful throwing, placing, or discharging of a
- 1919 destructive device or bomb;
- 1920 o. Any felony that involves the use or threat of physical
- 1921 force or violence against an individual;
- 1922 p. Armed burglary;
- 1923 q. Burglary of a dwelling or burglary of an occupied
- 1924 structure; or
- 1925 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,
- 1926 s. 827.071, or s. 847.0135(5);
- 1927
- 1928 within 3 years after being released from a state correctional
- 1929 facility operated by the Department of Corrections or a private
- 1930 vendor, a county detention facility following incarceration for
- 1931 an offense for which the sentence pronounced was a prison
- 1932 sentence, or ~~within 3 years after being released from a~~
- 1933 correctional institution of another state, the District of
- 1934 Columbia, the United States, any possession or territory of the
- 1935 United States, or any foreign jurisdiction, following
- 1936 incarceration for an offense for which the sentence is
- 1937 punishable by more than 1 year in this state.
- 1938 2. "Prison releasee reoffender" also means any defendant
- 1939 who commits or attempts to commit any offense listed in sub-
- 1940 subparagraphs (a)1.a.-r. while the defendant was serving a
- 1941 prison sentence or on escape status from a state correctional
- 1942 facility operated by the Department of Corrections or a private
- 1943 vendor or while the defendant was on escape status from a

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1944 correctional institution of another state, the District of
1945 Columbia, the United States, any possession or territory of the
1946 United States, or any foreign jurisdiction, following
1947 incarceration for an offense for which the sentence is
1948 punishable by more than 1 year in this state.

1949 3. If the state attorney determines that a defendant is a
1950 prison releasee reoffender as defined in subparagraph 1., the
1951 state attorney may seek to have the court sentence the defendant
1952 as a prison releasee reoffender. Upon proof from the state
1953 attorney that establishes by a preponderance of the evidence
1954 that a defendant is a prison releasee reoffender as defined in
1955 this section, such defendant is not eligible for sentencing
1956 under the sentencing guidelines and must be sentenced as
1957 follows:

1958 a. For a felony punishable by life, by a term of
1959 imprisonment for life;

1960 b. For a felony of the first degree, by a term of
1961 imprisonment of 30 years;

1962 c. For a felony of the second degree, by a term of
1963 imprisonment of 15 years; and

1964 d. For a felony of the third degree, by a term of
1965 imprisonment of 5 years.

1966 (d)1. It is the intent of the Legislature that offenders
1967 previously released from prison or a county detention facility
1968 following incarceration for an offense for which the sentence
1969 pronounced was a prison sentence who meet the criteria in
1970 paragraph (a) be punished to the fullest extent of the law and
1971 as provided in this subsection, unless the state attorney
1972 determines that extenuating circumstances exist which preclude

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1973 the just prosecution of the offender, including whether the
1974 victim recommends that the offender not be sentenced as provided
1975 in this subsection.

1976 2. For every case in which the offender meets the criteria
1977 in paragraph (a) and does not receive the mandatory minimum
1978 prison sentence, the state attorney must explain the sentencing
1979 deviation in writing and place such explanation in the case file
1980 maintained by the state attorney.

1981 Section 31. Subsection (6) is added to section 775.087,
1982 Florida Statutes, to read:

1983 775.087 Possession or use of weapon; aggravated battery;
1984 felony reclassification; minimum sentence.—

1985 (6) It is the intent of the Legislature to retroactively
1986 apply chapter 2016-7, Laws of Florida, only as provided in this
1987 subsection to persons who committed aggravated assault or
1988 attempted aggravated assault before July 1, 2016, the effective
1989 date of chapter 2016-7, Laws of Florida, which amended this
1990 section to remove aggravated assault or attempted aggravated
1991 assault from the list of predicate offenses for mandatory
1992 minimum terms of imprisonment under this section.

1993 (a) On or after October 1, 2019, a person who committed
1994 aggravated assault or attempted aggravated assault before July
1995 1, 2016, may not be sentenced to a mandatory minimum term of
1996 imprisonment under this section as it existed at any time before
1997 its amendment by chapter 2016-7, Laws of Florida.

1998 (b) A person who committed aggravated assault or attempted
1999 aggravated assault before July 1, 2016, who was sentenced before
2000 October 1, 2019, to a mandatory minimum term of imprisonment
2001 pursuant to this section as it existed at any time before its

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2002 amendment by chapter 2016-7, Laws of Florida, and who is serving
2003 such mandatory minimum term of imprisonment on or after October
2004 1, 2019, shall be resentenced to a sentence without such
2005 mandatory minimum term of imprisonment. The person shall be
2006 resentenced to a sentence as provided in s. 775.082, s. 775.083,
2007 or s. 775.084.

2008 (c) A person sentenced or resentenced pursuant to this
2009 subsection is eligible to receive any gain-time pursuant to s.
2010 944.275 which he or she was previously ineligible to receive
2011 because of the imposition of the mandatory minimum term of
2012 imprisonment.

2013 Section 32. Subsections (1) and (3) of section 775.0877,
2014 Florida Statutes, are amended to read:

2015 775.0877 Criminal transmission of HIV; procedures;
2016 penalties.—

2017 (1) In any case in which a person has been convicted of or
2018 has pled nolo contendere or guilty to, regardless of whether
2019 adjudication is withheld, any of the following offenses, or the
2020 attempt thereof, which offense or attempted offense involves the
2021 transmission of body fluids from one person to another:

2022 (a) Section 794.011, relating to sexual battery;

2023 (b) Section 826.04, relating to incest;

2024 (c) Section 800.04, relating to lewd or lascivious offenses
2025 committed upon or in the presence of persons less than 16 years
2026 of age;

2027 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
2028 relating to assault;

2029 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
2030 relating to aggravated assault;

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2031 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
 2032 relating to battery;

2033 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
 2034 relating to aggravated battery;

2035 (h) Section 827.03(2)(c), relating to child abuse;

2036 (i) Section 827.03(2)(a), relating to aggravated child
 2037 abuse;

2038 (j) Section 825.102(1), relating to abuse of an elderly
 2039 person or disabled adult;

2040 (k) Section 825.102(2), relating to aggravated abuse of an
 2041 elderly person or disabled adult;

2042 (l) Section 827.071, relating to sexual performance by
 2043 person less than 18 years of age;

2044 (m) Sections 796.07 and 796.08, relating to prostitution;
 2045 or

2046 (n) ~~Section 381.0041(11)(b), relating to donation of blood,~~
 2047 ~~plasma, organs, skin, or other human tissue; or~~

2048 ~~(o)~~ Sections 787.06(3)(b), (d), (f), and (g), relating to
 2049 human trafficking,

2050

2051 the court shall order the offender to undergo HIV testing, to be
 2052 performed under the direction of the Department of Health in
 2053 accordance with s. 381.004, unless the offender has undergone
 2054 HIV testing voluntarily or pursuant to procedures established in
 2055 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
 2056 rule providing for HIV testing of criminal offenders or inmates,
 2057 subsequent to her or his arrest for an offense enumerated in
 2058 paragraphs (a)-(m) ~~(a)-(n)~~ for which she or he was convicted or
 2059 to which she or he pled nolo contendere or guilty. The results

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2060 of an HIV test performed on an offender pursuant to this
2061 subsection are not admissible in any criminal proceeding arising
2062 out of the alleged offense.

2063 (3) An offender who has undergone HIV testing pursuant to
2064 subsection (1), and to whom positive test results have been
2065 disclosed pursuant to subsection (2), who commits a second or
2066 subsequent offense enumerated in paragraphs (1) (a)-(m) ~~(1)(a)-~~
2067 ~~(n)~~, commits criminal transmission of HIV, a felony of the third
2068 degree, punishable as provided in s. 775.082 or s. 775.083, ~~or~~
2069 ~~s. 775.084~~. A person may be convicted and sentenced separately
2070 for a violation of this subsection and for the underlying crime
2071 enumerated in paragraphs (1) (a)-(m) ~~(1)(a)-(n)~~.

2072 Section 33. Paragraph (d) of subsection (1) of section
2073 784.048, Florida Statutes, is amended, and subsections (2)
2074 through (5) and (7) of that section are republished, to read:

2075 784.048 Stalking; definitions; penalties.—

2076 (1) As used in this section, the term:

2077 (d) "Cyberstalk" means:

2078 1. To engage in a course of conduct to communicate, or to
2079 cause to be communicated, words, images, or language by or
2080 through the use of electronic mail or electronic communication,
2081 directed at a specific person; or

2082 2. To access, or attempt to access, the online accounts or
2083 Internet-connected home electronic systems of another person
2084 without that person's permission,

2085
2086 causing substantial emotional distress to that person and
2087 serving no legitimate purpose.

2088 (2) A person who willfully, maliciously, and repeatedly

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2089 follows, harasses, or cyberstalks another person commits the
2090 offense of stalking, a misdemeanor of the first degree,
2091 punishable as provided in s. 775.082 or s. 775.083.

2092 (3) A person who willfully, maliciously, and repeatedly
2093 follows, harasses, or cyberstalks another person and makes a
2094 credible threat to that person commits the offense of aggravated
2095 stalking, a felony of the third degree, punishable as provided
2096 in s. 775.082, s. 775.083, or s. 775.084.

2097 (4) A person who, after an injunction for protection
2098 against repeat violence, sexual violence, or dating violence
2099 pursuant to s. 784.046, or an injunction for protection against
2100 domestic violence pursuant to s. 741.30, or after any other
2101 court-imposed prohibition of conduct toward the subject person
2102 or that person's property, knowingly, willfully, maliciously,
2103 and repeatedly follows, harasses, or cyberstalks another person
2104 commits the offense of aggravated stalking, a felony of the
2105 third degree, punishable as provided in s. 775.082, s. 775.083,
2106 or s. 775.084.

2107 (5) A person who willfully, maliciously, and repeatedly
2108 follows, harasses, or cyberstalks a child under 16 years of age
2109 commits the offense of aggravated stalking, a felony of the
2110 third degree, punishable as provided in s. 775.082, s. 775.083,
2111 or s. 775.084.

2112 (7) A person who, after having been sentenced for a
2113 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and
2114 prohibited from contacting the victim of the offense under s.
2115 921.244, willfully, maliciously, and repeatedly follows,
2116 harasses, or cyberstalks the victim commits the offense of
2117 aggravated stalking, a felony of the third degree, punishable as

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2118 provided in s. 775.082, s. 775.083, or s. 775.084.

2119 Section 34. Subsection (1) of section 790.052, Florida
2120 Statutes, is amended to read:

2121 790.052 Carrying concealed firearms; off-duty law
2122 enforcement officers.-

2123 (1) (a) All persons holding active certifications from the
2124 Criminal Justice Standards and Training Commission as law
2125 enforcement officers or correctional officers as defined in s.
2126 943.10(1), (2), (6), (7), (8), or (9) shall have the right to
2127 carry, on or about their persons, concealed firearms, during
2128 off-duty hours, at the discretion of their superior officers,
2129 and may perform those law enforcement functions that they
2130 normally perform during duty hours, utilizing their weapons in a
2131 manner which is reasonably expected of on-duty officers in
2132 similar situations.

2133 (b) All persons holding an active certification from the
2134 Criminal Justice Standards and Training Commission as a law
2135 enforcement officer or a correctional officer as defined in s.
2136 943.10(1), (2), (6), (7), (8), or (9) meet the definition of
2137 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

2138 (c) All persons who held an active certification from the
2139 Criminal Justice Standards and Training Commission as a law
2140 enforcement officer or correctional officer as defined in s.
2141 943.10(1), (2), (6), (7), (8), or (9), while working for an
2142 employing agency, as defined in s. 943.10(4), but have separated
2143 from service under the conditions set forth in 18 U.S.C. s.
2144 926C(c), meet the definition of "qualified retired law
2145 enforcement officer."

2146 (d) However, nothing in This section does not subsection

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2147 ~~shall be construed to~~ limit the right of a law enforcement
 2148 officer, correctional officer, or correctional probation officer
 2149 to carry a concealed firearm off duty as a private citizen under
 2150 the exemption provided in s. 790.06 that allows a law
 2151 enforcement officer, correctional officer, or correctional
 2152 probation officer as defined in s. 943.10(1), (2), (3), (6),
 2153 (7), (8), or (9) to carry a concealed firearm without a
 2154 concealed weapon or firearm license. The appointing or employing
 2155 agency or department of an officer carrying a concealed firearm
 2156 as a private citizen under s. 790.06 shall not be liable for the
 2157 use of the firearm in such capacity. Nothing herein limits the
 2158 authority of the appointing or employing agency or department
 2159 from establishing policies limiting law enforcement officers or
 2160 correctional officers from carrying concealed firearms during
 2161 off-duty hours in their capacity as appointees or employees of
 2162 the agency or department.

2163 Section 35. Subsections (5) and (10) of section 790.22,
 2164 Florida Statutes, are amended to read:

2165 790.22 Use of BB guns, air or gas-operated guns, or
 2166 electric weapons or devices by minor under 16; limitation;
 2167 possession of firearms by minor under 18 prohibited; penalties.-

2168 (5) (a) A minor who violates subsection (3) commits a
 2169 misdemeanor of the first degree; for a first offense, may serve
 2170 a period of detention of up to 3 days in a secure detention
 2171 facility; and, in addition to any other penalty provided by law,
 2172 shall be required to perform 100 hours of community service;
 2173 and:

2174 1. If the minor is eligible by reason of age for a driver
 2175 license or driving privilege, the court may ~~shall~~ direct the

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2176 Department of Highway Safety and Motor Vehicles to revoke or to
2177 withhold issuance of the minor's driver license or driving
2178 privilege for up to 1 year.

2179 2. If the minor's driver license or driving privilege is
2180 under suspension or revocation for any reason, the court may
2181 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
2182 to extend the period of suspension or revocation by an
2183 additional period of up to 1 year.

2184 3. If the minor is ineligible by reason of age for a driver
2185 license or driving privilege, the court may ~~shall~~ direct the
2186 Department of Highway Safety and Motor Vehicles to withhold
2187 issuance of the minor's driver license or driving privilege for
2188 up to 1 year after the date on which the minor would otherwise
2189 have become eligible.

2190 (b) For a second or subsequent offense, a minor who
2191 violates subsection (3) commits a felony of the third degree and
2192 shall serve a period of detention of up to 15 days in a secure
2193 detention facility and shall be required to perform not less
2194 than 100 nor more than 250 hours of community service, and:

2195 1. If the minor is eligible by reason of age for a driver
2196 license or driving privilege, the court may ~~shall~~ direct the
2197 Department of Highway Safety and Motor Vehicles to revoke or to
2198 withhold issuance of the minor's driver license or driving
2199 privilege for up to 2 years.

2200 2. If the minor's driver license or driving privilege is
2201 under suspension or revocation for any reason, the court may
2202 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
2203 to extend the period of suspension or revocation by an
2204 additional period of up to 2 years.

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2205 3. If the minor is ineligible by reason of age for a driver
2206 license or driving privilege, the court may ~~shall~~ direct the
2207 Department of Highway Safety and Motor Vehicles to withhold
2208 issuance of the minor's driver license or driving privilege for
2209 up to 2 years after the date on which the minor would otherwise
2210 have become eligible.

2211
2212 For the purposes of this subsection, community service shall be
2213 performed, if possible, in a manner involving a hospital
2214 emergency room or other medical environment that deals on a
2215 regular basis with trauma patients and gunshot wounds.

2216 (10) If a minor is found to have committed an offense under
2217 subsection (9), the court shall impose the following penalties
2218 in addition to any penalty imposed under paragraph (9) (a) or
2219 paragraph (9) (b):

2220 (a) For a first offense:

2221 1. If the minor is eligible by reason of age for a driver
2222 license or driving privilege, the court may ~~shall~~ direct the
2223 Department of Highway Safety and Motor Vehicles to revoke or to
2224 withhold issuance of the minor's driver license or driving
2225 privilege for up to 1 year.

2226 2. If the minor's driver license or driving privilege is
2227 under suspension or revocation for any reason, the court may
2228 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
2229 to extend the period of suspension or revocation by an
2230 additional period for up to 1 year.

2231 3. If the minor is ineligible by reason of age for a driver
2232 license or driving privilege, the court may ~~shall~~ direct the
2233 Department of Highway Safety and Motor Vehicles to withhold

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2234 issuance of the minor's driver license or driving privilege for
 2235 up to 1 year after the date on which the minor would otherwise
 2236 have become eligible.

2237 (b) For a second or subsequent offense:

2238 1. If the minor is eligible by reason of age for a driver
 2239 license or driving privilege, the court may ~~shall~~ direct the
 2240 Department of Highway Safety and Motor Vehicles to revoke or to
 2241 withhold issuance of the minor's driver license or driving
 2242 privilege for up to 2 years.

2243 2. If the minor's driver license or driving privilege is
 2244 under suspension or revocation for any reason, the court may
 2245 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
 2246 to extend the period of suspension or revocation by an
 2247 additional period for up to 2 years.

2248 3. If the minor is ineligible by reason of age for a driver
 2249 license or driving privilege, the court may ~~shall~~ direct the
 2250 Department of Highway Safety and Motor Vehicles to withhold
 2251 issuance of the minor's driver license or driving privilege for
 2252 up to 2 years after the date on which the minor would otherwise
 2253 have become eligible.

2254 Section 36. Section 800.09, Florida Statutes, is amended to
 2255 read:

2256 800.09 Lewd or lascivious exhibition in the presence of an
 2257 employee.—

2258 (1) As used in this section, the term:

2259 (a) "Employee" means:

2260 1. Any person employed by or performing contractual
 2261 services for a public or private entity operating a state
 2262 correctional institution or private correctional facility; ~~or~~

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2263 2. Any person employed by or performing contractual
 2264 services for the corporation operating the prison industry
 2265 enhancement programs or the correctional work programs under
 2266 part II of chapter 946; ~~The term also includes~~

2267 3. Any person who is a parole examiner with the Florida
 2268 Commission on Offender Review; or

2269 4. Any person employed at or performing contractual
 2270 services for a county detention facility.

2271 (b) "Facility" means a state correctional institution as
 2272 defined in s. 944.02, ~~or~~ a private correctional facility as
 2273 defined in s. 944.710, or a county detention facility as defined
 2274 in s. 951.23.

2275 (2) (a) A person who is detained in a facility may not:

2276 1. Intentionally masturbate;

2277 2. Intentionally expose the genitals in a lewd or
 2278 lascivious manner; or

2279 3. Intentionally commit any other sexual act that does not
 2280 involve actual physical or sexual contact with the victim,
 2281 including, but not limited to, sadomasochistic abuse, sexual
 2282 bestiality, or the simulation of any act involving sexual
 2283 activity,

2284
 2285 in the presence of a person he or she knows or reasonably should
 2286 know is an employee.

2287 (b) A person who violates paragraph (a) commits lewd or
 2288 lascivious exhibition in the presence of an employee, a felony
 2289 of the third degree, punishable as provided in s. 775.082, s.
 2290 775.083, or s. 775.084.

2291 Section 37. Subsection (7) of section 806.13, Florida

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2292 Statutes, is amended, and subsection (8) of that section is
2293 republished, to read:

2294 806.13 Criminal mischief; penalties; penalty for minor.—

2295 (7) In addition to any other penalty provided by law, if a
2296 minor is found to have committed a delinquent act under this
2297 section for placing graffiti on any public property or private
2298 property, and:

2299 (a) The minor is eligible by reason of age for a driver
2300 license or driving privilege, the court may ~~shall~~ direct the
2301 Department of Highway Safety and Motor Vehicles to revoke or
2302 withhold issuance of the minor's driver license or driving
2303 privilege for not more than 1 year.

2304 (b) The minor's driver license or driving privilege is
2305 under suspension or revocation for any reason, the court may
2306 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
2307 to extend the period of suspension or revocation by an
2308 additional period of not more than 1 year.

2309 (c) The minor is ineligible by reason of age for a driver
2310 license or driving privilege, the court may ~~shall~~ direct the
2311 Department of Highway Safety and Motor Vehicles to withhold
2312 issuance of the minor's driver license or driving privilege for
2313 not more than 1 year after the date on which he or she would
2314 otherwise have become eligible.

2315 (8) A minor whose driver license or driving privilege is
2316 revoked, suspended, or withheld under subsection (7) may elect
2317 to reduce the period of revocation, suspension, or withholding
2318 by performing community service at the rate of 1 day for each
2319 hour of community service performed. In addition, if the court
2320 determines that due to a family hardship, the minor's driver

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2321 license or driving privilege is necessary for employment or
2322 medical purposes of the minor or a member of the minor's family,
2323 the court shall order the minor to perform community service and
2324 reduce the period of revocation, suspension, or withholding at
2325 the rate of 1 day for each hour of community service performed.
2326 As used in this subsection, the term "community service" means
2327 cleaning graffiti from public property.

2328 Section 38. Paragraphs (c), (d), and (e) of subsection (2)
2329 of section 812.014, Florida Statutes, are amended, and
2330 subsection (7) is added to that section, to read:

2331 812.014 Theft.—

2332 (2)

2333 (c) It is grand theft of the third degree and a felony of
2334 the third degree, punishable as provided in s. 775.082, s.
2335 775.083, or s. 775.084, if the property stolen is:

- 2336 1. Valued at \$750 ~~\$300~~ or more, but less than \$5,000.
- 2337 2. Valued at \$5,000 or more, but less than \$10,000.
- 2338 3. Valued at \$10,000 or more, but less than \$20,000.
- 2339 4. A will, codicil, or other testamentary instrument.
- 2340 5. A firearm.
- 2341 6. A motor vehicle, except as provided in paragraph (a).
- 2342 7. Any commercially farmed animal, including any animal of
2343 the equine, avian, bovine, or swine class or other grazing
2344 animal; a bee colony of a registered beekeeper; and aquaculture
2345 species raised at a certified aquaculture facility. If the
2346 property stolen is a commercially farmed animal, including an
2347 animal of the equine, avian, bovine, or swine class or other
2348 grazing animal; a bee colony of a registered beekeeper; or an
2349 aquaculture species raised at a certified aquaculture facility,

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2350 a \$10,000 fine shall be imposed.

2351 8. Any fire extinguisher.

2352 9. Any amount of citrus fruit consisting of 2,000 or more

2353 individual pieces of fruit.

2354 10. Taken from a designated construction site identified by

2355 the posting of a sign as provided for in s. 810.09(2)(d).

2356 11. Any stop sign.

2357 12. Anhydrous ammonia.

2358 13. Any amount of a controlled substance as defined in s.

2359 893.02. Notwithstanding any other law, separate judgments and

2360 sentences for theft of a controlled substance under this

2361 subparagraph and for any applicable possession of controlled

2362 substance offense under s. 893.13 or trafficking in controlled

2363 substance offense under s. 893.135 may be imposed when all such

2364 offenses involve the same amount or amounts of a controlled

2365 substance.

2366

2367 However, if the property is stolen within a county that is

2368 subject to a state of emergency declared by the Governor under

2369 chapter 252, the property is stolen after the declaration of

2370 emergency is made, and the perpetration of the theft is

2371 facilitated by conditions arising from the emergency, the

2372 offender commits a felony of the second degree, punishable as

2373 provided in s. 775.082, s. 775.083, or s. 775.084, if the

2374 property is valued at \$5,000 or more, but less than \$10,000, as

2375 provided under subparagraph 2., or if the property is valued at

2376 \$10,000 or more, but less than \$20,000, as provided under

2377 subparagraph 3. As used in this paragraph, the term "conditions

2378 arising from the emergency" means civil unrest, power outages,

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2379 curfews, voluntary or mandatory evacuations, or a reduction in
2380 the presence of or the response time for first responders or
2381 homeland security personnel. For purposes of sentencing under
2382 chapter 921, a felony offense that is reclassified under this
2383 paragraph is ranked one level above the ranking under s.
2384 921.0022 or s. 921.0023 of the offense committed.

2385 (d) It is grand theft of the third degree and a felony of
2386 the third degree, punishable as provided in s. 775.082, s.
2387 775.083, or s. 775.084, if the property stolen is valued at \$100
2388 or more, but less than \$750 ~~\$300~~, and is taken from a dwelling
2389 as defined in s. 810.011(2) or from the unenclosed curtilage of
2390 a dwelling pursuant to s. 810.09(1).

2391 (e) Except as provided in paragraph (d), if the property
2392 stolen is valued at \$100 or more, but less than \$750 ~~\$300~~, the
2393 offender commits petit theft of the first degree, punishable as
2394 a misdemeanor of the first degree, as provided in s. 775.082 or
2395 s. 775.083.

2396 (7) The Office of Program Policy Analysis and Government
2397 Accountability (OPPAGA) shall perform a study every 5 years to
2398 determine the appropriateness of the threshold amounts included
2399 in this section. The study's scope must include, but need not be
2400 limited to, the crime trends related to theft offenses, the
2401 theft threshold amounts of other states in effect at the time of
2402 the study, the fiscal impact of any modifications to this
2403 state's threshold amounts, and the effect on economic factors,
2404 such as inflation. The study must include options for amending
2405 the threshold amounts if the study finds that such amounts are
2406 inconsistent with current trends. In conducting the study,
2407 OPPAGA shall consult with the Office of Economic and Demographic

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2408 Research in addition to other interested entities. OPPAGA shall
2409 submit a report to the Governor, the President of the Senate,
2410 and the Speaker of the House of Representatives by September 1
2411 of each 5th year.

2412 Section 39. Subsections (8) and (9) of section 812.015,
2413 Florida Statutes, are amended, and subsections (10) and (11) are
2414 added to that section, to read:

2415 812.015 Retail and farm theft; transit fare evasion;
2416 mandatory fine; alternative punishment; detention and arrest;
2417 exemption from liability for false arrest; resisting arrest;
2418 penalties.—

2419 (8) Except as provided in subsection (9), a person who
2420 commits retail theft commits a felony of the third degree,
2421 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
2422 if the property stolen is valued at \$750 ~~\$300~~ or more, and the
2423 person:

2424 (a) Individually commits retail theft, or in concert with
2425 one or more other persons, coordinates the activities of one or
2426 more individuals in committing the offense, which may occur
2427 through multiple acts of retail theft, in which ~~case~~ the amount
2428 of each individual theft is aggregated within a 30-day period to
2429 determine the value of the property stolen;

2430 (b) Conspires with another person to commit retail theft
2431 with the intent to sell the stolen property for monetary or
2432 other gain, and subsequently takes or causes such property to be
2433 placed in the control of another person in exchange for
2434 consideration, in which the stolen property taken or placed
2435 within a 30-day period is aggregated to determine the value of
2436 the stolen property;

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2437 (c)~~(b)~~ Individually, or in concert with one or more other
2438 persons, commits theft from more than one location within a 30-
2439 day ~~48-hour~~ period, in which ~~each~~ the amount of each individual
2440 theft is aggregated to determine the value of the property
2441 stolen;

2442 (d)~~(e)~~ Acts in concert with one or more other individuals
2443 within one or more establishments to distract the merchant,
2444 merchant's employee, or law enforcement officer in order to
2445 carry out the offense, or acts in other ways to coordinate
2446 efforts to carry out the offense; or

2447 (e)~~(d)~~ Commits the offense through the purchase of
2448 merchandise in a package or box that contains merchandise other
2449 than, or in addition to, the merchandise purported to be
2450 contained in the package or box.

2451 (9) A person commits a felony of the second degree,
2452 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
2453 if the person:

2454 (a) Violates subsection (8) and has previously been
2455 convicted of a violation of subsection (8); ~~or~~

2456 (b) Individually, or in concert with one or more other
2457 persons, coordinates the activities of one or more persons in
2458 committing the offense of retail theft, in which the amount of
2459 each individual theft within a 30-day period is aggregated to
2460 determine the value of the stolen property and such ~~where the~~
2461 ~~stolen property has a value~~ is in excess of \$3,000; or

2462 (c) Conspires with another person to commit retail theft
2463 with the intent to sell the stolen property for monetary or
2464 other gain, and subsequently takes or causes such property to be
2465 placed in control of another person in exchange for

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2466 consideration, in which the stolen property taken or placed
2467 within a 30-day period is aggregated to have a value in excess
2468 of \$3,000.

2469 (10) If a person commits retail theft in more than one
2470 judicial circuit within a 30-day period, the value of the stolen
2471 property resulting from the thefts in each judicial circuit may
2472 be aggregated, and the person must be prosecuted by the Office
2473 of the Statewide Prosecutor in accordance with s. 16.56.

2474 (11) The Office of Program Policy Analysis and Government
2475 Accountability (OPPAGA) shall perform a study every 5 years to
2476 determine the appropriateness of the threshold amounts included
2477 in this section. The study's scope must include, but need not be
2478 limited to, the crime trends related to theft offenses, the
2479 theft threshold amounts of other states in effect at the time of
2480 the study, the fiscal impact of any modifications to this
2481 state's threshold amounts, and the effect on economic factors,
2482 such as inflation. The study must include options for amending
2483 the threshold amounts if the study finds that such amounts are
2484 inconsistent with current trends. In conducting the study,
2485 OPPAGA shall consult with the Office of Economic and Demographic
2486 Research in addition to other interested entities. OPPAGA shall
2487 submit a report to the Governor, the President of the Senate,
2488 and the Speaker of the House of Representatives by September 1
2489 of each 5th year.

2490 Section 40. Section 812.0155, Florida Statutes, is amended
2491 to read:

2492 812.0155 Driver license suspension as an alternative
2493 sentence for a person under 18 years of age ~~Suspension of driver~~
2494 ~~license following an adjudication of guilt for theft.-~~

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2495 ~~(1) Except as provided in subsections (2) and (3), the~~
2496 ~~court may order the suspension of the driver license of each~~
2497 ~~person adjudicated guilty of any misdemeanor violation of s.~~
2498 ~~812.014 or s. 812.015, regardless of the value of the property~~
2499 ~~stolen. Upon ordering the suspension of the driver license of~~
2500 ~~the person adjudicated guilty, the court shall forward the~~
2501 ~~driver license of the person adjudicated guilty to the~~
2502 ~~Department of Highway Safety and Motor Vehicles in accordance~~
2503 ~~with s. 322.25.~~

2504 ~~(a) The first suspension of a driver license under this~~
2505 ~~subsection shall be for a period of up to 6 months.~~

2506 ~~(b) A second or subsequent suspension of a driver license~~
2507 ~~under this subsection shall be for 1 year.~~

2508 (1)~~(2)~~ The court may revoke, suspend, or withhold issuance
2509 of a driver license of a person less than 18 years of age who
2510 violates s. 812.014 or s. 812.015 as an alternative to
2511 sentencing the person to:

2512 (a) Probation as defined in s. 985.03 or commitment to the
2513 Department of Juvenile Justice, if the person is adjudicated
2514 delinquent for such violation and has not previously been
2515 convicted of or adjudicated delinquent for any criminal offense,
2516 regardless of whether adjudication was withheld.

2517 (b) Probation as defined in s. 985.03, commitment to the
2518 Department of Juvenile Justice, probation as defined in chapter
2519 948, community control, or incarceration, if the person is
2520 convicted as an adult of such violation and has not previously
2521 been convicted of or adjudicated delinquent for any criminal
2522 offense, regardless of whether adjudication was withheld.

2523 (2)~~(3)~~ As used in this subsection, the term "department"

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2524 means the Department of Highway Safety and Motor Vehicles. A
 2525 court that revokes, suspends, or withholds issuance of a driver
 2526 license under subsection (1) ~~(2)~~ shall:

2527 (a) If the person is eligible by reason of age for a driver
 2528 license or driving privilege, direct the department to revoke or
 2529 withhold issuance of the person's driver license or driving
 2530 privilege for not less than 6 months and not more than 1 year;

2531 (b) If the person's driver license is under suspension or
 2532 revocation for any reason, direct the department to extend the
 2533 period of suspension or revocation by not less than 6 months and
 2534 not more than 1 year; or

2535 (c) If the person is ineligible by reason of age for a
 2536 driver license or driving privilege, direct the department to
 2537 withhold issuance of the person's driver license or driving
 2538 privilege for not less than 6 months and not more than 1 year
 2539 after the date on which the person would otherwise become
 2540 eligible.

2541 (3) ~~(4)~~ This section does ~~Subsections (2) and (3) do not~~
 2542 preclude the court from imposing any other ~~specified or~~
 2543 ~~not specified in subsection (2) or subsection (3).~~

2544 ~~(5) A court that suspends the driver license of a person~~
 2545 ~~pursuant to subsection (1) may direct the Department of Highway~~
 2546 ~~Safety and Motor Vehicles to issue the person a license for~~
 2547 ~~driving privilege restricted to business purposes only, as~~
 2548 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

2549 Section 41. Subsection (1) of section 815.03, Florida
 2550 Statutes, is amended to read:

2551 815.03 Definitions.—As used in this chapter, unless the
 2552 context clearly indicates otherwise:

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2553 (1) "Access" means to approach, instruct, communicate with,
2554 store data in, retrieve data from, or otherwise make use of any
2555 resources of a computer, a computer system, a ~~or~~ computer
2556 network, or an electronic device.

2557 Section 42. Subsection (2) of section 815.06, Florida
2558 Statutes, is amended, and subsection (3) of that section is
2559 republished, to read:

2560 815.06 Offenses against users of computers, computer
2561 systems, computer networks, and electronic devices.—

2562 (2) A person commits an offense against users of computers,
2563 computer systems, computer networks, or electronic devices if he
2564 or she willfully, knowingly, and without authorization or
2565 exceeding authorization:

2566 (a) Accesses or causes to be accessed any computer,
2567 computer system, computer network, or electronic device with
2568 knowledge that such access is unauthorized or the manner of use
2569 exceeds authorization;

2570 (b) Disrupts or denies or causes the denial of the ability
2571 to transmit data to or from an authorized user of a computer,
2572 computer system, computer network, or electronic device, which,
2573 in whole or in part, is owned by, under contract to, or operated
2574 for, on behalf of, or in conjunction with another;

2575 (c) Destroys, takes, injures, or damages equipment or
2576 supplies used or intended to be used in a computer, computer
2577 system, computer network, or electronic device;

2578 (d) Destroys, injures, or damages any computer, computer
2579 system, computer network, or electronic device;

2580 (e) Introduces any computer contaminant into any computer,
2581 computer system, computer network, or electronic device; or

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2582 (f) Engages in audio or video surveillance of an individual
2583 by accessing any inherent feature or component of a computer,
2584 computer system, computer network, or electronic device,
2585 including accessing the data or information of a computer,
2586 computer system, computer network, or electronic device that is
2587 stored by a third party.

2588 (3) (a) Except as provided in paragraphs (b) and (c), a
2589 person who violates subsection (2) commits a felony of the third
2590 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2591 775.084.

2592 (b) A person commits a felony of the second degree,
2593 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
2594 if he or she violates subsection (2) and:

2595 1. Damages a computer, computer equipment or supplies, a
2596 computer system, or a computer network and the damage or loss is
2597 at least \$5,000;

2598 2. Commits the offense for the purpose of devising or
2599 executing any scheme or artifice to defraud or obtain property;

2600 3. Interrupts or impairs a governmental operation or public
2601 communication, transportation, or supply of water, gas, or other
2602 public service; or

2603 4. Intentionally interrupts the transmittal of data to or
2604 from, or gains unauthorized access to, a computer, computer
2605 system, computer network, or electronic device belonging to any
2606 mode of public or private transit, as defined in s. 341.031.

2607 (c) A person who violates subsection (2) commits a felony
2608 of the first degree, punishable as provided in s. 775.082, s.
2609 775.083, or s. 775.084, if the violation:

2610 1. Endangers human life; or

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2611 2. Disrupts a computer, computer system, computer network,
2612 or electronic device that affects medical equipment used in the
2613 direct administration of medical care or treatment to a person.

2614 Section 43. Section 817.413, Florida Statutes, is amended
2615 to read:

2616 817.413 Sale of used motor vehicle goods as new; penalty.—

2617 (1) With respect to a transaction for which any charges
2618 will be paid from the proceeds of a motor vehicle insurance
2619 policy, ~~and in which the purchase price of motor vehicle goods~~
2620 ~~exceeds \$100,~~ it is unlawful for the seller to knowingly
2621 misrepresent orally, in writing, or by failure to speak, that
2622 the goods are new or original when they are used or repossessed
2623 or have been used for sales demonstration.

2624 (2) A person who violates ~~the provisions of this section,~~
2625 if the purchase price of the motor vehicle goods is \$1,000 or
2626 more, commits a felony of the third degree, punishable as
2627 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2628 purchase price of the motor vehicle goods is less than \$1,000,
2629 the person commits a misdemeanor of the first degree, punishable
2630 as provided in s. 775.082 or s. 775.083.

2631 Section 44. Paragraph (a) of subsection (2) of section
2632 831.28, Florida Statutes, is amended to read:

2633 831.28 Counterfeiting a payment instrument; possessing a
2634 counterfeit payment instrument; penalties.—

2635 (2) (a) It is unlawful to counterfeit a payment instrument
2636 with the intent to defraud a financial institution, account
2637 holder, or any other person or organization or for a person to
2638 have any counterfeit payment instrument in such person's
2639 possession with the intent to defraud a financial institution,

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2640 an account holder, or any other person or organization. Any
2641 person who violates this subsection commits a felony of the
2642 third degree, punishable as provided in s. 775.082, s. 775.083,
2643 or s. 775.084.

2644 Section 45. Present subsections (5) through (10) of section
2645 847.011, Florida Statutes, are redesignated as subsections (6)
2646 through (11), respectively, and a new subsection (5) is added to
2647 that section, to read:

2648 847.011 Prohibition of certain acts in connection with
2649 obscene, lewd, etc., materials; penalty.—

2650 (5) (a) A person may not knowingly sell, lend, give away,
2651 distribute, transmit, show, or transmute; offer to sell, lend,
2652 give away, distribute, transmit, show, or transmute; have in his
2653 or her possession, custody, or control with the intent to sell,
2654 lend, give away, distribute, transmit, show, or transmute; or
2655 advertise in any manner an obscene, child-like sex doll. A
2656 person who violates this paragraph commits a misdemeanor of the
2657 first degree, punishable as provided in s. 775.082 or s.
2658 775.083.

2659 (b) A person who is convicted of violating paragraph (a) a
2660 second or subsequent time commits a felony of the third degree,
2661 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2662 (c) A person who knowingly has in his or her possession,
2663 custody, or control an obscene, child-like sex doll without
2664 intent to sell, lend, give away, distribute, transmit, show,
2665 transmute, or advertise the same commits a misdemeanor of the
2666 second degree, punishable as provided in s. 775.082 or s.
2667 775.083. A person who is convicted of violating this paragraph a
2668 second or subsequent time commits a misdemeanor of the first

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2669 degree, punishable as provided in s. 775.082 or s. 775.083. In
2670 any prosecution for such possession, it is not necessary to
2671 allege or prove the absence of such intent.

2672 Section 46. Section 849.01, Florida Statutes, is amended to
2673 read:

2674 849.01 Keeping gambling houses, etc.—Whoever by herself or
2675 himself, her or his servant, clerk or agent, or in any other
2676 manner has, keeps, exercises or maintains a gaming table or
2677 room, or gaming implements or apparatus, or house, booth, tent,
2678 shelter or other place for the purpose of gaming or gambling or
2679 in any place of which she or he may directly or indirectly have
2680 charge, control or management, either exclusively or with
2681 others, procures, suffers or permits any person to play for
2682 money or other valuable thing at any game whatever, whether
2683 heretofore prohibited or not, commits ~~shall be guilty of a~~
2684 misdemeanor felony of the second ~~third~~ degree, punishable as
2685 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

2686 Section 47. Subsections (6) and (7) and paragraphs (c) and
2687 (d) of subsection (8) of section 877.112, Florida Statutes, are
2688 amended to read:

2689 877.112 Nicotine products and nicotine dispensing devices;
2690 prohibitions for minors; penalties; civil fines; signage
2691 requirements; preemption.—

2692 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
2693 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
2694 person under 18 years of age to knowingly possess any nicotine
2695 product or a nicotine dispensing device. Any person under 18
2696 years of age who violates this subsection commits a noncriminal
2697 violation as defined in s. 775.08(3), punishable by:

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2698 (a) For a first violation, 16 hours of community service
2699 or, instead of community service, a \$25 fine. In addition, the
2700 person must attend a school-approved anti-tobacco and nicotine
2701 program, if locally available; or

2702 (b) For a second or subsequent violation within 12 weeks
2703 after ~~of~~ the first violation, a \$25 fine. ~~or~~

2704 ~~(c) For a third or subsequent violation within 12 weeks of~~
2705 ~~the first violation, the court must direct the Department of~~
2706 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
2707 ~~suspend or revoke the person's driver license or driving~~
2708 ~~privilege, as provided in s. 322.056.~~

2709
2710 Any second or subsequent violation not within the 12-week time
2711 period after the first violation is punishable as provided for a
2712 first violation.

2713 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
2714 any person under 18 years of age to misrepresent his or her age
2715 or military service for the purpose of inducing a retailer of
2716 nicotine products or nicotine dispensing devices or an agent or
2717 employee of such retailer to sell, give, barter, furnish, or
2718 deliver any nicotine product or nicotine dispensing device, or
2719 to purchase, or attempt to purchase, any nicotine product or
2720 nicotine dispensing device from a person or a vending machine.
2721 Any person under 18 years of age who violates this subsection
2722 commits a noncriminal violation as defined in s. 775.08(3),
2723 punishable by:

2724 (a) For a first violation, 16 hours of community service
2725 or, instead of community service, a \$25 fine and, in addition,
2726 the person must attend a school-approved anti-tobacco and

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2727 nicotine program, if available; or

2728 (b) For a second violation within 12 weeks after ~~of~~ the
2729 first violation, a \$25 fine. ~~;~~ ~~or~~

2730 ~~(c) For a third or subsequent violation within 12 weeks of~~
2731 ~~the first violation, the court must direct the Department of~~
2732 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
2733 ~~suspend or revoke the person's driver license or driving~~
2734 ~~privilege, as provided in s. 322.056.~~

2735

2736 Any second or subsequent violation not within the 12-week time
2737 period after the first violation is punishable as provided for a
2738 first violation.

2739 (8) PENALTIES FOR MINORS.—

2740 (c) If a person under 18 years of age is found by the court
2741 to have committed a noncriminal violation under this section and
2742 that person has failed to complete community service, pay the
2743 fine as required by paragraph (6) (a) or paragraph (7) (a), or
2744 attend a school-approved anti-tobacco and nicotine program, if
2745 locally available, the court may ~~must~~ direct the Department of
2746 Highway Safety and Motor Vehicles to withhold issuance of or
2747 suspend the driver license or driving privilege of that person
2748 for 30 consecutive days.

2749 (d) If a person under 18 years of age is found by the court
2750 to have committed a noncriminal violation under this section and
2751 that person has failed to pay the applicable fine as required by
2752 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct
2753 the Department of Highway Safety and Motor Vehicles to withhold
2754 issuance of or suspend the driver license or driving privilege
2755 of that person for 45 consecutive days.

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2756 Section 48. Present subsections (6) and (7) of section
2757 893.135, Florida Statutes, are redesignated as subsections (7)
2758 and (8), respectively, paragraph (o) is added to subsection (1)
2759 of that section, and a new subsection (6) and subsection (9) are
2760 added to that section, to read:

2761 893.135 Trafficking; mandatory sentences; suspension or
2762 reduction of sentences; conspiracy to engage in trafficking.—

2763 (1) Except as authorized in this chapter or in chapter 499
2764 and notwithstanding the provisions of s. 893.13:

2765 (o)1. As used in this paragraph, the term "dosage unit"
2766 means an individual tablet, capsule, pill, transdermal patch,
2767 unit of sublingual gelatin, or other visually distinctive form,
2768 with a clear manufacturer marking on each unit, of a commercial
2769 drug product approved by the United States Food and Drug
2770 Administration and manufactured and distributed by a
2771 pharmaceutical company lawfully doing business in the United
2772 States.

2773 2. Notwithstanding any other provision of this section, the
2774 sale, purchase, manufacture, delivery, or actual or constructive
2775 possession of fewer than 120 dosage units containing any
2776 controlled substance described in this section is not a
2777 violation of any other provision of this section.

2778 3. A person who knowingly sells, purchases, delivers, or
2779 brings into this state, or who is knowingly in actual or
2780 constructive possession of, 120 or more dosage units containing
2781 a controlled substance described in this section commits a
2782 felony of the first degree, which felony shall be known as
2783 "trafficking in pharmaceuticals," punishable as provided in s.
2784 775.082, s. 775.083, or s. 775.084, and must be prosecuted under

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2785 this paragraph. If the quantity involved:

2786 a. Is 120 or more dosage units, but fewer than 500 dosage
2787 units, such person shall be sentenced to a mandatory minimum
2788 term of imprisonment of 3 years and shall be ordered to pay a
2789 fine of up to \$25,000.

2790 b. Is 500 or more dosage units, but fewer than 1,000 dosage
2791 units, such person shall be sentenced to a mandatory minimum
2792 term of imprisonment of 7 years and shall be ordered to pay a
2793 fine of up to \$50,000.

2794 c. Is 1,000 or more dosage units, but fewer than 5,000
2795 dosage units, such person shall be sentenced to a mandatory
2796 minimum term of imprisonment of 15 years and shall be ordered to
2797 pay a fine of up to \$100,000.

2798 d. Is 5,000 or more dosage units, such person shall be
2799 sentenced to a mandatory minimum term of imprisonment of 25
2800 years and shall be ordered to pay a fine of up to \$250,000.

2801 (6) Notwithstanding any other provision of law, for an
2802 offense under this section the court shall impose a sentence
2803 pursuant to the Criminal Punishment Code under chapter 921 and
2804 without regard to any statutory minimum sentence, if the court
2805 finds at sentencing, after the state attorney has been afforded
2806 the opportunity to make a recommendation, all of the following:

2807 (a) The defendant has not previously been convicted of a
2808 dangerous crime as defined in s. 907.041(4) (a), or a violation
2809 specified as a predicate offense for registration as a sexual
2810 predator under s. 775.21 or for registration as a sexual
2811 offender under s. 943.0435.

2812 (b) The defendant did not use violence or credible threats
2813 of violence or possess a firearm or other dangerous weapon, or

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2814 induce another participant to do so, in connection with the
2815 offense.

2816 (c) The offense did not result in death or serious bodily
2817 injury to any person.

2818 (d) The defendant was not engaged in a continuing criminal
2819 enterprise, as described in s. 893.20.

2820 (e) By the time of the sentencing hearing, the defendant
2821 has truthfully provided to the state all information and
2822 evidence the defendant has concerning the offense or offenses
2823 that were part of the same course of conduct or of a common
2824 scheme or plan. The fact that the defendant has no other
2825 relevant or useful information to provide or that the state is
2826 already aware of the information does not preclude a
2827 determination by the court that the defendant has complied with
2828 this requirement.

2829 (9) (a) It is the intent of the Legislature to retroactively
2830 apply chapter 2014-176, Laws of Florida, only as provided in
2831 this subsection, to violations of former s. 893.135(1)(c)1.
2832 involving hydrocodone or oxycodone or any mixture containing
2833 hydrocodone or oxycodone. A reference in this subsection to
2834 "former s. 893.135(1)(c)1." is a reference to s. 893.135(1)(c)1.
2835 as it existed at any time before the amendment of this section
2836 by chapter 2014-176, Laws of Florida.

2837 (b) A person who committed a violation of former s.
2838 893.135(1)(c)1. before July 1, 2014, but who was not sentenced
2839 for such violation before October 1, 2019, shall be sentenced as
2840 provided in this subsection. A person who was sentenced before
2841 October 1, 2019, for a violation of former s. 893.135(1)(c)1.
2842 committed before July 1, 2014, may petition the court for

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2843 resentencing pursuant to this subsection.

2844 (c) A violation of former s. 893.135(1)(c)1. is a felony of
2845 the first degree, punishable as provided in s. 775.082, s.
2846 775.083, or s. 775.084.

2847 (d) If the controlled substance involved in the violation
2848 of former s. 893.135(1)(c)1. was hydrocodone or any mixture
2849 containing hydrocodone, and the quantity involved:

2850 1. Was 4 grams or more, but less than 14 grams, such person
2851 shall be sentenced or resentenced as provided in s. 775.082, s.
2852 775.083, or s. 775.084.

2853 2. Was 14 grams or more, but less than 28 grams, such
2854 person shall be sentenced or resentenced to a mandatory minimum
2855 term of imprisonment of 3 years and shall be ordered to pay a
2856 fine of \$50,000.

2857 3. Was 28 grams or more, but less than 50 grams, such
2858 person shall be sentenced or resentenced to a mandatory minimum
2859 term of imprisonment of 7 years and shall be ordered to pay a
2860 fine of \$100,000.

2861 4. Was 50 grams or more, but less than 200 grams, such
2862 person shall be sentenced or resentenced to a mandatory minimum
2863 term of imprisonment of 15 years and shall be ordered to pay a
2864 fine of \$500,000.

2865 5. Was 200 grams or more, but less than 30 kilograms, such
2866 person shall be sentenced or resentenced to a mandatory minimum
2867 term of imprisonment of 25 years and shall be ordered to pay a
2868 fine of \$500,000.

2869 (e) If the controlled substance involved in the violation
2870 of former s. 893.135(1)(c)1. was oxycodone or any mixture
2871 containing oxycodone, and the quantity involved:

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2872 1. Was 4 grams or more, but less than 7 grams, such person
2873 shall be sentenced or resentenced as provided in s. 775.082, s.
2874 775.083, or s. 775.084.

2875 2. Was 7 grams or more, but less than 14 grams, such person
2876 shall be sentenced or resentenced to a mandatory minimum term of
2877 imprisonment of 3 years and shall be ordered to pay a fine of
2878 \$50,000.

2879 3. Was 14 grams or more, but less than 25 grams, such
2880 person shall be sentenced or resentenced to a mandatory minimum
2881 term of imprisonment of 7 years and shall be ordered to pay a
2882 fine of \$100,000.

2883 4. Was 25 grams or more, but less than 100 grams, such
2884 person shall be sentenced or resentenced to a mandatory minimum
2885 term of imprisonment of 15 years and shall be ordered to pay a
2886 fine of \$500,000.

2887 5. Was 100 grams or more, but less than 30 kilograms, such
2888 person shall be sentenced or resentenced to a mandatory minimum
2889 term of imprisonment of 25 years and shall be ordered to pay a
2890 fine of \$500,000.

2891 Section 49. Effective upon this act becoming a law, section
2892 900.05, Florida Statutes, is amended to read:

2893 900.05 Criminal justice data collection.—

2894 (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of
2895 the Legislature to create a model of uniform criminal justice
2896 data collection by requiring local and state criminal justice
2897 agencies to report complete, accurate, and timely data, and
2898 making such data available to the public. The Legislature finds
2899 that it is an important state interest to implement a uniform
2900 data collection process and promote criminal justice data

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2901 transparency.

2902 (2) DEFINITIONS.—As used in this section, the term:

2903 (a) "Annual felony caseload" means the yearly caseload of
2904 each full-time state attorney and assistant state attorney, ~~or~~
2905 public defender and assistant public defender, or regional
2906 conflict counsel and assistant regional conflict counsel for
2907 cases assigned to the circuit criminal division, based on the
2908 number of felony cases reported to the Supreme Court under s.
2909 25.075. The term does not include the appellate caseload of a
2910 public defender, ~~or~~ assistant public defender, regional conflict
2911 counsel, or assistant regional conflict counsel. Cases reported
2912 pursuant to this term must be associated with a case number, and
2913 each case number must only be reported once regardless of the
2914 number of attorney assignments that occur during the course of
2915 litigation. The caseload shall be calculated on June 30 and
2916 reported once at the beginning of the reporting agency's fiscal
2917 year.

2918 (b) "Annual felony conflict caseload" means the total
2919 number of felony cases the office of the public defender or
2920 office of regional conflict counsel has declined or withdrawn
2921 from in the previous calendar year due to lack of qualified
2922 counsel or due to excessive caseload. The caseload shall be
2923 calculated on June 30 and reported once at the beginning of the
2924 reporting agency's fiscal year.

2925 (c) ~~(b)~~ "Annual misdemeanor caseload" means the yearly
2926 caseload of each full-time state attorney and assistant state
2927 attorney, ~~or~~ public defender and assistant public defender, or
2928 regional conflict counsel and assistant regional conflict
2929 counsel for cases assigned to the county criminal division,

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2930 based on the number of misdemeanor cases reported to the Supreme
2931 Court under s. 25.075. The term does not include the appellate
2932 caseload of a public defender, ~~or~~ assistant public defender,
2933 regional conflict counsel, or assistant regional conflict
2934 counsel. Cases reported pursuant to this term must be associated
2935 with a case number, and each case number must only be reported
2936 once regardless of the number of attorney assignments that occur
2937 during the course of litigation. The caseload shall be
2938 calculated on June 30 and reported once at the beginning of the
2939 reporting agency's fiscal year.

2940 (d) "Annual misdemeanor conflict caseload" means the total
2941 number of misdemeanor cases the office of the public defender or
2942 office of regional conflict counsel has declined or withdrawn
2943 from in the previous calendar year due to lack of qualified
2944 counsel or due to excessive caseload. The caseload shall be
2945 calculated on June 30 and reported once at the beginning of the
2946 reporting agency's fiscal year.

2947 (e)~~(e)~~ "Attorney assignment date" means the date a court-
2948 appointed attorney is assigned to the case or, if privately
2949 retained, the date an attorney files a notice of appearance with
2950 the clerk of court.

2951 (f)~~(d)~~ "Attorney withdrawal date" means the date the court
2952 removes court-appointed counsel from a case or, for a privately
2953 retained attorney, the date a motion to withdraw is granted by
2954 the court.

2955 (g)~~(e)~~ "Case number" means the uniform case identification
2956 number assigned by the clerk of court to a criminal case.

2957 (h)~~(f)~~ "Case status" means whether a case is open, active,
2958 inactive, closed, reclosed, or reopened due to a violation of

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2959 probation or community control.

2960 (i)~~(g)~~ "Charge description" means the statement of the
2961 conduct that is alleged to have been violated, the associated
2962 statutory section establishing such conduct as criminal, and the
2963 misdemeanor or felony classification that is provided for in the
2964 statutory section alleged to have been violated.

2965 (j) "Charge disposition" means the final adjudication for
2966 each charged crime, including, but not limited to, dismissal by
2967 state attorney, dismissal by judge, acquittal, no contest plea,
2968 guilty plea, or guilty finding at trial.

2969 (k)~~(h)~~ "Charge modifier" means an aggravating circumstance
2970 of an alleged crime that enhances or reclassifies a charge to a
2971 more serious misdemeanor or felony offense level.

2972 (l)~~(i)~~ "Concurrent or consecutive sentence flag" means an
2973 indication that a defendant is serving another sentence
2974 concurrently or consecutively in addition to the sentence for
2975 which data is being reported.

2976 (m)~~(j)~~ "Daily number of correctional officers" means the
2977 number of full-time, part-time, and auxiliary correctional
2978 officers who are actively providing supervision, protection,
2979 care, custody, and control of inmates in a county detention
2980 facility or state correctional institution or facility each day.

2981 (n)~~(k)~~ "Defense attorney type" means whether the attorney
2982 is a public defender, regional conflict counsel, or other
2983 counsel court-appointed for the defendant; the attorney is
2984 privately retained by the defendant; or the defendant is
2985 represented pro se.

2986 (o)~~(l)~~ "Deferred prosecution or pretrial diversion
2987 agreement date" means the date an agreement ~~a contract~~ is signed

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2988 by the parties regarding a defendant's admission into a deferred
2989 prosecution or pretrial diversion program.

2990 (p)~~(m)~~ "Deferred prosecution or pretrial diversion hearing
2991 date" means each date that a hearing, including a status
2992 hearing, is held on a case that is in a deferred prosecution or
2993 pretrial diversion program, if applicable.

2994 (q)~~(n)~~ "Disciplinary violation and action" means any
2995 conduct performed by an inmate in violation of the rules of a
2996 county detention facility or state correctional institution or
2997 facility that results in the initiation of disciplinary
2998 proceedings by the custodial entity and the consequences of such
2999 disciplinary proceedings.

3000 (r)~~(o)~~ "Disposition date" means the date of final judgment,
3001 adjudication, adjudication withheld, dismissal, or nolle
3002 prosequi for the case and if different dates apply, the
3003 disposition dates of each charge.

3004 (s) "Disposition type" means the manner in which the charge
3005 was closed, including final judgment, adjudication, adjudication
3006 withheld, dismissal, or nolle prosequi.

3007 (t)~~(p)~~ "Domestic violence flag" means an indication that a
3008 filed charge involves domestic violence as defined in s. 741.28.

3009 (u)~~(q)~~ "Gang affiliation flag" means an indication that a
3010 defendant is involved in or associated with a criminal gang as
3011 defined in s. 874.03 at the time of the current offense.

3012 (v)~~(r)~~ "Gain-time credit earned" means a credit of time
3013 awarded to an inmate in a county detention facility in
3014 accordance with s. 951.22 or a state correctional institution or
3015 facility in accordance with s. 944.275.

3016 (w)~~(s)~~ "Habitual offender flag" means an indication that a

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3017 defendant is a habitual felony offender as defined in s. 775.084
3018 or a habitual misdemeanor offender as defined in s. 775.0837.

3019 (x) "Habitual violent felony offender flag" means an
3020 indication that a defendant is a habitual violent felony
3021 offender as defined in s. 775.084.

3022 ~~(t) "Judicial transfer date" means a date on which a~~
3023 ~~defendant's case is transferred to another court or presiding~~
3024 ~~judge.~~

3025 (y)~~(u)~~ "Number of contract attorneys representing indigent
3026 defendants for the office of the public defender" means the
3027 number of attorneys hired on a temporary basis, by contract, to
3028 represent indigent clients who were appointed a public defender.

3029 (z)~~(v)~~ "Pretrial release violation flag" means an
3030 indication that the defendant has violated the terms of his or
3031 her pretrial release.

3032 (aa)~~(w)~~ "Prior incarceration within the state" means any
3033 prior history of a defendant's incarceration ~~defendant being~~
3034 ~~incarcerated in a county detention facility or state~~
3035 ~~correctional institution or facility.~~

3036 (bb) "Prison releasee reoffender flag" means an indication
3037 that the defendant is a prison releasee reoffender as defined in
3038 s. 775.082 or any other statute.

3039 (dd)~~(*)~~ "Tentative release date" means the anticipated date
3040 that an inmate will be released from incarceration after the
3041 application of adjustments for any gain-time earned or credit
3042 for time served.

3043 (cc)~~(y)~~ "Sexual offender flag" means an indication that a
3044 defendant was ~~is~~ required to register as a sexual predator as
3045 defined in s. 775.21 or as a sexual offender as defined in s.

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3046 943.0435.

3047 (ee) "Three-time violent felony offender flag" means an
3048 indication that the defendant is a three-time violent felony
3049 offender as defined in s. 775.084 or any other statute.

3050 (ff) "Violent career criminal flag" means an indication
3051 that the defendant is a violent career criminal as defined in s.
3052 775.084 or any other statute.

3053 (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~
3054 ~~2019,~~ An entity required to collect data in accordance with this
3055 subsection shall collect the specified data and ~~required of the~~
3056 ~~entity on a biweekly basis. Each entity shall report them the~~
3057 ~~data collected~~ in accordance with this subsection to the
3058 Department of Law Enforcement on a monthly basis.

3059 (a) *Clerk of the court.*—Each clerk of court shall collect
3060 the following data for each criminal case:

3061 1. Case number.

3062 2. Date that the alleged offense occurred.

3063 ~~3. County in which the offense is alleged to have occurred.~~

3064 3.4. Date the defendant is taken into physical custody by a
3065 law enforcement agency or is issued a notice to appear on a
3066 criminal charge, ~~if such date is different from the date the~~
3067 ~~offense is alleged to have occurred.~~

3068 4. Whether the case originated by notice to appear.

3069 5. Date that the criminal prosecution of a defendant is
3070 formally initiated ~~through the filing, with the clerk of the~~
3071 ~~court, of an information by the state attorney or an indictment~~
3072 ~~issued by a grand jury.~~

3073 6. Arraignment date.

3074 7. Attorney appointment ~~assignment~~ date.

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- 3075 8. Attorney withdrawal date.
- 3076 9. Case status.
- 3077 10. Charge disposition.
- 3078 ~~11.10.~~ Disposition date and disposition type.
- 3079 ~~12.11.~~ Information related to each defendant, including:
- 3080 a. Identifying information, including name, known aliases,
- 3081 date of birth, ~~age,~~ race, ~~or~~ ethnicity, and gender.
- 3082 b. Zip code of last known address ~~primary residence.~~
- 3083 c. Primary language.
- 3084 d. Citizenship.
- 3085 e. Immigration status, if applicable.
- 3086 f. Whether the defendant has been found ~~by a court~~ to be
- 3087 indigent under ~~pursuant to~~ s. 27.52.
- 3088 ~~13.12.~~ Information related to the ~~formal~~ charges filed
- 3089 against the defendant, including:
- 3090 a. Charge description.
- 3091 b. Charge modifier description and statute, if applicable.
- 3092 c. Drug type for each drug charge, if known.
- 3093 d. Qualification for a flag designation as defined in this
- 3094 section, including a domestic violence flag, gang affiliation
- 3095 flag, sexual offender flag, habitual offender flag, habitual
- 3096 violent felony offender flag, ~~or~~ pretrial release violation
- 3097 flag, prison releasee reoffender flag, three-time violent felony
- 3098 offender flag, or violent career criminal flag.
- 3099 ~~14.13.~~ Information related to bail or bond and pretrial
- 3100 release determinations, including the dates of any such
- 3101 determinations:
- 3102 a. Pretrial release determination made at a first
- 3103 appearance hearing that occurs within 24 hours of arrest,

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3104 including any ~~all~~ monetary and nonmonetary conditions of
3105 release.

3106 b. Modification of bail or bond conditions made by a court
3107 having jurisdiction to try the defendant or, in the absence of
3108 the judge of the trial court, by the circuit court, including
3109 modifications to any monetary and nonmonetary conditions of
3110 release.

3111 c. Cash bail or bond payment, including whether the
3112 defendant utilized a bond agent to post a surety bond.

3113 d. Date defendant is released on bail, bond, or pretrial
3114 release for the current case.

3115 e. Bail or bond revocation due to a new offense, a failure
3116 to appear, or a violation of the terms of bail or bond, if
3117 applicable.

3118 ~~15.14.~~ Information related to court dates and dates of
3119 motions and appearances, including:

3120 a. Date of any court appearance and the type of proceeding
3121 scheduled for each date reported.

3122 b. Date of any failure to appear in court, if applicable.

3123 c. Deferred prosecution or pretrial diversion hearing, if
3124 applicable ~~Judicial transfer date, if applicable~~.

3125 d. Each scheduled trial date.

3126 e. Date that a defendant files a notice to participate in
3127 discovery.

3128 f. Speedy trial motion date and each hearing date ~~dates~~, if
3129 applicable.

3130 g. Dismissal motion date and each hearing date ~~dates~~, if
3131 applicable.

3132 ~~16.15.~~ Defense attorney type.

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- 3133 ~~17.16.~~ Information related to sentencing, including:
- 3134 a. Date that a court enters a sentence against a defendant.
- 3135 b. Charge sentenced to, including charge sequence number,
- 3136 and charge description, ~~statute, type, and charge class~~
- 3137 ~~severity.~~
- 3138 c. Sentence type and length imposed by the court in the
- 3139 current case, reported in years, months, and days, including,
- 3140 but not limited to, the total duration of incarceration
- 3141 ~~imprisonment~~ in a county detention facility or state
- 3142 correctional institution or facility, and conditions of
- 3143 probation or community control supervision.
- 3144 d. Amount of time served in custody by the defendant
- 3145 related to each charge ~~the reported criminal case~~ that is
- 3146 credited at the time of disposition of the charge ~~case~~ to reduce
- 3147 the imposed ~~actual~~ length of time the defendant will serve on
- 3148 the term of incarceration ~~imprisonment~~ that is ordered by the
- 3149 court at disposition.
- 3150 e. Total amount of court costs ~~fees~~ imposed by the court at
- 3151 the disposition of the case.
- 3152 ~~f. Outstanding balance of the defendant's court fees~~
- 3153 ~~imposed by the court at disposition of the case.~~
- 3154 ~~f.g.~~ Total amount of fines imposed by the court at the
- 3155 disposition of the case.
- 3156 ~~h. Outstanding balance of the defendant's fines imposed by~~
- 3157 ~~the court at disposition of the case.~~
- 3158 ~~g.i.~~ Restitution amount ordered at sentencing, including
- 3159 ~~the amount collected by the court and the amount paid to the~~
- 3160 ~~victim, if applicable.~~
- 3161 ~~j. Digitized sentencing scoresheet prepared in accordance~~

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3162 with ~~s. 921.0024.~~

3163 ~~18.17.~~ The sentencing judge or magistrate, or their
 3164 equivalent number of judges or magistrates, or their
 3165 equivalents, hearing cases in circuit or county criminal
 3166 divisions of the circuit court. Judges or magistrates, or their
 3167 equivalents, who solely hear appellate cases from the county
 3168 criminal division are not to be reported under this
 3169 subparagraph.

3170 (b) *State attorney.*—Each state attorney shall collect the
 3171 following data:

3172 1. Information related to a human victim of a criminal
 3173 offense, including:

3174 a. Identifying information of the victim, including race,
 3175 ~~or~~ ethnicity, gender, and age at the time of the offense.

3176 b. Relationship to the offender, if any.

3177 2. Number of full-time prosecutors.

3178 3. Number of part-time prosecutors.

3179 4. Annual felony caseload.

3180 5. Annual misdemeanor caseload.

3181 6. Any charge referred to the state attorney by a law
 3182 enforcement agency or sworn complainant related to an episode of
 3183 criminal activity.

3184 7. Disposition of each referred charge, such as filed,
 3185 declined, or diverted.

3186 ~~8.7.~~ Number of cases in which a no-information was filed.

3187 ~~9.8.~~ Information related to each defendant, including:

3188 a. Each charge referred to the state attorney by a law
 3189 enforcement agency or sworn complainant related to an episode of
 3190 criminal activity.

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- 3191 b. Case number, name, and date of birth.
- 3192 c.~~b~~. Drug type for each drug charge, if applicable.
- 3193 d. Deferred prosecution or pretrial diversion agreement
- 3194 date, if applicable.
- 3195 (c) *Public defender.*—Each public defender shall collect the
- 3196 following data ~~for each criminal case:~~
- 3197 1. Number of full-time public defenders.
- 3198 2. Number of part-time public defenders.
- 3199 3. Number of contract attorneys representing indigent
- 3200 defendants for the office of the public defender.
- 3201 4. Annual felony caseload.
- 3202 5. Annual felony conflict caseload.
- 3203 6.~~5~~. Annual misdemeanor caseload.
- 3204 7. Annual misdemeanor conflict caseload.
- 3205 (d) *County detention facility.*—The administrator of each
- 3206 county detention facility shall collect the following data:
- 3207 1. Maximum capacity for the county detention facility.
- 3208 2. Weekly admissions to the county detention facility for a
- 3209 revocation of probation or community control.
- 3210 3. Weekly admissions to the county detention facility for a
- 3211 revocation of pretrial release.
- 3212 4.~~3~~. Daily population of the county detention facility,
- 3213 including the specific number of inmates in the custody of the
- 3214 county that:
- 3215 a. Are awaiting case disposition.
- 3216 b. Have been sentenced by a court to a term of
- 3217 incarceration ~~imprisonment~~ in the county detention facility.
- 3218 c. Have been sentenced by a court to a term of imprisonment
- 3219 with the Department of Corrections and who are awaiting

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3220 transportation to the department.

3221 d. Have a federal detainer, ~~or~~ are awaiting disposition of
3222 a case in federal court, or are awaiting other federal
3223 disposition.

3224 5.4. Information related to each inmate, including:

3225 a. Identifying information, including name, date of birth,
3226 race, ethnicity, gender, case number, and identification number
3227 assigned by the county detention facility.

3228 b.a. Date when an inmate ~~a defendant~~ is processed and
3229 booked into the county detention facility subsequent to an
3230 arrest for a new violation of law, ~~or~~ for a violation of
3231 probation or community control, or for a violation of pretrial
3232 release.

3233 c.b. Reason why an inmate ~~a defendant~~ is processed and
3234 booked into the county detention facility, including if it is
3235 ~~for~~ a new law violation, ~~or~~ a violation of probation or
3236 community control, or a violation of pretrial release.

3237 d.e. Qualification for a flag designation as defined in
3238 this section, including domestic violence flag, gang affiliation
3239 flag, habitual offender flag, habitual violent felony offender
3240 flag, pretrial release violation flag, ~~or~~ sexual offender flag,
3241 prison releasee reoffender flag, three-time violent felony
3242 offender flag, or violent career criminal flag.

3243 6.5. Total population of the county detention facility at
3244 year-end. This data must include the same specified
3245 classifications as subparagraph 3.

3246 7.6. Per diem rate for a county detention facility bed.

3247 8.7. Daily number of correctional officers for the county
3248 detention facility.

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3249 ~~9.8.~~ Annual county detention facility budget. This
3250 information only needs to be reported once annually at the
3251 beginning of the county's fiscal year.

3252 ~~10.9.~~ Annual revenue generated for the county from the
3253 temporary incarceration of federal defendants or inmates.

3254 (e) *Department of Corrections.*—The Department of
3255 Corrections shall collect the following data:

3256 1. Information related to each inmate, including:

3257 a. Identifying information, including name, date of birth,
3258 race, ~~or~~ ethnicity, gender, case number, and identification
3259 number assigned by the department.

3260 b. ~~Number of children.~~

3261 c. Highest education level, ~~including any vocational~~
3262 ~~training.~~

3263 ~~c.d.~~ Date the inmate was admitted to the custody of the
3264 department for his or her current incarceration.

3265 ~~d.e.~~ Current institution placement and the security level
3266 assigned to the institution.

3267 ~~e.f.~~ Custody level assignment.

3268 ~~f.g.~~ Qualification for a flag designation as defined in
3269 this section, including sexual offender flag, habitual offender
3270 flag, habitual violent felony offender flag, prison releasee
3271 reoffender flag, three-time violent felony offender flag,
3272 violent career criminal flag, gang affiliation flag, or
3273 concurrent or consecutive sentence flag.

3274 ~~g.h.~~ County that committed the prisoner to the custody of
3275 the department.

3276 ~~h.i.~~ Whether the reason for admission to the department is
3277 for a new conviction or a violation of probation, community

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3278 control, or parole. For an admission for a probation, community
3279 control, or parole violation, the department shall report
3280 whether the violation was technical or based on a new violation
3281 of law.

3282 ~~i.~~j. Specific statutory citation for which the inmate was
3283 committed to the department, including, for an inmate convicted
3284 of drug trafficking under s. 893.135, the statutory citation for
3285 each specific drug trafficked.

3286 j. Length of sentence served.

3287 k. Length of sentence or concurrent or consecutive
3288 sentences served.

3289 l. Tentative release date.

3290 m. Gain time earned in accordance with s. 944.275.

3291 n. Prior incarceration within the state.

3292 o. Disciplinary violation and action.

3293 p. Participation in rehabilitative or educational programs
3294 while in the custody of the department.

3295 q. Digitized sentencing scoresheet prepared in accordance
3296 with s. 921.0024.

3297 2. Information about each state correctional institution or
3298 facility, including:

3299 a. Budget for each state correctional institution or
3300 facility.

3301 b. Daily prison population of all inmates incarcerated in a
3302 state correctional institution or facility.

3303 c. Daily number of correctional officers for each state
3304 correctional institution or facility.

3305 3. Information related to persons supervised by the
3306 department on probation or community control, including:

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3307 a. Identifying information for each person supervised by
3308 the department on probation or community control, including his
3309 or her name, date of birth, race, ~~or~~ ethnicity, gender, case
3310 number ~~sex~~, and department-assigned case number.

3311 b. Length of probation or community control sentence
3312 imposed and amount of time that has been served on such
3313 sentence.

3314 c. Projected termination date for probation or community
3315 control.

3316 d. Revocation of probation or community control due to a
3317 violation, including whether the revocation is due to a
3318 technical violation of the conditions of supervision or from the
3319 commission of a new law violation.

3320 4. Per diem rates for:

3321 a. Prison bed.

3322 b. Probation.

3323 c. Community control.

3324

3325 This information only needs to be reported once annually at the
3326 time the most recent per diem rate is published.

3327 (f) Justice Administrative Commission.—The Justice
3328 Administrative Commission shall collect the following data:

3329 1. Number of private registry attorneys representing
3330 indigent adult defendants.

3331 2. Annual felony caseload assigned to private registry
3332 contract attorneys.

3333 3. Annual misdemeanor caseload assigned to private registry
3334 contract attorneys.

3335 (g) Criminal conflict regional counsel.—Each office of

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3336 criminal conflict regional counsel shall report the following
3337 data:

3338 1. Number of full-time assistant regional conflict counsel
3339 handling criminal cases.

3340 2. Number of part-time assistant regional conflict counsel
3341 handling criminal cases.

3342 3. Number of contract attorneys representing indigent adult
3343 defendants.

3344 4. Annual felony caseload.

3345 5. Annual felony conflict caseload.

3346 6. Annual misdemeanor caseload.

3347 7. Annual misdemeanor conflict caseload.

3348 (4) DATA PUBLICLY AVAILABLE. ~~Beginning January 1, 2019,~~ The
3349 Department of Law Enforcement shall publish datasets in its
3350 possession in a modern, open, electronic format that is machine-
3351 readable and readily accessible by the public on the
3352 department's website. The published data must be searchable, at
3353 a minimum, by ~~each~~ data elements ~~element~~, county, circuit, and
3354 unique identifier. Beginning March 1, 2019, the department shall
3355 publish ~~begin publishing~~ the data received under subsection (3)
3356 ~~(2)~~ in the same modern, open, electronic format that is machine-
3357 readable and readily accessible to the public on the
3358 department's website. The department shall publish all data
3359 received under subsection (3) ~~(2)~~ no later than January 1, 2020,
3360 and monthly thereafter ~~July 1, 2019.~~

3361 (5) NONCOMPLIANCE.—Notwithstanding any other provision of
3362 law, an entity required to collect and transmit data under
3363 subsection (3) ~~paragraph (3) (a) or paragraph (3) (d)~~ which does
3364 not comply with the requirements of this section is ineligible

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3365 to receive funding from the General Appropriations Act, any
3366 state grant program administered by the Department of Law
3367 Enforcement, or any other state agency for 5 years after the
3368 date of noncompliance.

3369 (6) CONFIDENTIALITY.—Information collected by any reporting
3370 agency which is confidential and exempt upon collection remains
3371 confidential and exempt when reported to the Department of Law
3372 Enforcement under this section.

3373 Section 50. Effective July 1, 2020, section 900.06, Florida
3374 Statutes, is created to read:

3375 900.06 Recording of custodial interrogations for certain
3376 offenses.—

3377 (1) As used in this section, the term:

3378 (a) "Electronic recording" means an audio recording or an
3379 audio and video recording that accurately records a custodial
3380 interrogation.

3381 (b) "Covered offense" includes:

3382 1. Arson.

3383 2. Sexual battery.

3384 3. Robbery.

3385 4. Kidnapping.

3386 5. Aggravated child abuse.

3387 6. Aggravated abuse of an elderly person or disabled adult.

3388 7. Aggravated assault with a deadly weapon.

3389 8. Murder.

3390 9. Manslaughter.

3391 10. Aggravated manslaughter of an elderly person or
3392 disabled adult.

3393 11. Aggravated manslaughter of a child.

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3394 12. The unlawful throwing, placing, or discharging of a
3395 destructive device or bomb.

3396 13. Armed burglary.

3397 14. Aggravated battery.

3398 15. Aggravated stalking.

3399 16. Home-invasion robbery.

3400 17. Carjacking.

3401 (c) "Custodial interrogation" means questioning or other
3402 conduct by a law enforcement officer which is reasonably likely
3403 to elicit an incriminating response from an individual and which
3404 occurs under circumstances in which a reasonable individual in
3405 the same circumstances would consider himself or herself to be
3406 in the custody of a law enforcement agency.

3407 (d) "Place of detention" means a police station, sheriff's
3408 office, correctional facility, prisoner holding facility, county
3409 detention facility, or other governmental facility where an
3410 individual may be held in connection with a criminal charge that
3411 has been or may be filed against the individual.

3412 (e) "Statement" means a communication that is oral,
3413 written, electronic, nonverbal, or in sign language.

3414 (2) (a) A custodial interrogation at a place of detention,
3415 including the giving of a required warning, the advisement of
3416 the rights of the individual being questioned, and the waiver of
3417 any rights by the individual, must be electronically recorded in
3418 its entirety if the interrogation is related to a covered
3419 offense.

3420 (b) If a law enforcement officer conducts a custodial
3421 interrogation at a place of detention without electronically
3422 recording the interrogation, the officer must prepare a written

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3423 report explaining the reason why he or she did not record the
3424 interrogation.

3425 (c) As soon as practicable, a law enforcement officer who
3426 conducts a custodial interrogation at a place other than a place
3427 of detention shall prepare a written report explaining the
3428 circumstances of the interrogation at that place and summarizing
3429 the custodial interrogation process and the individual's
3430 statements made at that place.

3431 (d) Paragraph (a) does not apply:

3432 1. If an unforeseen equipment malfunction prevents
3433 recording the custodial interrogation in its entirety;

3434 2. If a suspect refuses to participate in a custodial
3435 interrogation if his or her statements are to be electronically
3436 recorded;

3437 3. If an equipment operator error prevents recording the
3438 custodial interrogation in its entirety;

3439 4. If the statement is made spontaneously and not in
3440 response to a custodial interrogation question;

3441 5. If the statement is made during the processing of the
3442 arrest of a suspect;

3443 6. If the custodial interrogation occurs when the law
3444 enforcement officer participating in the interrogation does not
3445 have any knowledge of facts and circumstances that would lead an
3446 officer to reasonably believe that the individual being
3447 interrogated may have committed a covered offense;

3448 7. If the law enforcement officer conducting the custodial
3449 interrogation reasonably believes that making an electronic
3450 recording would jeopardize the safety of the officer, the
3451 individual being interrogated, or others; or

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3452 8. If the custodial interrogation is conducted outside of
3453 this state.

3454 (3) Unless a court finds that one or more of the
3455 circumstances specified in paragraph (2) (d) apply, the court
3456 must consider the circumstances of an interrogation conducted by
3457 a law enforcement officer in which he or she did not
3458 electronically record all or part of a custodial interrogation
3459 in determining whether a statement made during the interrogation
3460 is admissible. If the court admits into evidence a statement
3461 made during a custodial interrogation that was not
3462 electronically recorded as required under paragraph (2) (a), the
3463 court must, upon request of the defendant, give cautionary
3464 instructions to the jury regarding the law enforcement officer's
3465 failure to comply with that requirement.

3466 (4) A law enforcement agency in this state which has
3467 enforced rules adopted pursuant to this section which are
3468 reasonably designed to ensure compliance with the requirements
3469 of this section is not subject to civil liability for damages
3470 arising from a violation of this section. This section does not
3471 create a cause of action against a law enforcement officer.

3472 Section 51. Paragraph (e) of subsection (1) of section
3473 921.002, Florida Statutes, is amended to read:

3474 921.002 The Criminal Punishment Code.—The Criminal
3475 Punishment Code shall apply to all felony offenses, except
3476 capital felonies, committed on or after October 1, 1998.

3477 (1) The provision of criminal penalties and of limitations
3478 upon the application of such penalties is a matter of
3479 predominantly substantive law and, as such, is a matter properly
3480 addressed by the Legislature. The Legislature, in the exercise

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3481 of its authority and responsibility to establish sentencing
3482 criteria, to provide for the imposition of criminal penalties,
3483 and to make the best use of state prisons so that violent
3484 criminal offenders are appropriately incarcerated, has
3485 determined that it is in the best interest of the state to
3486 develop, implement, and revise a sentencing policy. The Criminal
3487 Punishment Code embodies the principles that:

3488 (e) The sentence imposed by the sentencing judge reflects
3489 the length of actual time to be served, shortened only by the
3490 application of incentive and meritorious gain-time as provided
3491 by law, and may not be shortened if the defendant would
3492 consequently serve less than 65 percent of his or her term of
3493 imprisonment as provided in s. 944.275(4)(b)3.a. or 85 percent
3494 of his or her term of imprisonment as provided in s. 944.275(4)
3495 or s. 944.275(4)(b)3.b. The provisions of chapter 947, relating
3496 to parole, do not ~~shall not~~ apply to persons sentenced under the
3497 Criminal Punishment Code. This paragraph applies retroactively
3498 to October 1, 1995, as provided in s. 944.275(4)(b)3.a. and b.

3499 Section 52. Section 943.0578, Florida Statutes, is created
3500 to read:

3501 943.0578 Lawful self-defense expunction.-

3502 (1) Notwithstanding the eligibility requirements defined in
3503 s. 943.0585(1) and (2), the department shall issue a certificate
3504 of eligibility for expunction under this section to a person who
3505 is the subject of a criminal history record if that person has
3506 obtained, and submitted to the department, on a form provided by
3507 the department, a written, certified statement from the
3508 appropriate state attorney or statewide prosecutor which states
3509 whether an information, indictment, or other charging document

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3510 was not filed or was dismissed by the state attorney, or
3511 dismissed by the court, because it was found that the person
3512 acted in lawful self-defense pursuant to chapter 776.

3513 (2) Each petition to expunge a criminal history record
3514 pursuant to this section must be accompanied by:

3515 (a) A valid certificate of eligibility for expunction
3516 issued by the department pursuant to this section; and

3517 (b) The petitioner's sworn statement attesting that the
3518 petitioner is eligible for such an expunction to the best of his
3519 or her knowledge or belief.

3520
3521 Any person who knowingly provides false information on such
3522 sworn statement to the court commits a felony of the third
3523 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3524 775.084.

3525 (3) This section does not confer any right to the
3526 expunction of a criminal history record, and any request for
3527 expunction of a criminal history record may be denied at the
3528 discretion of the court.

3529 (4) Sections 943.0585(5) and (6) apply to an expunction
3530 ordered under this section.

3531 (5) The department shall adopt rules to establish
3532 procedures for applying for and issuing a certificate of
3533 eligibility for expunction under this section.

3534 Section 53. Section 943.0581, Florida Statutes, is amended
3535 to read:

3536 943.0581 Administrative expunction for arrests made
3537 contrary to law or by mistake.—

3538 (1) Notwithstanding any law dealing generally with the

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3539 preservation and destruction of public records, the department
3540 may adopt a rule pursuant to chapter 120 for the administrative
3541 expunction of any nonjudicial record of an arrest of a minor or
3542 an adult made contrary to law or by mistake.

3543 (2) A law enforcement agency shall apply to the department
3544 in the manner prescribed by rule for the administrative
3545 expunction of any nonjudicial record of any arrest of a minor or
3546 an adult who is subsequently determined by the agency, at its
3547 discretion, or by the final order of a court of competent
3548 jurisdiction, to have been arrested contrary to law or by
3549 mistake.

3550 (3) An adult or, in the case of a minor child, the parent
3551 or legal guardian of the minor child, may apply to the
3552 department in the manner prescribed by rule for the
3553 administrative expunction of any nonjudicial record of an arrest
3554 alleged to have been made contrary to law or by mistake,
3555 provided that the application is supported by the endorsement of
3556 the head of the arresting agency or his or her designee or the
3557 state attorney of the judicial circuit in which the arrest
3558 occurred or his or her designee.

3559 (4) An application for administrative expunction shall
3560 include the date and time of the arrest, the name of the person
3561 arrested, the offender-based tracking system (OBTS) number, and
3562 the crime or crimes charged. The application shall be on the
3563 submitting agency's letterhead and shall be signed by the head
3564 of the submitting agency or his or her designee.

3565 (5) If the person was arrested on a warrant, capias, or
3566 pickup order, a request for an administrative expunction may be
3567 made by the sheriff of the county in which the warrant, capias,

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3568 or pickup order was issued or his or her designee or by the
3569 state attorney of the judicial circuit in which the warrant,
3570 capias, or pickup order was issued or his or her designee.

3571 (6) An application or endorsement under this section is not
3572 admissible as evidence in any judicial or administrative
3573 proceeding and may not be construed in any way as an admission
3574 of liability in connection with an arrest.

3575 Section 54. Section 943.0584, Florida Statutes, is created
3576 to read:

3577 943.0584 Criminal history records ineligible for court-
3578 ordered expunction or court-ordered sealing.-

3579 (1) As used in this section, the term "conviction" means a
3580 determination of guilt which is the result of a trial or the
3581 entry of a plea of guilty or nolo contendere, regardless of
3582 whether adjudication is withheld, or if the defendant was a
3583 minor, a finding that the defendant committed or pled guilty or
3584 nolo contendere to committing a delinquent act, regardless of
3585 whether adjudication of delinquency is withheld.

3586 (2) A criminal history record is ineligible for a
3587 certificate of eligibility for expunction or a court-ordered
3588 expunction pursuant to s. 943.0585 or a certificate of
3589 eligibility for sealing or a court-ordered sealing pursuant to
3590 s. 943.059 if the record is a conviction, information,
3591 indictment, notice to appear, or arrest for any of the following
3592 offenses:

3593 (a) Sexual misconduct, as defined in s. 393.135, s.
3594 394.4593, or s. 916.1075;

3595 (b) Illegal use of explosives, as defined in chapter 552;

3596 (c) Terrorism, as defined in s. 775.30;

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- 3597 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
3598 782.09;
- 3599 (e) Manslaughter or homicide, as defined in s. 782.07, s.
3600 782.071, or s. 782.072;
- 3601 (f) Assault or battery, as defined in ss. 784.011 and
3602 784.03, respectively, of one family or household member by
3603 another family or household member, as defined in s. 741.28(3);
- 3604 (g) Aggravated assault, as defined in s. 784.021;
- 3605 (h) Felony battery, domestic battery by strangulation, or
3606 aggravated battery, as defined in s. 784.03, s. 784.041, and s.
3607 784.045, respectively;
- 3608 (i) Stalking or aggravated stalking, as defined in s.
3609 784.048;
- 3610 (j) Luring or enticing a child, as defined in s. 787.025;
- 3611 (k) Human trafficking, as defined in s. 787.06;
- 3612 (l) Kidnapping or false imprisonment, as defined in s.
3613 787.01 or s. 787.02;
- 3614 (m) Any offense defined in chapter 794;
- 3615 (n) Procuring a person less than 18 years of age for
3616 prostitution, as defined in former s. 796.03;
- 3617 (o) Lewd or lascivious offenses committed upon or in the
3618 presence of persons less than 16 years of age, as defined in s.
3619 800.04;
- 3620 (p) Arson, as defined in s. 806.01;
- 3621 (q) Burglary of a dwelling, as defined in s. 810.02;
- 3622 (r) Voyeurism or video voyeurism, as defined in s. 810.14
3623 and s. 810.145, respectively;
- 3624 (s) Robbery or robbery by sudden snatching, as defined in
3625 s. 812.13 and s. 812.131, respectively;

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3626 (t) Carjacking, as defined in s. 812.133;
3627 (u) Home-invasion robbery, as defined in s. 812.135;
3628 (v) A violation of the Florida Communications Fraud Act, as
3629 provided in s. 817.034;
3630 (w) Abuse of an elderly person or disabled adult, or
3631 aggravated abuse of an elderly person or disabled adult, as
3632 defined in s. 825.102;
3633 (x) Lewd or lascivious offenses committed upon or in the
3634 presence of an elderly person or disabled person, as defined in
3635 s. 825.1025;
3636 (y) Child abuse or aggravated child abuse, as defined in s.
3637 827.03;
3638 (z) Sexual performance by a child, as defined in s.
3639 827.071;
3640 (aa) Any offense defined in chapter 839;
3641 (bb) Certain acts in connection with obscenity, as defined
3642 in s. 847.0133;
3643 (cc) Any offense defined in s. 847.0135;
3644 (dd) Selling or buying of minors, as defined in s.
3645 847.0145;
3646 (ee) Aircraft piracy, as defined in s. 860.16;
3647 (ff) Manufacturing a controlled substance in violation of
3648 chapter 893;
3649 (gg) Drug trafficking, as defined in s. 893.135; or
3650 (hh) Any violation specified as a predicate offense for
3651 registration as a sexual predator pursuant to s. 775.21, or
3652 sexual offender pursuant to s. 943.0435, without regard to
3653 whether that offense alone is sufficient to require such
3654 registration.

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3655 Section 55. Section 943.0585, Florida Statutes, is amended
3656 to read:

3657 (Substantial rewording of section. See
3658 s. 943.0585, F.S., for present text.)

3659 943.0585 Court-ordered expunction of criminal history
3660 records.—

3661 (1) ELIGIBILITY.—A person is eligible to petition a court
3662 to expunge a criminal history record if:

3663 (a) An indictment, information, or other charging document
3664 was not filed or issued in the case giving rise to the criminal
3665 history record.

3666 (b) An indictment, information, or other charging document
3667 was filed or issued in the case giving rise to the criminal
3668 history record, was dismissed or nolle prosequi by the state
3669 attorney or statewide prosecutor, or was dismissed by a court of
3670 competent jurisdiction or a judgment of acquittal was rendered
3671 by a judge, or a verdict of not guilty was rendered by a judge
3672 or jury.

3673 (c) The person is not seeking to expunge a criminal history
3674 record that is ineligible for court-ordered expunction pursuant
3675 to s. 943.0584.

3676 (d) The person has never, as of the date the application
3677 for a certificate of expunction is filed, been adjudicated
3678 guilty in this state of a criminal offense or been adjudicated
3679 delinquent in this state for committing any felony or any of the
3680 following misdemeanors, unless the record of such adjudication
3681 of delinquency has been expunged pursuant to s. 943.0515:

3682 1. Assault, as defined in s. 784.011;

3683 2. Battery, as defined in s. 784.03;

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- 3684 3. Assault on a law enforcement officer, a firefighter, or
3685 other specified officers, as defined in s. 784.07(2)(a);
- 3686 4. Carrying a concealed weapon, as defined in s. 790.01(1);
3687 5. Open carrying of a weapon, as defined in s. 790.053;
3688 6. Unlawful possession or discharge of a weapon or firearm
3689 at a school-sponsored event or on school property, as defined in
3690 s. 790.115;
- 3691 7. Unlawful use of destructive devices or bombs, as defined
3692 in s. 790.1615(1);
- 3693 8. Unlawful possession of a firearm, as defined in s.
3694 790.22(5);
- 3695 9. Exposure of sexual organs, as defined in s. 800.03;
3696 10. Arson, as defined in s. 806.031(1);
3697 11. Petit theft, as defined in s. 812.014(3);
3698 12. Neglect of a child, as defined in s. 827.03(1)(e); or
3699 13. Cruelty to animals, as defined in s. 828.12(1).
- 3700 (e) The person has not been adjudicated guilty of, or
3701 adjudicated delinquent for committing, any of the acts stemming
3702 from the arrest or alleged criminal activity to which the
3703 petition pertains.
- 3704 (f) The person is no longer under court supervision
3705 applicable to the disposition of arrest or alleged criminal
3706 activity to which the petition to expunge pertains.
- 3707 (g) The person has never secured a prior sealing or
3708 expunction of a criminal history record under this section, s.
3709 943.059, former s. 893.14, former s. 901.33, or former s.
3710 943.058, unless expunction is sought of a criminal history
3711 record previously sealed for 10 years pursuant to paragraph (h)
3712 and the record is otherwise eligible for expunction.

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3713 (h) The person has previously obtained a court order
3714 sealing the criminal history record under this section, former
3715 s. 893.14, former s. 901.33, or former s. 943.058 for a minimum
3716 of 10 years because adjudication was withheld or because all
3717 charges related to the arrest or alleged criminal activity to
3718 which the petition to expunge pertains were not dismissed before
3719 trial, without regard to whether the outcome of the trial was
3720 other than an adjudication of guilt. The requirement for the
3721 record to have previously been sealed for a minimum of 10 years
3722 does not apply if a plea was not entered or all charges related
3723 to the arrest or alleged criminal activity to which the petition
3724 to expunge pertains were dismissed before trial or a judgment of
3725 acquittal was rendered by a judge or a verdict of not guilty was
3726 rendered by a judge or jury.

3727 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
3728 to expunge a criminal history record, a person seeking to
3729 expunge a criminal history record must apply to the department
3730 for a certificate of eligibility for expunction. The department
3731 shall adopt rules to establish procedures for applying for and
3732 issuing a certificate of eligibility for expunction.

3733 (a) The department shall issue a certificate of eligibility
3734 for expunction to a person who is the subject of a criminal
3735 history record if that person:

3736 1. Satisfies the eligibility criteria in paragraphs (1) (a) -
3737 (h) and is not ineligible under s. 943.0584.

3738 2. Has submitted to the department a written certified
3739 statement from the appropriate state attorney or statewide
3740 prosecutor which confirms the criminal history record complies
3741 with the criteria in paragraph (1) (a) or paragraphs (1) (b) and

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3742 (c).

3743 3. Has submitted to the department a certified copy of the
3744 disposition of the charge to which the petition to expunge
3745 pertains.

3746 4. Remits a \$75 processing fee to the department for
3747 placement in the Department of Law Enforcement Operating Trust
3748 Fund, unless the executive director waives such fee.

3749 (b) A certificate of eligibility for expunction is valid
3750 for 12 months after the date stamped on the certificate when
3751 issued by the department. After that time, the petitioner must
3752 reapply to the department for a new certificate of eligibility.
3753 The petitioner's status and the law in effect at the time of the
3754 renewal application determine the petitioner's eligibility.

3755 (3) PETITION.—Each petition to expunge a criminal history
3756 record must be accompanied by:

3757 (a) A valid certificate of eligibility issued by the
3758 department.

3759 (b) The petitioner's sworn statement that he or she:

3760 1. Satisfies the eligibility requirements for expunction in
3761 subsection (1).

3762 2. Is eligible for expunction to the best of his or her
3763 knowledge and does not have any other petition to seal or
3764 expunge a criminal history record pending before any court.

3765
3766 A person who knowingly provides false information on such sworn
3767 statement commits a felony of the third degree, punishable as
3768 provided in s. 775.082, s. 775.083, or s. 775.084.

3769 (4) COURT AUTHORITY.—

3770 (a) The courts of this state have jurisdiction over their

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3771 own procedures, including the maintenance, expunction, and
3772 correction of judicial records containing criminal history
3773 information to the extent that such procedures are not
3774 inconsistent with the conditions, responsibilities, and duties
3775 established by this section.

3776 (b) A court of competent jurisdiction may order a criminal
3777 justice agency to expunge the criminal history record of a minor
3778 or an adult who complies with the requirements of this section.
3779 The court may not order a criminal justice agency to expunge a
3780 criminal history record until the person seeking to expunge a
3781 criminal history record has applied for and received a
3782 certificate of eligibility under subsection (2).

3783 (c) The court may order expunction of a criminal history
3784 record pertaining to one arrest or one incident of alleged
3785 criminal activity only, except that the court may order the
3786 expunction of a criminal history record pertaining to more than
3787 one arrest if the additional arrests directly relate to the
3788 original arrest. If the court intends to order the expunction of
3789 records pertaining to such additional arrests, such intent must
3790 be specified in the order. A criminal justice agency may not
3791 expunge any record pertaining to such additional arrests if the
3792 order to expunge does not articulate the intention of the court
3793 to expunge a record pertaining to more than one arrest. This
3794 section does not prevent the court from ordering the expunction
3795 of only a portion of a criminal history record pertaining to one
3796 arrest or one incident of alleged criminal activity.

3797 (d) Notwithstanding any law to the contrary, a criminal
3798 justice agency may comply with laws, court orders, and official
3799 requests of other jurisdictions relating to expunction,

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3800 correction, or confidential handling of criminal history records
3801 or information derived therefrom.

3802 (e) This section does not confer any right to expunction of
3803 any criminal history record, and any request for expunction of a
3804 criminal history record may be denied at the sole discretion of
3805 the court.

3806 (5) PROCESSING OF A PETITION OR AN ORDER.-

3807 (a) In judicial proceedings under this section, a copy of
3808 the completed petition to expunge shall be served upon the
3809 appropriate state attorney or the statewide prosecutor and upon
3810 the arresting agency; however, it is not necessary to make any
3811 agency other than the state a party. The appropriate state
3812 attorney or the statewide prosecutor and the arresting agency
3813 may respond to the court regarding the completed petition to
3814 expunge.

3815 (b) If relief is granted by the court, the clerk of the
3816 court shall certify copies of the order to the appropriate state
3817 attorney or the statewide prosecutor and the arresting agency.
3818 The arresting agency shall forward the order to any other agency
3819 to which the arresting agency disseminated the criminal history
3820 record information to which the order pertains. The department
3821 shall forward the order to expunge to the Federal Bureau of
3822 Investigation. The clerk of the court shall certify a copy of
3823 the order to any other agency which the records of the court
3824 reflect has received the criminal history record from the court.

3825 (c) The department or any other criminal justice agency is
3826 not required to act on an order to expunge entered by a court
3827 when such order does not comply with the requirements of this
3828 section. Upon receipt of such an order, the department must

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3829 notify the issuing court, the appropriate state attorney or
3830 statewide prosecutor, the petitioner or the petitioner's
3831 attorney, and the arresting agency of the reason for
3832 noncompliance. The appropriate state attorney or statewide
3833 prosecutor shall take action within 60 days to correct the
3834 record and petition the court to void the order. No cause of
3835 action, including contempt of court, shall arise against any
3836 criminal justice agency for failure to comply with an order to
3837 expunge when the petitioner for such order failed to obtain the
3838 certificate of eligibility as required by this section or such
3839 order does not otherwise comply with the requirements of this
3840 section.

3841 (6) EFFECT OF EXPUNCTION ORDER.—

3842 (a) Any criminal history record of a minor or an adult
3843 which is ordered expunged by a court of competent jurisdiction
3844 pursuant to this section must be physically destroyed or
3845 obliterated by any criminal justice agency having custody of
3846 such record, except that any criminal history record in the
3847 custody of the department must be retained in all cases. A
3848 criminal history record ordered expunged which is retained by
3849 the department is confidential and exempt from s. 119.07(1) and
3850 s. 24(a), Art. I of the State Constitution and not available to
3851 any person or entity except upon order of a court of competent
3852 jurisdiction. A criminal justice agency may retain a notation
3853 indicating compliance with an order to expunge.

3854 (b) The person who is the subject of a criminal history
3855 record that is expunged under this section or under other
3856 provisions of law, including former s. 893.14, former s. 901.33,
3857 and former s. 943.058, may lawfully deny or fail to acknowledge

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3858 the arrests covered by the expunged record, except when the
3859 subject of the record:

3860 1. Is a candidate for employment with a criminal justice
3861 agency;

3862 2. Is a defendant in a criminal prosecution;

3863 3. Concurrently or subsequently petitions for relief under
3864 this section, s. 943.0583, or s. 943.059;

3865 4. Is a candidate for admission to The Florida Bar;

3866 5. Is seeking to be employed or licensed by or to contract
3867 with the Department of Children and Families, the Division of
3868 Vocational Rehabilitation within the Department of Education,
3869 the Agency for Health Care Administration, the Agency for
3870 Persons with Disabilities, the Department of Health, the
3871 Department of Elderly Affairs, or the Department of Juvenile
3872 Justice or to be employed or used by such contractor or licensee
3873 in a sensitive position having direct contact with children, the
3874 disabled, or the elderly;

3875 6. Is seeking to be employed or licensed by the Department
3876 of Education, any district school board, any university
3877 laboratory school, any charter school, any private or parochial
3878 school, or any local governmental entity that licenses child
3879 care facilities;

3880 7. Is seeking to be licensed by the Division of Insurance
3881 Agent and Agency Services within the Department of Financial
3882 Services; or

3883 8. Is seeking to be appointed as a guardian pursuant to s.
3884 744.3125.

3885 (c) Subject to the exceptions in paragraph (b), a person
3886 who has been granted an expunction under this section, former s.

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3887 893.14, former s. 901.33, or former s. 943.058 may not be held
3888 under any provision of law of this state to commit perjury or to
3889 be otherwise liable for giving a false statement by reason of
3890 such person's failure to recite or acknowledge an expunged
3891 criminal history record.

3892 (d) Information relating to the existence of an expunged
3893 criminal history record which is provided in accordance with
3894 paragraph (a) is confidential and exempt from s. 119.07(1) and
3895 s. 24(a), Art. I of the State Constitution, except that the
3896 department shall disclose the existence of a criminal history
3897 record ordered expunged to the entities set forth in
3898 subparagraphs (b)1., 4., 5., 6., 7., and 8. for their respective
3899 licensing, access authorization, and employment purposes and to
3900 criminal justice agencies for their respective criminal justice
3901 purposes. It is unlawful for any employee of an entity set forth
3902 in subparagraph (b)1., 4., 5., 6., 7., or 8. to disclose
3903 information relating to the existence of an expunged criminal
3904 history record of a person seeking employment, access
3905 authorization, or licensure with such entity or contractor,
3906 except to the person to whom the criminal history record relates
3907 or to persons having direct responsibility for employment,
3908 access authorization, or licensure decisions. A person who
3909 violates this paragraph commits a misdemeanor of the first
3910 degree, punishable as provided in s. 775.082 or s. 775.083.

3911 Section 56. Section 943.059, Florida Statutes, is amended
3912 to read:

3913 (Substantial rewording of section. See
3914 s. 943.059, F.S., for present text.)

3915 943.059 Court-ordered sealing of criminal history records.-

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3916 (1) ELIGIBILITY.—A person is eligible to petition a court
3917 to seal a criminal history record when:

3918 (a) The criminal history record is not ineligible for
3919 court-ordered sealing under s. 943.0584.

3920 (b) The person has never, before the date the application
3921 for a certificate of eligibility is filed, been adjudicated
3922 guilty in this state of a criminal offense, or been adjudicated
3923 delinquent in this state for committing any felony or any of the
3924 following misdemeanor offenses, unless the record of such
3925 adjudication of delinquency has been expunged pursuant to s.
3926 943.0515:

3927 1. Assault, as defined in s. 784.011;

3928 2. Battery, as defined in s. 784.03;

3929 3. Assault on a law enforcement officer, a firefighter, or
3930 other specified officers, as defined in s. 784.07(2)(a);

3931 4. Carrying a concealed weapon, as defined in s. 790.01(1);

3932 5. Open carrying of a weapon, as defined in s. 790.053;

3933 6. Unlawful possession or discharge of a weapon or firearm
3934 at a school-sponsored event or on school property, as defined in
3935 s. 790.115;

3936 7. Unlawful use of destructive devices or bombs, as defined
3937 in s. 790.1615(1);

3938 8. Unlawful possession of a firearm by a minor, as defined
3939 in s. 790.22(5);

3940 9. Exposure of sexual organs, as defined in s. 800.03;

3941 10. Arson, as defined in s. 806.031(1);

3942 11. Petit theft, as defined in s. 812.014(3);

3943 12. Neglect of a child, as defined in s. 827.03(1)(e); or

3944 13. Cruelty to animals, as defined in s. 828.12(10).

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3945 (c) The person has not been adjudicated guilty of, or
3946 adjudicated delinquent for committing, any of the acts stemming
3947 from the arrest or alleged criminal activity to which the
3948 petition to seal pertains.

3949 (d) The person is no longer under court supervision
3950 applicable to the disposition of arrest or alleged criminal
3951 activity to which the petition to seal pertains.

3952 (e) The person has never secured a prior sealing or
3953 expunction of a criminal history record under this section, s.
3954 943.0585, former s. 893.14, former s. 901.33, or former s.
3955 943.058.

3956 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the
3957 court to seal a criminal history record, a person seeking to
3958 seal a criminal history record must apply to the department for
3959 a certificate of eligibility for sealing. The department shall
3960 adopt rules relating to the application for and issuance of
3961 certificates of eligibility for sealing.

3962 (a) The department shall issue a certificate of eligibility
3963 for sealing to a person who is the subject of a criminal history
3964 record if that person:

3965 1. Satisfies the eligibility criteria in paragraphs (1) (a) -
3966 (e) and is not ineligible for court-ordered sealing under s.
3967 943.0584.

3968 2. Has submitted to the department a certified copy of the
3969 disposition of charge to which the petition pertains.

3970 3. Remits a \$75 processing fee to the department for
3971 placement in the Department of Law Enforcement Operating Trust
3972 Fund, unless the executive director waives such fee.

3973 (b) A certificate of eligibility for sealing is valid for

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3974 12 months after the date stamped on the certificate when issued
3975 by the department. After that time, the petitioner must reapply
3976 to the department for a new certificate of eligibility. The
3977 status of the applicant and the law in effect at the time of the
3978 renewal application determine the petitioner's eligibility.

3979 (3) PETITION.—Each petition to a court to seal a criminal
3980 history record is complete only when accompanied by:

3981 (a) A valid certificate of eligibility issued by the
3982 department pursuant to this section.

3983 (b) The petitioner's sworn statement that the petitioner:
3984 1. Satisfies the eligibility requirements for sealing in
3985 subsection (1).

3986 2. Is eligible for sealing to the best of his or her
3987 knowledge and does not have any other petition to seal or
3988 expunge a criminal history record pending before any court.

3989
3990 Any person who knowingly provides false information on such
3991 sworn statement to the court commits a felony of the third
3992 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3993 775.084.

3994 (4) COURT AUTHORITY.—

3995 (a) The courts of this state have jurisdiction over their
3996 own procedures, including the maintenance, sealing, and
3997 correction of judicial records containing criminal history
3998 information to the extent that such procedures are not
3999 inconsistent with the conditions, responsibilities, and duties
4000 established by this section.

4001 (b) Any court of competent jurisdiction may order a
4002 criminal justice agency to seal the criminal history record of a

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4003 minor or an adult who complies with the requirements of this
4004 section. The court may not order a criminal justice agency to
4005 seal a criminal history record until the person seeking to seal
4006 a criminal history record has applied for and received a
4007 certificate of eligibility pursuant to subsection (2).

4008 (c) The court may order the sealing of a criminal history
4009 record pertaining to one arrest or one incident of alleged
4010 criminal activity only, except the court may order the sealing
4011 of a criminal history record pertaining to more than one arrest
4012 if the additional arrests directly relate to the original
4013 arrest. If the court intends to order the sealing of records
4014 pertaining to such additional arrests, such intent must be
4015 specified in the order. A criminal justice agency may not seal
4016 any record pertaining to such additional arrests if the order to
4017 seal does not articulate the intention of the court to seal a
4018 record pertaining to more than one arrest. This section does not
4019 prevent the court from ordering the sealing of only a portion of
4020 a criminal history record pertaining to one arrest or one
4021 incident of alleged criminal activity.

4022 (d) Notwithstanding any law to the contrary, a criminal
4023 justice agency may comply with laws, court orders, and official
4024 requests of other jurisdictions relating to sealing, correction,
4025 or confidential handling of criminal history records or
4026 information derived therefrom.

4027 (e) This section does not confer any right to the sealing
4028 of any criminal history record, and any request for sealing of a
4029 criminal history record may be denied at the sole discretion of
4030 the court.

4031 (5) PROCESSING OF A PETITION OR ORDER.—

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4032 (a) In judicial proceedings under this section, a copy of
4033 the completed petition to seal shall be served upon the
4034 appropriate state attorney or the statewide prosecutor and upon
4035 the arresting agency; however, it is not necessary to make any
4036 agency other than the state a party. The appropriate state
4037 attorney or the statewide prosecutor and the arresting agency
4038 may respond to the court regarding the completed petition to
4039 seal.

4040 (b) If relief is granted by the court, the clerk of the
4041 court shall certify copies of the order to the appropriate state
4042 attorney or the statewide prosecutor and the arresting agency.
4043 The arresting agency is responsible for forwarding the order to
4044 any other agency to which the arresting agency disseminated the
4045 criminal history record information to which the order pertains.
4046 The department shall forward the order to seal to the Federal
4047 Bureau of Investigation. The clerk of the court shall certify a
4048 copy of the order to any other agency that the records of the
4049 court reflect has received the criminal history record from the
4050 court.

4051 (c) The department or any other criminal justice agency is
4052 not required to act on an order to seal entered by a court when
4053 such order does not comply with the requirements of this
4054 section. Upon receipt of such an order, the department must
4055 notify the issuing court, the appropriate state attorney or
4056 statewide prosecutor, the petitioner or the petitioner's
4057 attorney, and the arresting agency of the reason for
4058 noncompliance. The appropriate state attorney or statewide
4059 prosecutor shall take action within 60 days to correct the
4060 record and petition the court to void the order. No cause of

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4061 action, including contempt of court, shall arise against any
4062 criminal justice agency for failure to comply with an order to
4063 seal when the petitioner for such order failed to obtain the
4064 certificate of eligibility as required by this section or such
4065 order does not otherwise comply with the requirements of this
4066 section.

4067 (6) EFFECT OF ORDER.—

4068 (a) A criminal history record of a minor or an adult which
4069 is ordered sealed by a court pursuant to this section is
4070 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4071 of the State Constitution and is available only to the following
4072 persons:

4073 1. The subject of the record;

4074 2. The subject's attorney;

4075 3. Criminal justice agencies for their respective criminal
4076 justice purposes, which include conducting a criminal history
4077 background check for approval of firearms purchases or transfers
4078 as authorized by state or federal law;

4079 4. Judges in the state courts system for the purpose of
4080 assisting them in their case-related decisionmaking
4081 responsibilities, as set forth in s. 943.053(5); or

4082 5. To those entities set forth in subparagraphs (b)1., 4.,
4083 5., 6., 8., 9., and 10. for their respective licensing access
4084 authorization and employment purposes.

4085 (b) The subject of the criminal history record sealed under
4086 this section or under other provisions of law, including former
4087 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
4088 deny or fail to acknowledge the arrests covered by the sealed
4089 record, except when the subject of the record:

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- 4090 1. Is a candidate for employment with a criminal justice
4091 agency;
- 4092 2. Is a defendant in a criminal prosecution;
- 4093 3. Concurrently or subsequently petitions for relief under
4094 this section, s. 943.0583, or s. 943.0585;
- 4095 4. Is a candidate for admission to The Florida Bar;
- 4096 5. Is seeking to be employed or licensed by or to contract
4097 with the Department of Children and Families, the Division of
4098 Vocational Rehabilitation within the Department of Education,
4099 the Agency for Health Care Administration, the Agency for
4100 Persons with Disabilities, the Department of Health, the
4101 Department of Elderly Affairs, or the Department of Juvenile
4102 Justice or to be employed or used by such contractor or licensee
4103 in a sensitive position having direct contact with children, the
4104 disabled, or the elderly;
- 4105 6. Is seeking to be employed or licensed by the Department
4106 of Education, a district school board, a university laboratory
4107 school, a charter school, a private or parochial school, or a
4108 local governmental entity that licenses child care facilities;
- 4109 7. Is attempting to purchase a firearm from a licensed
4110 importer, licensed manufacturer, or licensed dealer and is
4111 subject to a criminal history check under state or federal law;
- 4112 8. Is seeking to be licensed by the Division of Insurance
4113 Agent and Agency Services within the Department of Financial
4114 Services;
- 4115 9. Is seeking to be appointed as a guardian pursuant to s.
4116 744.3125; or
- 4117 10. Is seeking to be licensed by the Bureau of License
4118 Issuance of the Division of Licensing within the Department of

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4119 Agriculture and Consumer Services to carry a concealed weapon or
4120 concealed firearm. This subparagraph applies only in the
4121 determination of an applicant's eligibility under s. 790.06.

4122 (c) Subject to the exceptions in paragraph (b), a person
4123 who has been granted a sealing under this section, former s.
4124 893.14, former s. 901.33, or former s. 943.058 may not be held
4125 under any provision of law of this state to commit perjury or to
4126 be otherwise liable for giving a false statement by reason of
4127 such person's failure to recite or acknowledge a sealed criminal
4128 history record.

4129 (d) Information relating to the existence of a sealed
4130 criminal history record provided in accordance with paragraph
4131 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),
4132 Art. I of the State Constitution, except that the department
4133 shall disclose the sealed criminal history record to the
4134 entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9.,
4135 and 10. for their respective licensing, access authorization,
4136 and employment purposes. An employee of an entity set forth in
4137 subparagraph (b)1., (b)4., (b)5., (b)6., (b)8., (b)9., or (b)10.
4138 may not disclose information relating to the existence of a
4139 sealed criminal history record of a person seeking employment,
4140 access authorization, or licensure with such entity or
4141 contractor, except to the person to whom the criminal history
4142 record relates or to persons having direct responsibility for
4143 employment, access authorization, or licensure decisions. A
4144 person who violates this paragraph commits a misdemeanor of the
4145 first degree, punishable as provided in s. 775.082 or s.
4146 775.083.

4147 Section 57. Section 943.0595, Florida Statutes, is created

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4148 to read:

4149 943.0595 Automatic sealing of criminal history records.-

4150 (1) RULEMAKING.-Notwithstanding any law dealing generally
4151 with the preservation and destruction of public records, the
4152 department shall adopt rules addressing the automatic sealing of
4153 any criminal history record of a minor or adult described in
4154 this section.

4155 (2) ELIGIBILITY.-

4156 (a) The department shall automatically seal a criminal
4157 history record when:

4158 1. An indictment, information, or other charging document
4159 was not filed or issued in the case giving rise to the criminal
4160 history record.

4161 2. An indictment, information, or other charging document
4162 was filed in the case giving rise to the criminal history
4163 record, but was dismissed or nolle prosequi by the state
4164 attorney or statewide prosecutor or was dismissed by a court of
4165 competent jurisdiction. However, a person is not eligible for
4166 automatic sealing under this section if the dismissal was
4167 pursuant to s. 916.145 or s. 985.19.

4168 3. A not guilty verdict was rendered by a judge or jury.
4169 However, a person is not eligible for automatic sealing under
4170 this section if the defendant was found not guilty by reason of
4171 insanity.

4172 4. A judgment of acquittal was rendered by a judge.

4173 (b) There is no limitation on the number of times a person
4174 may obtain an automatic sealing for a criminal history record
4175 described in paragraph (a).

4176 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.-

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4177 (a) Upon the disposition of a criminal case resulting in a
4178 criminal history record eligible for automatic sealing under
4179 paragraph (2) (a), the clerk of the court shall transmit a
4180 certified copy of the disposition of the criminal history record
4181 to the department, which shall seal the criminal history record
4182 upon receipt of the certified copy.

4183 (b) Automatic sealing of a criminal history record does not
4184 require sealing by the court or other criminal justice agencies,
4185 or that such record be surrendered to the court, and such record
4186 shall continue to be maintained by the department and other
4187 criminal justice agencies.

4188 (c) Except as provided in this section, automatic sealing
4189 of a criminal history record shall have the same effect, and the
4190 department may disclose such a record in the same manner, as a
4191 record sealed under s. 943.059.

4192 Section 58. Paragraph (b) of subsection (1) of section
4193 943.325, Florida Statutes, is amended to read:

4194 943.325 DNA database.—

4195 (1) LEGISLATIVE INTENT.—

4196 (b) The Legislature also finds that, upon establishment of
4197 the Florida DNA database, a match between casework evidence DNA
4198 samples from a criminal investigation and DNA samples from a
4199 state or federal DNA database of certain offenders may be used
4200 to find probable cause for the issuance of a warrant for arrest
4201 or to obtain the DNA sample from an offender.

4202 Section 59. Effective upon this act becoming a law,
4203 subsections (9) and (10) are added to section 943.6871, Florida
4204 Statutes, to read:

4205 943.6871 Criminal justice data transparency.—In order to

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4206 facilitate the availability of comparable and uniform criminal
4207 justice data, the department shall:

4208 (9) Keep all information received by the department under
4209 s. 900.05 which is confidential and exempt when collected by the
4210 reporting agency confidential and exempt for purposes of this
4211 section and s. 900.05.

4212 (10) Commission a racial impact statement for each criminal
4213 justice bill that is heard before a committee of the Senate or
4214 the House of Representatives during a session of the
4215 Legislature. The impact statement must estimate the anticipated
4216 effects the proposed criminal justice legislation may have on
4217 racial inequality among the residents of this state and must
4218 indicate whether the proposed legislation would increase,
4219 decrease, or have no impact on racial inequality or whether the
4220 impact is indeterminable. To the extent feasible, the impact
4221 statement should include quantifiable data. The impact statement
4222 must specify the methodologies and assumptions used in its
4223 preparation.

4224 Section 60. Paragraphs (b) and (f) of subsection (4) of
4225 section 944.275, Florida Statutes, are amended to read:

4226 944.275 Gain-time.—

4227 (4)

4228 (b) For each month in which an inmate works diligently,
4229 participates in training, uses time constructively, or otherwise
4230 engages in positive activities, the department may grant
4231 incentive gain-time in accordance with this paragraph. The rate
4232 of incentive gain-time in effect on the date the inmate
4233 committed the offense that ~~which~~ resulted in his or her
4234 incarceration shall be the inmate's rate of eligibility to earn

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4235 incentive gain-time throughout the period of incarceration and
4236 ~~may shall~~ not be altered by a subsequent change in the severity
4237 level of the offense for which the inmate was sentenced.

4238 1. For sentences imposed for offenses committed before
4239 ~~prior to~~ January 1, 1994, up to 20 days of incentive gain-time
4240 may be granted. If granted, such gain-time shall be credited and
4241 applied monthly.

4242 2. For sentences imposed for offenses committed on or after
4243 January 1, 1994, and before October 1, 1995:

4244 a. For offenses ranked in offense severity levels 1 through
4245 7, under former s. 921.0012 or former s. 921.0013, up to 25 days
4246 of incentive gain-time may be granted. If granted, such gain-
4247 time shall be credited and applied monthly.

4248 b. For offenses ranked in offense severity levels 8, 9, and
4249 10, under former s. 921.0012 or former s. 921.0013, up to 20
4250 days of incentive gain-time may be granted. If granted, such
4251 gain-time shall be credited and applied monthly.

4252 3. For sentences imposed for offenses committed on or after
4253 October 1, 1995, and retroactive to October 1, 1995, the
4254 department may grant up to 20 ~~40~~ days per month of incentive
4255 gain-time except that:

4256 a. If the offense is a nonviolent felony, as defined in s.
4257 948.08(6), the prisoner is not eligible to earn any type of
4258 gain-time in an amount that would cause a sentence to expire,
4259 end, or terminate, or that would result in a prisoner's release,
4260 before he or she serves a minimum of 65 percent of the sentence
4261 imposed. For purposes of this sub-subparagraph, credits awarded
4262 by the court for time physically incarcerated must be credited
4263 toward satisfaction of 65 percent of the sentence imposed. A

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4264 prisoner who is granted incentive gain-time pursuant to this
4265 sub-subparagraph may not accumulate further gain-time awards at
4266 any point when the tentative release date is the same as that
4267 date at which the prisoner will have served 65 percent of the
4268 sentence imposed. State prisoners sentenced to life imprisonment
4269 must be incarcerated for the rest of their natural lives, unless
4270 granted pardon or clemency.

4271 b. If the offense is not a nonviolent felony, as defined in
4272 s. 948.08(6), the prisoner is not eligible to earn any type of
4273 gain-time in an amount that would cause a sentence to expire,
4274 end, or terminate, or that would result in a prisoner's release,
4275 before he or she serves a minimum of 85 percent of the sentence
4276 imposed. For purposes of this sub-subparagraph, credits awarded
4277 by the court for time physically incarcerated must be credited
4278 toward satisfaction of 85 percent of the sentence imposed. A
4279 prisoner who is granted incentive gain-time pursuant to this
4280 sub-subparagraph may not accumulate further gain-time awards at
4281 any point when the tentative release date is the same as that
4282 date at which the prisoner will have served 85 percent of the
4283 sentence imposed. State prisoners sentenced to life imprisonment
4284 must be incarcerated for the rest of their natural lives, unless
4285 granted pardon or clemency.

4286 ~~(f) An inmate who is subject to subparagraph (b)3. is not~~
4287 ~~eligible to earn or receive gain-time under paragraph (a),~~
4288 ~~paragraph (b), paragraph (c), or paragraph (d) or any other type~~
4289 ~~of gain-time in an amount that would cause a sentence to expire,~~
4290 ~~end, or terminate, or that would result in a prisoner's release,~~
4291 ~~prior to serving a minimum of 85 percent of the sentence~~
4292 ~~imposed. For purposes of this paragraph, credits awarded by the~~

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4293 ~~court for time physically incarcerated shall be credited toward~~
4294 ~~satisfaction of 85 percent of the sentence imposed. Except as~~
4295 ~~provided by this section, a prisoner may not accumulate further~~
4296 ~~gain-time awards at any point when the tentative release date is~~
4297 ~~the same as that date at which the prisoner will have served 85~~
4298 ~~percent of the sentence imposed. State prisoners sentenced to~~
4299 ~~life imprisonment shall be incarcerated for the rest of their~~
4300 ~~natural lives, unless granted pardon or clemency.~~

4301 Section 61. Subsection (2) of section 944.47, Florida
4302 Statutes, is amended to read:

4303 944.47 Introduction, removal, or possession of contraband
4304 ~~certain articles unlawful~~; penalty.—

4305 (2) (a) A person who violates ~~any provision of~~ this section
4306 as it pertains to an article of contraband described in
4307 subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph
4308 (1)(a)6. commits a felony of the third degree, punishable as
4309 provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In~~
4310 ~~all other cases~~, a violation of ~~a provision of~~ this section is
4311 ~~constitutes~~ a felony of the second degree, punishable as
4312 provided in s. 775.082, s. 775.083, or s. 775.084.

4313 (b) A violation of this section by an employee, as defined
4314 in s. 944.115(2)(b), who uses or attempts to use the powers,
4315 rights, privileges, duties, or position of his or her employment
4316 in the commission of the violation is ranked one level above the
4317 ranking specified in s. 921.0022 or s. 921.0023 for the offense
4318 committed.

4319 Section 62. Section 944.704, Florida Statutes, is amended
4320 to read:

4321 944.704 Staff who provide transition assistance; duties.—

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4322 (1) The department shall provide a transition assistance
4323 specialist at each of the major institutions.

4324 (2) The department may increase the number of transition
4325 assistance specialists in proportion to the number of inmates
4326 served at each of the major institutions and may increase the
4327 number of employment specialists per judicial circuit based on
4328 the number of released inmates served under community
4329 supervision in that circuit, subject to appropriations.

4330 (3) The transition assistance specialists' ~~whose~~ duties
4331 include, but are not limited to:

4332 (a) ~~(1)~~ Coordinating delivery of transition assistance
4333 program services at the institution and at the community
4334 correctional centers authorized pursuant to s. 945.091(1)(b).

4335 (b) ~~(2)~~ Assisting in the development of each inmate's
4336 postrelease plan.

4337 (c) ~~(3)~~ Obtaining job placement information. Such
4338 information must include identifying any job assignment
4339 credentialing or industry certifications for which the inmate is
4340 eligible.

4341 (d) ~~(4)~~ Providing a written medical discharge plan and
4342 referral to a county health department.

4343 (e) ~~(5)~~ For an inmate who is known to be HIV positive,
4344 providing a 30-day supply of all HIV/AIDS-related medication
4345 that the inmate is taking before ~~prior to~~ release, if required
4346 under protocols of the Department of Corrections and treatment
4347 guidelines of the United States Department of Health and Human
4348 Services.

4349 (f) ~~(6)~~ Facilitating placement in a private transition
4350 housing program, if requested by any eligible inmate. If an

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4351 inmate who is nearing his or her date of release requests
4352 placement in a contracted substance abuse transition housing
4353 program, the transition assistance specialist shall inform the
4354 inmate of program availability and assess the inmate's need and
4355 suitability for transition housing assistance. If an inmate is
4356 approved for placement, the specialist shall assist the inmate
4357 and coordinate the release of the inmate with the selected
4358 program. If an inmate requests and is approved for placement in
4359 a contracted faith-based substance abuse transition housing
4360 program, the specialist must consult with the chaplain before
4361 ~~prior to~~ such placement. In selecting inmates who are nearing
4362 their date of release for placement in a faith-based program,
4363 the department shall ensure that an inmate's faith orientation,
4364 or lack thereof, will not be considered in determining admission
4365 to the program and that the program does not attempt to convert
4366 an inmate toward a particular faith or religious preference.

4367 (g) ~~(7)~~ Providing a photo identification card to all inmates
4368 before ~~prior to~~ their release.

4369 (4) ~~The~~ transition assistance specialist may not be a
4370 correctional officer or correctional probation officer as
4371 defined in s. 943.10.

4372 Section 63. Present subsections (3) through (6) of section
4373 944.705, Florida Statutes, are redesignated as subsections (4)
4374 through (7), respectively, and a new subsection (3) and
4375 subsections (8) through (12) are added to that section, to read:

4376 944.705 Release orientation program.—

4377 (3) (a) The department shall establish a toll-free hotline
4378 for the benefit of released inmates. The hotline shall provide
4379 information to released inmates seeking to obtain post-release

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4380 referrals for community-based reentry services.

4381 (b) Before an inmate's release, the department shall
4382 provide the inmate with a comprehensive community reentry
4383 resource directory organized by county and which must include
4384 the name, address, and a description of the services offered by
4385 each reentry service provider. The directory must also include
4386 the name, address, and telephone number of existing portals of
4387 entry and the toll-free hotline number required by paragraph
4388 (a).

4389 (c) The department shall expand the use of the Spectrum
4390 system to provide inmates and offenders with community-specific
4391 reentry service provider referrals.

4392 (8) A nonprofit faith-based or professional business, or a
4393 civic or community organization, may apply for registration with
4394 the department to provide inmate reentry services. Reentry
4395 services include, but are not limited to, counseling; providing
4396 information on housing and job placement; money management
4397 assistance; and programs that address substance abuse, mental
4398 health, or co-occurring conditions.

4399 (9) The department shall adopt policies and procedures for
4400 screening, approving, and registering an organization that
4401 applies under subsection (8). The department may deny approval
4402 and registration of an organization or a representative from an
4403 organization if it determines that the organization or
4404 representative does not meet the department's policies and
4405 procedures.

4406 (10) The department may contract with a public or private
4407 educational institution's veteran advocacy clinic or veteran
4408 legal clinic to assist qualified veteran inmates in applying for

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4409 veterans' benefits upon release.

4410 (11) The department may contract with public or private
4411 organizations to establish transitional employment programs that
4412 provide employment opportunities for released inmates.

4413 (12) The department shall adopt rules to implement this
4414 section.

4415 Section 64. Present subsections (4), (5), and (6) of
4416 section 944.801, Florida Statutes, are redesignated as
4417 subsections (6), (7), and (8), respectively, and new subsections
4418 (4) and (5) are added to that section, to read:

4419 944.801 Education for state prisoners.—

4420 (4) The department may expand the use of job assignment
4421 credentialing and industry certifications.

4422 (5) The Correctional Education Program may establish a
4423 prison entrepreneurship program and adopt procedures for
4424 admitting student inmates. If the department elects to develop
4425 the program, it must include at least 180 days of in-prison
4426 education. The program curriculum must include a component on
4427 developing a business plan, procedures for graduation and
4428 certification of successful student inmates, and at least 90
4429 days of transitional and postrelease continuing educational
4430 services. Transitional and postrelease continuing educational
4431 services may be offered to graduate student inmates on a
4432 voluntary basis and are not a requirement for completion of the
4433 program. The department shall enter into agreements with public
4434 or private colleges or universities or other nonprofit entities
4435 to implement the program. The program must be funded with
4436 existing resources.

4437 Section 65. Subsection (1) of section 948.001, Florida

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4438 Statutes, is amended to read:

4439 948.001 Definitions.—As used in this chapter, the term:

4440 (1) "Administrative probation" means a form of no contact,
4441 nonreporting supervision that may be imposed by order of the
4442 court or transfer by the Department of Corrections as provided
4443 in s. 948.013 in which an offender who presents a low risk of
4444 harm to the community may, upon satisfactory completion of half
4445 the term of probation, be transferred by the Department of
4446 Corrections to this type of reduced level of supervision, as
4447 provided in s. 948.013.

4448 Section 66. Subsection (1) of section 948.013, Florida
4449 Statutes, is amended to read:

4450 948.013 Administrative probation.—

4451 (1) The Department of Corrections may transfer an offender
4452 to administrative probation if he or she presents a low risk of
4453 harm to the community and has satisfactorily completed at least
4454 half of his or her probation term. The department ~~of Corrections~~
4455 may establish procedures for transferring an offender to
4456 administrative probation. The department may collect an initial
4457 processing fee of up to \$50 for each probationer transferred to
4458 administrative probation. The offender is exempt from further
4459 payment for the cost of supervision as required in s. 948.09.

4460 Section 67. Subsection (3) is added to section 948.03,
4461 Florida Statutes, to read:

4462 948.03 Terms and conditions of probation.—

4463 (3) The Department of Corrections shall include in the
4464 Florida Crime Information Center system all conditions of
4465 probation as determined by the court for each probationer.

4466 Section 68. Subsections (4), (5), and (6) are added to

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4467 section 948.04, Florida Statutes, to read:

4468 948.04 Period of probation; duty of probationer; early
4469 termination; conversion of term.—

4470 (4) Except as provided in subsection (5), for defendants
4471 sentenced to probation on or after October 1, 2019, the court,
4472 upon motion by the probationer or the probation officer, shall
4473 either early terminate the probationer's supervision or convert
4474 the supervisory term to administrative probation if all of the
4475 following requirements are met:

4476 (a) The probationer has completed at least half of the term
4477 of probation to which he or she was sentenced.

4478 (b) The probationer has successfully completed all other
4479 conditions of probation.

4480 (c) The court has not found the probationer in violation of
4481 probation pursuant to a filed affidavit of violation of
4482 probation at any point during the current supervisory term.

4483 (d) The parties did not specifically exclude the
4484 possibility of early termination or conversion to administrative
4485 probation as part of a negotiated sentence.

4486 (e) The probationer does not qualify as a violent felony
4487 offender of special concern under s. 948.06(8)(b).

4488 (5) Upon making written findings that continued reporting
4489 probation is necessary to protect the community or the interests
4490 of justice, the court may decline to early terminate the
4491 probationary term or convert the term to administrative
4492 probation for a probationer who is otherwise eligible under
4493 subsection (4).

4494 (6) Subsections (4) and (5) do not apply to an offender on
4495 community control. If an offender on community control is

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4496 subsequently placed on probation, he or she must complete half
4497 of the probationary term to which he or she was sentenced,
4498 without receiving credit for time served on community control,
4499 before being eligible for mandatory early termination or
4500 conversion to administrative probation under this section.

4501 Section 69. Section 948.05, Florida Statutes, is amended to
4502 read:

4503 948.05 Court to admonish or commend probationer or offender
4504 in community control; graduated incentives.-

4505 (1) A court may at any time cause a probationer or offender
4506 in community control to appear before it to be admonished or
4507 commended, and, when satisfied that its action will be for the
4508 best interests of justice and the welfare of society, it may
4509 discharge the probationer or offender in community control from
4510 further supervision.

4511 (2) The department shall implement a system of graduated
4512 incentives to promote compliance with the terms of supervision
4513 and prioritize the highest levels of supervision for offenders
4514 presenting the greatest risk of recidivism.

4515 (a) As part of the graduated incentives system, the
4516 department may, without leave of court, offer the following
4517 incentives to a compliant probationer or offender in community
4518 control:

4519 1. Up to 25 percent reduction of required community service
4520 hours;

4521 2. Waiver of supervision fees;

4522 3. Reduction in frequency of reporting;

4523 4. Permission to report by mail or telephone; or

4524 5. Transfer of an eligible offender to administrative

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4525 probation as authorized under s. 948.013.

4526 (b) The department may also incentivize positive behavior
4527 and compliance with recommendations to the court to modify the
4528 terms of supervision, including recommending:

4529 1. Permission to travel;

4530 2. Reduction of supervision type;

4531 3. Modification or cessation of curfew;

4532 4. Reduction or cessation of substance abuse testing; or

4533 5. Early termination of supervision.

4534 (c) An offender who commits a subsequent violation of
4535 probation may forfeit any previously earned probation incentive,
4536 as determined appropriate by his or her probation officer.

4537 Section 70. Present paragraphs (c) through (g) of
4538 subsection (1) of section 948.06, Florida Statutes, are
4539 redesignated as paragraphs (d) through (h), respectively, a new
4540 paragraph (c) is added to that subsection, and present paragraph
4541 (h) of that subsection is amended, present paragraphs (f)
4542 through (j) of subsection (2) are redesignated as paragraphs (g)
4543 through (k), respectively, and a new paragraph (f) is added to
4544 that subsection, and subsection (9) is added to that section, to
4545 read:

4546 948.06 Violation of probation or community control;
4547 revocation; modification; continuance; failure to pay
4548 restitution or cost of supervision.—

4549 (1)

4550 (c) If a probationer or offender on community control
4551 commits a technical violation, the probation officer shall
4552 determine whether the probationer or offender on community
4553 control is eligible for the alternative sanctioning program

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4554 under subsection (9). If the probation officer determines that
4555 the probationer or offender on community control is eligible,
4556 the probation officer may proceed with the alternative
4557 sanctioning program in lieu of filing an affidavit of violation
4558 with the court. For purposes of this section, the term
4559 "technical violation" means an alleged violation of supervision
4560 that is not a new felony offense, misdemeanor offense, or
4561 criminal traffic offense.

4562 ~~(h)1. The chief judge of each judicial circuit, in~~
4563 ~~consultation with the state attorney, the public defender, and~~
4564 ~~the department, may establish an alternative sanctioning program~~
4565 ~~in which the department, after receiving court approval, may~~
4566 ~~enforce specified sanctions for certain technical violations of~~
4567 ~~supervision. For purposes of this paragraph, the term "technical~~
4568 ~~violation" means any alleged violation of supervision that is~~
4569 ~~not a new felony offense, misdemeanor offense, or criminal~~
4570 ~~traffic offense.~~

4571 ~~2. To establish an alternative sanctioning program, the~~
4572 ~~chief judge must issue an administrative order specifying:~~

4573 ~~a. Eligibility criteria.~~

4574 ~~b. The technical violations that are eligible for the~~
4575 ~~program.~~

4576 ~~c. The sanctions that may be recommended by a probation~~
4577 ~~officer for each technical violation.~~

4578 ~~d. The process for reporting technical violations through~~
4579 ~~the alternative sanctioning program, including approved forms.~~

4580 ~~3. If an offender is alleged to have committed a technical~~
4581 ~~violation of supervision that is eligible for the program, the~~
4582 ~~offender may:~~

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4583 ~~a. Waive participation in the alternative sanctioning~~
4584 ~~program, in which case the probation officer may submit a~~
4585 ~~violation report, affidavit, and warrant to the court in~~
4586 ~~accordance with this section; or~~

4587 ~~b. Elect to participate in the alternative sanctioning~~
4588 ~~program after receiving written notice of an alleged technical~~
4589 ~~violation and a disclosure of the evidence against the offender,~~
4590 ~~admit to the technical violation, agree to comply with the~~
4591 ~~probation officer's recommended sanction if subsequently ordered~~
4592 ~~by the court, and agree to waive the right to:~~

4593 ~~(I) Be represented by legal counsel.~~

4594 ~~(II) Require the state to prove his or her guilt before a~~
4595 ~~neutral and detached hearing body.~~

4596 ~~(III) Subpoena witnesses and present to a judge evidence in~~
4597 ~~his or her defense.~~

4598 ~~(IV) Confront and cross-examine adverse witnesses.~~

4599 ~~(V) Receive a written statement from a factfinder as to the~~
4600 ~~evidence relied on and the reasons for the sanction imposed.~~

4601 ~~4. If the offender admits to committing the technical~~
4602 ~~violation and agrees with the probation officer's recommended~~
4603 ~~sanction, the probation officer must, before imposing the~~
4604 ~~sanction, submit the recommended sanction to the court as well~~
4605 ~~as documentation reflecting the offender's admission to the~~
4606 ~~technical violation and agreement with the recommended sanction.~~

4607 ~~5. The court may impose the recommended sanction or may~~
4608 ~~direct the department to submit a violation report, affidavit,~~
4609 ~~and warrant to the court in accordance with this section.~~

4610 ~~6. An offender's participation in an alternative~~
4611 ~~sanctioning program is voluntary. The offender may elect to~~

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4612 ~~waive or discontinue participation in an alternative sanctioning~~
4613 ~~program at any time before the issuance of a court order~~
4614 ~~imposing the recommended sanction.~~

4615 ~~7. If an offender waives or discontinues participation in~~
4616 ~~an alternative sanctioning program, the probation officer may~~
4617 ~~submit a violation report, affidavit, and warrant to the court~~
4618 ~~in accordance with this section. The offender's prior admission~~
4619 ~~to the technical violation may not be used as evidence in~~
4620 ~~subsequent proceedings.~~

4621 (2)

4622 (f)1. Except as provided in subparagraph 3. or upon waiver
4623 by the probationer, the court shall modify or continue a
4624 probationary term upon finding a probationer in violation when
4625 any of the following applies:

4626 a. The term of supervision is probation.

4627 b. The probationer does not qualify as a violent felony
4628 offender of special concern, as defined in paragraph (8)(b).

4629 c. The violation is a low-risk technical violation, as
4630 defined in paragraph (9)(b).

4631 d. The court has not previously found the probationer in
4632 violation of his or her probation pursuant to a filed violation
4633 of probation affidavit during the current term of supervision. A
4634 probationer who has successfully completed sanctions through the
4635 alternative sanctioning program is eligible for mandatory
4636 modification or continuation of his or her probation.

4637 2. Upon modifying probation under subparagraph 1., the
4638 court may include in the sentence a maximum of 90 days in county
4639 jail as a special condition of probation.

4640 3. Notwithstanding s. 921.0024, if a probationer has less

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4641 than 90 days of supervision remaining on his or her term of
4642 probation and meets the criteria for mandatory modification or
4643 continuation in subparagraph 1., the court may revoke probation
4644 and sentence the probationer to a maximum of 90 days in county
4645 jail.

4646 4. For purposes of imposing a jail sentence under this
4647 paragraph only, the court may grant credit only for time served
4648 in the county jail since the probationer's most recent arrest
4649 for the violation. However, the court may not order the
4650 probationer to a total term of incarceration greater than the
4651 maximum provided by s. 775.082.

4652 (9) (a) Each judicial circuit shall establish an alternative
4653 sanctioning program as provided in this subsection. The chief
4654 judge of each judicial circuit may, by administrative order,
4655 define additional sanctions or eligibility criteria and specify
4656 the process for reporting technical violations through the
4657 alternative sanctioning program. Any sanctions recommended for
4658 imposition through an alternative sanctions program must be
4659 submitted to the court by the probation officer for approval
4660 before imposing the sanction.

4661 (b) As used in this subsection, the term "low-risk
4662 violation," when committed by a probationer, means any of the
4663 following:

- 4664 1. A positive drug or alcohol test result.
- 4665 2. Failure to report to the probation office.
- 4666 3. Failure to report a change in address or other required
4667 information.
- 4668 4. Failure to attend a required class, treatment or
4669 counseling session, or meeting.

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- 4670 5. Failure to submit to a drug or alcohol test.
- 4671 6. A violation of curfew.
- 4672 7. Failure to meet a monthly quota on any required
4673 probation condition, including, but not limited to, making
4674 restitution payments, paying court costs, or completing
4675 community service hours.
- 4676 8. Leaving the county without permission.
- 4677 9. Failure to report a change in employment.
- 4678 10. Associating with a person engaged in criminal activity.
- 4679 11. Any other violation as determined by administrative
4680 order of the chief judge of the circuit.
- 4681 (c) As used in this subsection, the term "moderate-risk
4682 violation" means any of the following:
- 4683 1. A violation identified in paragraph (b), when committed
4684 by an offender on community control.
- 4685 2. Failure to remain at an approved residence by an
4686 offender on community control.
- 4687 3. A third violation identified in paragraph (b) by a
4688 probationer within the current term of supervision.
- 4689 4. Any other violation as determined by administrative
4690 order of the chief judge of the circuit.
- 4691 (d) A probationer or offender on community control is not
4692 eligible for an alternative sanction if:
- 4693 1. He or she is a violent felony offender of special
4694 concern as defined in paragraph (8) (b);
- 4695 2. The violation is a felony, misdemeanor, or criminal
4696 traffic offense;
- 4697 3. The violation is absconding;
- 4698 4. The violation is of a stay-away order or no-contact

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4699 order;

4700 5. The violation is not identified as low-risk or moderate-
4701 risk under this subsection or by administrative order;

4702 6. He or she has a prior moderate-risk level violation
4703 during the current term of supervision;

4704 7. He or she has three prior low-risk level violations
4705 during the same term of supervision;

4706 8. The term of supervision is scheduled to terminate in
4707 less than 90 days; or

4708 9. The terms of the sentence prohibit alternative
4709 sanctioning.

4710 (e) For a first or second low-risk violation, as defined in
4711 paragraph (b), within the current term of supervision, a
4712 probation officer may offer an eligible probationer one or more
4713 of the following as an alternative sanction:

4714 1. Up to 5 days in the county jail.

4715 2. Up to 50 additional community service hours.

4716 3. Counseling or treatment.

4717 4. Support group attendance.

4718 5. Drug testing.

4719 6. Loss of travel or other privileges.

4720 7. Curfew for up to 30 days.

4721 8. House arrest for up to 30 days.

4722 9.a. Any other sanction as determined by administrative
4723 order of the chief judge of the circuit.

4724 b. However, in no circumstance shall participation in an
4725 alternative sanctioning program convert a withheld adjudication
4726 to an adjudication of guilt.

4727 (f) For a first moderate-risk violation, as defined in

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4728 paragraph (c), within the current term of supervision, a
4729 probation officer, with a supervisor's approval, may offer an
4730 eligible probationer or offender on community control one or
4731 more of the following as an alternative sanction:

4732 1. Up to 21 days in the county jail.

4733 2. Curfew for up to 90 days.

4734 3. House arrest for up to 90 days.

4735 4. Electronic monitoring for up to 90 days.

4736 5. Residential treatment for up to 90 days.

4737 6. Any other sanction available for a low-risk violation.

4738 7.a. Any other sanction as determined by administrative
4739 order of the chief judge of the circuit.

4740 b. However, in no circumstance shall participation in an
4741 alternative sanctioning program convert a withheld adjudication
4742 to an adjudication of guilt.

4743 (g) The participation of a probationer or an offender on
4744 community control in the program is voluntary. The probationer
4745 or offender on community control may waive or discontinue
4746 participation in the program at any time before the court
4747 imposes a recommended sanction.

4748 (h)1. If a probationer or offender on community control is
4749 eligible for the alternative sanctioning program under this
4750 subsection, he or she may:

4751 a. Waive participation in the program, in which case the
4752 probation officer may submit a violation report, affidavit, and
4753 warrant to the court; or

4754 b. Elect to participate in the program after receiving
4755 written notice of an alleged technical violation and disclosure
4756 of the evidence against him or her, and admit the technical

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4757 violation, agree to comply with the probation officer's
4758 recommended sanction if subsequently ordered by the court, and
4759 agree to waive the right to:

4760 (I) Be represented by legal counsel.

4761 (II) Require the state to prove his or her guilt before a
4762 neutral and detached hearing body.

4763 (III) Subpoena witnesses and present to a judge evidence in
4764 his or her defense.

4765 (IV) Confront and cross-examine adverse witnesses.

4766 (V) Receive a written statement from a judge as to the
4767 evidence relied on and the reasons for the sanction imposed.

4768 2. If the probationer or offender on community control
4769 admits to committing the technical violation and agrees with the
4770 probation officer's recommended sanction, the probation officer
4771 must, before imposing the sanction, submit the recommended
4772 sanction to the court with documentation reflecting the
4773 probationer's admission to the technical violation and agreement
4774 with the recommended sanction.

4775 (i) The court may impose the recommended sanction or direct
4776 the department to submit a violation report, affidavit, and
4777 warrant to the court.

4778 (j) If a probationer or offender on community control
4779 waives or discontinues participation in the program or fails to
4780 successfully complete all alternative sanctions within 90 days
4781 after imposition or within the timeframe specified in the
4782 agreed-upon sanction, the probation officer may submit a
4783 violation report, affidavit, and warrant to the court. A prior
4784 admission by the probationer or offender on community control to
4785 a technical violation may not be used as evidence in subsequent

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4786 proceedings.4787 Section 71. Subsection (6) and paragraph (a) of subsection
4788 (7) of section 948.08, Florida Statutes, are amended to read:

4789 948.08 Pretrial intervention program.—

4790 (6) (a) For purposes of this subsection, the term
4791 “nonviolent felony” means a third degree felony violation of
4792 chapter 810 or any other felony offense that is not a forcible
4793 felony as defined in s. 776.08.4794 (b) Notwithstanding any provision of this section, a person
4795 ~~who is charged with a nonviolent felony and is identified as~~
4796 ~~having a substance abuse problem or is charged with a felony of~~
4797 ~~the second or third degree for purchase or possession of a~~
4798 ~~controlled substance under chapter 893, prostitution, tampering~~
4799 ~~with evidence, solicitation for purchase of a controlled~~
4800 ~~substance, or obtaining a prescription by fraud; who has not~~
4801 ~~been charged with a crime involving violence, including, but not~~
4802 ~~limited to, murder, sexual battery, robbery, carjacking, home-~~
4803 ~~invasion robbery, or any other crime involving violence; and who~~
4804 ~~has not previously been convicted of a felony~~ is eligible for
4805 voluntary admission into a pretrial substance abuse education
4806 and treatment intervention program, including a treatment-based
4807 drug court program established pursuant to s. 397.334, approved
4808 by the chief judge of the circuit, for a period of not less than
4809 1 year in duration, if he or she:4810 1. Is identified as having a substance abuse problem and is
4811 amenable to treatment.4812 2. Is charged with a nonviolent felony.4813 3. Has never been charged with a crime involving violence,
4814 including, but not limited to, murder, sexual battery, robbery,

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4815 carjacking, home-invasion robbery, or any other crime involving
4816 violence.

4817 4. Has two or fewer felony convictions, provided that the
4818 prior convictions are for nonviolent felonies.

4819 (c) Upon motion of either party or the court's own motion,
4820 and with the agreement of the defendant, the court shall admit
4821 an eligible person into a pretrial substance abuse education and
4822 treatment intervention program, except:

4823 1. If a defendant was previously offered admission to a
4824 pretrial substance abuse education and treatment intervention
4825 program at any time before ~~prior to~~ trial and the defendant
4826 rejected that offer on the record, ~~then~~ the court or the state
4827 attorney may deny the defendant's admission to such a program.

4828 2. If the state attorney believes that the facts and
4829 circumstances of the case suggest the defendant's involvement in
4830 the dealing and selling of controlled substances, the court
4831 shall hold a preadmission hearing. If the state attorney
4832 establishes, by a preponderance of the evidence at such hearing,
4833 that the defendant was involved in the dealing or selling of
4834 controlled substances, the court shall deny the defendant's
4835 admission into a pretrial intervention program.

4836 3. If the defendant has two or fewer prior felony
4837 convictions as provided in subparagraph (b)4., the court, in its
4838 discretion, may deny admission to such a program.

4839 (d) ~~(b)~~ While enrolled in a pretrial intervention program
4840 authorized by this subsection, the participant is subject to a
4841 coordinated strategy developed by a drug court team under s.
4842 397.334(4). The coordinated strategy may include a protocol of
4843 sanctions that may be imposed upon the participant for

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4844 noncompliance with program rules. The protocol of sanctions may
4845 include, but is not limited to, placement in a substance abuse
4846 treatment program offered by a licensed service provider as
4847 defined in s. 397.311 or in a jail-based treatment program or
4848 serving a period of incarceration within the time limits
4849 established for contempt of court. The coordinated strategy must
4850 be provided in writing to the participant before the participant
4851 agrees to enter into a pretrial treatment-based drug court
4852 program or other pretrial intervention program. Any person whose
4853 charges are dismissed after successful completion of the
4854 treatment-based drug court program, if otherwise eligible, may
4855 have his or her arrest record and plea of nolo contendere to the
4856 dismissed charges expunged under s. 943.0585.

4857 (e)~~(e)~~ At the end of the pretrial intervention period, the
4858 court shall consider the recommendation of the administrator
4859 pursuant to subsection (5) and the recommendation of the state
4860 attorney as to disposition of the pending charges. The court
4861 shall determine, by written finding, whether the defendant has
4862 successfully completed the pretrial intervention program.
4863 Notwithstanding the coordinated strategy developed by a drug
4864 court team pursuant to s. 397.334(4), if the court finds that
4865 the defendant has not successfully completed the pretrial
4866 intervention program, the court may order the person to continue
4867 in education and treatment, which may include substance abuse
4868 treatment programs offered by licensed service providers as
4869 defined in s. 397.311 or jail-based treatment programs, or order
4870 that the charges revert to normal channels for prosecution. The
4871 court shall dismiss the charges upon a finding that the
4872 defendant has successfully completed the pretrial intervention

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4873 program.

4874 (f)~~(d)~~ Any entity, whether public or private, providing a
4875 pretrial substance abuse education and treatment intervention
4876 program under this subsection must contract with the county or
4877 appropriate governmental entity, and the terms of the contract
4878 must include, but need not be limited to, the requirements
4879 established for private entities under s. 948.15(3).

4880 (7) (a) Notwithstanding any provision of this section, a
4881 person who is charged with a felony, other than a felony listed
4882 in s. 948.06(8)(c), and identified as a veteran, as defined in
4883 s. 1.01, including a veteran who is discharged or released under
4884 a general discharge, or servicemember, as defined in s. 250.01;
4885 an individual who is a current or former United States
4886 Department of Defense contractor; or an individual who is a
4887 current or former military member of a foreign allied country,
4888 who suffers from a military service-related mental illness,
4889 traumatic brain injury, substance abuse disorder, or
4890 psychological problem, is eligible for voluntary admission into
4891 a pretrial veterans' treatment intervention program approved by
4892 the chief judge of the circuit, upon motion of either party or
4893 the court's own motion, except:

4894 1. If a defendant was previously offered admission to a
4895 pretrial veterans' treatment intervention program at any time
4896 before trial and the defendant rejected that offer on the
4897 record, the court may deny the defendant's admission to such a
4898 program.

4899 2. If a defendant previously entered a court-ordered
4900 veterans' treatment program, the court may deny the defendant's
4901 admission into the pretrial veterans' treatment program.

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4902 Section 72. Section 948.081, Florida Statutes, is created
4903 to read:

4904 948.081 Community court programs.-

4905 (1) Each judicial circuit may establish a community court
4906 program for defendants charged with certain misdemeanor
4907 offenses. Each community court shall, at a minimum:

4908 (a) Adopt a nonadversarial approach.

4909 (b) Establish an advisory committee to recommend solutions
4910 and sanctions in each case.

4911 (c) Provide for judicial leadership and interaction.

4912 (d) In each particular case, consider the needs of the
4913 victim, consider individualized treatment services for the
4914 defendant, and monitor the defendant's compliance.

4915 (2) The chief judge of the judicial circuit, by
4916 administrative order, shall specify each misdemeanor offense
4917 eligible for the community court program. In making such
4918 determination, the chief judge shall consider the particular
4919 needs and concerns of the communities within the judicial
4920 circuit.

4921 (3) A defendant's entry into any community court program
4922 must be voluntary.

4923 (4) The chief judge shall appoint a community court
4924 resource coordinator, who shall:

4925 (a) Coordinate the responsibilities of the participating
4926 agencies and service providers.

4927 (b) Provide case management services.

4928 (c) Monitor compliance by defendants with court
4929 requirements.

4930 (d) Manage the collection of data for program evaluation

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4931 and accountability.

4932 (5) The chief judge of the judicial circuit shall appoint
4933 members to an advisory committee for each community court. The
4934 members of the advisory committee must include, at a minimum:

4935 (a) The chief judge or a community court judge designated
4936 by the chief judge, who shall serve as chair.

4937 (b) The state attorney or his or her designee.

4938 (c) The public defender or his or her designee.

4939 (d) The community court resource coordinator.

4940
4941 The committee may also include community stakeholders, treatment
4942 representatives, and other persons the chair deems appropriate.

4943 (6) The advisory committee shall review each defendant's
4944 case. Each committee member may make recommendations to the
4945 judge, including appropriate sanctions and treatment solutions
4946 for the defendant. The judge shall consider such recommendations
4947 and make the final decision concerning sanctions and treatment
4948 with respect to each defendant.

4949 (7) Each judicial circuit shall report client-level and
4950 programmatic data to the Office of the State Courts
4951 Administrator annually for program evaluation. Client-level data
4952 include primary offenses resulting in the community court
4953 referral or sentence, treatment compliance, completion status,
4954 reasons for failing to complete the program, offenses committed
4955 during treatment and sanctions imposed, frequency of court
4956 appearances, and units of service. Programmatic data include
4957 referral and screening procedures, eligibility criteria, type
4958 and duration of treatment offered, and residential treatment
4959 resources.

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4960 (8) The Department of Corrections, the Department of
4961 Juvenile Justice, the Department of Health, the Department of
4962 Law Enforcement, the Department of Education, law enforcement
4963 agencies, and other governmental entities involved in the
4964 criminal justice system shall support such community court
4965 programs.

4966 (9) Community court program funding must be secured from
4967 sources other than the state for costs not assumed by the state
4968 under s. 29.004. However, this subsection does not preclude the
4969 use of funds provided for treatment and other services through
4970 state executive branch agencies.

4971 Section 73. Paragraph (a) of subsection (2) of section
4972 948.16, Florida Statutes, is amended to read:

4973 948.16 Misdemeanor pretrial substance abuse education and
4974 treatment intervention program; misdemeanor pretrial veterans'
4975 treatment intervention program; misdemeanor pretrial mental
4976 health court program.-

4977 (2) (a) A veteran, as defined in s. 1.01, including a
4978 veteran who is discharged or released under a general discharge,
4979 or servicemember, as defined in s. 250.01; an individual who is
4980 a current or former United States Department of Defense
4981 contractor; or an individual who is a current or former military
4982 member of a foreign allied country, who suffers from a military
4983 service-related mental illness, traumatic brain injury,
4984 substance abuse disorder, or psychological problem, and who is
4985 charged with a misdemeanor is eligible for voluntary admission
4986 into a misdemeanor pretrial veterans' treatment intervention
4987 program approved by the chief judge of the circuit, for a period
4988 based on the program's requirements and the treatment plan for

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4989 the offender, upon motion of either party or the court's own
4990 motion. However, the court may deny the defendant admission into
4991 a misdemeanor pretrial veterans' treatment intervention program
4992 if the defendant has previously entered a court-ordered
4993 veterans' treatment program.

4994 Section 74. Subsection (2) of section 948.21, Florida
4995 Statutes, is amended to read:

4996 948.21 Condition of probation or community control;
4997 military servicemembers, ~~and~~ veterans, and others.—

4998 (2) Effective for a probationer or community controllee
4999 whose crime is committed on or after July 1, 2016, and who is a
5000 veteran, as defined in s. 1.01, including a veteran who is
5001 discharged or released under a general discharge, or
5002 servicemember, as defined in s. 250.01; an individual who is a
5003 current or former United States Department of Defense
5004 contractor; or an individual who is a current or former military
5005 member of a foreign allied country, who suffers from a military
5006 service-related mental illness, traumatic brain injury,
5007 substance abuse disorder, or psychological problem, the court
5008 may, in addition to any other conditions imposed, impose a
5009 condition requiring the probationer or community controllee to
5010 participate in a treatment program capable of treating the
5011 probationer or community controllee's mental illness, traumatic
5012 brain injury, substance abuse disorder, or psychological
5013 problem.

5014 Section 75. Section 951.22, Florida Statutes, is amended to
5015 read:

5016 951.22 County detention facilities; contraband articles.—

5017 (1) It is unlawful, except through regular channels as duly

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5018 authorized by the sheriff or officer in charge, to introduce
5019 into or possess upon the grounds of any county detention
5020 facility as defined in s. 951.23 or to give to or receive from
5021 any inmate of any such facility wherever said inmate is located
5022 at the time or to take or to attempt to take or send therefrom
5023 any of the following articles, which are hereby declared to be
5024 contraband:

5025 (a) for the purposes of this act, to wit: Any written or
5026 recorded communication.†

5027 (b) Any currency or coin.†

5028 (c) Any article of food or clothing.†

5029 (d) Any tobacco products as defined in s. 210.25(12).†

5030 (e) Any cigarette as defined in s. 210.01(1).†

5031 (f) Any cigar.†

5032 (g) Any intoxicating beverage or beverage ~~that~~ which causes
5033 or may cause an intoxicating effect.†

5034 (h) Any narcotic, hypnotic, or excitative drug or drug of
5035 any kind or nature, including nasal inhalators, sleeping pills,
5036 barbiturates, and controlled substances as defined in s.
5037 893.02(4).†

5038 (i) Any firearm or any instrumentality customarily used or
5039 which is intended to be used as a dangerous weapon.†~~and~~

5040 (j) Any instrumentality of any nature which ~~that~~ may be or
5041 is intended to be used as an aid in effecting or attempting to
5042 effect an escape from a county facility.

5043 (k) Any cellular telephone or other portable communication
5044 device as described in s. 944.47(1)(a)6. The term does not
5045 include any device that has communication capabilities which has
5046 been approved or issued by the sheriff or officer in charge for

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5047 investigative or institutional security purposes or for
5048 conducting other official business.

5049 (2) A person who ~~Whoever~~ violates paragraph (1)(a),
5050 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph
5051 (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a
5052 misdemeanor of the first degree, punishable as provided in s.
5053 775.082 or s. 775.083. A person who violates paragraph (1)(h),
5054 paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits
5055 ~~subsection (1) shall be guilty of a felony of the third degree,~~
5056 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

5057 Section 76. Subsection (1) of section 958.04, Florida
5058 Statutes, is amended to read:

5059 958.04 Judicial disposition of youthful offenders.—

5060 (1) The court may sentence as a youthful offender any
5061 person:

5062 (a) Who is at least 18 years of age or who has been
5063 transferred for prosecution to the criminal division of the
5064 circuit court pursuant to chapter 985;

5065 (b) Who is found guilty of or who has tendered, and the
5066 court has accepted, a plea of nolo contendere or guilty to a
5067 crime that is, under the laws of this state, a felony if such
5068 crime was committed before the defendant turned 21 years of age
5069 ~~the offender is younger than 21 years of age at the time~~
5070 ~~sentence is imposed;~~ and

5071 (c) Who has not previously been classified as a youthful
5072 offender under ~~the provisions of~~ this act; however, a person who
5073 has been found guilty of a capital or life felony may not be
5074 sentenced as a youthful offender under this act.

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5076 Section 77. Paragraphs (a) and (b) of subsection (2) and
 5077 paragraph (a) of subsection (3) of section 960.003, Florida
 5078 Statutes, are amended to read:

5079 960.003 Hepatitis and HIV testing for persons charged with
 5080 or alleged by petition for delinquency to have committed certain
 5081 offenses; disclosure of results to victims.—

5082 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
 5083 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

5084 (a) In any case in which a person has been charged by
 5085 information or indictment with or alleged by petition for
 5086 delinquency to have committed any offense enumerated in s.
 5087 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-(n)~~, which involves the
 5088 transmission of body fluids from one person to another, upon
 5089 request of the victim or the victim's legal guardian, or of the
 5090 parent or legal guardian of the victim if the victim is a minor,
 5091 the court shall order such person to undergo hepatitis and HIV
 5092 testing within 48 hours after the information, indictment, or
 5093 petition for delinquency is filed. In the event the victim or,
 5094 if the victim is a minor, the victim's parent or legal guardian
 5095 requests hepatitis and HIV testing after 48 hours have elapsed
 5096 from the filing of the indictment, information, or petition for
 5097 delinquency, the testing shall be done within 48 hours after the
 5098 request.

5099 (b) However, when a victim of any sexual offense enumerated
 5100 in s. 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-(n)~~ is under the age
 5101 of 18 at the time the offense was committed or when a victim of
 5102 any sexual offense enumerated in s. 775.0877(1)(a)-(m) ~~s.~~
 5103 ~~775.0877(1)(a)-(n)~~ or s. 825.1025 is a disabled adult or elderly
 5104 person as defined in s. 825.1025 regardless of whether the

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5105 offense involves the transmission of bodily fluids from one
5106 person to another, then upon the request of the victim or the
5107 victim's legal guardian, or of the parent or legal guardian, the
5108 court shall order such person to undergo hepatitis and HIV
5109 testing within 48 hours after the information, indictment, or
5110 petition for delinquency is filed. In the event the victim or,
5111 if the victim is a minor, the victim's parent or legal guardian
5112 requests hepatitis and HIV testing after 48 hours have elapsed
5113 from the filing of the indictment, information, or petition for
5114 delinquency, the testing shall be done within 48 hours after the
5115 request. The testing shall be performed under the direction of
5116 the Department of Health in accordance with s. 381.004. The
5117 results of a hepatitis and HIV test performed on a defendant or
5118 juvenile offender pursuant to this subsection shall not be
5119 admissible in any criminal or juvenile proceeding arising out of
5120 the alleged offense.

5121 (3) DISCLOSURE OF RESULTS.—

5122 (a) The results of the test shall be disclosed no later
5123 than 2 weeks after the court receives such results, under the
5124 direction of the Department of Health, to the person charged
5125 with or alleged by petition for delinquency to have committed or
5126 to the person convicted of or adjudicated delinquent for any
5127 offense enumerated in s. 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-~~
5128 ~~(n)~~, which involves the transmission of body fluids from one
5129 person to another, and, upon request, to the victim or the
5130 victim's legal guardian, or the parent or legal guardian of the
5131 victim if the victim is a minor, and to public health agencies
5132 pursuant to s. 775.0877. If the alleged offender is a juvenile,
5133 the test results shall also be disclosed to the parent or

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5134 guardian. When the victim is a victim as described in paragraph
5135 (2)(b), the test results must also be disclosed no later than 2
5136 weeks after the court receives such results, to the person
5137 charged with or alleged by petition for delinquency to have
5138 committed or to the person convicted of or adjudicated
5139 delinquent for any offense enumerated in s. 775.0877(1)(a)-(m)
5140 ~~s. 775.0877(1)(a)-(n)~~, or s. 825.1025 regardless of whether the
5141 offense involves the transmission of bodily fluids from one
5142 person to another, and, upon request, to the victim or the
5143 victim's legal guardian, or the parent or legal guardian of the
5144 victim, and to public health agencies pursuant to s. 775.0877.
5145 Otherwise, hepatitis and HIV test results obtained pursuant to
5146 this section are confidential and exempt from the provisions of
5147 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
5148 shall not be disclosed to any other person except as expressly
5149 authorized by law or court order.

5150 Section 78. Subsections (2), (3), and (4) of section
5151 960.07, Florida Statutes, are amended to read:

5152 960.07 Filing of claims for compensation.—

5153 (2) Except as provided in subsection (3), a claim must be
5154 filed not later than 5 years ~~1 year~~ after:

5155 (a) The occurrence of the crime upon which the claim is
5156 based.

5157 (b) The death of the victim or intervenor.

5158 (c) The death of the victim or intervenor is determined to
5159 be the result of a crime, and the crime occurred after June 30,
5160 1994.

5161
5162 However, for good cause the department may extend the time for

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5163 filing for a period not exceeding 7 ~~2~~ years after such
5164 occurrence.

5165 (3) Notwithstanding ~~the provisions of~~ subsection (2) and
5166 regardless of when the crime occurred, if the victim or
5167 intervenor was under the age of 18 at the time the crime upon
5168 which the claim is based occurred, a claim may be filed in
5169 accordance with this subsection.

5170 (a) The victim's or intervenor's parent or guardian may
5171 file a claim on behalf of the victim or intervenor while the
5172 victim or intervenor is less than 18 years of age; or

5173 (b) When a victim or intervenor who was under the age of 18
5174 at the time the crime occurred reaches the age of 18, the victim
5175 or intervenor has 5 years ~~1 year~~ within which to file a claim.

5176

5177 For good cause, the department may extend the time period
5178 allowed for filing a claim under paragraph (b) for an additional
5179 period not to exceed 2 years ~~1 year~~.

5180 (4) Notwithstanding ~~The provisions of~~ subsection (2)
5181 ~~notwithstanding~~, and regardless of when the crime occurred, a
5182 victim of a sexually violent offense as defined in s. 394.912,
5183 may file a claim for compensation for counseling or other mental
5184 health services within 5 years ~~1 year~~ after the filing of a
5185 petition under s. 394.914, to involuntarily civilly commit the
5186 individual who perpetrated the sexually violent offense.

5187 Section 79. Paragraph (b) of subsection (1) of section
5188 960.13, Florida Statutes, is amended to read:

5189 960.13 Awards.—

5190 (1)

5191 (b) In no case may an award be made when the record shows

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5192 that such report was made more than 5 days ~~72 hours~~ after the
5193 occurrence of such crime unless the department, for good cause
5194 shown, finds the delay to have been justified. The department,
5195 upon finding that any claimant or award recipient has not duly
5196 cooperated with the state attorney, all law enforcement
5197 agencies, and the department, may deny, reduce, or withdraw any
5198 award, as the case may be.

5199 Section 80. Subsection (1) of section 960.195, Florida
5200 Statutes, is amended to read:

5201 960.195 Awards to elderly persons or disabled adults for
5202 property loss.—

5203 (1) Notwithstanding the criteria in s. 960.13, for crime
5204 victim compensation awards, the department may award a maximum
5205 of \$500 on any one claim and a lifetime maximum of \$1,000 on all
5206 claims to elderly persons or disabled adults who suffer a
5207 property loss that causes a substantial diminution in their
5208 quality of life when:

5209 (a) There is proof that a criminal or delinquent act was
5210 committed;

5211 (b) The criminal or delinquent act is reported to law
5212 enforcement authorities within 5 days ~~72 hours~~, unless the
5213 department, for good cause shown, finds the delay to have been
5214 justified;

5215 (c) There is proof that the tangible personal property in
5216 question belonged to the claimant;

5217 (d) The claimant did not contribute to the criminal or
5218 delinquent act;

5219 (e) There is no other source of reimbursement or
5220 indemnification available to the claimant; and

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5221 (f) The claimant would not be able to replace the tangible
5222 personal property in question without incurring a serious
5223 financial hardship.

5224 Section 81. Paragraph (b) of subsection (2) of section
5225 960.196, Florida Statutes, is amended to read:

5226 960.196 Relocation assistance for victims of human
5227 trafficking.—

5228 (2) In order for an award to be granted to a victim for
5229 relocation assistance:

5230 (b) The crime must be reported to the proper authorities
5231 and the claim must be filed within 5 years ~~1-year~~, or 7 ~~2~~ years
5232 with good cause, after the date of the last human trafficking
5233 offense, as described in s. 787.06(3)(b), (d), (f), or (g). In a
5234 case that exceeds the 7-year ~~2-year~~ requirement due to an active
5235 and ongoing investigation, a state attorney, statewide
5236 prosecutor, or federal prosecutor may certify in writing a human
5237 trafficking victim's need to relocate from an unsafe environment
5238 due to the threat of future violence which is directly related
5239 to the human trafficking offense.

5240 Section 82. Effective upon this act becoming a law,
5241 paragraphs (c), (d), and (f) of subsection (2) of section
5242 985.12, Florida Statutes, are amended to read:

5243 985.12 Civil citation or similar prearrest diversion
5244 programs.—

5245 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST
5246 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

5247 (c) The state attorney of each circuit shall operate a
5248 civil citation or similar prearrest diversion program in each
5249 circuit. A sheriff, police department, county, municipality,

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5250 locally authorized entity, or public or private educational
5251 institution may continue to operate an independent civil
5252 citation or similar prearrest diversion program that is in
5253 operation as of October 1, 2018, if the independent program is
5254 reviewed by the state attorney of the applicable circuit and he
5255 or she determines that the independent program is substantially
5256 similar to the civil citation or similar prearrest diversion
5257 program developed by the circuit. If the state attorney
5258 determines that the independent program is not substantially
5259 similar to the civil citation or similar prearrest diversion
5260 program developed by the circuit, the operator of the
5261 independent diversion program may revise the program and the
5262 state attorney may conduct an additional review of the
5263 independent program.

5264 (d) A judicial circuit may model an existing sheriff's,
5265 police department's, county's, municipality's, locally
5266 authorized entity's, or public or private educational
5267 institution's independent civil citation or similar prearrest
5268 diversion program in developing the civil citation or similar
5269 prearrest diversion program for the circuit.

5270 (f) Each civil citation or similar prearrest diversion
5271 program shall enter the appropriate youth data into the Juvenile
5272 Justice Information System Prevention Web within 7 days after
5273 the admission of the youth into the program ~~A copy of each civil~~
5274 ~~citation or similar prearrest diversion program notice issued~~
5275 ~~under this section shall be provided to the department, and the~~
5276 ~~department shall enter appropriate information into the juvenile~~
5277 ~~offender information system.~~

5278 Section 83. Effective upon this act becoming a law,

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5279 subsection (2) and paragraph (c) of subsection (3) of section
5280 985.126, Florida Statutes, are amended to read:

5281 985.126 Diversion programs; data collection; denial of
5282 participation or expunged record.—

5283 (2) Upon issuance of documentation requiring a minor to
5284 participate in a diversion program, before or without an arrest,
5285 the issuing law enforcement officer shall send a copy of such
5286 documentation to the entity designated to operate the diversion
5287 program ~~and to the department~~, which shall enter such
5288 information into the Juvenile Justice Information System
5289 Prevention Web within 7 days after the youth's admission into
5290 the program.

5291 (3)

5292 (c) The data required pursuant to paragraph (a) shall be
5293 entered into the Juvenile Justice Information System Prevention
5294 Web within 7 days after the youth's admission into the program
5295 ~~submitted to the department quarterly.~~

5296 Section 84. Effective upon this act becoming a law,
5297 paragraph (f) of subsection (1) of section 985.145, Florida
5298 Statutes, is amended to read:

5299 985.145 Responsibilities of the department during intake;
5300 screenings and assessments.—

5301 (1) The department shall serve as the primary case manager
5302 for the purpose of managing, coordinating, and monitoring the
5303 services provided to the child. Each program administrator
5304 within the Department of Children and Families shall cooperate
5305 with the primary case manager in carrying out the duties and
5306 responsibilities described in this section. In addition to
5307 duties specified in other sections and through departmental

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5308 rules, the department shall be responsible for the following:

5309 ~~(f) Prevention web. For a child with a first-time~~
5310 ~~misdemeanor offense, the department shall enter all related~~
5311 ~~information into the Juvenile Justice Information System~~
5312 ~~Prevention Web until such time as formal charges are filed. If~~
5313 ~~formal charges are not filed, the information shall remain in~~
5314 ~~the Juvenile Justice Information System Prevention Web until~~
5315 ~~removed pursuant to department policies.~~

5316 Section 85. Subsection (5) of section 985.265, Florida
5317 Statutes, is amended to read:

5318 985.265 Detention transfer and release; education; adult
5319 jails.—

5320 (5) The court shall order the delivery of a child to a jail
5321 or other facility intended or used for the detention of adults:

5322 (a) When the child has been transferred or indicted for
5323 criminal prosecution as an adult under part X, except that:

5324 1. The court may not order or allow a child alleged to have
5325 committed a misdemeanor who is being transferred for criminal
5326 prosecution pursuant to either s. 985.556 or s. 985.557 to be
5327 detained or held in a jail or other facility intended or used
5328 for the detention of adults; however, such child may be held
5329 temporarily in a detention facility; or

5330 2. A child who has been transferred for criminal
5331 prosecution as an adult pursuant to s. 985.557 shall not be held
5332 in a jail or other facility intended or used for the detention
5333 of adults prior to a court finding as a result of a hearing
5334 provided for in s. 985.557(2) that the child should be
5335 prosecuted as an adult; or

5336 (b) When a child taken into custody in this state is wanted

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5337 by another jurisdiction for prosecution as an adult.

5338
5339 The child shall be housed separately from adult inmates to
5340 prohibit a child from having regular contact with incarcerated
5341 adults, including trustees. "Regular contact" means sight and
5342 sound contact. Separation of children from adults shall permit
5343 no more than haphazard or accidental contact. The receiving jail
5344 or other facility shall contain a separate section for children
5345 and shall have an adequate staff to supervise and monitor the
5346 child's activities at all times. Supervision and monitoring of
5347 children includes physical observation and documented checks by
5348 jail or receiving facility supervisory personnel at intervals
5349 not to exceed 10 minutes. This subsection does not prohibit
5350 placing two or more children in the same cell. Under no
5351 circumstances shall a child be placed in the same cell with an
5352 adult.

5353 Section 86. Subsection (1) and present subsection (2) of
5354 section 985.557, Florida Statutes, are amended, and a new
5355 subsection (2) is added to that section, to read:

5356 985.557 Direct filing of an information; discretionary ~~and~~
5357 ~~mandatory~~ criteria.—

5358 (1) DISCRETIONARY DIRECT FILE.—

5359 (a) With respect to any child who was 14 or 15 years of age
5360 at the time the alleged offense was committed, the state
5361 attorney may file an information when ~~in the state attorney's~~
5362 ~~judgment and discretion~~ the public interest requires that adult
5363 sanctions be considered or imposed and when the offense charged
5364 is for the commission of, or attempt to commit any of the
5365 following, ~~or conspiracy to commit~~:

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- 5366 1. Arson.~~†~~
- 5367 2. Sexual battery.~~†~~
- 5368 3. Robbery.~~†~~
- 5369 4. Kidnapping.~~†~~
- 5370 5. Aggravated child abuse.~~†~~
- 5371 6. Aggravated assault.~~†~~
- 5372 7. Aggravated stalking.~~†~~
- 5373 8. Murder.~~†~~
- 5374 9. Manslaughter.~~†~~
- 5375 10. Unlawful throwing, placing, or discharging of a
- 5376 destructive device or bomb.~~†~~
- 5377 11. Armed burglary in violation of s. 810.02(2)(b) or
- 5378 specified burglary of a dwelling or structure in violation of s.
- 5379 810.02(2)(c), or burglary with an assault or battery in
- 5380 violation of s. 810.02(2)(a).~~†~~
- 5381 12. Aggravated battery.~~†~~
- 5382 13. Any lewd or lascivious offense committed upon or in the
- 5383 presence of a person less than 16 years of age~~†~~
- 5384 14. Carrying, displaying, using, threatening, or attempting
- 5385 to use a weapon or firearm during the commission of a felony.~~†~~
- 5386 15. Grand theft in violation of s. 812.014(2)(a).~~†~~
- 5387 16. Possessing or discharging any weapon or firearm on
- 5388 school property in violation of s. 790.115.~~†~~
- 5389 17. Home invasion robbery.~~†~~
- 5390 18. Carjacking.~~†~~~~or~~
- 5391 19. Grand theft of a motor vehicle in violation of s.
- 5392 812.014(2)(c)6. or grand theft of a motor vehicle valued at
- 5393 \$20,000 or more in violation of s. 812.014(2)(b) if the child
- 5394 has a previous adjudication for grand theft of a motor vehicle

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5395 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

5396 (b) With respect to any child who was 16 or 17 years of age
5397 at the time the alleged offense was committed, the state
5398 attorney may file an information when ~~in the state attorney's~~
5399 ~~judgment and discretion~~ the public interest requires that adult
5400 sanctions be considered or imposed. However, the state attorney
5401 may not file an information on a child charged with a
5402 misdemeanor, unless the child has had at least two previous
5403 adjudications ~~or adjudications withheld~~ for delinquent acts, one
5404 of which involved an offense classified as a felony under state
5405 law.

5406 (2) DUE PROCESS HEARING BEFORE A JUDGE.—Notwithstanding any
5407 other law, and in all cases, any child charged with a crime
5408 shall have an evidentiary hearing, after the state attorney's
5409 filing of an information in adult court under this section.

5410 (a) The judge shall conduct the hearing within 30 days,
5411 excluding Saturdays, Sundays, and legal holidays, unless good
5412 cause is shown for a delay by the child or the child's attorney.
5413 The purpose of the hearing is for the court to determine whether
5414 it is necessary for protection of the community that the child
5415 is prosecuted in adult court. The judge shall consider all of
5416 the following:

5417 1. Evaluations and assessments completed by the department.
5418 2. The sophistication and maturity of the child, including:
5419 a. The effect, if any, of immaturity, impetuosity, or
5420 failure to appreciate risks and consequences on the child's
5421 participation in the alleged offense.

5422 b. The child's age, maturity, intellectual capacity, and
5423 mental and emotional health at the time of the alleged offense.

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5424 c. The effect, if any, of characteristics attributable to
5425 the child's youth on the child's judgment.

5426 3. The record and previous history of the child, including:

5427 a. Previous contacts with the department, the Department of
5428 Corrections, the Department of Children and Families, other law
5429 enforcement agencies, and the courts.

5430 b. Prior periods of probation.

5431 c. Prior adjudications that the child committed a
5432 delinquent act or violation of law, with greater weight being
5433 given if the child has previously been found by a court to have
5434 committed a delinquent act or violation of law involving
5435 violence to persons.

5436 d. Prior commitments to institutions of the department, the
5437 Department of Corrections, or agencies under contract with
5438 either department.

5439 e. History of trauma, abuse or neglect, foster care
5440 placements, failed adoption, fetal alcohol syndrome, exposure to
5441 controlled substances at birth, and below-average intellectual
5442 functioning.

5443 f. Identification of the child as a student requiring
5444 exceptional student education or having previously received
5445 psychological services.

5446 4. The nature of the alleged offense and the child's
5447 participation, including:

5448 a. Whether the alleged offense is punishable by death or
5449 life imprisonment.

5450 b. Whether the alleged offense was against persons or
5451 property.

5452 c. Whether the alleged offense is alleged to have been

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5453 committed in an aggressive, violent, or premeditated manner.

5454 d. The extent of the child's participation in the alleged
5455 offense.

5456 e. The effect, if any, of familial pressure or peer
5457 pressure on the child's actions.

5458 5. The prospects for adequate protection of the public and
5459 the likelihood of reasonable rehabilitation of the child, if the
5460 child is found to have committed the alleged offense:

5461 a. By the use of procedures, services, and facilities
5462 currently available to the juvenile court.

5463 b. By the use of procedures, services, and facilities
5464 currently available to the adult court, including whether the
5465 lowest permissible sentence under the Criminal Punishment Code
5466 is a nonstate prison sanction.

5467 6. Whether the child could obtain habilitative or
5468 rehabilitative services available in the juvenile justice
5469 system.

5470 7. Whether the child could receive a sentence in juvenile
5471 court that would provide adequate safety and protection for the
5472 community.

5473 8. Whether the child's best interests would be served by
5474 prosecuting the child in juvenile court.

5475 (b) The judge may consider any reports that may assist the
5476 court, including prior pre-disposition reports, psycho-social
5477 assessments, individualized educational programs (IEPs),
5478 developmental assessments, school records, abuse or neglect
5479 reports, home studies, protective investigations, and
5480 psychological and psychiatric evaluations. The child, the
5481 child's parents or legal guardians, defense counsel, and the

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5482 state attorney may examine these reports and question the
5483 parties responsible for creating them at the hearing.

5484 (c) The adult court shall retain jurisdiction unless the
5485 court finds by a preponderance of the evidence that the factors
5486 listed in paragraph (a) support returning the child to juvenile
5487 court.

5488 (d) The adult court shall render an order including
5489 specific findings of fact and the reasons for its decision. The
5490 prosecution and defense may seek immediate review of the order
5491 through interlocutory appeal. The order shall be reviewable on
5492 appeal under the Florida Rules of Appellate Procedure.

5493 ~~(2) MANDATORY DIRECT FILE.--~~

5494 ~~(a) With respect to any child who was 16 or 17 years of age~~
5495 ~~at the time the alleged offense was committed, the state~~
5496 ~~attorney shall file an information if the child has been~~
5497 ~~previously adjudicated delinquent for an act classified as a~~
5498 ~~felony, which adjudication was for the commission of, attempt to~~
5499 ~~commit, or conspiracy to commit murder, sexual battery, armed or~~
5500 ~~strong-armed robbery, carjacking, home-invasion robbery,~~
5501 ~~aggravated battery, or aggravated assault, and the child is~~
5502 ~~currently charged with a second or subsequent violent crime~~
5503 ~~against a person.~~

5504 ~~(b) With respect to any child 16 or 17 years of age at the~~
5505 ~~time an offense classified as a forcible felony, as defined in~~
5506 ~~s. 776.08, was committed, the state attorney shall file an~~
5507 ~~information if the child has previously been adjudicated~~
5508 ~~delinquent or had adjudication withheld for three acts~~
5509 ~~classified as felonies each of which occurred at least 45 days~~
5510 ~~apart from each other. This paragraph does not apply when the~~

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5511 ~~state attorney has good cause to believe that exceptional~~
5512 ~~circumstances exist which preclude the just prosecution of the~~
5513 ~~juvenile in adult court.~~

5514 ~~(c) The state attorney must file an information if a child,~~
5515 ~~regardless of the child's age at the time the alleged offense~~
5516 ~~was committed, is alleged to have committed an act that would be~~
5517 ~~a violation of law if the child were an adult, that involves~~
5518 ~~stealing a motor vehicle, including, but not limited to, a~~
5519 ~~violation of s. 812.133, relating to carjacking, or s.~~
5520 ~~812.014(2)(c)6., relating to grand theft of a motor vehicle, and~~
5521 ~~while the child was in possession of the stolen motor vehicle~~
5522 ~~the child caused serious bodily injury to or the death of a~~
5523 ~~person who was not involved in the underlying offense. For~~
5524 ~~purposes of this section, the driver and all willing passengers~~
5525 ~~in the stolen motor vehicle at the time such serious bodily~~
5526 ~~injury or death is inflicted shall also be subject to mandatory~~
5527 ~~transfer to adult court. "Stolen motor vehicle," for the~~
5528 ~~purposes of this section, means a motor vehicle that has been~~
5529 ~~the subject of any criminal wrongful taking. For purposes of~~
5530 ~~this section, "willing passengers" means all willing passengers~~
5531 ~~who have participated in the underlying offense.~~

5532 ~~(d)1. With respect to any child who was 16 or 17 years of~~
5533 ~~age at the time the alleged offense was committed, the state~~
5534 ~~attorney shall file an information if the child has been charged~~
5535 ~~with committing or attempting to commit an offense listed in s.~~
5536 ~~775.087(2)(a)1.a.p., and, during the commission of or attempt~~
5537 ~~to commit the offense, the child:~~

5538 ~~a. Actually possessed a firearm or destructive device, as~~
5539 ~~those terms are defined in s. 790.001.~~

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5540 ~~b. Discharged a firearm or destructive device, as described~~
5541 ~~in s. 775.087(2)(a)2.~~

5542 ~~e. Discharged a firearm or destructive device, as described~~
5543 ~~in s. 775.087(2)(a)3., and, as a result of the discharge, death~~
5544 ~~or great bodily harm was inflicted upon any person.~~

5545 ~~2. Upon transfer, any child who is:~~

5546 ~~a. Charged under sub-subparagraph 1.a. and who has been~~
5547 ~~previously adjudicated or had adjudication withheld for a~~
5548 ~~forcible felony offense or any offense involving a firearm, or~~
5549 ~~who has been previously placed in a residential commitment~~
5550 ~~program, shall be subject to sentencing under s. 775.087(2)(a),~~
5551 ~~notwithstanding s. 985.565.~~

5552 ~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~
5553 ~~1.c., shall be subject to sentencing under s. 775.087(2)(a),~~
5554 ~~notwithstanding s. 985.565.~~

5555 ~~3. Upon transfer, any child who is charged under this~~
5556 ~~paragraph, but who does not meet the requirements specified in~~
5557 ~~subparagraph 2., shall be sentenced under s. 985.565; however,~~
5558 ~~if the court imposes a juvenile sanction, the court must commit~~
5559 ~~the child to a high risk or maximum risk juvenile facility.~~

5560 ~~4. This paragraph shall not apply if the state attorney has~~
5561 ~~good cause to believe that exceptional circumstances exist that~~
5562 ~~preclude the just prosecution of the child in adult court.~~

5563 ~~5. The Department of Corrections shall make every~~
5564 ~~reasonable effort to ensure that any child 16 or 17 years of age~~
5565 ~~who is convicted and sentenced under this paragraph be~~
5566 ~~completely separated such that there is no physical contact with~~
5567 ~~adult offenders in the facility, to the extent that it is~~
5568 ~~consistent with chapter 958.~~

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5569 Section 87. Subsection (3) of section 776.09, Florida
5570 Statutes, is amended to read:

5571 776.09 Retention of records pertaining to persons found to
5572 be acting in lawful self-defense; expunction of criminal history
5573 records.—

5574 (3) Under either condition described in subsection (1) or
5575 subsection (2), the person accused may apply for a certificate
5576 of eligibility to expunge the associated criminal history
5577 record, pursuant to s. 943.0578 ~~s. 943.0585(5)~~, notwithstanding
5578 the eligibility requirements prescribed in s. 943.0585(1) ~~s.~~
5579 ~~943.0585(1)(b)~~ or (2).

5580 Section 88. Paragraph (c) of subsection (3) of section
5581 893.03, Florida Statutes, is amended to read:

5582 893.03 Standards and schedules.—The substances enumerated
5583 in this section are controlled by this chapter. The controlled
5584 substances listed or to be listed in Schedules I, II, III, IV,
5585 and V are included by whatever official, common, usual,
5586 chemical, trade name, or class designated. The provisions of
5587 this section shall not be construed to include within any of the
5588 schedules contained in this section any excluded drugs listed
5589 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
5590 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
5591 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
5592 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
5593 Anabolic Steroid Products."

5594 (3) SCHEDULE III.—A substance in Schedule III has a
5595 potential for abuse less than the substances contained in
5596 Schedules I and II and has a currently accepted medical use in
5597 treatment in the United States, and abuse of the substance may

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5598 lead to moderate or low physical dependence or high
5599 psychological dependence or, in the case of anabolic steroids,
5600 may lead to physical damage. The following substances are
5601 controlled in Schedule III:

5602 (c) Unless specifically excepted or unless listed in
5603 another schedule, any material, compound, mixture, or
5604 preparation containing limited quantities of any of the
5605 following controlled substances or any salts thereof:

5606 1. Not more than 1.8 grams of codeine per 100 milliliters
5607 or not more than 90 milligrams per dosage unit, with an equal or
5608 greater quantity of an isoquinoline alkaloid of opium.

5609 2. Not more than 1.8 grams of codeine per 100 milliliters
5610 or not more than 90 milligrams per dosage unit, with recognized
5611 therapeutic amounts of one or more active ingredients which are
5612 not controlled substances.

5613 3. Not more than 300 milligrams of hydrocodone per 100
5614 milliliters or not more than 15 milligrams per dosage unit, with
5615 a fourfold or greater quantity of an isoquinoline alkaloid of
5616 opium.

5617 4. Not more than 300 milligrams of hydrocodone per 100
5618 milliliters or not more than 15 milligrams per dosage unit, with
5619 recognized therapeutic amounts of one or more active ingredients
5620 that are not controlled substances.

5621 5. Not more than 1.8 grams of dihydrocodeine per 100
5622 milliliters or not more than 90 milligrams per dosage unit, with
5623 recognized therapeutic amounts of one or more active ingredients
5624 which are not controlled substances.

5625 6. Not more than 300 milligrams of ethylmorphine per 100
5626 milliliters or not more than 15 milligrams per dosage unit, with

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5627 one or more active, nonnarcotic ingredients in recognized
5628 therapeutic amounts.

5629 7. Not more than 50 milligrams of morphine per 100
5630 milliliters or per 100 grams, with recognized therapeutic
5631 amounts of one or more active ingredients which are not
5632 controlled substances.

5633

5634 For purposes of charging a person with a violation of s. 893.135
5635 involving any controlled substance described in subparagraph 3.
5636 or subparagraph 4., the controlled substance is a Schedule III
5637 controlled substance pursuant to this paragraph but the weight
5638 of the controlled substance per milliliters or per dosage unit
5639 is not relevant to the charging of a violation of s. 893.135.
5640 The weight of the controlled substance shall be determined
5641 pursuant to s. 893.135(7) ~~s. 893.135(6)~~.

5642 Section 89. Paragraph (c) of subsection (3) of section
5643 943.053, Florida Statutes, is amended to read:

5644 943.053 Dissemination of criminal justice information;
5645 fees.—

5646 (3)

5647 (c)1. Criminal history information relating to juveniles,
5648 including criminal history information consisting in whole or in
5649 part of information that is confidential and exempt under
5650 paragraph (b), shall be available to:

5651 a. A criminal justice agency for criminal justice purposes
5652 on a priority basis and free of charge;

5653 b. The person to whom the record relates, or his or her
5654 attorney;

5655 c. The parent, guardian, or legal custodian of the person

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5656 to whom the record relates, provided such person has not reached
5657 the age of majority, been emancipated by a court, or been
5658 legally married; or

5659 d. An agency or entity specified in s. 943.0585(6) ~~s.~~
5660 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~, for the purposes
5661 specified therein, and to any person within such agency or
5662 entity who has direct responsibility for employment, access
5663 authorization, or licensure decisions.

5664 2. After providing the program with all known personal
5665 identifying information, the criminal history information
5666 relating to a juvenile which is not confidential and exempt
5667 under this subsection may be released to the private sector and
5668 noncriminal justice agencies not specified in s. 943.0585(6) ~~s.~~
5669 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~ in the same manner as
5670 provided in paragraph (a). Criminal history information relating
5671 to a juvenile which is not confidential and exempt under this
5672 subsection is the entire criminal history information relating
5673 to a juvenile who satisfies any of the criteria listed in sub-
5674 subparagraphs (b)1.a.-d., except for any portion of such
5675 juvenile's criminal history record which has been expunged or
5676 sealed under any law applicable to such record.

5677 3. All criminal history information relating to juveniles,
5678 other than that provided to criminal justice agencies for
5679 criminal justice purposes, shall be provided upon tender of fees
5680 as established in this subsection and in the manner prescribed
5681 by rule of the Department of Law Enforcement.

5682 Section 90. Paragraph (b) of subsection (2) of section
5683 943.0582, Florida Statutes, is amended to read:

5684 943.0582 Diversion program expunction.-

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5685 (2) As used in this section, the term:

5686 (b) "Expunction" has the same meaning ascribed in and
5687 effect as s. 943.0585, except that:

5688 1. Section 943.0585(6)(b) does ~~The provisions of s.~~
5689 ~~943.0585(4)(a) do~~ not apply, except that the criminal history
5690 record of a person whose record is expunged pursuant to this
5691 section shall be made available only to criminal justice
5692 agencies for the purpose of:

5693 a. Determining eligibility for diversion programs;

5694 b. A criminal investigation; or

5695 c. Making a prosecutorial decision under s. 985.15.

5696 2. Records maintained by local criminal justice agencies in
5697 the county in which the arrest occurred that are eligible for
5698 expunction pursuant to this section shall be sealed as the term
5699 is used in s. 943.059.

5700 Section 91. Paragraphs (a) and (b) of subsection (4) of
5701 section 985.565, Florida Statutes, are amended to read:

5702 985.565 Sentencing powers; procedures; alternatives for
5703 juveniles prosecuted as adults.—

5704 (4) SENTENCING ALTERNATIVES.—

5705 (a) *Adult sanctions*.—

5706 1. Cases prosecuted on indictment.—If the child is found to
5707 have committed the offense punishable by death or life
5708 imprisonment, the child shall be sentenced as an adult. If the
5709 juvenile is not found to have committed the indictable offense
5710 but is found to have committed a lesser included offense or any
5711 other offense for which he or she was indicted as a part of the
5712 criminal episode, the court may sentence as follows:

5713 a. As an adult;

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- 5714 b. Under chapter 958; or
- 5715 c. As a juvenile under this section.
- 5716 2. Other cases.—If a child who has been transferred for
- 5717 criminal prosecution pursuant to information or waiver of
- 5718 juvenile court jurisdiction is found to have committed a
- 5719 violation of state law or a lesser included offense for which he
- 5720 or she was charged as a part of the criminal episode, the court
- 5721 may sentence as follows:
- 5722 a. As an adult;
- 5723 b. Under chapter 958; or
- 5724 c. As a juvenile under this section.
- 5725 3. Notwithstanding any other provision to the contrary, if
- 5726 the state attorney is required to file a motion to transfer and
- 5727 certify the juvenile for prosecution as an adult under s.
- 5728 985.556(3) and that motion is granted, ~~or if the state attorney~~
- 5729 ~~is required to file an information under s. 985.557(2)(a) or~~
- 5730 ~~(b)~~, the court must impose adult sanctions.
- 5731 4. Any sentence imposing adult sanctions is presumed
- 5732 appropriate, and the court is not required to set forth specific
- 5733 findings or enumerate the criteria in this subsection as any
- 5734 basis for its decision to impose adult sanctions.
- 5735 5. When a child has been transferred for criminal
- 5736 prosecution as an adult and has been found to have committed a
- 5737 violation of state law, the disposition of the case may include
- 5738 the enforcement of any restitution ordered in any juvenile
- 5739 proceeding.
- 5740 (b) *Juvenile sanctions*.—For juveniles transferred to adult
- 5741 court but who do not qualify for such transfer under s.
- 5742 985.556(3) ~~or s. 985.557(2)(a) or (b)~~, the court may impose

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5743 juvenile sanctions under this paragraph. If juvenile sentences
5744 are imposed, the court shall, under this paragraph, adjudge the
5745 child to have committed a delinquent act. Adjudication of
5746 delinquency may ~~shall~~ not be deemed a conviction, nor shall it
5747 operate to impose any of the civil disabilities ordinarily
5748 resulting from a conviction. The court shall impose an adult
5749 sanction or a juvenile sanction and may not sentence the child
5750 to a combination of adult and juvenile punishments. An adult
5751 sanction or a juvenile sanction may include enforcement of an
5752 order of restitution or probation previously ordered in any
5753 juvenile proceeding. However, if the court imposes a juvenile
5754 sanction and the department determines that the sanction is
5755 unsuitable for the child, the department shall return custody of
5756 the child to the sentencing court for further proceedings,
5757 including the imposition of adult sanctions. Upon adjudicating a
5758 child delinquent under subsection (1), the court may:

5759 1. Place the child in a probation program under the
5760 supervision of the department for an indeterminate period of
5761 time until the child reaches the age of 19 years or sooner if
5762 discharged by order of the court.

5763 2. Commit the child to the department for treatment in an
5764 appropriate program for children for an indeterminate period of
5765 time until the child is 21 or sooner if discharged by the
5766 department. The department shall notify the court of its intent
5767 to discharge no later than 14 days before ~~prior to~~ discharge.
5768 Failure of the court to timely respond to the department's
5769 notice shall be considered approval for discharge.

5770 3. Order disposition under ss. 985.435, 985.437, 985.439,
5771 985.441, 985.45, and 985.455 as an alternative to youthful

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5772 offender or adult sentencing if the court determines not to
 5773 impose youthful offender or adult sanctions.

5774
 5775 It is the intent of the Legislature that the criteria and
 5776 guidelines in this subsection are mandatory and that a
 5777 determination of disposition under this subsection is subject to
 5778 the right of the child to appellate review under s. 985.534.

5779 Section 92. Subsection (3) of section 921.0022, Florida
 5780 Statutes, is amended to read:

5781 921.0022 Criminal Punishment Code; offense severity ranking
 5782 chart.—

5783 (3) OFFENSE SEVERITY RANKING CHART

5784 (a) LEVEL 1

5785

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount <u>\$1,000 or more</u> greater than \$300 but less than \$20,000.

5789

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5790	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
5791	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
5792	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
5793	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
5794	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
5795	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
	322.212 (5) (a)	3rd	False application for driver license or identification card.

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5796

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

5797

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

5798

509.151 (1) 3rd Defraud an innkeeper, food or lodging value \$1,000 or more ~~greater than \$300~~.

5799

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

5800

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

5801

713.69 3rd Tenant removes property upon which lien has accrued, value \$1,000 or more ~~than \$50~~.

5802

812.014 (3) (c) 3rd Petit theft (3rd conviction); theft of any

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5803
5804
5805
5806
5807
5808
5809

812.081 (2)

3rd

property not specified in subsection (2).

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

815.04 (5) (a)

3rd

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

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

817.569 (2)

3rd

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

826.01

3rd

Bigamy.

828.122 (3)

3rd

Fighting or baiting animals.

831.04 (1)

3rd

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

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5810

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

5811

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

5812

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.

5813

838.15 (2) 3rd Commercial bribe receiving.

5814

838.16 3rd Commercial bribery.

5815

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

5816

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

5817

~~849.01 3rd Keeping gambling house.~~

5818

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

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			etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
5819	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
5820	849.25 (2)	3rd	Engaging in bookmaking.
5821	860.08	3rd	Interfere with a railroad signal.
5822	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
5823	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
5824	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
5825	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
5826			
5827	(b) LEVEL 2		

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5828

Florida
Statute

Felony
Degree

Description

5829

379.2431
(1) (e) 3.

3rd

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

5830

379.2431
(1) (e) 4.

3rd

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

5831

403.413 (6) (c)

3rd

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

5832

517.07 (2)

3rd

Failure to furnish a prospectus meeting requirements.

5833

590.28 (1)

3rd

Intentional burning of lands.

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5834

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

5835

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

5836

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

5837

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

5838

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

5839

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

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5840

812.014 (2) (d)

3rd

less than \$5,000.

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

5841

812.015 (7)

3rd

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

5842

817.234 (1) (a) 2.

3rd

False statement in
support of insurance
claim.

5843

817.481 (3) (a)

3rd

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

5844

817.52 (3)

3rd

Failure to redeliver
hired vehicle.

5845

817.54

3rd

With intent to defraud,
obtain mortgage note,

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			etc., by false representation.
5846	817.60(5)	3rd	Dealing in credit cards of another.
5847	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
5848	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
5849	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
5850	831.01	3rd	Forgery.
5851	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
5852	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
5853			

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5854	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
5855	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
5856	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
5857	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
5858	843.08	3rd	False personation.
5859	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs other than cannabis.
	893.147 (2)	3rd	Manufacture or delivery

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of drug paraphernalia.

5860

5861 (c) LEVEL 3

5862

Florida
Statute

Felony
Degree

Description

5863

119.10 (2) (b)

3rd

Unlawful use of
confidential information
from police reports.

5864

316.066
(3) (b) - (d)

3rd

Unlawfully obtaining or
using confidential crash
reports.

5865

316.193 (2) (b)

3rd

Felony DUI, 3rd conviction.

5866

316.1935 (2)

3rd

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

5867

319.30 (4)

3rd

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

5868

319.33 (1) (a)

3rd

Alter or forge any

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5869

certificate of title to a motor vehicle or mobile home.

319.33(1)(c)

3rd

Procure or pass title on stolen vehicle.

5870

319.33(4)

3rd

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

5871

327.35(2)(b)

3rd

Felony BUI.

5872

328.05(2)

3rd

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

5873

328.07(4)

3rd

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

5874

376.302(5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland

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5875

379.2431
(1) (e) 5.

3rd

Protection Trust Fund.
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.

5876

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.

5877

379.2431
(1) (e) 7.

3rd

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

5878

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or offering services requiring

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5879

licensure, without a
license.

400.9935 (4) (e)

3rd

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

5880

440.1051 (3)

3rd

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

5881

501.001 (2) (b)

2nd

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

5882

624.401 (4) (a)

3rd

Transacting insurance
without a certificate of
authority.

5883

624.401 (4) (b) 1.

3rd

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

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5884

626.902 (1) (a) &
(b)

3rd

Representing an
unauthorized insurer.

5885

697.08

3rd

Equity skimming.

5886

790.15 (3)

3rd

Person directs another to
discharge firearm from a
vehicle.

5887

806.10 (1)

3rd

Maliciously injure,
destroy, or interfere with
vehicles or equipment used
in firefighting.

5888

806.10 (2)

3rd

Interferes with or assaults
firefighter in performance
of duty.

5889

810.09 (2) (c)

3rd

Trespass on property other
than structure or
conveyance armed with
firearm or dangerous
weapon.

5890

812.014 (2) (c) 2.

3rd

Grand theft; \$5,000 or more
but less than \$10,000.

5891

812.0145 (2) (c)

3rd

Theft from person 65 years

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

5892

812.015 (8) (b)

3rd

Retail theft with intent to sell; conspires with others.

5893

815.04 (5) (b)

2nd

Computer offense devised to defraud or obtain property.

5894

817.034 (4) (a) 3.

3rd

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

5895

817.233

3rd

Burning to defraud insurer.

5896

817.234
(8) (b) & (c)

3rd

Unlawful solicitation of persons involved in motor vehicle accidents.

5897

817.234 (11) (a)

3rd

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

5898

817.236

3rd

Filing a false motor vehicle insurance application.

5899

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5900
5901
5902
5903
5904
5905
5906

817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413 (2)	3rd	Sale of used goods <u>of \$1,000 or more</u> as new.
831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument <u>with intent to defraud</u> .
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15 (3)	3rd	Overcharging for repairs and parts.

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5907

870.01(2)

3rd

Riot; inciting or encouraging.

5908

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).

5909

893.13(1)(d)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 university.

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

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5910			facility.
	893.13 (4) (c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
5911			
	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
5912			
	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
5913			
	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
5914			
	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
5915			
	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required

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by chapter 893.

5916

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.

5917

893.13(8)(a)2.

3rd

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

5918

893.13(8)(a)3.

3rd

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

5919

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

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			prescription is a monetary benefit for the practitioner.
5920	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
5921	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
5922	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
5923	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
5924			
5925	(d) LEVEL 4		
5926			
	Florida Statute	Felony Degree	Description
5927	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer

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5934

784.075

3rd

violent predators
facility staff.

Battery on detention or
commitment facility
staff.

5935

784.078

3rd

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

5936

784.08 (2) (c)

3rd

Battery on a person 65
years of age or older.

5937

784.081 (3)

3rd

Battery on specified
official or employee.

5938

784.082 (3)

3rd

Battery by detained
person on visitor or
other detainee.

5939

784.083 (3)

3rd

Battery on code
inspector.

5940

784.085

3rd

Battery of child by
throwing, tossing,
projecting, or expelling

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5941

787.03(1)

3rd

certain fluids or materials.

Interference with custody; wrongly takes minor from appointed guardian.

5942

787.04(2)

3rd

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

5943

787.04(3)

3rd

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

5944

787.07

3rd

Human smuggling.

5945

790.115(1)

3rd

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

5946

790.115(2)(b)

3rd

Possessing electric

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			weapon or device, destructive device, or other weapon on school property.
5947	790.115 (2) (c)	3rd	Possessing firearm on school property.
5948	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
5949	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
5950	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
5951	810.06	3rd	Burglary; possession of tools.
5952	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or

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			dangerous weapon.
5953	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
5954	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , a will, firearm, motor vehicle, livestock, etc.
5955	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
5956	817.505 (4) (a)	3rd	Patient brokering.
5957	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
5958	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
5959	817.625 (2) (a)	3rd	Fraudulent use of

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5960

scanning device,
skimming device, or
reencoder.

817.625 (2) (c)

3rd

Possess, sell, or
deliver skimming device.

5961

828.125 (1)

2nd

Kill, maim, or cause
great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.

5962

837.02 (1)

3rd

Perjury in official
proceedings.

5963

837.021 (1)

3rd

Make contradictory
statements in official
proceedings.

5964

838.022

3rd

Official misconduct.

5965

839.13 (2) (a)

3rd

Falsifying records of an
individual in the care
and custody of a state
agency.

5966

839.13 (2) (c)

3rd

Falsifying records of

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			the Department of Children and Families.
5967	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
5968	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
5969	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
5970	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
5971	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
5972	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or

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			other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
5973	914.14(2)	3rd	Witnesses accepting bribes.
5974	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
5975	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
5976	918.12	3rd	Tampering with jurors.
5977	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
5978	<u>944.47(1)(a)6.</u>	<u>3rd</u>	<u>Introduction of</u> <u>contraband (cellular</u> <u>telephone or other</u> <u>portable communication</u> <u>device) into</u>

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5979

951.22 (1) (h),
(j), & (k)

3rd

correctional
institution.

Intoxicating drug,
instrumentality or other
device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

5980

5981

(e) LEVEL 5

5982

Florida
Statute

Felony
Degree

Description

5983

316.027 (2) (a)

3rd

Accidents involving
personal injuries other
than serious bodily
injury, failure to stop;
leaving scene.

5984

316.1935 (4) (a)

2nd

Aggravated fleeing or
eluding.

5985

316.80 (2)

2nd

Unlawful conveyance of
fuel; obtaining fuel
fraudulently.

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5986

322.34 (6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

5987

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

5988

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;

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5989	379.367 (4)	3rd	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.
5990	379.407 (5) (b) 3.	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
5991	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
5992	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
5993	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers'

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5994			compensation claims.
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
5995			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
5996			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
5997			
	790.01 (2)	3rd	Carrying a concealed firearm.
5998			
	790.162	2nd	Threat to throw or discharge destructive device.
5999			
	790.163 (1)	2nd	False report of bomb,

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6000	790.221 (1)	2nd	explosive, weapon of mass destruction, or use of firearms in violent manner.
6001	790.23	2nd	Possession of short-barreled shotgun or machine gun.
6002	796.05 (1)	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
6003	800.04 (6) (c)	3rd	Live on earnings of a prostitute; 1st offense.
6004	800.04 (7) (b)	2nd	Lewd or lascivious conduct; offender less than 18 years of age.
6005	806.111 (1)	3rd	Lewd or lascivious exhibition; offender 18 years of age or older.
			Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

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6006
6007
6008
6009
6010
6011
6012
6013

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) <u>(a), (c), (d), & (e)</u>	3rd	Retail theft; property stolen is valued at <u>\$750</u> \$300 or more and one or more specified acts.
812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
812.131 (2) (b)	3rd	Robbery by sudden snatching.
812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.

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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.

6014

817.568(2) (b)

2nd

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

6015

817.611(2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

6016

817.625(2) (b)

2nd

Second or subsequent fraudulent use of scanning device,

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6017

skimming device, or
reencoder.

825.1025 (4)

3rd

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

6018

827.071 (4)

2nd

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

6019

827.071 (5)

3rd

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

6020

828.12 (2)

3rd

Tortures any animal with
intent to inflict
intense pain, serious
physical injury, or
death.

6021

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6022	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.
6023	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
6024	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
6025	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
6026	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
6026	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang;

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6027

second or subsequent offense.

874.05(2)(a)

2nd

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

6028

893.13(1)(a)1.

2nd

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

6029

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

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6030

893.13(1)(d)1.

1st

community center.
 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.

6031

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.

6032

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

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(2)(c)5. drugs) within
1,000 feet of public
housing facility.

6033

893.13(4)(b)

2nd

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

6034

893.1351(1)

3rd

Ownership, lease, or
rental for trafficking
in or manufacturing of
controlled substance.

6035

6036

(f) LEVEL 6

6037

Florida
Statute

Felony
Degree

Description

6038

316.027(2)(b)

2nd

Leaving the scene of a
crash involving serious
bodily injury.

6039

316.193(2)(b)

3rd

Felony DUI, 4th or
subsequent conviction.

6040

400.9935(4)(c)

2nd

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

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6041

499.0051 (2) 2nd Knowing forgery of transaction history, transaction information, or transaction statement.

6042

499.0051 (3) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

6043

499.0051 (4) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

6044

775.0875 (1) 3rd Taking firearm from law enforcement officer.

6045

784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.

6046

784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.

6047

784.041 3rd Felony battery; domestic battery by strangulation.

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6048

784.048 (3) 3rd Aggravated stalking;
credible threat.

6049

784.048 (5) 3rd Aggravated stalking of
person under 16.

6050

784.07 (2) (c) 2nd Aggravated assault on
law enforcement officer.

6051

784.074 (1) (b) 2nd Aggravated assault on
sexually violent
predators facility
staff.

6052

784.08 (2) (b) 2nd Aggravated assault on a
person 65 years of age
or older.

6053

784.081 (2) 2nd Aggravated assault on
specified official or
employee.

6054

784.082 (2) 2nd Aggravated assault by
detained person on
visitor or other
detainee.

6055

784.083 (2) 2nd Aggravated assault on

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6056			code inspector.
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
6057			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
6058			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
6059			
	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.
6060			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
6061			

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	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
6062			
	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
6063			
	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.
6064			
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
6065			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
6066			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
6067			
	810.145 (8) (b)	2nd	Video voyeurism; certain

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			minor victims; 2nd or subsequent offense.
6068	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
6069	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
6070	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$750</u> \$300 or more; second or subsequent conviction.
6071	812.015 (9) (b)	2nd	Retail theft; <u>aggregated</u> property stolen <u>within 30 days is</u> \$3,000 or more; coordination of others.
6072	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
6073	817.4821 (5)	2nd	Possess cloning paraphernalia with

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6074			intent to create cloned cellular telephones.
6075	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
6076	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
6077	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
6078	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
6079	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
6080	827.03 (2) (c)	3rd	Abuse of a child.
6081	827.03 (2) (d)	3rd	Neglect of a child.
	827.071 (2) & (3)	2nd	Use or induce a child in

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6082

a sexual performance, or
promote or direct such
performance.

6083

836.05 2nd Threats; extortion.

6084

836.10 2nd Written threats to kill,
do bodily injury, or
conduct a mass shooting
or an act of terrorism.

6085

843.12 3rd Aids or assists person
to escape.

6086

847.011 3rd Distributing, offering
to distribute, or
possessing with intent
to distribute obscene
materials depicting
minors.

6087

847.012 3rd Knowingly using a minor
in the production of
materials harmful to
minors.

847.0135 (2) 3rd Facilitates sexual
conduct of or with a
minor or the visual

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6088
6089
6090
6091
6092
6093

914.23

2nd

depiction of such
conduct.

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

944.35 (3) (a) 2.

3rd

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

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.

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951.22 (1) (i) 3rd ~~Intoxicating drug,~~
~~951.22 (1)~~ Firearm, or weapon
 introduced into county
detention facility.

6094

6095 (g) LEVEL 7

6096

Florida	Felony	
Statute	Degree	Description

6097

316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
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6098

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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6099

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.
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6100

327.35 (3) (c) 2.	3rd	Vessel BUI resulting in
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6101			serious bodily injury.
	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
6102			
	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
6103			
	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
6104			
	456.065 (2)	3rd	Practicing a health care profession without a license.
6105			
	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
6106			
	458.327 (1)	3rd	Practicing medicine without a license.
6107			
	459.013 (1)	3rd	Practicing osteopathic

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6108			medicine without a license.
	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
6109			
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
6110			
	462.17	3rd	Practicing naturopathy without a license.
6111			
	463.015 (1)	3rd	Practicing optometry without a license.
6112			
	464.016 (1)	3rd	Practicing nursing without a license.
6113			
	465.015 (2)	3rd	Practicing pharmacy without a license.
6114			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
6115			
	467.201	3rd	Practicing midwifery without a license.

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6116
6117
6118
6119
6120
6121
6122

468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical 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

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6123

560.125 (5) (a)

3rd

exceeding \$300 but less than \$20,000 by a money services business.

Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

6124

655.50 (10) (b) 1.

3rd

Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

6125

775.21 (10) (a)

3rd

Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

6126

775.21 (10) (b)

3rd

Sexual predator working where children regularly congregate.

6127

775.21 (10) (g)

3rd

Failure to report or providing false information about a sexual

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6128

782.051(3)

2nd

predator; harbor or
conceal a sexual predator.

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

6129

782.07(1)

2nd

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

6130

782.071

2nd

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

6131

782.072

2nd

Killing of a human being
by the operation of a
vessel in a reckless
manner (vessel homicide).

6132

784.045(1)(a)1.

2nd

Aggravated battery;
intentionally causing
great bodily harm or

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			disfigurement.
6133	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
6134	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
6135	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
6136	784.048 (7)	3rd	Aggravated stalking; violation of court order.
6137	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
6138	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
6139	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
6140	784.081 (1)	1st	Aggravated battery on specified official or

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6141			employee.
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
6142			
	784.083 (1)	1st	Aggravated battery on code inspector.
6143			
	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
6144			
	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.
6145			
	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
6146			
	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
6147			

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6148	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
6149	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
6150	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
6151	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
6152	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08 (4)	3rd	Female genital mutilation; consent by a parent,

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6153	796.05 (1)	1st	guardian, or a person in custodial authority to a victim younger than 18 years of age.
6154	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
6155	800.04 (5) (c) 1.	2nd	Live on earnings of a prostitute; 3rd and subsequent offense.
6156	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
6157	800.04 (5) (e)	1st	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.
			Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years;

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			offender 18 years or older; prior conviction for specified sex offense.
6158	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
6159	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
6160	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
6161	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
6162	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
6163	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

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			damage; 1st degree grand theft.
6164	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
6165	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
6166	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
6167	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
6168	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
6169	812.131 (2) (a)	2nd	Robbery by sudden snatching.

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6170

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

6171

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

6172

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

6173

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

6174

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

6175

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

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6176

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

6177

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

6178

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

6179

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.

6180

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

6181

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

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			older.
6182	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
6183	838.015	2nd	Bribery.
6184	838.016	2nd	Unlawful compensation or reward for official behavior.
6185	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
6186	838.22	2nd	Bid tampering.
6187	843.0855 (2)	3rd	Impersonation of a public officer or employee.
6188	843.0855 (3)	3rd	Unlawful simulation of legal process.
6189	843.0855 (4)	3rd	Intimidation of a public officer or employee.
6190	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to

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6191

commit an unlawful sex
act.

847.0135 (4)

2nd

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

6192

872.06

2nd

Abuse of a dead human
body.

6193

874.05 (2) (b)

1st

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

6194

874.10

1st, PBL

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

6195

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

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facility, school, or
state, county, or
municipal park or publicly
owned recreational
facility or community
center.

6196

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.

6197

893.13 (4) (a)

1st

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

6198

893.135 (1) (a) 1.

1st

Trafficking in cannabis,
more than 25 lbs., less
than 2,000 lbs.

6199

893.135
(1) (b) 1.a.

1st

Trafficking in cocaine,
more than 28 grams, less
than 200 grams.

6200

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6201	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
6202	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
6203	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
6204	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
6205	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
6206	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
6207	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
	893.135 (1) (e) 1.	1st	Trafficking in

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			methaqualone, 200 grams or more, less than 5 kilograms.
6208	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
6209	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
6210	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
6211	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
6212	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
6213	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or

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6214			more, less than 500 grams.
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or
			more, less than 1,000
			grams.
6215			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams
			or more, less than 100
			grams.
6216			
	893.1351 (2)	2nd	Possession of place for
			trafficking in or
			manufacturing of
			controlled substance.
6217			
	896.101 (5) (a)	3rd	Money laundering,
			financial transactions
			exceeding \$300 but less
			than \$20,000.
6218			
	896.104 (4) (a) 1.	3rd	Structuring transactions
			to evade reporting or
			registration requirements,
			financial transactions
			exceeding \$300 but less
			than \$20,000.
6219			

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6220	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
6221	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
6222	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
6223	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
6224	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
6224	944.607 (9)	3rd	Sexual offender; failure

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6225			to comply with reporting requirements.
	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
6226			
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
6227			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
6228			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
6229			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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6230

985.4815 (13)

3rd

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

6231

6232

(h) LEVEL 8

6233

Florida
Statute

Felony
Degree

Description

6234

316.193
(3) (c) 3.a.

2nd

DUI manslaughter.

6235

316.1935 (4) (b)

1st

Aggravated fleeing or attempted eluding with serious bodily injury or death.

6236

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

6237

499.0051 (6)

1st

Knowing trafficking in contraband prescription drugs.

6238

499.0051 (7)

1st

Knowing forgery of prescription labels or

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6239

560.123 (8) (b) 2.

2nd

prescription drug labels.

Failure to report
currency or payment
instruments totaling or
exceeding \$20,000, but
less than \$100,000 by
money transmitter.

6240

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.

6241

655.50 (10) (b) 2.

2nd

Failure to report
financial transactions
totaling or exceeding
\$20,000, but less than
\$100,000 by financial
institutions.

6242

777.03 (2) (a)

1st

Accessory after the fact,
capital felony.

6243

782.04 (4)

2nd

Killing of human without
design when engaged in

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act or attempt of any
 felony other than arson,
 sexual battery, robbery,
 burglary, kidnapping,
 aggravated fleeing or
 eluding with serious
 bodily injury or death,
 aircraft piracy, or
 unlawfully discharging
 bomb.

6244

782.051 (2)

1st

Attempted felony murder
 while perpetrating or
 attempting to perpetrate
 a felony not enumerated
 in s. 782.04 (3).

6245

782.071 (1) (b)

1st

Committing vehicular
 homicide and failing to
 render aid or give
 information.

6246

782.072 (2)

1st

Committing vessel
 homicide and failing to
 render aid or give
 information.

6247

787.06 (3) (a) 1.

1st

Human trafficking for
 labor and services of a

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6248

787.06 (3) (b)

1st

child.

Human trafficking using coercion for commercial sexual activity of an adult.

6249

787.06 (3) (c) 2.

1st

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

6250

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.

6251

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.

6252

790.161 (3)

1st

Discharging a destructive device which results in

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bodily harm or property damage.

6253

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.

6254

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.

6255

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.

6256

794.011 (5) (d)

1st

Sexual battery; victim 12 years of age or older; offender does not use physical force likely to

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6257	794.08 (3)	2nd	cause serious injury; prior conviction for specified sex offense.
6258	800.04 (4) (b)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
6259	800.04 (4) (c)	1st	Lewd or lascivious battery. Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
6260	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
6261	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
6262	810.02 (2) (b)	1st, PBL	Burglary; armed with

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6263

810.02 (2) (c)

1st

explosives or dangerous
weapon.

Burglary of a dwelling or
structure causing
structural damage or
\$1,000 or more property
damage.

6264

812.014 (2) (a) 2.

1st

Property stolen; cargo
valued at \$50,000 or
more, grand theft in 1st
degree.

6265

812.13 (2) (b)

1st

Robbery with a weapon.

6266

812.135 (2) (c)

1st

Home-invasion robbery, no
firearm, deadly weapon,
or other weapon.

6267

817.505 (4) (c)

1st

Patient brokering; 20 or
more patients.

6268

817.535 (2) (b)

2nd

Filing false lien or
other unauthorized
document; second or
subsequent offense.

6269

817.535 (3) (a)

2nd

Filing false lien or

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6270	817.535 (4) (a) 1.	2nd	other unauthorized document; property owner is a public officer or employee.
6271	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
6272	817.568 (6)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
6273	817.611 (2) (c)	1st	Fraudulent use of personal identification information of an individual under the age of 18.
6274			Traffic in or possess 50 or more counterfeit credit cards or related documents.

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6275	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
6276	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
6277	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
6278	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
6279	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
	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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6280

860.16 1st Aircraft piracy.

6281

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).

6282

893.13(2)(b) 1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

6283

893.13(6)(c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

6284

893.135(1)(a)2. 1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

6285

893.135(1)(b)1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.

6286

893.135(1)(c)1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28

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6287			grams.
	893.135	1st	Trafficking in
	(1) (c) 2.c.		hydrocodone, 50 grams or more, less than 200 grams.
6288			
	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.c.		25 grams or more, less than 100 grams.
6289			
	893.135	1st	Trafficking in fentanyl,
	(1) (c) 4.b. (II)		14 grams or more, less than 28 grams.
6290			
	893.135	1st	Trafficking in
	(1) (d) 1.b.		phencyclidine, 200 grams or more, less than 400 grams.
6291			
	893.135	1st	Trafficking in
	(1) (e) 1.b.		methaqualone, 5 kilograms or more, less than 25 kilograms.
6292			
	893.135	1st	Trafficking in
	(1) (f) 1.b.		amphetamine, 28 grams or more, less than 200 grams.

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6293

893.135 1st Trafficking in
 (1) (g) 1.b. flunitrazepam, 14 grams
 or more, less than 28
 grams.

6294

893.135 1st Trafficking in gamma-
 (1) (h) 1.b. hydroxybutyric acid
 (GHB), 5 kilograms or
 more, less than 10
 kilograms.

6295

893.135 1st Trafficking in 1,4-
 (1) (j) 1.b. Butanediol, 5 kilograms
 or more, less than 10
 kilograms.

6296

893.135 1st Trafficking in
 (1) (k) 2.b. Phenethylamines, 200
 grams or more, less than
 400 grams.

6297

893.135 1st Trafficking in synthetic
 (1) (m) 2.c. cannabinoids, 1,000 grams
 or more, less than 30
 kilograms.

6298

893.135 1st Trafficking in n-benzyl
 (1) (n) 2.b. phenethylamines, 100

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6299			grams or more, less than 200 grams.
	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
6300			
	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
6301			
	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
6302			
	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
6303			
	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than

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6304

\$100,000.

896.104 (4) (a) 2.

2nd

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

6305

6306

(i) LEVEL 9

6307

Florida
Statute

Felony
Degree

Description

6308

316.193
(3) (c) 3.b.

1st

DUI manslaughter; failing to render aid or give information.

6309

327.35
(3) (c) 3.b.

1st

BUI manslaughter; failing to render aid or give information.

6310

409.920
(2) (b) 1.c.

1st

Medicaid provider fraud; \$50,000 or more.

6311

499.0051 (8)

1st

Knowing sale or purchase of contraband prescription drugs

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6312

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.

6313

560.125 (5) (c)

1st

Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

6314

655.50 (10) (b) 3.

1st

Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

6315

775.0844

1st

Aggravated white collar crime.

6316

782.04 (1)

1st

Attempt, conspire, or solicit to commit premeditated murder.

6317

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6318	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.
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6319	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).
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6320	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
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6321	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
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6322	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
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6322	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with
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6323

787.02 (3) (a)

1st, PBL

performance of any governmental or political function.

False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

6324

787.06 (3) (c) 1.

1st

Human trafficking for labor and services of an unauthorized alien child.

6325

787.06 (3) (d)

1st

Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.

6326

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.

6327

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6328	790.161	1st	Attempted capital destructive device offense.
6329	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
6330	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
6331	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
6332	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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6333

794.011 (4) (c)

1st

or older.

Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.

6334

794.011 (4) (d)

1st, PBL

Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.

6335

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.

6336

794.08 (2)

1st

Female genital mutilation; victim younger than 18 years of age.

6337

800.04 (5) (b)

Life

Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

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6338

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

6339

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

6340

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

6341

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

6342

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

6343

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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6344

817.568 (7)

2nd,
PBL

financial loss as a
result of the false
instrument.

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.

6345

827.03 (2) (a)

1st

Aggravated child abuse.

6346

847.0145 (1)

1st

Selling, or otherwise
transferring custody or
control, of a minor.

6347

847.0145 (2)

1st

Purchasing, or otherwise
obtaining custody or
control, of a minor.

6348

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.
6349	893.135	1st	Attempted capital trafficking offense.
6350	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
6351	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
6352	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
6353	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
6354	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
6355	893.135 (1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
6356			

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6357	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
6358	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
6359	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
6360	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
6361	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
6362	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
6363	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.

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6364	893.135 (1) (n) 2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
6365	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
6366	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
6367	(j) LEVEL 10		
6368	Florida Statute	Felony Degree	Description
6369	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
6370	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.

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6371

782.07 (3) 1st Aggravated manslaughter
of a child.

6372

787.01 (1) (a) 3. 1st, PBL Kidnapping; inflict
bodily harm upon or
terrorize victim.

6373

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.

6374

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.

6375

787.06 (4) (a) Life Selling or buying of
minors into human
trafficking.

6376

794.011 (3) Life Sexual battery; victim
12 years or older,

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offender uses or
threatens to use deadly
weapon or physical force
to cause serious injury.

6377

812.135 (2) (a)

1st,PBL

Home-invasion robbery
with firearm or other
deadly weapon.

6378

876.32

1st

Treason against the
state.

6379

6380 Section 93. For the purpose of incorporating the amendment
6381 made by this act to section 322.056, Florida Statutes, in a
6382 reference thereto, subsection (11) of section 322.05, Florida
6383 Statutes, is reenacted to read:

6384 322.05 Persons not to be licensed.—The department may not
6385 issue a license:

6386 (11) To any person who is ineligible under s. 322.056.

6387 Section 94. For the purpose of incorporating the amendment
6388 made by this act to section 322.34, Florida Statutes, in a
6389 reference thereto, paragraph (c) of subsection (2) of section
6390 316.027, Florida Statutes, is reenacted to read:

6391 316.027 Crash involving death or personal injuries.—

6392 (2)

6393 (c) The driver of a vehicle involved in a crash occurring
6394 on public or private property which results in the death of a
6395 person shall immediately stop the vehicle at the scene of the
6396 crash, or as close thereto as possible, and shall remain at the

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6397 scene of the crash until he or she has fulfilled the
6398 requirements of s. 316.062. A person who is arrested for a
6399 violation of this paragraph and who has previously been
6400 convicted of a violation of this section, s. 316.061, s.
6401 316.191, or s. 316.193, or a felony violation of s. 322.34,
6402 shall be held in custody until brought before the court for
6403 admittance to bail in accordance with chapter 903. A person who
6404 willfully violates this paragraph commits a felony of the first
6405 degree, punishable as provided in s. 775.082, s. 775.083, or s.
6406 775.084, and shall be sentenced to a mandatory minimum term of
6407 imprisonment of 4 years. A person who willfully commits such a
6408 violation while driving under the influence as set forth in s.
6409 316.193(1) shall be sentenced to a mandatory minimum term of
6410 imprisonment of 4 years.

6411 Section 95. For the purpose of incorporating the amendment
6412 made by this act to section 322.34, Florida Statutes, in a
6413 reference thereto, paragraph (c) of subsection (4) of section
6414 907.041, Florida Statutes, is reenacted to read:

6415 907.041 Pretrial detention and release.—

6416 (4) PRETRIAL DETENTION.—

6417 (c) The court may order pretrial detention if it finds a
6418 substantial probability, based on a defendant's past and present
6419 patterns of behavior, the criteria in s. 903.046, and any other
6420 relevant facts, that any of the following circumstances exist:

6421 1. The defendant has previously violated conditions of
6422 release and that no further conditions of release are reasonably
6423 likely to assure the defendant's appearance at subsequent
6424 proceedings;

6425 2. The defendant, with the intent to obstruct the judicial

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6426 process, has threatened, intimidated, or injured any victim,
6427 potential witness, juror, or judicial officer, or has attempted
6428 or conspired to do so, and that no condition of release will
6429 reasonably prevent the obstruction of the judicial process;

6430 3. The defendant is charged with trafficking in controlled
6431 substances as defined by s. 893.135, that there is a substantial
6432 probability that the defendant has committed the offense, and
6433 that no conditions of release will reasonably assure the
6434 defendant's appearance at subsequent criminal proceedings;

6435 4. The defendant is charged with DUI manslaughter, as
6436 defined by s. 316.193, and that there is a substantial
6437 probability that the defendant committed the crime and that the
6438 defendant poses a threat of harm to the community; conditions
6439 that would support a finding by the court pursuant to this
6440 subparagraph that the defendant poses a threat of harm to the
6441 community include, but are not limited to, any of the following:

6442 a. The defendant has previously been convicted of any crime
6443 under s. 316.193, or of any crime in any other state or
6444 territory of the United States that is substantially similar to
6445 any crime under s. 316.193;

6446 b. The defendant was driving with a suspended driver
6447 license when the charged crime was committed; or

6448 c. The defendant has previously been found guilty of, or
6449 has had adjudication of guilt withheld for, driving while the
6450 defendant's driver license was suspended or revoked in violation
6451 of s. 322.34;

6452 5. The defendant poses the threat of harm to the community.
6453 The court may so conclude, if it finds that the defendant is
6454 presently charged with a dangerous crime, that there is a

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6455 substantial probability that the defendant committed such crime,
6456 that the factual circumstances of the crime indicate a disregard
6457 for the safety of the community, and that there are no
6458 conditions of release reasonably sufficient to protect the
6459 community from the risk of physical harm to persons;

6460 6. The defendant was on probation, parole, or other release
6461 pending completion of sentence or on pretrial release for a
6462 dangerous crime at the time the current offense was committed;

6463 7. The defendant has violated one or more conditions of
6464 pretrial release or bond for the offense currently before the
6465 court and the violation, in the discretion of the court,
6466 supports a finding that no conditions of release can reasonably
6467 protect the community from risk of physical harm to persons or
6468 assure the presence of the accused at trial; or

6469 8.a. The defendant has ever been sentenced pursuant to s.
6470 775.082(9) or s. 775.084 as a prison releasee reoffender,
6471 habitual violent felony offender, three-time violent felony
6472 offender, or violent career criminal, or the state attorney
6473 files a notice seeking that the defendant be sentenced pursuant
6474 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
6475 habitual violent felony offender, three-time violent felony
6476 offender, or violent career criminal;

6477 b. There is a substantial probability that the defendant
6478 committed the offense; and

6479 c. There are no conditions of release that can reasonably
6480 protect the community from risk of physical harm or ensure the
6481 presence of the accused at trial.

6482 Section 96. For the purpose of incorporating the amendment
6483 made by this act to section 394.47891, Florida Statutes, in a

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6484 reference thereto, subsection (5) of section 910.035, Florida
6485 Statutes, is reenacted to read:

6486 910.035 Transfer from county for plea, sentence, or
6487 participation in a problem-solving court.—

6488 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

6489 (a) For purposes of this subsection, the term “problem-
6490 solving court” means a drug court pursuant to s. 948.01, s.
6491 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans’
6492 and servicemembers’ court pursuant to s. 394.47891, s. 948.08,
6493 s. 948.16, or s. 948.21; a mental health court program pursuant
6494 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;
6495 or a delinquency pretrial intervention court program pursuant to
6496 s. 985.345.

6497 (b) Any person eligible for participation in a problem-
6498 solving court shall, upon request by the person or a court, have
6499 the case transferred to a county other than that in which the
6500 charge arose if the person agrees to the transfer, the
6501 authorized representative of the trial court consults with the
6502 authorized representative of the problem-solving court in the
6503 county to which transfer is desired, and both representatives
6504 agree to the transfer.

6505 (c) If all parties agree to the transfer as required by
6506 paragraph (b), the trial court shall enter a transfer order
6507 directing the clerk to transfer the case to the county which has
6508 accepted the defendant into its problem-solving court.

6509 (d)1. When transferring a pretrial problem-solving court
6510 case, the transfer order shall include a copy of the probable
6511 cause affidavit; any charging documents in the case; all
6512 reports, witness statements, test results, evidence lists, and

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6513 other documents in the case; the defendant's mailing address and
6514 telephone number; and the defendant's written consent to abide
6515 by the rules and procedures of the receiving county's problem-
6516 solving court.

6517 2. When transferring a postadjudicatory problem-solving
6518 court case, the transfer order shall include a copy of the
6519 charging documents in the case; the final disposition; all
6520 reports, test results, and other documents in the case; the
6521 defendant's mailing address and telephone number; and the
6522 defendant's written consent to abide by the rules and procedures
6523 of the receiving county's problem-solving court.

6524 (e) After the transfer takes place, the receiving clerk
6525 shall set the matter for a hearing before the problem-solving
6526 court in the receiving jurisdiction to ensure the defendant's
6527 entry into the problem-solving court.

6528 (f) Upon successful completion of the problem-solving court
6529 program, the jurisdiction to which the case has been transferred
6530 shall dispose of the case. If the defendant does not complete
6531 the problem-solving court program successfully, the jurisdiction
6532 to which the case has been transferred shall dispose of the case
6533 within the guidelines of the Criminal Punishment Code.

6534 Section 97. For the purpose of incorporating the amendment
6535 made by this act to section 509.151, Florida Statutes, in a
6536 reference thereto, section 509.161, Florida Statutes, is
6537 reenacted to read:

6538 509.161 Rules of evidence in prosecutions.—In prosecutions
6539 under s. 509.151, proof that lodging, food, or other
6540 accommodations were obtained by false pretense; by false or
6541 fictitious show of baggage or other property; by absconding

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6542 without paying or offering to pay for such food, lodging, or
6543 accommodations; or by surreptitiously removing or attempting to
6544 remove baggage shall constitute prima facie evidence of
6545 fraudulent intent. If the operator of the establishment has
6546 probable cause to believe, and does believe, that any person has
6547 obtained food, lodging, or other accommodations at such
6548 establishment with intent to defraud the operator thereof, the
6549 failure to make payment upon demand therefor, there being no
6550 dispute as to the amount owed, shall constitute prima facie
6551 evidence of fraudulent intent in such prosecutions.

6552 Section 98. For the purpose of incorporating the amendment
6553 made by this act to section 784.048, Florida Statutes, in a
6554 reference thereto, paragraph (c) of subsection (2) of section
6555 790.065, Florida Statutes, is reenacted to read:

6556 790.065 Sale and delivery of firearms.—

6557 (2) Upon receipt of a request for a criminal history record
6558 check, the Department of Law Enforcement shall, during the
6559 licensee's call or by return call, forthwith:

6560 (c)1. Review any records available to it to determine
6561 whether the potential buyer or transferee has been indicted or
6562 has had an information filed against her or him for an offense
6563 that is a felony under either state or federal law, or, as
6564 mandated by federal law, has had an injunction for protection
6565 against domestic violence entered against the potential buyer or
6566 transferee under s. 741.30, has had an injunction for protection
6567 against repeat violence entered against the potential buyer or
6568 transferee under s. 784.046, or has been arrested for a
6569 dangerous crime as specified in s. 907.041(4)(a) or for any of
6570 the following enumerated offenses:

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- 6571 a. Criminal anarchy under ss. 876.01 and 876.02.
6572 b. Extortion under s. 836.05.
6573 c. Explosives violations under s. 552.22(1) and (2).
6574 d. Controlled substances violations under chapter 893.
6575 e. Resisting an officer with violence under s. 843.01.
6576 f. Weapons and firearms violations under this chapter.
6577 g. Treason under s. 876.32.
6578 h. Assisting self-murder under s. 782.08.
6579 i. Sabotage under s. 876.38.
6580 j. Stalking or aggravated stalking under s. 784.048.

6581

6582 If the review indicates any such indictment, information, or
6583 arrest, the department shall provide to the licensee a
6584 conditional nonapproval number.

6585 2. Within 24 working hours, the department shall determine
6586 the disposition of the indictment, information, or arrest and
6587 inform the licensee as to whether the potential buyer is
6588 prohibited from receiving or possessing a firearm. For purposes
6589 of this paragraph, "working hours" means the hours from 8 a.m.
6590 to 5 p.m. Monday through Friday, excluding legal holidays.

6591 3. The office of the clerk of court, at no charge to the
6592 department, shall respond to any department request for data on
6593 the disposition of the indictment, information, or arrest as
6594 soon as possible, but in no event later than 8 working hours.

6595 4. The department shall determine as quickly as possible
6596 within the allotted time period whether the potential buyer is
6597 prohibited from receiving or possessing a firearm.

6598 5. If the potential buyer is not so prohibited, or if the
6599 department cannot determine the disposition information within

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6600 the allotted time period, the department shall provide the
6601 licensee with a conditional approval number.

6602 6. If the buyer is so prohibited, the conditional
6603 nonapproval number shall become a nonapproval number.

6604 7. The department shall continue its attempts to obtain the
6605 disposition information and may retain a record of all approval
6606 numbers granted without sufficient disposition information. If
6607 the department later obtains disposition information which
6608 indicates:

6609 a. That the potential buyer is not prohibited from owning a
6610 firearm, it shall treat the record of the transaction in
6611 accordance with this section; or

6612 b. That the potential buyer is prohibited from owning a
6613 firearm, it shall immediately revoke the conditional approval
6614 number and notify local law enforcement.

6615 8. During the time that disposition of the indictment,
6616 information, or arrest is pending and until the department is
6617 notified by the potential buyer that there has been a final
6618 disposition of the indictment, information, or arrest, the
6619 conditional nonapproval number shall remain in effect.

6620 Section 99. For the purpose of incorporating the amendment
6621 made by this act to section 784.048, Florida Statutes, in a
6622 reference thereto, subsection (1) of section 794.056, Florida
6623 Statutes, is reenacted to read:

6624 794.056 Rape Crisis Program Trust Fund.—

6625 (1) The Rape Crisis Program Trust Fund is created within
6626 the Department of Health for the purpose of providing funds for
6627 rape crisis centers in this state. Trust fund moneys shall be
6628 used exclusively for the purpose of providing services for

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6629 victims of sexual assault. Funds credited to the trust fund
 6630 consist of those funds collected as an additional court
 6631 assessment in each case in which a defendant pleads guilty or
 6632 nolo contendere to, or is found guilty of, regardless of
 6633 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 6634 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 6635 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 6636 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 6637 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 6638 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 6639 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 6640 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 6641 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
 6642 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
 6643 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
 6644 fund also shall include revenues provided by law, moneys
 6645 appropriated by the Legislature, and grants from public or
 6646 private entities.

6647 Section 100. For the purpose of incorporating the amendment
 6648 made by this act to section 784.048, Florida Statutes, in a
 6649 reference thereto, subsection (4) of section 847.0141, Florida
 6650 Statutes, is reenacted to read:

6651 847.0141 Sexting; prohibited acts; penalties.—

6652 (4) This section does not prohibit the prosecution of a
 6653 minor for a violation of any law of this state if the photograph
 6654 or video that depicts nudity also includes the depiction of
 6655 sexual conduct or sexual excitement, and does not prohibit the
 6656 prosecution of a minor for stalking under s. 784.048.

6657 Section 101. For the purpose of incorporating the amendment

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6658 made by this act to section 784.048, Florida Statutes, in a
6659 reference thereto, subsection (5) of section 901.41, Florida
6660 Statutes, is reenacted to read:

6661 901.41 Prearrest diversion programs.—

6662 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime
6663 of domestic violence, as defined in s. 741.28, or a misdemeanor
6664 under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048,
6665 s. 784.0487, or s. 784.049 does not qualify for a civil citation
6666 or prearrest diversion program.

6667 Section 102. For the purpose of incorporating the amendment
6668 made by this act to section 784.048, Florida Statutes, in a
6669 reference thereto, section 938.08, Florida Statutes, is
6670 reenacted to read:

6671 938.08 Additional cost to fund programs in domestic
6672 violence.—In addition to any sanction imposed for a violation of
6673 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.
6674 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.
6675 784.083, s. 784.085, s. 794.011, or for any offense of domestic
6676 violence described in s. 741.28, the court shall impose a
6677 surcharge of \$201. Payment of the surcharge shall be a condition
6678 of probation, community control, or any other court-ordered
6679 supervision. The sum of \$85 of the surcharge shall be deposited
6680 into the Domestic Violence Trust Fund established in s. 741.01.
6681 The clerk of the court shall retain \$1 of each surcharge that
6682 the clerk of the court collects as a service charge of the
6683 clerk's office. The remainder of the surcharge shall be provided
6684 to the governing board of the county and must be used only to
6685 defray the costs of incarcerating persons sentenced under s.
6686 741.283 and provide additional training to law enforcement

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6687 personnel in combating domestic violence.

6688 Section 103. For the purpose of incorporating the amendment
6689 made by this act to section 784.048, Florida Statutes, in a
6690 reference thereto, section 938.085, Florida Statutes, is
6691 reenacted to read:

6692 938.085 Additional cost to fund rape crisis centers.—In
6693 addition to any sanction imposed when a person pleads guilty or
6694 nolo contendere to, or is found guilty of, regardless of
6695 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
6696 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
6697 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
6698 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
6699 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
6700 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
6701 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
6702 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
6703 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
6704 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
6705 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
6706 \$151. Payment of the surcharge shall be a condition of
6707 probation, community control, or any other court-ordered
6708 supervision. The sum of \$150 of the surcharge shall be deposited
6709 into the Rape Crisis Program Trust Fund established within the
6710 Department of Health by chapter 2003-140, Laws of Florida. The
6711 clerk of the court shall retain \$1 of each surcharge that the
6712 clerk of the court collects as a service charge of the clerk's
6713 office.

6714 Section 104. For the purpose of incorporating the amendment
6715 made by this act to section 784.048, Florida Statutes, in a

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6716 reference thereto, paragraph (g) of subsection (2) of section
6717 943.325, Florida Statutes, is reenacted to read:
6718 943.325 DNA database.—
6719 (2) DEFINITIONS.—As used in this section, the term:
6720 (g) "Qualifying offender" means any person, including
6721 juveniles and adults, who is:
6722 1.a. Committed to a county jail;
6723 b. Committed to or under the supervision of the Department
6724 of Corrections, including persons incarcerated in a private
6725 correctional institution operated under contract pursuant to s.
6726 944.105;
6727 c. Committed to or under the supervision of the Department
6728 of Juvenile Justice;
6729 d. Transferred to this state under the Interstate Compact
6730 on Juveniles, part XIII of chapter 985; or
6731 e. Accepted under Article IV of the Interstate Corrections
6732 Compact, part III of chapter 941; and who is:
6733 2.a. Convicted of any felony offense or attempted felony
6734 offense in this state or of a similar offense in another
6735 jurisdiction;
6736 b. Convicted of a misdemeanor violation of s. 784.048, s.
6737 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
6738 offense that was found, pursuant to s. 874.04, to have been
6739 committed for the purpose of benefiting, promoting, or
6740 furthering the interests of a criminal gang as defined in s.
6741 874.03; or
6742 c. Arrested for any felony offense or attempted felony
6743 offense in this state.
6744 Section 105. For the purpose of incorporating the amendment

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6745 made by this act to section 784.048, Florida Statutes, in a
6746 reference thereto, paragraph (c) of subsection (8) of section
6747 948.06, Florida Statutes, is reenacted to read:

6748 948.06 Violation of probation or community control;
6749 revocation; modification; continuance; failure to pay
6750 restitution or cost of supervision.—

6751 (8)

6752 (c) For purposes of this section, the term "qualifying
6753 offense" means any of the following:

6754 1. Kidnapping or attempted kidnapping under s. 787.01,
6755 false imprisonment of a child under the age of 13 under s.
6756 787.02(3), or luring or enticing a child under s. 787.025(2) (b)
6757 or (c).

6758 2. Murder or attempted murder under s. 782.04, attempted
6759 felony murder under s. 782.051, or manslaughter under s. 782.07.

6760 3. Aggravated battery or attempted aggravated battery under
6761 s. 784.045.

6762 4. Sexual battery or attempted sexual battery under s.
6763 794.011(2), (3), (4), or (8) (b) or (c).

6764 5. Lewd or lascivious battery or attempted lewd or
6765 lascivious battery under s. 800.04(4), lewd or lascivious
6766 molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious
6767 conduct under s. 800.04(6) (b), lewd or lascivious exhibition
6768 under s. 800.04(7) (b), or lewd or lascivious exhibition on
6769 computer under s. 847.0135(5) (b).

6770 6. Robbery or attempted robbery under s. 812.13, carjacking
6771 or attempted carjacking under s. 812.133, or home invasion
6772 robbery or attempted home invasion robbery under s. 812.135.

6773 7. Lewd or lascivious offense upon or in the presence of an

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6774 elderly or disabled person or attempted lewd or lascivious
6775 offense upon or in the presence of an elderly or disabled person
6776 under s. 825.1025.

6777 8. Sexual performance by a child or attempted sexual
6778 performance by a child under s. 827.071.

6779 9. Computer pornography under s. 847.0135(2) or (3),
6780 transmission of child pornography under s. 847.0137, or selling
6781 or buying of minors under s. 847.0145.

6782 10. Poisoning food or water under s. 859.01.

6783 11. Abuse of a dead human body under s. 872.06.

6784 12. Any burglary offense or attempted burglary offense that
6785 is either a first degree felony or second degree felony under s.
6786 810.02(2) or (3).

6787 13. Arson or attempted arson under s. 806.01(1).

6788 14. Aggravated assault under s. 784.021.

6789 15. Aggravated stalking under s. 784.048(3), (4), (5), or
6790 (7).

6791 16. Aircraft piracy under s. 860.16.

6792 17. Unlawful throwing, placing, or discharging of a
6793 destructive device or bomb under s. 790.161(2), (3), or (4).

6794 18. Treason under s. 876.32.

6795 19. Any offense committed in another jurisdiction which
6796 would be an offense listed in this paragraph if that offense had
6797 been committed in this state.

6798 Section 106. For the purpose of incorporating the amendment
6799 made by this act to section 784.048, Florida Statutes, in a
6800 reference thereto, subsection (1) of section 948.062, Florida
6801 Statutes, is reenacted to read:

6802 948.062 Reviewing and reporting serious offenses committed

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6803 by offenders placed on probation or community control.—

6804 (1) The department shall review the circumstances related
6805 to an offender placed on probation or community control who has
6806 been arrested while on supervision for the following offenses:

6807 (a) Any murder as provided in s. 782.04;

6808 (b) Any sexual battery as provided in s. 794.011 or s.
6809 794.023;

6810 (c) Any sexual performance by a child as provided in s.
6811 827.071;

6812 (d) Any kidnapping, false imprisonment, or luring of a
6813 child as provided in s. 787.01, s. 787.02, or s. 787.025;

6814 (e) Any lewd and lascivious battery or lewd and lascivious
6815 molestation as provided in s. 800.04(4) or (5);

6816 (f) Any aggravated child abuse as provided in s.
6817 827.03(2) (a);

6818 (g) Any robbery with a firearm or other deadly weapon, home
6819 invasion robbery, or carjacking as provided in s. 812.13(2) (a),
6820 s. 812.135, or s. 812.133;

6821 (h) Any aggravated stalking as provided in s. 784.048(3),
6822 (4), or (5);

6823 (i) Any forcible felony as provided in s. 776.08, committed
6824 by a person on probation or community control who is designated
6825 as a sexual predator; or

6826 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),
6827 or vehicular or vessel homicide as provided in s. 782.071 or s.
6828 782.072, committed by a person who is on probation or community
6829 control for an offense involving death or injury resulting from
6830 a driving incident.

6831 Section 107. For the purpose of incorporating the amendment

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6832 made by this act to section 784.048, Florida Statutes, in a
6833 reference thereto, paragraph (b) of subsection (1) of section
6834 960.001, Florida Statutes, is reenacted to read:

6835 960.001 Guidelines for fair treatment of victims and
6836 witnesses in the criminal justice and juvenile justice systems.—

6837 (1) The Department of Legal Affairs, the state attorneys,
6838 the Department of Corrections, the Department of Juvenile
6839 Justice, the Florida Commission on Offender Review, the State
6840 Courts Administrator and circuit court administrators, the
6841 Department of Law Enforcement, and every sheriff's department,
6842 police department, or other law enforcement agency as defined in
6843 s. 943.10(4) shall develop and implement guidelines for the use
6844 of their respective agencies, which guidelines are consistent
6845 with the purposes of this act and s. 16(b), Art. I of the State
6846 Constitution and are designed to implement s. 16(b), Art. I of
6847 the State Constitution and to achieve the following objectives:

6848 (b) *Information for purposes of notifying victim or*
6849 *appropriate next of kin of victim or other designated contact of*
6850 *victim.*—In the case of a homicide, pursuant to chapter 782; or a
6851 sexual offense, pursuant to chapter 794; or an attempted murder
6852 or sexual offense, pursuant to chapter 777; or stalking,
6853 pursuant to s. 784.048; or domestic violence, pursuant to s.
6854 25.385:

6855 1. The arresting law enforcement officer or personnel of an
6856 organization that provides assistance to a victim or to the
6857 appropriate next of kin of the victim or other designated
6858 contact must request that the victim or appropriate next of kin
6859 of the victim or other designated contact complete a victim
6860 notification card. However, the victim or appropriate next of

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6861 kin of the victim or other designated contact may choose not to
6862 complete the victim notification card.

6863 2. Unless the victim or the appropriate next of kin of the
6864 victim or other designated contact waives the option to complete
6865 the victim notification card, a copy of the victim notification
6866 card must be filed with the incident report or warrant in the
6867 sheriff's office of the jurisdiction in which the incident
6868 report or warrant originated. The notification card shall, at a
6869 minimum, consist of:

6870 a. The name, address, and phone number of the victim; or

6871 b. The name, address, and phone number of the appropriate
6872 next of kin of the victim; or

6873 c. The name, address, and telephone number of a designated
6874 contact other than the victim or appropriate next of kin of the
6875 victim; and

6876 d. Any relevant identification or case numbers assigned to
6877 the case.

6878 3. The chief administrator, or a person designated by the
6879 chief administrator, of a county jail, municipal jail, juvenile
6880 detention facility, or residential commitment facility shall
6881 make a reasonable attempt to notify the alleged victim or
6882 appropriate next of kin of the alleged victim or other
6883 designated contact within 4 hours following the release of the
6884 defendant on bail or, in the case of a juvenile offender, upon
6885 the release from residential detention or commitment. If the
6886 chief administrator, or designee, is unable to contact the
6887 alleged victim or appropriate next of kin of the alleged victim
6888 or other designated contact by telephone, the chief
6889 administrator, or designee, must send to the alleged victim or

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6890 appropriate next of kin of the alleged victim or other
6891 designated contact a written notification of the defendant's
6892 release.

6893 4. Unless otherwise requested by the victim or the
6894 appropriate next of kin of the victim or other designated
6895 contact, the information contained on the victim notification
6896 card must be sent by the chief administrator, or designee, of
6897 the appropriate facility to the subsequent correctional or
6898 residential commitment facility following the sentencing and
6899 incarceration of the defendant, and unless otherwise requested
6900 by the victim or the appropriate next of kin of the victim or
6901 other designated contact, he or she must be notified of the
6902 release of the defendant from incarceration as provided by law.

6903 5. If the defendant was arrested pursuant to a warrant
6904 issued or taken into custody pursuant to s. 985.101 in a
6905 jurisdiction other than the jurisdiction in which the defendant
6906 is being released, and the alleged victim or appropriate next of
6907 kin of the alleged victim or other designated contact does not
6908 waive the option for notification of release, the chief
6909 correctional officer or chief administrator of the facility
6910 releasing the defendant shall make a reasonable attempt to
6911 immediately notify the chief correctional officer of the
6912 jurisdiction in which the warrant was issued or the juvenile was
6913 taken into custody pursuant to s. 985.101, and the chief
6914 correctional officer of that jurisdiction shall make a
6915 reasonable attempt to notify the alleged victim or appropriate
6916 next of kin of the alleged victim or other designated contact,
6917 as provided in this paragraph, that the defendant has been or
6918 will be released.

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6919 Section 108. For the purpose of incorporating the amendment
6920 made by this act to section 784.048, Florida Statutes, in a
6921 reference thereto, paragraph (b) of subsection (3) of section
6922 985.265, Florida Statutes, is reenacted to read:

6923 985.265 Detention transfer and release; education; adult
6924 jails.—

6925 (3)

6926 (b) When a juvenile is released from secure detention or
6927 transferred to nonsecure detention, detention staff shall
6928 immediately notify the appropriate law enforcement agency,
6929 school personnel, and victim if the juvenile is charged with
6930 committing any of the following offenses or attempting to commit
6931 any of the following offenses:

6932 1. Murder, under s. 782.04;

6933 2. Sexual battery, under chapter 794;

6934 3. Stalking, under s. 784.048; or

6935 4. Domestic violence, as defined in s. 741.28.

6936 Section 109. For the purpose of incorporating the amendment
6937 made by this act to section 784.048, Florida Statutes, in a
6938 reference thereto, paragraph (e) of subsection (3) of section
6939 1006.147, Florida Statutes, is reenacted to read:

6940 1006.147 Bullying and harassment prohibited.—

6941 (3) For purposes of this section:

6942 (e) Definitions in s. 815.03 and the definition in s.
6943 784.048(1)(d) relating to stalking are applicable to this
6944 section.

6945 Section 110. For the purpose of incorporating the amendment
6946 made by this act to section 806.13, Florida Statutes, in a
6947 reference thereto, subsection (1) of section 316.0775, Florida

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6948 Statutes, is reenacted to read:

6949 316.0775 Interference with official traffic control devices
6950 or railroad signs or signals.—

6951 (1) A person may not, without lawful authority, attempt to
6952 or in fact alter, deface, injure, knock down, or remove any
6953 official traffic control device or any railroad sign or signal
6954 or any inscription, shield, or insignia thereon, or any other
6955 part thereof. A violation of this subsection is a criminal
6956 violation pursuant to s. 318.17 and shall be punishable as set
6957 forth in s. 806.13 related to criminal mischief and graffiti,
6958 beginning on or after July 1, 2000.

6959 Section 111. For the purpose of incorporating the amendment
6960 made by this act to section 812.014, Florida Statutes, in a
6961 reference thereto, subsection (10) of section 95.18, Florida
6962 Statutes, is reenacted to read:

6963 95.18 Real property actions; adverse possession without
6964 color of title.—

6965 (10) A person who occupies or attempts to occupy a
6966 residential structure solely by claim of adverse possession
6967 under this section and offers the property for lease to another
6968 commits theft under s. 812.014.

6969 Section 112. For the purpose of incorporating the amendment
6970 made by this act to section 812.014, Florida Statutes, in a
6971 reference thereto, paragraph (c) of subsection (3) of section
6972 373.6055, Florida Statutes, is reenacted to read:

6973 373.6055 Criminal history checks for certain water
6974 management district employees and others.—

6975 (3)

6976 (c) In addition to other requirements for employment or

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6977 access established by any water management district pursuant to
6978 its water management district's security plan for buildings,
6979 facilities, and structures, each water management district's
6980 security plan shall provide that:

6981 1. Any person who has within the past 7 years been
6982 convicted, regardless of whether adjudication was withheld, for
6983 a forcible felony as defined in s. 776.08; an act of terrorism
6984 as defined in s. 775.30; planting of a hoax bomb as provided in
6985 s. 790.165; any violation involving the manufacture, possession,
6986 sale, delivery, display, use, or attempted or threatened use of
6987 a weapon of mass destruction or hoax weapon of mass destruction
6988 as provided in s. 790.166; dealing in stolen property; any
6989 violation of s. 893.135; any violation involving the sale,
6990 manufacturing, delivery, or possession with intent to sell,
6991 manufacture, or deliver a controlled substance; burglary;
6992 robbery; any felony violation of s. 812.014; any violation of s.
6993 790.07; any crime an element of which includes use or possession
6994 of a firearm; any conviction for any similar offenses under the
6995 laws of another jurisdiction; or conviction for conspiracy to
6996 commit any of the listed offenses may not be qualified for
6997 initial employment within or authorized regular access to
6998 buildings, facilities, or structures defined in the water
6999 management district's security plan as restricted access areas.

7000 2. Any person who has at any time been convicted of any of
7001 the offenses listed in subparagraph 1. may not be qualified for
7002 initial employment within or authorized regular access to
7003 buildings, facilities, or structures defined in the water
7004 management district's security plan as restricted access areas
7005 unless, after release from incarceration and any supervision

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7006 imposed as a sentence, the person remained free from a
7007 subsequent conviction, regardless of whether adjudication was
7008 withheld, for any of the listed offenses for a period of at
7009 least 7 years prior to the employment or access date under
7010 consideration.

7011 Section 113. For the purpose of incorporating the amendment
7012 made by this act to section 812.014, Florida Statutes, in a
7013 reference thereto, subsection (3) of section 400.9935, Florida
7014 Statutes, is reenacted to read:

7015 400.9935 Clinic responsibilities.—

7016 (3) A charge or reimbursement claim made by or on behalf of
7017 a clinic that is required to be licensed under this part but
7018 that is not so licensed, or that is otherwise operating in
7019 violation of this part, regardless of whether a service is
7020 rendered or whether the charge or reimbursement claim is paid,
7021 is an unlawful charge and is noncompensable and unenforceable. A
7022 person who knowingly makes or causes to be made an unlawful
7023 charge commits theft within the meaning of and punishable as
7024 provided in s. 812.014.

7025 Section 114. For the purpose of incorporating the amendment
7026 made by this act to section 812.014, Florida Statutes, in a
7027 reference thereto, subsection (10) of section 550.6305, Florida
7028 Statutes, is reenacted to read:

7029 550.6305 Intertrack wagering; guest track payments;
7030 accounting rules.—

7031 (10) All races or games conducted at a permitholder's
7032 facility, all broadcasts of such races or games, and all
7033 broadcast rights relating thereto are owned by the permitholder
7034 at whose facility such races or games are conducted and

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7035 constitute the permitholder's property as defined in s.
7036 812.012(4). Transmission, reception of a transmission,
7037 exhibition, use, or other appropriation of such races or games,
7038 broadcasts of such races or games, or broadcast rights relating
7039 thereto without the written consent of the permitholder
7040 constitutes a theft of such property under s. 812.014; and in
7041 addition to the penal sanctions contained in s. 812.014, the
7042 permitholder has the right to avail itself of the civil remedies
7043 specified in ss. 772.104, 772.11, and 812.035 in addition to any
7044 other remedies available under applicable state or federal law.

7045 Section 115. For the purpose of incorporating the amendment
7046 made by this act to section 812.014, Florida Statutes, in a
7047 reference thereto, subsection (2) of section 627.743, Florida
7048 Statutes, is reenacted to read:

7049 627.743 Payment of third-party claims.—

7050 (2) When making any payment on a third party claim for
7051 damage to an automobile for a partial loss, the insurer shall
7052 have printed on the loss estimate, if prepared by the insurer,
7053 the following: "Failure to use the insurance proceeds in
7054 accordance with the security agreement, if any, could be a
7055 violation of s. 812.014, Florida Statutes. If you have any
7056 questions, contact your lending institution." However, this
7057 subsection does not apply if the insurer does not prepare the
7058 loss estimate.

7059 Section 116. For the purpose of incorporating the amendment
7060 made by this act to section 812.014, Florida Statutes, in a
7061 reference thereto, subsection (2) of section 634.421, Florida
7062 Statutes, is reenacted to read:

7063 634.421 Reporting and accounting for funds.—

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7064 (2) Any sales representative who, not being entitled
7065 thereto, diverts or appropriates funds or any portion thereof to
7066 her or his own use commits theft as provided in s. 812.014.

7067 Section 117. For the purpose of incorporating the amendment
7068 made by this act to section 812.014, Florida Statutes, in a
7069 reference thereto, subsection (2) of section 642.038, Florida
7070 Statutes, is reenacted to read:

7071 642.038 Reporting and accounting for funds.—

7072 (2) Any sales representative who, not being entitled
7073 thereto, diverts or appropriates such funds or any portion
7074 thereof to his or her own use commits theft as provided in s.
7075 812.014.

7076 Section 118. For the purpose of incorporating the amendment
7077 made by this act to section 812.014, Florida Statutes, in a
7078 reference thereto, subsection (4) of section 705.102, Florida
7079 Statutes, is reenacted to read:

7080 705.102 Reporting lost or abandoned property.—

7081 (4) Any person who unlawfully appropriates such lost or
7082 abandoned property to his or her own use or refuses to deliver
7083 such property when required commits theft as defined in s.
7084 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
7085 775.084.

7086 Section 119. For the purpose of incorporating the amendment
7087 made by this act to section 812.014, Florida Statutes, in a
7088 reference thereto, subsection (7) of section 812.14, Florida
7089 Statutes, is reenacted to read:

7090 812.14 Trespass and larceny with relation to utility
7091 fixtures; theft of utility services.—

7092 (7) An owner, lessor, or sublessor who willfully violates

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7093 subsection (5) commits a misdemeanor of the first degree,
7094 punishable as provided in s. 775.082 or s. 775.083. Prosecution
7095 for a violation of subsection (5) does not preclude prosecution
7096 for theft pursuant to subsection (8) or s. 812.014.

7097 Section 120. For the purpose of incorporating the amendment
7098 made by this act to section 812.014, Florida Statutes, in a
7099 reference thereto, subsection (3) of section 893.138, Florida
7100 Statutes, is reenacted to read:

7101 893.138 Local administrative action to abate drug-related,
7102 prostitution-related, or stolen-property-related public
7103 nuisances and criminal gang activity.—

7104 (3) Any pain-management clinic, as described in s. 458.3265
7105 or s. 459.0137, which has been used on more than two occasions
7106 within a 6-month period as the site of a violation of:

7107 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
7108 relating to assault and battery;

7109 (b) Section 810.02, relating to burglary;

7110 (c) Section 812.014, relating to theft;

7111 (d) Section 812.131, relating to robbery by sudden
7112 snatching; or

7113 (e) Section 893.13, relating to the unlawful distribution
7114 of controlled substances,

7115
7116 may be declared to be a public nuisance, and such nuisance may
7117 be abated pursuant to the procedures provided in this section.

7118 Section 121. For the purpose of incorporating the amendment
7119 made by this act to section 812.015, Florida Statutes, in a
7120 reference thereto, subsection (5) of section 538.09, Florida
7121 Statutes, is reenacted to read:

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7122 538.09 Registration.—

7123 (5) In addition to the fine provided in subsection (4),
7124 registration under this section may be denied or any
7125 registration granted may be revoked, restricted, or suspended by
7126 the department if the department determines that the applicant
7127 or registrant:

7128 (a) Has violated any provision of this chapter or any rule
7129 or order made pursuant to this chapter;

7130 (b) Has made a material false statement in the application
7131 for registration;

7132 (c) Has been guilty of a fraudulent act in connection with
7133 any purchase or sale or has been or is engaged in or is about to
7134 engage in any practice, purchase, or sale which is fraudulent or
7135 in violation of the law;

7136 (d) Has made a misrepresentation or false statement to, or
7137 concealed any essential or material fact from, any person in
7138 making any purchase or sale;

7139 (e) Is making purchases or sales through any business
7140 associate not registered in compliance with the provisions of
7141 this chapter;

7142 (f) Has, within the preceding 10-year period for new
7143 registrants who apply for registration on or after October 1,
7144 2006, been convicted of, or has entered a plea of guilty or nolo
7145 contendere to, or had adjudication withheld for, a crime against
7146 the laws of this state or any other state or of the United
7147 States which relates to registration as a secondhand dealer or
7148 which involves theft, larceny, dealing in stolen property,
7149 receiving stolen property, burglary, embezzlement, obtaining
7150 property by false pretenses, possession of altered property, any

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7151 felony drug offense, any violation of s. 812.015, or any
7152 fraudulent dealing;

7153 (g) Has had a final judgment entered against her or him in
7154 a civil action upon grounds of fraud, embezzlement,
7155 misrepresentation, or deceit; or

7156 (h) Has failed to pay any sales tax owed to the Department
7157 of Revenue.

7158

7159 In the event the department determines to deny an application or
7160 revoke a registration, it shall enter a final order with its
7161 findings on the register of secondhand dealers and their
7162 business associates, if any; and denial, suspension, or
7163 revocation of the registration of a secondhand dealer shall also
7164 deny, suspend, or revoke the registration of such secondhand
7165 dealer's business associates.

7166 Section 122. For the purpose of incorporating the amendment
7167 made by this act to section 812.015, Florida Statutes, in a
7168 reference thereto, subsection (2) of section 538.23, Florida
7169 Statutes, is reenacted to read:

7170 538.23 Violations and penalties.—

7171 (2) A secondary metals recycler is presumed to know upon
7172 receipt of stolen regulated metals property in a purchase
7173 transaction that the regulated metals property has been stolen
7174 from another if the secondary metals recycler knowingly and
7175 intentionally fails to maintain the information required in s.
7176 538.19 and shall, upon conviction of a violation of s. 812.015,
7177 be punished as provided in s. 812.014(2) or (3).

7178 Section 123. For the purpose of incorporating the amendment
7179 made by this act to section 815.03, Florida Statutes, in a

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7180 reference thereto, paragraph (e) of subsection (3) of section
7181 1006.147, Florida Statutes, is reenacted to read:

7182 1006.147 Bullying and harassment prohibited.—

7183 (3) For purposes of this section:

7184 (e) Definitions in s. 815.03 and the definition in s.
7185 784.048(1)(d) relating to stalking are applicable to this
7186 section.

7187 Section 124. For the purpose of incorporating the amendment
7188 made by this act to section 815.06, Florida Statutes, in a
7189 reference thereto, subsection (2) of section 316.80, Florida
7190 Statutes, is reenacted to read:

7191 316.80 Unlawful conveyance of fuel; obtaining fuel
7192 fraudulently.—

7193 (2) A person who violates subsection (1) commits a felony
7194 of the second degree, punishable as provided in s. 775.082, s.
7195 775.083, or s. 775.084, if he or she has attempted to or has
7196 fraudulently obtained motor or diesel fuel by:

7197 (a) Presenting a credit card or a credit card account
7198 number in violation of ss. 817.57-817.685;

7199 (b) Using unauthorized access to any computer network in
7200 violation of s. 815.06; or

7201 (c) Using a fraudulently scanned or lost or stolen payment
7202 access device, whether credit card or contactless device.

7203 Section 125. For the purpose of incorporating the amendment
7204 made by this act to section 815.06, Florida Statutes, in
7205 references thereto, subsections (1) and (2) of section 775.30,
7206 Florida Statutes, are reenacted to read:

7207 775.30 Terrorism; defined; penalties.—

7208 (1) As used in this chapter and the Florida Criminal Code,

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7209 the terms "terrorism" or "terrorist activity" mean an activity
7210 that:

7211 (a) Involves:

7212 1. A violent act or an act dangerous to human life which is
7213 a violation of the criminal laws of this state or of the United
7214 States; or

7215 2. A violation of s. 815.06; and

7216 (b) Is intended to:

7217 1. Intimidate, injure, or coerce a civilian population;

7218 2. Influence the policy of a government by intimidation or
7219 coercion; or

7220 3. Affect the conduct of government through destruction of
7221 property, assassination, murder, kidnapping, or aircraft piracy.

7222 (2) A person who violates s. 782.04(1)(a)1. or (2), s.

7223 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.

7224 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,

7225 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.

7226 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.

7227 859.01, or s. 876.34, in furtherance of intimidating or coercing

7228 the policy of a government, or in furtherance of affecting the

7229 conduct of a government by mass destruction, assassination, or

7230 kidnapping, commits the crime of terrorism, a felony of the

7231 first degree, punishable as provided in s. 775.082, s. 775.083,

7232 or s. 775.084.

7233 Section 126. For the purpose of incorporating the amendment

7234 made by this act to section 815.06, Florida Statutes, in a

7235 reference thereto, subsection (2) of section 775.33, Florida

7236 Statutes, is reenacted to read:

7237 775.33 Providing material support or resources for

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7238 terrorism or to terrorist organizations.—

7239 (2) A person commits a felony of the first degree,
7240 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
7241 if the person:

7242 (a) Provides material support or resources or conceals or
7243 disguises the nature, location, source, or ownership of the
7244 material support or resources, knowing or intending that the
7245 support or resources are to be used in preparation for or in
7246 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.
7247 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.
7248 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,
7249 s. 876.34, or s. 876.36;

7250 (b) Conceals an escape from the commission of a violation
7251 of paragraph (a); or

7252 (c) Attempts or conspires to commit a violation of
7253 paragraph (a).

7254 Section 127. For the purpose of incorporating the amendment
7255 made by this act to section 815.06, Florida Statutes, in a
7256 reference thereto, subsection (5) of section 782.04, Florida
7257 Statutes, is reenacted to read:

7258 782.04 Murder.—

7259 (5) As used in this section, the term "terrorism" means an
7260 activity that:

7261 (a)1. Involves a violent act or an act dangerous to human
7262 life which is a violation of the criminal laws of this state or
7263 of the United States; or

7264 2. Involves a violation of s. 815.06; and

7265 (b) Is intended to:

7266 1. Intimidate, injure, or coerce a civilian population;

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7267 2. Influence the policy of a government by intimidation or
7268 coercion; or

7269 3. Affect the conduct of government through destruction of
7270 property, assassination, murder, kidnapping, or aircraft piracy.

7271 Section 128. For the purpose of incorporating the amendment
7272 made by this act to section 815.06, Florida Statutes, in a
7273 reference thereto, subsection (3) of section 934.07, Florida
7274 Statutes, is reenacted to read:

7275 934.07 Authorization for interception of wire, oral, or
7276 electronic communications.—

7277 (3) As used in this section, the term "terrorism" means an
7278 activity that:

7279 (a)1. Involves a violent act or an act dangerous to human
7280 life which is a violation of the criminal laws of this state or
7281 of the United States; or

7282 2. Involves a violation of s. 815.06; and

7283 (b) Is intended to:

7284 1. Intimidate, injure, or coerce a civilian population;

7285 2. Influence the policy of a government by intimidation or
7286 coercion; or

7287 3. Affect the conduct of government through destruction of
7288 property, assassination, murder, kidnapping, or aircraft piracy.

7289 Section 129. For the purpose of incorporating the amendment
7290 made by this act to section 847.011, Florida Statutes, in a
7291 reference thereto, paragraph (a) of subsection (1) of section
7292 772.102, Florida Statutes, is reenacted to read:

7293 772.102 Definitions.—As used in this chapter, the term:

7294 (1) "Criminal activity" means to commit, to attempt to
7295 commit, to conspire to commit, or to solicit, coerce, or

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7296 intimidate another person to commit:

7297 (a) Any crime that is chargeable by indictment or
7298 information under the following provisions:

7299 1. Section 210.18, relating to evasion of payment of
7300 cigarette taxes.

7301 2. Section 414.39, relating to public assistance fraud.

7302 3. Section 440.105 or s. 440.106, relating to workers'
7303 compensation.

7304 4. Part IV of chapter 501, relating to telemarketing.

7305 5. Chapter 517, relating to securities transactions.

7306 6. Section 550.235 or s. 550.3551, relating to dogracing
7307 and horseracing.

7308 7. Chapter 550, relating to jai alai frontons.

7309 8. Chapter 552, relating to the manufacture, distribution,
7310 and use of explosives.

7311 9. Chapter 562, relating to beverage law enforcement.

7312 10. Section 624.401, relating to transacting insurance
7313 without a certificate of authority, s. 624.437(4)(c)1., relating
7314 to operating an unauthorized multiple-employer welfare
7315 arrangement, or s. 626.902(1)(b), relating to representing or
7316 aiding an unauthorized insurer.

7317 11. Chapter 687, relating to interest and usurious
7318 practices.

7319 12. Section 721.08, s. 721.09, or s. 721.13, relating to
7320 real estate timeshare plans.

7321 13. Chapter 782, relating to homicide.

7322 14. Chapter 784, relating to assault and battery.

7323 15. Chapter 787, relating to kidnapping or human
7324 trafficking.

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- 7325 16. Chapter 790, relating to weapons and firearms.
- 7326 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
7327 relating to prostitution.
- 7328 18. Chapter 806, relating to arson.
- 7329 19. Section 810.02(2)(c), relating to specified burglary of
7330 a dwelling or structure.
- 7331 20. Chapter 812, relating to theft, robbery, and related
7332 crimes.
- 7333 21. Chapter 815, relating to computer-related crimes.
- 7334 22. Chapter 817, relating to fraudulent practices, false
7335 pretenses, fraud generally, and credit card crimes.
- 7336 23. Section 827.071, relating to commercial sexual
7337 exploitation of children.
- 7338 24. Chapter 831, relating to forgery and counterfeiting.
- 7339 25. Chapter 832, relating to issuance of worthless checks
7340 and drafts.
- 7341 26. Section 836.05, relating to extortion.
- 7342 27. Chapter 837, relating to perjury.
- 7343 28. Chapter 838, relating to bribery and misuse of public
7344 office.
- 7345 29. Chapter 843, relating to obstruction of justice.
- 7346 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
7347 s. 847.07, relating to obscene literature and profanity.
- 7348 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
7349 849.25, relating to gambling.
- 7350 32. Chapter 893, relating to drug abuse prevention and
7351 control.
- 7352 33. Section 914.22 or s. 914.23, relating to witnesses,
7353 victims, or informants.

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7354 34. Section 918.12 or s. 918.13, relating to tampering with
7355 jurors and evidence.

7356 Section 130. For the purpose of incorporating the amendment
7357 made by this act to section 847.011, Florida Statutes, in a
7358 reference thereto, section 847.02, Florida Statutes, is
7359 reenacted to read:

7360 847.02 Confiscation of obscene material.—Whenever anyone is
7361 convicted under s. 847.011, the court in awarding sentence shall
7362 make an order confiscating said obscene material and authorize
7363 the sheriff of the county in which the material is held to
7364 destroy the same. The sheriff shall file with the court a
7365 certificate of his or her compliance.

7366 Section 131. For the purpose of incorporating the amendment
7367 made by this act to section 847.011, Florida Statutes, in a
7368 reference thereto, section 847.03, Florida Statutes, is
7369 reenacted to read:

7370 847.03 Officer to seize obscene material.—Whenever any
7371 officer arrests any person charged with any offense under s.
7372 847.011, the officer shall seize said obscene material and take
7373 the same into his or her custody to await the sentence of the
7374 court upon the trial of the offender.

7375 Section 132. For the purpose of incorporating the amendment
7376 made by this act to section 847.011, Florida Statutes, in a
7377 reference thereto, subsection (2) of section 847.09, Florida
7378 Statutes, is reenacted to read:

7379 847.09 Legislative intent.—

7380 (2) Nothing in ss. 847.07-847.09 shall be construed to
7381 repeal or in any way supersede the provisions of s. 847.011, s.
7382 847.012, or s. 847.013.

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7383 Section 133. For the purpose of incorporating the amendment
7384 made by this act to section 847.011, Florida Statutes, in a
7385 reference thereto, paragraph (a) of subsection (8) of section
7386 895.02, Florida Statutes, is reenacted to read:

7387 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

7388 (8) "Racketeering activity" means to commit, to attempt to
7389 commit, to conspire to commit, or to solicit, coerce, or
7390 intimidate another person to commit:

7391 (a) Any crime that is chargeable by petition, indictment,
7392 or information under the following provisions of the Florida
7393 Statutes:

7394 1. Section 210.18, relating to evasion of payment of
7395 cigarette taxes.

7396 2. Section 316.1935, relating to fleeing or attempting to
7397 elude a law enforcement officer and aggravated fleeing or
7398 eluding.

7399 3. Section 403.727(3)(b), relating to environmental
7400 control.

7401 4. Section 409.920 or s. 409.9201, relating to Medicaid
7402 fraud.

7403 5. Section 414.39, relating to public assistance fraud.

7404 6. Section 440.105 or s. 440.106, relating to workers'
7405 compensation.

7406 7. Section 443.071(4), relating to creation of a fictitious
7407 employer scheme to commit reemployment assistance fraud.

7408 8. Section 465.0161, relating to distribution of medicinal
7409 drugs without a permit as an Internet pharmacy.

7410 9. Section 499.0051, relating to crimes involving
7411 contraband, adulterated, or misbranded drugs.

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- 7412 10. Part IV of chapter 501, relating to telemarketing.
- 7413 11. Chapter 517, relating to sale of securities and
7414 investor protection.
- 7415 12. Section 550.235 or s. 550.3551, relating to dogracing
7416 and horseracing.
- 7417 13. Chapter 550, relating to jai alai frontons.
- 7418 14. Section 551.109, relating to slot machine gaming.
- 7419 15. Chapter 552, relating to the manufacture, distribution,
7420 and use of explosives.
- 7421 16. Chapter 560, relating to money transmitters, if the
7422 violation is punishable as a felony.
- 7423 17. Chapter 562, relating to beverage law enforcement.
- 7424 18. Section 624.401, relating to transacting insurance
7425 without a certificate of authority, s. 624.437(4)(c)1., relating
7426 to operating an unauthorized multiple-employer welfare
7427 arrangement, or s. 626.902(1)(b), relating to representing or
7428 aiding an unauthorized insurer.
- 7429 19. Section 655.50, relating to reports of currency
7430 transactions, when such violation is punishable as a felony.
- 7431 20. Chapter 687, relating to interest and usurious
7432 practices.
- 7433 21. Section 721.08, s. 721.09, or s. 721.13, relating to
7434 real estate timeshare plans.
- 7435 22. Section 775.13(5)(b), relating to registration of
7436 persons found to have committed any offense for the purpose of
7437 benefiting, promoting, or furthering the interests of a criminal
7438 gang.
- 7439 23. Section 777.03, relating to commission of crimes by
7440 accessories after the fact.

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- 7441 24. Chapter 782, relating to homicide.
- 7442 25. Chapter 784, relating to assault and battery.
- 7443 26. Chapter 787, relating to kidnapping or human
7444 trafficking.
- 7445 27. Chapter 790, relating to weapons and firearms.
- 7446 28. Chapter 794, relating to sexual battery, but only if
7447 such crime was committed with the intent to benefit, promote, or
7448 further the interests of a criminal gang, or for the purpose of
7449 increasing a criminal gang member's own standing or position
7450 within a criminal gang.
- 7451 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
7452 796.05, or s. 796.07, relating to prostitution.
- 7453 30. Chapter 806, relating to arson and criminal mischief.
- 7454 31. Chapter 810, relating to burglary and trespass.
- 7455 32. Chapter 812, relating to theft, robbery, and related
7456 crimes.
- 7457 33. Chapter 815, relating to computer-related crimes.
- 7458 34. Chapter 817, relating to fraudulent practices, false
7459 pretenses, fraud generally, credit card crimes, and patient
7460 brokering.
- 7461 35. Chapter 825, relating to abuse, neglect, or
7462 exploitation of an elderly person or disabled adult.
- 7463 36. Section 827.071, relating to commercial sexual
7464 exploitation of children.
- 7465 37. Section 828.122, relating to fighting or baiting
7466 animals.
- 7467 38. Chapter 831, relating to forgery and counterfeiting.
- 7468 39. Chapter 832, relating to issuance of worthless checks
7469 and drafts.

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- 7470 40. Section 836.05, relating to extortion.
- 7471 41. Chapter 837, relating to perjury.
- 7472 42. Chapter 838, relating to bribery and misuse of public
7473 office.
- 7474 43. Chapter 843, relating to obstruction of justice.
- 7475 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
7476 s. 847.07, relating to obscene literature and profanity.
- 7477 45. Chapter 849, relating to gambling, lottery, gambling or
7478 gaming devices, slot machines, or any of the provisions within
7479 that chapter.
- 7480 46. Chapter 874, relating to criminal gangs.
- 7481 47. Chapter 893, relating to drug abuse prevention and
7482 control.
- 7483 48. Chapter 896, relating to offenses related to financial
7484 transactions.
- 7485 49. Sections 914.22 and 914.23, relating to tampering with
7486 or harassing a witness, victim, or informant, and retaliation
7487 against a witness, victim, or informant.
- 7488 50. Sections 918.12 and 918.13, relating to tampering with
7489 jurors and evidence.
- 7490 Section 134. For the purpose of incorporating the amendment
7491 made by this act to section 847.011, Florida Statutes, in a
7492 reference thereto, subsection (2) of section 933.02, Florida
7493 Statutes, is reenacted to read:
- 7494 933.02 Grounds for issuance of search warrant.—Upon proper
7495 affidavits being made, a search warrant may be issued under the
7496 provisions of this chapter upon any of the following grounds:
- 7497 (2) When any property shall have been used:
- 7498 (a) As a means to commit any crime;

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7499 (b) In connection with gambling, gambling implements and
7500 appliances; or

7501 (c) In violation of s. 847.011 or other laws in reference
7502 to obscene prints and literature;

7503

7504 This section also applies to any papers or documents used as a
7505 means of or in aid of the commission of any offense against the
7506 laws of the state.

7507 Section 135. For the purpose of incorporating the amendment
7508 made by this act to section 847.011, Florida Statutes, in a
7509 reference thereto, section 933.03, Florida Statutes, is
7510 reenacted to read:

7511 933.03 Destruction of obscene prints and literature.—All
7512 obscene prints and literature, or other things mentioned in s.
7513 847.011 found by an officer in executing a search warrant, or
7514 produced or brought into court, shall be safely kept so long as
7515 is necessary for the purpose of being used as evidence in any
7516 case, and as soon as may be afterwards, shall be destroyed by
7517 order of the court before whom the case is brought.

7518 Section 136. For the purpose of incorporating the amendment
7519 made by this act to section 847.011, Florida Statutes, in a
7520 reference thereto, paragraph (g) of subsection (2) of section
7521 943.325, Florida Statutes, is reenacted to read:

7522 943.325 DNA database.—

7523 (2) DEFINITIONS.—As used in this section, the term:

7524 (g) "Qualifying offender" means any person, including
7525 juveniles and adults, who is:

7526 1.a. Committed to a county jail;

7527 b. Committed to or under the supervision of the Department

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7528 of Corrections, including persons incarcerated in a private
7529 correctional institution operated under contract pursuant to s.
7530 944.105;

7531 c. Committed to or under the supervision of the Department
7532 of Juvenile Justice;

7533 d. Transferred to this state under the Interstate Compact
7534 on Juveniles, part XIII of chapter 985; or

7535 e. Accepted under Article IV of the Interstate Corrections
7536 Compact, part III of chapter 941; and who is:

7537 2.a. Convicted of any felony offense or attempted felony
7538 offense in this state or of a similar offense in another
7539 jurisdiction;

7540 b. Convicted of a misdemeanor violation of s. 784.048, s.
7541 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
7542 offense that was found, pursuant to s. 874.04, to have been
7543 committed for the purpose of benefiting, promoting, or
7544 furthering the interests of a criminal gang as defined in s.
7545 874.03; or

7546 c. Arrested for any felony offense or attempted felony
7547 offense in this state.

7548 Section 137. For the purpose of incorporating the amendment
7549 made by this act to section 849.01, Florida Statutes, in a
7550 reference thereto, section 849.02, Florida Statutes, is
7551 reenacted to read:

7552 849.02 Agents or employees of keeper of gambling house.—
7553 Whoever acts as servant, clerk, agent, or employee of any person
7554 in the violation of s. 849.01 shall be punished in the manner
7555 and to the extent therein mentioned.

7556 Section 138. For the purpose of incorporating the amendment

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7557 made by this act to section 893.135, Florida Statutes, in a
7558 reference thereto, paragraph (c) of subsection (3) of section
7559 373.6055, Florida Statutes, is reenacted to read:

7560 373.6055 Criminal history checks for certain water
7561 management district employees and others.—

7562 (3)

7563 (c) In addition to other requirements for employment or
7564 access established by any water management district pursuant to
7565 its water management district's security plan for buildings,
7566 facilities, and structures, each water management district's
7567 security plan shall provide that:

7568 1. Any person who has within the past 7 years been
7569 convicted, regardless of whether adjudication was withheld, for
7570 a forcible felony as defined in s. 776.08; an act of terrorism
7571 as defined in s. 775.30; planting of a hoax bomb as provided in
7572 s. 790.165; any violation involving the manufacture, possession,
7573 sale, delivery, display, use, or attempted or threatened use of
7574 a weapon of mass destruction or hoax weapon of mass destruction
7575 as provided in s. 790.166; dealing in stolen property; any
7576 violation of s. 893.135; any violation involving the sale,
7577 manufacturing, delivery, or possession with intent to sell,
7578 manufacture, or deliver a controlled substance; burglary;
7579 robbery; any felony violation of s. 812.014; any violation of s.
7580 790.07; any crime an element of which includes use or possession
7581 of a firearm; any conviction for any similar offenses under the
7582 laws of another jurisdiction; or conviction for conspiracy to
7583 commit any of the listed offenses may not be qualified for
7584 initial employment within or authorized regular access to
7585 buildings, facilities, or structures defined in the water

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7586 management district's security plan as restricted access areas.

7587 2. Any person who has at any time been convicted of any of
7588 the offenses listed in subparagraph 1. may not be qualified for
7589 initial employment within or authorized regular access to
7590 buildings, facilities, or structures defined in the water
7591 management district's security plan as restricted access areas
7592 unless, after release from incarceration and any supervision
7593 imposed as a sentence, the person remained free from a
7594 subsequent conviction, regardless of whether adjudication was
7595 withheld, for any of the listed offenses for a period of at
7596 least 7 years prior to the employment or access date under
7597 consideration.

7598 Section 139. For the purpose of incorporating the amendment
7599 made by this act to section 893.135, Florida Statutes, in a
7600 reference thereto, subsection (6) of section 397.4073, Florida
7601 Statutes, is reenacted to read:

7602 397.4073 Background checks of service provider personnel.—

7603 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State
7604 funds may not be disseminated to any service provider owned or
7605 operated by an owner, director, or chief financial officer who
7606 has been convicted of, has entered a plea of guilty or nolo
7607 contendere to, or has had adjudication withheld for, a violation
7608 of s. 893.135 pertaining to trafficking in controlled
7609 substances, or a violation of the law of another state, the
7610 District of Columbia, the United States or any possession or
7611 territory thereof, or any foreign jurisdiction which is
7612 substantially similar in elements and penalties to a trafficking
7613 offense in this state, unless the owner's or director's civil
7614 rights have been restored.

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7615 Section 140. For the purpose of incorporating the amendment
7616 made by this act to section 893.135, Florida Statutes, in a
7617 reference thereto, subsection (1) of section 414.095, Florida
7618 Statutes, is reenacted to read:

7619 414.095 Determining eligibility for temporary cash
7620 assistance.—

7621 (1) ELIGIBILITY.—An applicant must meet eligibility
7622 requirements of this section before receiving services or
7623 temporary cash assistance under this chapter, except that an
7624 applicant shall be required to register for work and engage in
7625 work activities in accordance with s. 445.024, as designated by
7626 the local workforce development board, and may receive support
7627 services or child care assistance in conjunction with such
7628 requirement. The department shall make a determination of
7629 eligibility based on the criteria listed in this chapter. The
7630 department shall monitor continued eligibility for temporary
7631 cash assistance through periodic reviews consistent with the
7632 food assistance eligibility process. Benefits may not be denied
7633 to an individual solely based on a felony drug conviction,
7634 unless the conviction is for trafficking pursuant to s. 893.135.
7635 To be eligible under this section, an individual convicted of a
7636 drug felony must be satisfactorily meeting the requirements of
7637 the temporary cash assistance program, including all substance
7638 abuse treatment requirements. Within the limits specified in
7639 this chapter, the state opts out of the provision of Pub. L. No.
7640 104-193, s. 115, that eliminates eligibility for temporary cash
7641 assistance and food assistance for any individual convicted of a
7642 controlled substance felony.

7643 Section 141. For the purpose of incorporating the amendment

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7644 made by this act to section 893.135, Florida Statutes, in a
7645 reference thereto, subsection (2) of section 772.12, Florida
7646 Statutes, is reenacted to read:

7647 772.12 Drug Dealer Liability Act.—

7648 (2) A person, including any governmental entity, has a
7649 cause of action for threefold the actual damages sustained and
7650 is entitled to minimum damages in the amount of \$1,000 and
7651 reasonable attorney's fees and court costs in the trial and
7652 appellate courts, if the person proves by the greater weight of
7653 the evidence that:

7654 (a) The person was injured because of the defendant's
7655 actions that resulted in the defendant's conviction for:

- 7656 1. A violation of s. 893.13, except for a violation of s.
7657 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or
7658 2. A violation of s. 893.135; and

7659 (b) The person was not injured by reason of his or her
7660 participation in the same act or transaction that resulted in
7661 the defendant's conviction for any offense described in
7662 subparagraph (a)1.

7663 Section 142. For the purpose of incorporating the amendment
7664 made by this act to section 893.135, Florida Statutes, in
7665 references thereto, paragraph (a) of subsection (2) and
7666 paragraph (a) of subsection (3) of section 775.087, Florida
7667 Statutes, are reenacted to read:

7668 775.087 Possession or use of weapon; aggravated battery;
7669 felony reclassification; minimum sentence.—

7670 (2)(a)1. Any person who is convicted of a felony or an
7671 attempt to commit a felony, regardless of whether the use of a
7672 weapon is an element of the felony, and the conviction was for:

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7673 a. Murder;

7674 b. Sexual battery;

7675 c. Robbery;

7676 d. Burglary;

7677 e. Arson;

7678 f. Aggravated battery;

7679 g. Kidnapping;

7680 h. Escape;

7681 i. Aircraft piracy;

7682 j. Aggravated child abuse;

7683 k. Aggravated abuse of an elderly person or disabled adult;

7684 l. Unlawful throwing, placing, or discharging of a

7685 destructive device or bomb;

7686 m. Carjacking;

7687 n. Home-invasion robbery;

7688 o. Aggravated stalking;

7689 p. Trafficking in cannabis, trafficking in cocaine, capital

7690 importation of cocaine, trafficking in illegal drugs, capital

7691 importation of illegal drugs, trafficking in phencyclidine,

7692 capital importation of phencyclidine, trafficking in

7693 methaqualone, capital importation of methaqualone, trafficking

7694 in amphetamine, capital importation of amphetamine, trafficking

7695 in flunitrazepam, trafficking in gamma-hydroxybutyric acid

7696 (GHB), trafficking in 1,4-Butanediol, trafficking in

7697 Phenethylamines, or other violation of s. 893.135(1); or

7698 q. Possession of a firearm by a felon

7699

7700 and during the commission of the offense, such person actually

7701 possessed a "firearm" or "destructive device" as those terms are

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7702 defined in s. 790.001, shall be sentenced to a minimum term of
7703 imprisonment of 10 years, except that a person who is convicted
7704 for possession of a firearm by a felon or burglary of a
7705 conveyance shall be sentenced to a minimum term of imprisonment
7706 of 3 years if such person possessed a "firearm" or "destructive
7707 device" during the commission of the offense. However, if an
7708 offender who is convicted of the offense of possession of a
7709 firearm by a felon has a previous conviction of committing or
7710 attempting to commit a felony listed in s. 775.084(1)(b)1. and
7711 actually possessed a firearm or destructive device during the
7712 commission of the prior felony, the offender shall be sentenced
7713 to a minimum term of imprisonment of 10 years.

7714 2. Any person who is convicted of a felony or an attempt to
7715 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
7716 regardless of whether the use of a weapon is an element of the
7717 felony, and during the course of the commission of the felony
7718 such person discharged a "firearm" or "destructive device" as
7719 defined in s. 790.001 shall be sentenced to a minimum term of
7720 imprisonment of 20 years.

7721 3. Any person who is convicted of a felony or an attempt to
7722 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
7723 regardless of whether the use of a weapon is an element of the
7724 felony, and during the course of the commission of the felony
7725 such person discharged a "firearm" or "destructive device" as
7726 defined in s. 790.001 and, as the result of the discharge, death
7727 or great bodily harm was inflicted upon any person, the
7728 convicted person shall be sentenced to a minimum term of
7729 imprisonment of not less than 25 years and not more than a term
7730 of imprisonment of life in prison.

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7731 (3) (a) 1. Any person who is convicted of a felony or an
7732 attempt to commit a felony, regardless of whether the use of a
7733 firearm is an element of the felony, and the conviction was for:

- 7734 a. Murder;
- 7735 b. Sexual battery;
- 7736 c. Robbery;
- 7737 d. Burglary;
- 7738 e. Arson;
- 7739 f. Aggravated battery;
- 7740 g. Kidnapping;
- 7741 h. Escape;
- 7742 i. Sale, manufacture, delivery, or intent to sell,
7743 manufacture, or deliver any controlled substance;
- 7744 j. Aircraft piracy;
- 7745 k. Aggravated child abuse;
- 7746 l. Aggravated abuse of an elderly person or disabled adult;
- 7747 m. Unlawful throwing, placing, or discharging of a
7748 destructive device or bomb;
- 7749 n. Carjacking;
- 7750 o. Home-invasion robbery;
- 7751 p. Aggravated stalking; or
- 7752 q. Trafficking in cannabis, trafficking in cocaine, capital
7753 importation of cocaine, trafficking in illegal drugs, capital
7754 importation of illegal drugs, trafficking in phencyclidine,
7755 capital importation of phencyclidine, trafficking in
7756 methaqualone, capital importation of methaqualone, trafficking
7757 in amphetamine, capital importation of amphetamine, trafficking
7758 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
7759 (GHB), trafficking in 1,4-Butanediol, trafficking in

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7760 Phenethylamines, or other violation of s. 893.135(1);

7761

7762 and during the commission of the offense, such person possessed
7763 a semiautomatic firearm and its high-capacity detachable box
7764 magazine or a machine gun as defined in s. 790.001, shall be
7765 sentenced to a minimum term of imprisonment of 15 years.

7766 2. Any person who is convicted of a felony or an attempt to
7767 commit a felony listed in subparagraph (a)1., regardless of
7768 whether the use of a weapon is an element of the felony, and
7769 during the course of the commission of the felony such person
7770 discharged a semiautomatic firearm and its high-capacity box
7771 magazine or a "machine gun" as defined in s. 790.001 shall be
7772 sentenced to a minimum term of imprisonment of 20 years.

7773 3. Any person who is convicted of a felony or an attempt to
7774 commit a felony listed in subparagraph (a)1., regardless of
7775 whether the use of a weapon is an element of the felony, and
7776 during the course of the commission of the felony such person
7777 discharged a semiautomatic firearm and its high-capacity box
7778 magazine or a "machine gun" as defined in s. 790.001 and, as the
7779 result of the discharge, death or great bodily harm was
7780 inflicted upon any person, the convicted person shall be
7781 sentenced to a minimum term of imprisonment of not less than 25
7782 years and not more than a term of imprisonment of life in
7783 prison.

7784 Section 143. For the purpose of incorporating the amendment
7785 made by this act to section 893.135, Florida Statutes, in
7786 references thereto, paragraph (a) of subsection (1) and
7787 subsections (3) and (4) of section 782.04, Florida Statutes, are
7788 reenacted to read:

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7789 782.04 Murder.—

7790 (1)(a) The unlawful killing of a human being:

7791 1. When perpetrated from a premeditated design to effect

7792 the death of the person killed or any human being;

7793 2. When committed by a person engaged in the perpetration

7794 of, or in the attempt to perpetrate, any:

7795 a. Trafficking offense prohibited by s. 893.135(1),

7796 b. Arson,

7797 c. Sexual battery,

7798 d. Robbery,

7799 e. Burglary,

7800 f. Kidnapping,

7801 g. Escape,

7802 h. Aggravated child abuse,

7803 i. Aggravated abuse of an elderly person or disabled adult,

7804 j. Aircraft piracy,

7805 k. Unlawful throwing, placing, or discharging of a

7806 destructive device or bomb,

7807 l. Carjacking,

7808 m. Home-invasion robbery,

7809 n. Aggravated stalking,

7810 o. Murder of another human being,

7811 p. Resisting an officer with violence to his or her person,

7812 q. Aggravated fleeing or eluding with serious bodily injury

7813 or death,

7814 r. Felony that is an act of terrorism or is in furtherance

7815 of an act of terrorism, including a felony under s. 775.30, s.

7816 775.32, s. 775.33, s. 775.34, or s. 775.35, or

7817 s. Human trafficking; or

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7818 3. Which resulted from the unlawful distribution by a
7819 person 18 years of age or older of any of the following
7820 substances, or mixture containing any of the following
7821 substances, when such substance or mixture is proven to be the
7822 proximate cause of the death of the user:

- 7823 a. A substance controlled under s. 893.03(1);
- 7824 b. Cocaine, as described in s. 893.03(2)(a)4.;
- 7825 c. Opium or any synthetic or natural salt, compound,
7826 derivative, or preparation of opium;
- 7827 d. Methadone;
- 7828 e. Alfentanil, as described in s. 893.03(2)(b)1.;
- 7829 f. Carfentanil, as described in s. 893.03(2)(b)6.;
- 7830 g. Fentanyl, as described in s. 893.03(2)(b)9.;
- 7831 h. Sufentanil, as described in s. 893.03(2)(b)30.; or
- 7832 i. A controlled substance analog, as described in s.
7833 893.0356, of any substance specified in sub-subparagraphs a.-h.,
7834

7835 is murder in the first degree and constitutes a capital felony,
7836 punishable as provided in s. 775.082.

7837 (3) When a human being is killed during the perpetration
7838 of, or during the attempt to perpetrate, any:

- 7839 (a) Trafficking offense prohibited by s. 893.135(1),
- 7840 (b) Arson,
- 7841 (c) Sexual battery,
- 7842 (d) Robbery,
- 7843 (e) Burglary,
- 7844 (f) Kidnapping,
- 7845 (g) Escape,
- 7846 (h) Aggravated child abuse,

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- 7847 (i) Aggravated abuse of an elderly person or disabled
7848 adult,
- 7849 (j) Aircraft piracy,
- 7850 (k) Unlawful throwing, placing, or discharging of a
7851 destructive device or bomb,
- 7852 (l) Carjacking,
- 7853 (m) Home-invasion robbery,
- 7854 (n) Aggravated stalking,
- 7855 (o) Murder of another human being,
- 7856 (p) Aggravated fleeing or eluding with serious bodily
7857 injury or death,
- 7858 (q) Resisting an officer with violence to his or her
7859 person, or
- 7860 (r) Felony that is an act of terrorism or is in furtherance
7861 of an act of terrorism, including a felony under s. 775.30, s.
7862 775.32, s. 775.33, s. 775.34, or s. 775.35,
7863
7864 by a person other than the person engaged in the perpetration of
7865 or in the attempt to perpetrate such felony, the person
7866 perpetrating or attempting to perpetrate such felony commits
7867 murder in the second degree, which constitutes a felony of the
7868 first degree, punishable by imprisonment for a term of years not
7869 exceeding life or as provided in s. 775.082, s. 775.083, or s.
7870 775.084.
- 7871 (4) The unlawful killing of a human being, when perpetrated
7872 without any design to effect death, by a person engaged in the
7873 perpetration of, or in the attempt to perpetrate, any felony
7874 other than any:
- 7875 (a) Trafficking offense prohibited by s. 893.135(1),

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7876 (b) Arson,
7877 (c) Sexual battery,
7878 (d) Robbery,
7879 (e) Burglary,
7880 (f) Kidnapping,
7881 (g) Escape,
7882 (h) Aggravated child abuse,
7883 (i) Aggravated abuse of an elderly person or disabled
7884 adult,
7885 (j) Aircraft piracy,
7886 (k) Unlawful throwing, placing, or discharging of a
7887 destructive device or bomb,
7888 (l) Unlawful distribution of any substance controlled under
7889 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
7890 opium or any synthetic or natural salt, compound, derivative, or
7891 preparation of opium by a person 18 years of age or older, when
7892 such drug is proven to be the proximate cause of the death of
7893 the user,
7894 (m) Carjacking,
7895 (n) Home-invasion robbery,
7896 (o) Aggravated stalking,
7897 (p) Murder of another human being,
7898 (q) Aggravated fleeing or eluding with serious bodily
7899 injury or death,
7900 (r) Resisting an officer with violence to his or her
7901 person, or
7902 (s) Felony that is an act of terrorism or is in furtherance
7903 of an act of terrorism, including a felony under s. 775.30, s.
7904 775.32, s. 775.33, s. 775.34, or s. 775.35,

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is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 144. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (3) of section 810.02, Florida Statutes, is reenacted to read:

810.02 Burglary.—

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

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

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

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

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

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

(f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for burglary with the intent to commit theft of a

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7934 controlled substance under this paragraph and for any applicable
7935 possession of controlled substance offense under s. 893.13 or
7936 trafficking in controlled substance offense under s. 893.135 may
7937 be imposed when all such offenses involve the same amount or
7938 amounts of a controlled substance.

7939

7940 However, if the burglary is committed within a county that is
7941 subject to a state of emergency declared by the Governor under
7942 chapter 252 after the declaration of emergency is made and the
7943 perpetration of the burglary is facilitated by conditions
7944 arising from the emergency, the burglary is a felony of the
7945 first degree, punishable as provided in s. 775.082, s. 775.083,
7946 or s. 775.084. As used in this subsection, the term "conditions
7947 arising from the emergency" means civil unrest, power outages,
7948 curfews, voluntary or mandatory evacuations, or a reduction in
7949 the presence of or response time for first responders or
7950 homeland security personnel. A person arrested for committing a
7951 burglary within a county that is subject to such a state of
7952 emergency may not be released until the person appears before a
7953 committing magistrate at a first appearance hearing. For
7954 purposes of sentencing under chapter 921, a felony offense that
7955 is reclassified under this subsection is ranked one level above
7956 the ranking under s. 921.0022 or s. 921.0023 of the offense
7957 committed.

7958 Section 145. For the purpose of incorporating the amendment
7959 made by this act to section 893.135, Florida Statutes, in a
7960 reference thereto, paragraph (d) of subsection (8) of section
7961 893.13, Florida Statutes, is reenacted to read:

7962 893.13 Prohibited acts; penalties.—

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7963 (8)

7964 (d) Notwithstanding paragraph (c), if a prescribing
7965 practitioner has violated paragraph (a) and received \$1,000 or
7966 more in payment for writing one or more prescriptions or, in the
7967 case of a prescription written for a controlled substance
7968 described in s. 893.135, has written one or more prescriptions
7969 for a quantity of a controlled substance which, individually or
7970 in the aggregate, meets the threshold for the offense of
7971 trafficking in a controlled substance under s. 893.135, the
7972 violation is reclassified as a felony of the second degree and
7973 ranked in level 4 of the Criminal Punishment Code.

7974 Section 146. For the purpose of incorporating the amendment
7975 made by this act to section 893.135, Florida Statutes, in
7976 references thereto, subsections (1) and (2) of section 893.1351,
7977 Florida Statutes, are reenacted to read:

7978 893.1351 Ownership, lease, rental, or possession for
7979 trafficking in or manufacturing a controlled substance.—

7980 (1) A person may not own, lease, or rent any place,
7981 structure, or part thereof, trailer, or other conveyance with
7982 the knowledge that the place, structure, trailer, or conveyance
7983 will be used for the purpose of trafficking in a controlled
7984 substance, as provided in s. 893.135; for the sale of a
7985 controlled substance, as provided in s. 893.13; or for the
7986 manufacture of a controlled substance intended for sale or
7987 distribution to another. A person who violates this subsection
7988 commits a felony of the third degree, punishable as provided in
7989 s. 775.082, s. 775.083, or s. 775.084.

7990 (2) A person may not knowingly be in actual or constructive
7991 possession of any place, structure, or part thereof, trailer, or

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7992 other conveyance with the knowledge that the place, structure,
7993 or part thereof, trailer, or conveyance will be used for the
7994 purpose of trafficking in a controlled substance, as provided in
7995 s. 893.135; for the sale of a controlled substance, as provided
7996 in s. 893.13; or for the manufacture of a controlled substance
7997 intended for sale or distribution to another. A person who
7998 violates this subsection commits a felony of the second degree,
7999 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

8000 Section 147. For the purpose of incorporating the amendment
8001 made by this act to section 893.135, Florida Statutes, in a
8002 reference thereto, paragraph (e) of subsection (3) of section
8003 900.05, Florida Statutes, is reenacted to read:

8004 900.05 Criminal justice data collection.—

8005 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,
8006 2019, an entity required to collect data in accordance with this
8007 subsection shall collect the specified data required of the
8008 entity on a biweekly basis. Each entity shall report the data
8009 collected in accordance with this subsection to the Department
8010 of Law Enforcement on a monthly basis.

8011 (e) *Department of Corrections.*—The Department of
8012 Corrections shall collect the following data:

8013 1. Information related to each inmate, including:

8014 a. Identifying information, including name, date of birth,
8015 race or ethnicity, and identification number assigned by the
8016 department.

8017 b. Number of children.

8018 c. Education level, including any vocational training.

8019 d. Date the inmate was admitted to the custody of the
8020 department.

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- 8021 e. Current institution placement and the security level
8022 assigned to the institution.
- 8023 f. Custody level assignment.
- 8024 g. Qualification for a flag designation as defined in this
8025 section, including sexual offender flag, habitual offender flag,
8026 gang affiliation flag, or concurrent or consecutive sentence
8027 flag.
- 8028 h. County that committed the prisoner to the custody of the
8029 department.
- 8030 i. Whether the reason for admission to the department is
8031 for a new conviction or a violation of probation, community
8032 control, or parole. For an admission for a probation, community
8033 control, or parole violation, the department shall report
8034 whether the violation was technical or based on a new violation
8035 of law.
- 8036 j. Specific statutory citation for which the inmate was
8037 committed to the department, including, for an inmate convicted
8038 of drug trafficking under s. 893.135, the statutory citation for
8039 each specific drug trafficked.
- 8040 k. Length of sentence or concurrent or consecutive
8041 sentences served.
- 8042 l. Tentative release date.
- 8043 m. Gain time earned in accordance with s. 944.275.
- 8044 n. Prior incarceration within the state.
- 8045 o. Disciplinary violation and action.
- 8046 p. Participation in rehabilitative or educational programs
8047 while in the custody of the department.
- 8048 2. Information about each state correctional institution or
8049 facility, including:

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- 8050 a. Budget for each state correctional institution or
8051 facility.
- 8052 b. Daily prison population of all inmates incarcerated in a
8053 state correctional institution or facility.
- 8054 c. Daily number of correctional officers for each state
8055 correctional institution or facility.
- 8056 3. Information related to persons supervised by the
8057 department on probation or community control, including:
- 8058 a. Identifying information for each person supervised by
8059 the department on probation or community control, including his
8060 or her name, date of birth, race or ethnicity, sex, and
8061 department-assigned case number.
- 8062 b. Length of probation or community control sentence
8063 imposed and amount of time that has been served on such
8064 sentence.
- 8065 c. Projected termination date for probation or community
8066 control.
- 8067 d. Revocation of probation or community control due to a
8068 violation, including whether the revocation is due to a
8069 technical violation of the conditions of supervision or from the
8070 commission of a new law violation.
- 8071 4. Per diem rates for:
- 8072 a. Prison bed.
- 8073 b. Probation.
- 8074 c. Community control.
- 8075
- 8076 This information only needs to be reported once annually at the
8077 time the most recent per diem rate is published.
- 8078 Section 148. For the purpose of incorporating the amendment

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8079 made by this act to section 893.135, Florida Statutes, in a
8080 reference thereto, section 903.133, Florida Statutes, is
8081 reenacted to read:

8082 903.133 Bail on appeal; prohibited for certain felony
8083 convictions.—Notwithstanding the provisions of s. 903.132, no
8084 person adjudged guilty of a felony of the first degree for a
8085 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
8086 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
8087 violation of s. 794.011(2) or (3), shall be admitted to bail
8088 pending review either by posttrial motion or appeal.

8089 Section 149. For the purpose of incorporating the amendment
8090 made by this act to section 893.135, Florida Statutes, in a
8091 reference thereto, paragraph (c) of subsection (4) of section
8092 907.041, Florida Statutes, is reenacted to read:

8093 907.041 Pretrial detention and release.—

8094 (4) PRETRIAL DETENTION.—

8095 (c) The court may order pretrial detention if it finds a
8096 substantial probability, based on a defendant's past and present
8097 patterns of behavior, the criteria in s. 903.046, and any other
8098 relevant facts, that any of the following circumstances exist:

8099 1. The defendant has previously violated conditions of
8100 release and that no further conditions of release are reasonably
8101 likely to assure the defendant's appearance at subsequent
8102 proceedings;

8103 2. The defendant, with the intent to obstruct the judicial
8104 process, has threatened, intimidated, or injured any victim,
8105 potential witness, juror, or judicial officer, or has attempted
8106 or conspired to do so, and that no condition of release will
8107 reasonably prevent the obstruction of the judicial process;

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8108 3. The defendant is charged with trafficking in controlled
8109 substances as defined by s. 893.135, that there is a substantial
8110 probability that the defendant has committed the offense, and
8111 that no conditions of release will reasonably assure the
8112 defendant's appearance at subsequent criminal proceedings;

8113 4. The defendant is charged with DUI manslaughter, as
8114 defined by s. 316.193, and that there is a substantial
8115 probability that the defendant committed the crime and that the
8116 defendant poses a threat of harm to the community; conditions
8117 that would support a finding by the court pursuant to this
8118 subparagraph that the defendant poses a threat of harm to the
8119 community include, but are not limited to, any of the following:

8120 a. The defendant has previously been convicted of any crime
8121 under s. 316.193, or of any crime in any other state or
8122 territory of the United States that is substantially similar to
8123 any crime under s. 316.193;

8124 b. The defendant was driving with a suspended driver
8125 license when the charged crime was committed; or

8126 c. The defendant has previously been found guilty of, or
8127 has had adjudication of guilt withheld for, driving while the
8128 defendant's driver license was suspended or revoked in violation
8129 of s. 322.34;

8130 5. The defendant poses the threat of harm to the community.
8131 The court may so conclude, if it finds that the defendant is
8132 presently charged with a dangerous crime, that there is a
8133 substantial probability that the defendant committed such crime,
8134 that the factual circumstances of the crime indicate a disregard
8135 for the safety of the community, and that there are no
8136 conditions of release reasonably sufficient to protect the

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8137 community from the risk of physical harm to persons;

8138 6. The defendant was on probation, parole, or other release
8139 pending completion of sentence or on pretrial release for a
8140 dangerous crime at the time the current offense was committed;

8141 7. The defendant has violated one or more conditions of
8142 pretrial release or bond for the offense currently before the
8143 court and the violation, in the discretion of the court,
8144 supports a finding that no conditions of release can reasonably
8145 protect the community from risk of physical harm to persons or
8146 assure the presence of the accused at trial; or

8147 8.a. The defendant has ever been sentenced pursuant to s.
8148 775.082(9) or s. 775.084 as a prison releasee reoffender,
8149 habitual violent felony offender, three-time violent felony
8150 offender, or violent career criminal, or the state attorney
8151 files a notice seeking that the defendant be sentenced pursuant
8152 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
8153 habitual violent felony offender, three-time violent felony
8154 offender, or violent career criminal;

8155 b. There is a substantial probability that the defendant
8156 committed the offense; and

8157 c. There are no conditions of release that can reasonably
8158 protect the community from risk of physical harm or ensure the
8159 presence of the accused at trial.

8160 Section 150. For the purpose of incorporating the amendment
8161 made by this act to section 893.135, Florida Statutes, in a
8162 reference thereto, subsection (9) of section 921.141, Florida
8163 Statutes, is reenacted to read:

8164 921.141 Sentence of death or life imprisonment for capital
8165 felonies; further proceedings to determine sentence.-

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8166 (9) APPLICABILITY.—This section does not apply to a person
8167 convicted or adjudicated guilty of a capital drug trafficking
8168 felony under s. 893.135.

8169 Section 151. For the purpose of incorporating the amendment
8170 made by this act to section 893.135, Florida Statutes, in a
8171 reference thereto, subsection (2) of section 921.142, Florida
8172 Statutes, is reenacted to read:

8173 921.142 Sentence of death or life imprisonment for capital
8174 drug trafficking felonies; further proceedings to determine
8175 sentence.—

8176 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon
8177 conviction or adjudication of guilt of a defendant of a capital
8178 felony under s. 893.135, the court shall conduct a separate
8179 sentencing proceeding to determine whether the defendant should
8180 be sentenced to death or life imprisonment as authorized by s.
8181 775.082. The proceeding shall be conducted by the trial judge
8182 before the trial jury as soon as practicable. If, through
8183 impossibility or inability, the trial jury is unable to
8184 reconvene for a hearing on the issue of penalty, having
8185 determined the guilt of the accused, the trial judge may summon
8186 a special juror or jurors as provided in chapter 913 to
8187 determine the issue of the imposition of the penalty. If the
8188 trial jury has been waived, or if the defendant pleaded guilty,
8189 the sentencing proceeding shall be conducted before a jury
8190 impaneled for that purpose, unless waived by the defendant. In
8191 the proceeding, evidence may be presented as to any matter that
8192 the court deems relevant to the nature of the crime and the
8193 character of the defendant and shall include matters relating to
8194 any of the aggravating factors enumerated in subsection (7) and

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8195 for which notice has been provided pursuant to s. 782.04(1)(b)
8196 or mitigating circumstances enumerated in subsection (8). Any
8197 such evidence that the court deems to have probative value may
8198 be received, regardless of its admissibility under the
8199 exclusionary rules of evidence, provided the defendant is
8200 accorded a fair opportunity to rebut any hearsay statements.
8201 However, this subsection shall not be construed to authorize the
8202 introduction of any evidence secured in violation of the
8203 Constitution of the United States or the Constitution of the
8204 State of Florida. The state and the defendant or the defendant's
8205 counsel shall be permitted to present argument for or against
8206 sentence of death.

8207 Section 152. For the purpose of incorporating the amendment
8208 made by this act to section 944.704, Florida Statutes, in a
8209 reference thereto, paragraph (a) of subsection (3) of section
8210 944.026, Florida Statutes, is reenacted to read:

8211 944.026 Community-based facilities and programs.—

8212 (3)(a) The department shall develop and implement
8213 procedures to diagnose offenders prior to sentencing, for the
8214 purpose of recommending to the sentencing court suitable
8215 candidates for placement in a community-based residential drug
8216 treatment facility or probation and restitution center as
8217 provided in this section. The department shall also develop and
8218 implement procedures to properly identify inmates prior to
8219 release who demonstrate the need for or interest in and
8220 suitability for placement in a community-based substance abuse
8221 transition housing program as provided in this section and
8222 pursuant to ss. 944.4731 and 944.704.

8223 Section 153. For the purpose of incorporating the amendment

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8224 made by this act to section 944.705, Florida Statutes, in a
8225 reference thereto, subsection (6) of section 944.4731, Florida
8226 Statutes, is reenacted to read:

8227 944.4731 Addiction-Recovery Supervision Program.—

8228 (6) Six months before an offender is released, the chaplain
8229 and transition assistance specialist at the institution where
8230 the offender is incarcerated shall initiate the prerelease
8231 screening process in addition to the basic release orientation
8232 required under s. 944.705.

8233 (a) The transition assistance specialist and the chaplain
8234 shall provide a list of contracted private providers, including
8235 faith-based providers, to the offender and facilitate the
8236 application process. The transition assistance specialist shall
8237 inform the offender of program availability and assess the
8238 offender's need and suitability for substance abuse transition
8239 housing assistance. If an offender is approved for placement,
8240 the specialist shall assist the offender and coordinate the
8241 release of the offender with the selected program. If an
8242 offender requests and is approved for placement in a contracted
8243 faith-based substance abuse transition housing program, the
8244 specialist must consult with the chaplain prior to such
8245 placement. A right to substance abuse program services is not
8246 stated, intended, or otherwise implied by this section.

8247 (b) If an offender has participated in a faith-based
8248 program while incarcerated or housed at a community correctional
8249 center and the same or a similar faith-based provider offers a
8250 contracted substance abuse transition housing program, the
8251 department shall make every attempt to maintain this continuum
8252 of care.

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8253 Section 154. For the purpose of incorporating the amendment
8254 made by this act to section 944.801, Florida Statutes, in a
8255 reference thereto, subsection (2) of section 447.203, Florida
8256 Statutes, is reenacted to read:

8257 447.203 Definitions.—As used in this part:

8258 (2) "Public employer" or "employer" means the state or any
8259 county, municipality, or special district or any subdivision or
8260 agency thereof which the commission determines has sufficient
8261 legal distinctiveness properly to carry out the functions of a
8262 public employer. With respect to all public employees determined
8263 by the commission as properly belonging to a statewide
8264 bargaining unit composed of State Career Service System
8265 employees or Selected Professional Service employees, the
8266 Governor shall be deemed to be the public employer; and the
8267 Board of Governors of the State University System, or the
8268 board's designee, shall be deemed to be the public employer with
8269 respect to all public employees of each constituent state
8270 university. The board of trustees of a community college shall
8271 be deemed to be the public employer with respect to all
8272 employees of the community college. The district school board
8273 shall be deemed to be the public employer with respect to all
8274 employees of the school district. The Board of Trustees of the
8275 Florida School for the Deaf and the Blind shall be deemed to be
8276 the public employer with respect to the academic and academic
8277 administrative personnel of the Florida School for the Deaf and
8278 the Blind. The Governor shall be deemed to be the public
8279 employer with respect to all employees in the Correctional
8280 Education Program of the Department of Corrections established
8281 pursuant to s. 944.801.

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8282 Section 155. For the purpose of incorporating the amendment
8283 made by this act to section 948.013, Florida Statutes, in a
8284 reference thereto, paragraph (n) of subsection (1) of section
8285 921.187, Florida Statutes, is reenacted to read:

8286 921.187 Disposition and sentencing; alternatives;
8287 restitution.—

8288 (1) The alternatives provided in this section for the
8289 disposition of criminal cases shall be used in a manner that
8290 will best serve the needs of society, punish criminal offenders,
8291 and provide the opportunity for rehabilitation. If the offender
8292 does not receive a state prison sentence, the court may:

8293 (n) Impose split probation whereby upon satisfactory
8294 completion of half the term of probation, the Department of
8295 Corrections may place the offender on administrative probation
8296 pursuant to s. 948.013 for the remainder of the term of
8297 supervision.

8298 Section 156. For the purpose of incorporating the amendment
8299 made by this act to section 948.06, Florida Statutes, in a
8300 reference thereto, paragraph (b) of subsection (2) of section
8301 948.012, Florida Statutes, is reenacted to read:

8302 948.012 Split sentence of probation or community control
8303 and imprisonment.—

8304 (2) The court may also impose a split sentence whereby the
8305 defendant is sentenced to a term of probation which may be
8306 followed by a period of incarceration or, with respect to a
8307 felony, into community control, as follows:

8308 (b) If the offender does not meet the terms and conditions
8309 of probation or community control, the court may revoke, modify,
8310 or continue the probation or community control as provided in s.

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8311 948.06. If the probation or community control is revoked, the
8312 court may impose any sentence that it could have imposed at the
8313 time the offender was placed on probation or community control.
8314 The court may not provide credit for time served for any portion
8315 of a probation or community control term toward a subsequent
8316 term of probation or community control. However, the court may
8317 not impose a subsequent term of probation or community control
8318 which, when combined with any amount of time served on preceding
8319 terms of probation or community control for offenses pending
8320 before the court for sentencing, would exceed the maximum
8321 penalty allowable as provided in s. 775.082. Such term of
8322 incarceration shall be served under applicable law or county
8323 ordinance governing service of sentences in state or county
8324 jurisdiction. This paragraph does not prohibit any other
8325 sanction provided by law.

8326 Section 157. For the purpose of incorporating the amendment
8327 made by this act to section 948.06, Florida Statutes, in a
8328 reference thereto, subsection (3) of section 948.10, Florida
8329 Statutes, is reenacted to read:

8330 948.10 Community control programs; home confinement.—

8331 (3) Procedures governing violations of community control
8332 are the same as those described in s. 948.06 with respect to
8333 probation.

8334 Section 158. For the purpose of incorporating the amendment
8335 made by this act to section 948.06, Florida Statutes, in a
8336 reference thereto, subsection (3) of section 948.20, Florida
8337 Statutes, is reenacted to read:

8338 948.20 Drug offender probation.—

8339 (3) Offenders placed on drug offender probation are subject

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8340 to revocation of probation as provided in s. 948.06.

8341 Section 159. For the purpose of incorporating the amendment
8342 made by this act to section 948.06, Florida Statutes, in a
8343 reference thereto, section 958.14, Florida Statutes, is
8344 reenacted to read:

8345 958.14 Violation of probation or community control
8346 program.—A violation or alleged violation of probation or the
8347 terms of a community control program shall subject the youthful
8348 offender to the provisions of s. 948.06. However, no youthful
8349 offender shall be committed to the custody of the department for
8350 a substantive violation for a period longer than the maximum
8351 sentence for the offense for which he or she was found guilty,
8352 with credit for time served while incarcerated, or for a
8353 technical or nonsubstantive violation for a period longer than 6
8354 years or for a period longer than the maximum sentence for the
8355 offense for which he or she was found guilty, whichever is less,
8356 with credit for time served while incarcerated.

8357 Section 160. For the purpose of incorporating the amendment
8358 made by this act to section 948.08, Florida Statutes, in a
8359 reference thereto, paragraph (b) of subsection (4) of section
8360 796.07, Florida Statutes, is reenacted to read:

8361 796.07 Prohibiting prostitution and related acts.—

8362 (4)

8363 (b) A person who is charged with a third or subsequent
8364 violation of this section, other than paragraph (2)(f), shall be
8365 offered admission to a pretrial intervention program or a
8366 substance abuse treatment program as provided in s. 948.08.

8367 Section 161. For the purpose of incorporating the amendment
8368 made by this act to section 948.08, Florida Statutes, in a

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8369 reference thereto, paragraph (b) of subsection (3) of section
8370 944.026, Florida Statutes, is reenacted to read:

8371 944.026 Community-based facilities and programs.—

8372 (3)

8373 (b) Pretrial intervention programs in appropriate counties
8374 to provide early counseling and supervision services to
8375 specified offenders as provided in s. 948.08.

8376 Section 162. For the purpose of incorporating the amendment
8377 made by this act to section 948.08, Florida Statutes, in a
8378 reference thereto, subsection (1) of section 948.036, Florida
8379 Statutes, is reenacted to read:

8380 948.036 Work programs as a condition of probation,
8381 community control, or other court-ordered community
8382 supervision.—

8383 (1) Whenever an offender is required by the court to
8384 participate in any work program under the provisions of this
8385 chapter, enters into the pretrial intervention program pursuant
8386 to s. 948.08, or volunteers to work in a supervised work program
8387 conducted by a specified state, county, municipal, or community
8388 service organization or to work for the victim, either as an
8389 alternative to monetary restitution or as a part of the
8390 rehabilitative or community control program, the offender shall
8391 be considered an employee of the state for the purposes of
8392 chapter 440.

8393 Section 163. For the purpose of incorporating the
8394 amendments made by this act to sections 948.08 and 948.16,
8395 Florida Statutes, in references thereto, subsection (2) of
8396 section 394.47892, Florida Statutes, is reenacted to read:

8397 394.47892 Mental health court programs.—

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8398 (2) Mental health court programs may include pretrial
8399 intervention programs as provided in ss. 948.08, 948.16, and
8400 985.345, postadjudicatory mental health court programs as
8401 provided in ss. 948.01 and 948.06, and review of the status of
8402 compliance or noncompliance of sentenced defendants through a
8403 mental health court program.

8404 Section 164. For the purpose of incorporating the
8405 amendments made by this act to sections 948.08 and 948.16,
8406 Florida Statutes, in references thereto, subsection (5) of
8407 section 397.334, Florida Statutes, is reenacted to read:

8408 397.334 Treatment-based drug court programs.—

8409 (5) Treatment-based drug court programs may include
8410 pretrial intervention programs as provided in ss. 948.08,
8411 948.16, and 985.345, treatment-based drug court programs
8412 authorized in chapter 39, postadjudicatory programs as provided
8413 in ss. 948.01, 948.06, and 948.20, and review of the status of
8414 compliance or noncompliance of sentenced offenders through a
8415 treatment-based drug court program. While enrolled in a
8416 treatment-based drug court program, the participant is subject
8417 to a coordinated strategy developed by a drug court team under
8418 subsection (4). The coordinated strategy may include a protocol
8419 of sanctions that may be imposed upon the participant for
8420 noncompliance with program rules. The protocol of sanctions may
8421 include, but is not limited to, placement in a substance abuse
8422 treatment program offered by a licensed service provider as
8423 defined in s. 397.311 or in a jail-based treatment program or
8424 serving a period of secure detention under chapter 985 if a
8425 child or a period of incarceration within the time limits
8426 established for contempt of court if an adult. The coordinated

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8427 strategy must be provided in writing to the participant before
8428 the participant agrees to enter into a treatment-based drug
8429 court program.

8430 Section 165. For the purpose of incorporating the
8431 amendments made by this act to sections 948.08 and 948.16,
8432 Florida Statutes, in references thereto, paragraph (a) of
8433 subsection (5) of section 910.035, Florida Statutes, is
8434 reenacted to read:

8435 910.035 Transfer from county for plea, sentence, or
8436 participation in a problem-solving court.—

8437 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

8438 (a) For purposes of this subsection, the term "problem-
8439 solving court" means a drug court pursuant to s. 948.01, s.
8440 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'
8441 and servicemembers' court pursuant to s. 394.47891, s. 948.08,
8442 s. 948.16, or s. 948.21; a mental health court program pursuant
8443 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;
8444 or a delinquency pretrial intervention court program pursuant to
8445 s. 985.345.

8446 Section 166. For the purpose of incorporating the amendment
8447 made by this act to section 948.21, Florida Statutes, in a
8448 reference thereto, paragraph (a) of subsection (5) of section
8449 910.035, Florida Statutes, is reenacted to read:

8450 910.035 Transfer from county for plea, sentence, or
8451 participation in a problem-solving court.—

8452 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

8453 (a) For purposes of this subsection, the term "problem-
8454 solving court" means a drug court pursuant to s. 948.01, s.
8455 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'

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8456 and servicemembers' court pursuant to s. 394.47891, s. 948.08,
8457 s. 948.16, or s. 948.21; a mental health court program pursuant
8458 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;
8459 or a delinquency pretrial intervention court program pursuant to
8460 s. 985.345.

8461 Section 167. For the purpose of incorporating the amendment
8462 made by this act to section 958.04, Florida Statutes, in a
8463 reference thereto, subsection (5) of section 958.03, Florida
8464 Statutes, is reenacted to read:

8465 958.03 Definitions.—As used in this act:

8466 (5) "Youthful offender" means any person who is sentenced
8467 as such by the court or is classified as such by the department
8468 pursuant to s. 958.04.

8469 Section 168. For the purpose of incorporating the amendment
8470 made by this act to section 958.04, Florida Statutes, in a
8471 reference thereto, paragraph (a) of subsection (8) of section
8472 958.045, Florida Statutes, is reenacted to read:

8473 958.045 Youthful offender basic training program.—

8474 (8) (a) The Assistant Secretary for Youthful Offenders shall
8475 continuously screen all institutions, facilities, and programs
8476 for any inmate who meets the eligibility requirements for
8477 youthful offender designation specified in s. 958.04, whose age
8478 does not exceed 24 years. The department may classify and assign
8479 as a youthful offender any inmate who meets the criteria of s.
8480 958.04.

8481 Section 169. For the purpose of incorporating the amendment
8482 made by this act to section 958.04, Florida Statutes, in a
8483 reference thereto, section 958.046, Florida Statutes, is
8484 reenacted to read:

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8485 958.046 Placement in county-operated boot camp programs for
8486 youthful offenders.—In counties where there are county-operated
8487 youthful offender boot camp programs, other than boot camps
8488 described in s. 958.04, the court may sentence a youthful
8489 offender to such a boot camp. In county-operated youthful
8490 offender boot camp programs, juvenile offenders shall not be
8491 commingled with youthful offenders.

8492 Section 170. For the purpose of incorporating the amendment
8493 made by this act to section 958.04, Florida Statutes, in a
8494 reference thereto, paragraph (c) of subsection (4) of section
8495 985.565, Florida Statutes, is reenacted to read:

8496 985.565 Sentencing powers; procedures; alternatives for
8497 juveniles prosecuted as adults.—

8498 (4) SENTENCING ALTERNATIVES.—

8499 (c) *Adult sanctions upon failure of juvenile sanctions.*—If
8500 a child proves not to be suitable to a commitment program,
8501 juvenile probation program, or treatment program under paragraph
8502 (b), the department shall provide the sentencing court with a
8503 written report outlining the basis for its objections to the
8504 juvenile sanction and shall simultaneously provide a copy of the
8505 report to the state attorney and the defense counsel. The
8506 department shall schedule a hearing within 30 days. Upon
8507 hearing, the court may revoke the previous adjudication, impose
8508 an adjudication of guilt, and impose any sentence which it may
8509 lawfully impose, giving credit for all time spent by the child
8510 in the department. The court may also classify the child as a
8511 youthful offender under s. 958.04, if appropriate. For purposes
8512 of this paragraph, a child may be found not suitable to a
8513 commitment program, community control program, or treatment

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8514 program under paragraph (b) if the child commits a new violation
8515 of law while under juvenile sanctions, if the child commits any
8516 other violation of the conditions of juvenile sanctions, or if
8517 the child's actions are otherwise determined by the court to
8518 demonstrate a failure of juvenile sanctions.

8519

8520 It is the intent of the Legislature that the criteria and
8521 guidelines in this subsection are mandatory and that a
8522 determination of disposition under this subsection is subject to
8523 the right of the child to appellate review under s. 985.534.

8524 Section 171. For the purpose of incorporating the amendment
8525 made by this act to section 985.557, Florida Statutes, in a
8526 reference thereto, subsection (3) of section 985.556, Florida
8527 Statutes, is reenacted to read:

8528 985.556 Waiver of juvenile court jurisdiction; hearing.—

8529 (3) INVOLUNTARY MANDATORY WAIVER.—

8530 (a) If the child was 14 years of age or older, and if the
8531 child has been previously adjudicated delinquent for an act
8532 classified as a felony, which adjudication was for the
8533 commission of, attempt to commit, or conspiracy to commit
8534 murder, sexual battery, armed or strong-armed robbery,
8535 carjacking, home-invasion robbery, aggravated battery,
8536 aggravated assault, or burglary with an assault or battery, and
8537 the child is currently charged with a second or subsequent
8538 violent crime against a person; or

8539 (b) If the child was 14 years of age or older at the time
8540 of commission of a fourth or subsequent alleged felony offense
8541 and the child was previously adjudicated delinquent or had
8542 adjudication withheld for or was found to have committed, or to

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8543 have attempted or conspired to commit, three offenses that are
8544 felony offenses if committed by an adult, and one or more of
8545 such felony offenses involved the use or possession of a firearm
8546 or violence against a person;

8547
8548 the state attorney shall request the court to transfer and
8549 certify the child for prosecution as an adult or shall provide
8550 written reasons to the court for not making such request, or
8551 proceed under s. 985.557(1). Upon the state attorney's request,
8552 the court shall either enter an order transferring the case and
8553 certifying the case for trial as if the child were an adult or
8554 provide written reasons for not issuing such an order.

8555 Section 172. For the purpose of incorporating the amendment
8556 made by this act to section 985.557, Florida Statutes, in a
8557 reference thereto, subsection (1) of section 985.15, Florida
8558 Statutes, is reenacted to read:

8559 985.15 Filing decisions.—

8560 (1) The state attorney may in all cases take action
8561 independent of the action or lack of action of the juvenile
8562 probation officer and shall determine the action that is in the
8563 best interest of the public and the child. If the child meets
8564 the criteria requiring prosecution as an adult under s. 985.556,
8565 the state attorney shall request the court to transfer and
8566 certify the child for prosecution as an adult or shall provide
8567 written reasons to the court for not making such a request. In
8568 all other cases, the state attorney may:

- 8569 (a) File a petition for dependency;
8570 (b) File a petition under chapter 984;
8571 (c) File a petition for delinquency;

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8572 (d) File a petition for delinquency with a motion to
8573 transfer and certify the child for prosecution as an adult;

8574 (e) File an information under s. 985.557;

8575 (f) Refer the case to a grand jury;

8576 (g) Refer the child to a diversionary, pretrial
8577 intervention, arbitration, or mediation program, or to some
8578 other treatment or care program if such program commitment is
8579 voluntarily accepted by the child or the child's parents or
8580 legal guardian; or

8581 (h) Decline to file.

8582 Section 173. For the purpose of incorporating the amendment
8583 made by this act to section 985.557, Florida Statutes, in a
8584 reference thereto, paragraph (c) of subsection (2) of section
8585 985.26, Florida Statutes, is reenacted to read:

8586 985.26 Length of detention.—

8587 (2)

8588 (c) A prolific juvenile offender under s. 985.255(1)(j)
8589 shall be placed on nonsecure detention care with electronic
8590 monitoring or in secure detention care under a special detention
8591 order until disposition. If secure detention care is ordered by
8592 the court, it must be authorized under this part and may not
8593 exceed:

8594 1. Twenty-one days unless an adjudicatory hearing for the
8595 case has been commenced in good faith by the court or the period
8596 is extended by the court pursuant to paragraph (b); or

8597 2. Fifteen days after the entry of an order of
8598 adjudication.

8599

8600 As used in this paragraph, the term "disposition" means a

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8601 declination to file under s. 985.15(1)(h), the entry of nolle
8602 prosequi for the charges, the filing of an indictment under s.
8603 985.56 or an information under s. 985.557, a dismissal of the
8604 case, or an order of final disposition by the court.

8605 Section 174. Except as otherwise expressly provided in this
8606 act, and except for this section, which shall take effect upon
8607 this act becoming a law, this act shall take effect October 1,
8608 2019.