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LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Baxley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 25.386, Florida Statutes, is amended to  
read:

25.386 Foreign language court interpreters.—

(1) The Supreme Court shall establish minimum standards and  
procedures for qualifications, certification, professional  
conduct, discipline, and training of foreign language court



11 interpreters who are appointed by a court of competent  
12 jurisdiction. The Supreme Court shall set fees to be charged to  
13 applicants for certification and renewal of certification as a  
14 foreign language court interpreter. The revenues generated from  
15 such fees shall be used to offset the costs of administration of  
16 the certification program and shall be deposited into the  
17 Administrative Trust Fund within the state courts system. The  
18 Supreme Court may appoint or employ such personnel as are  
19 necessary to assist the court in administering this section.

20 (2) An applicant for certification as a foreign language  
21 court interpreter shall undergo a security background  
22 investigation, which includes, but is not limited to, submitting  
23 a full set of fingerprints to the Department of Law Enforcement  
24 or to a vendor, entity, or agency authorized by s. 943.053. The  
25 vendor, entity, or agency shall forward the fingerprints to the  
26 department for state processing, and the department shall  
27 forward the fingerprints to the Federal Bureau of Investigation  
28 for national processing. Any vendor fee and state and federal  
29 processing fees shall be borne by the applicant. For records  
30 provided to a person or entity other than those excepted  
31 therein, the cost for state fingerprint processing is the fee  
32 authorized in s. 943.053(3)(e).

33 Section 2. Section 44.106, Florida Statutes, is amended to  
34 read:

35 44.106 Standards and procedures for mediators and  
36 arbitrators; fees.—

37 (1) The Supreme Court shall establish minimum standards and  
38 procedures for qualifications, certification, professional  
39 conduct, discipline, and training for mediators and arbitrators



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40 who are appointed pursuant to this chapter. The Supreme Court is  
41 authorized to set fees to be charged to applicants for  
42 certification and renewal of certification. The revenues  
43 generated from these fees shall be used to offset the costs of  
44 administration of the certification process. The Supreme Court  
45 may appoint or employ such personnel as are necessary to assist  
46 the court in exercising its powers and performing its duties  
47 under this chapter.

48 (2) An applicant for certification as a mediator shall  
49 undergo a security background investigation, which includes, but  
50 is not limited to, submitting a full set of fingerprints to the  
51 Department of Law Enforcement or to a vendor, entity, or agency  
52 authorized by s. 943.053. The vendor, entity, or agency shall  
53 forward the fingerprints to the department for state processing,  
54 and the department shall forward the fingerprints to the Federal  
55 Bureau of Investigation for national processing. Any vendor fee  
56 and state and federal processing fees shall be borne by the  
57 applicant. For records provided to a person or entity other than  
58 those excepted therein, the cost for state fingerprint  
59 processing is the fee authorized in s. 943.053(3)(e).

60 Section 3. Present subsections (1) through (9) of section  
61 61.125, Florida Statutes, are redesignated as subsections (2)  
62 through (10), respectively, a new subsection (1) and subsection  
63 (11) are added, and present subsections (4), (5), (7), and (9)  
64 of that section are amended, to read:

65 61.125 Parenting coordination.—

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

67 (a) "Communication" means an oral or written statement, or  
68 nonverbal conduct intended to make an assertion, by or to a



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69 parenting coordinator, a participant, or a party made during  
70 parenting coordination, or before parenting coordination if made  
71 in furtherance of the parenting coordination process. The term  
72 does not include the commission of a crime during parenting  
73 coordination.

74 (b) "Office" means the Office of the State Courts  
75 Administrator.

76 (c) "Participant" means any individual involved in the  
77 parenting coordination process, other than the parenting  
78 coordinator and the named parties, who takes part in an event in  
79 person or by telephone, videoconference, or other electronic  
80 means.

81 (d) "Parenting coordination" means a nonadversarial dispute  
82 resolution process that is court-ordered or agreed upon by the  
83 parties.

84 (e) "Parenting coordinator" means an impartial third party  
85 appointed by the court or agreed to by the parties whose role is  
86 to assist the parties in successfully creating or implementing a  
87 parenting plan.

88 (f) "Parenting Coordinator Review Board" means the board  
89 appointed by the Chief Justice of the Florida Supreme Court to  
90 consider complaints against qualified and court-appointed  
91 parenting coordinators.

92 (g) "Party" means a person participating directly, or  
93 through a designated representative, in parenting coordination.

94 (5) ~~(4)~~ QUALIFICATIONS OF A PARENTING COORDINATOR.—A  
95 parenting coordinator is an impartial third person whose role is  
96 to assist the parents in successfully creating or implementing a  
97 parenting plan. Unless there is a written agreement between the



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98 ~~parties, the court may appoint only a qualified parenting~~  
99 ~~coordinator.~~

100 (a) To be qualified, a parenting coordinator must:

101 1. Meet one of the following professional requirements:

102 a. Be licensed as a mental health professional under  
103 chapter 490 or chapter 491.

104 b. Be licensed as a physician under chapter 458, with  
105 certification by the American Board of Psychiatry and Neurology.

106 c. Be certified by the Florida Supreme Court as a family  
107 law mediator, with at least a master's degree in a mental health  
108 field.

109 d. Be a member in good standing of The Florida Bar.

110 2. Complete all of the following:

111 a. Three years of postlicensure or postcertification  
112 practice.

113 b. A family mediation training program certified by the  
114 Florida Supreme Court.

115 c. A minimum of 24 hours of parenting coordination training  
116 in parenting coordination concepts and ethics, family systems  
117 theory and application, family dynamics in separation and  
118 divorce, child and adolescent development, the parenting  
119 coordination process, parenting coordination techniques, and  
120 Florida family law and procedure, and a minimum of 4 hours of  
121 training in domestic violence and child abuse which is related  
122 to parenting coordination.

123 (b) The court may require additional qualifications to  
124 address issues specific to the parties.

125 (c) A qualified parenting coordinator must be in good  
126 standing, or in clear and active status, with his or her



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127 respective licensing authority, certification board, or both, as  
128 applicable.

129 (d) Unless there is a written agreement between the  
130 parties, the court may appoint only a qualified parenting  
131 coordinator.

132 (6)(5) DISQUALIFICATIONS OF PARENTING COORDINATOR.—

133 (a) The court may not appoint a person to serve as  
134 parenting coordinator who, in any jurisdiction:

135 1. Has been convicted or had adjudication withheld on a  
136 charge of child abuse, child neglect, domestic violence,  
137 parental kidnapping, or interference with custody;

138 2. Has been found by a court in a child protection hearing  
139 to have abused, neglected, or abandoned a child;

140 3. Has consented to an adjudication or a withholding of  
141 adjudication on a petition for dependency; ~~or~~

142 4. Is or has been a respondent in a final order or  
143 injunction of protection against domestic violence; or—

144 5. Has been disqualified by the Parenting Coordinator  
145 Review Board.

146 (b) A parenting coordinator must discontinue service as a  
147 parenting coordinator and immediately report to the court and  
148 the parties if any of the disqualifying circumstances described  
149 in paragraph (a) occur, or if he or she no longer meets the  
150 ~~minimum~~ qualifications in subsection (5)(4), and the court may  
151 appoint another parenting coordinator.

152 (8)(7) CONFIDENTIALITY.—Except as otherwise provided in  
153 this section, all communications made by, between, or among the  
154 parties, participants, and the parenting coordinator during  
155 parenting coordination sessions are confidential. The parenting



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156 coordinator, participants, and each party designated in the  
157 order appointing the coordinator may not testify or offer  
158 evidence about communications made by, between, or among the  
159 parties, participants, and the parenting coordinator during  
160 parenting coordination sessions, except if:

161 (a) Necessary to identify, authenticate, confirm, or deny a  
162 written agreement entered into by the parties during parenting  
163 coordination;

164 (b) The testimony or evidence is necessary to identify an  
165 issue for resolution by the court without otherwise disclosing  
166 communications made by any party, participant, or the parenting  
167 coordinator;

168 (c) The testimony or evidence is limited to the subject of  
169 a party's compliance with the order of referral to parenting  
170 coordination, orders for psychological evaluation, counseling  
171 ordered by the court or recommended by a health care provider,  
172 or for substance abuse testing or treatment;

173 (d) The parenting coordinator reports that the case is no  
174 longer appropriate for parenting coordination;

175 (e) The parenting coordinator is reporting that he or she  
176 is unable or unwilling to continue to serve and that a successor  
177 parenting coordinator should be appointed;

178 (f) The testimony or evidence is necessary pursuant to  
179 paragraph (6) (b) ~~(5) (b)~~ or subsection (9) ~~(8)~~;

180 (g) The parenting coordinator is not qualified to address  
181 or resolve certain issues in the case and a more qualified  
182 coordinator should be appointed;

183 (h) The parties or participants agree that the testimony or  
184 evidence may be permitted; ~~or~~



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185 (i) The testimony or evidence is necessary to protect any  
186 person from future acts that would constitute domestic violence  
187 under chapter 741; child abuse, neglect, or abandonment under  
188 chapter 39; or abuse, neglect, or exploitation of an elderly or  
189 disabled adult under chapter 825;—

190 (j) The testimony or evidence is offered to report, prove,  
191 or disprove a violation of professional malpractice occurring  
192 during the parenting coordination process, solely for the  
193 purpose of the professional malpractice proceeding; or

194 (k) The testimony or evidence is offered to report, prove,  
195 or disprove professional misconduct occurring during the  
196 parental coordination proceeding, solely for the internal use of  
197 the body conducting the investigation of the conduct.

198 (10) ~~(9)~~ IMMUNITY AND LIMITED LIMITATION ON LIABILITY.—

199 (a) A person appointed or employed to assist the Supreme  
200 Court in performing its duties relating to disciplinary  
201 proceedings involving parenting coordinators, including a member  
202 of the Parenting Coordinator Review Board, is not liable for  
203 civil damages for any act or omission arising from the  
204 performance of his or her duties while acting within the scope  
205 of his or her appointed function or job description unless such  
206 person acted in bad faith or with malicious purpose.

207 (b) A parenting coordinator appointed by the court is not  
208 liable for civil damages for any act or omission in the scope of  
209 his or her duties under pursuant to an order of referral unless  
210 such person acted in bad faith or with malicious purpose or in a  
211 manner exhibiting wanton and willful disregard for the rights,  
212 safety, or property of the parties.

213 (11) STANDARDS AND PROCEDURES.—The Supreme Court shall





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214 establish minimum standards and procedures for the training,  
215 ethical conduct, and discipline of parenting coordinators who  
216 serve under this section. The office may appoint or employ  
217 personnel as necessary to assist the court in exercising its  
218 powers and performing its duties under this section.

219 Section 4. Subsection (4) of section 121.052, Florida  
220 Statutes, is amended to read:

221 121.052 Membership class of elected officers.—

222 (4) PARTICIPATION BY ELECTED OFFICERS SERVING A SHORTENED  
223 TERM DUE TO APPORTIONMENT, FEDERAL INTERVENTION, ETC.—

224 (a) A duly elected officer whose term of office was  
225 shortened by legislative or judicial apportionment pursuant to  
226 s. 16, Art. III of the State Constitution may, after the term of  
227 office to which he or she was elected is completed, pay into the  
228 Florida Retirement System Trust Fund the amount of contributions  
229 that would have been made by the officer or the officer's  
230 employer on his or her behalf, plus 4 percent interest  
231 compounded annually from the date he or she left office until  
232 July 1, 1975, and 6.5 percent interest compounded annually  
233 thereafter, and may receive service credit for the length of  
234 time the officer would have served if such term had not been  
235 shortened by apportionment.

236 (b) Any duly elected officer whose term of office was  
237 shortened because the election at which he or she was elected  
238 was delayed as a result of federal intervention under the  
239 federal Voting Rights Act may, after the term of office to which  
240 he or she was elected is completed, pay into the System Trust  
241 Fund the amount of contributions that would have been made by  
242 the employee or by the employer on his or her behalf for the



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243 period of time the assumption of office was delayed, plus 4  
244 percent interest compounded annually from the date he or she  
245 assumed office until July 1, 1975, and 6.5 percent interest  
246 compounded annually thereafter, and may receive service credit  
247 for the length of time he or she would have served if such term  
248 had not been shortened by delay of the election.

249 (c) For the purpose of this chapter, "creditable service"  
250 includes the period from November 1972 to January 1973 which  
251 would have been served by an elected county officer but for the  
252 enactment of chapter 67-510, Laws of Florida, if the inclusion  
253 of such period would provide any person affected with sufficient  
254 creditable service to qualify for retirement benefits pursuant  
255 to this chapter.

256 (d)1. Any justice or judge, or any retired justice or judge  
257 who retired before July 1, 1993, who ~~has~~ attained the age of 70  
258 years before July 1, 2019, and who was ~~is~~ prevented under s. 8,  
259 Art. V of the State Constitution from completing his or her term  
260 of office because of age may elect to purchase credit for all or  
261 a portion of the months he or she would have served during the  
262 remainder of the term of office; however, he or she may claim  
263 those months only after the date the service would have  
264 occurred. The justice or judge must pay into the Florida  
265 Retirement System Trust Fund the amount of contributions that  
266 would have been made by the employer on his or her behalf for  
267 the period of time being claimed, plus 6.5 percent interest  
268 thereon compounded each June 30 from the date he or she left  
269 office, in order to receive service credit in this class for the  
270 period of time being claimed. After the date the service would  
271 have occurred, and upon payment of the required contributions,



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272 the retirement benefit of a retired justice or judge shall be  
273 adjusted prospectively to include the additional creditable  
274 service; however, such adjustment may be made only once.

275 2. Any justice or judge who did ~~does~~ not seek retention or  
276 election to a subsequent term of office because he or she was  
277 ~~would be~~ prevented under s. 8, Art. V of the State Constitution  
278 from completing such term of office upon attaining the age of 70  
279 years may elect to purchase service credit for service as a  
280 temporary judge as assigned by the court if the temporary  
281 assignment immediately follows the last full term of office  
282 served and the purchase is limited to the number of months of  
283 service needed to vest retirement benefits. To receive  
284 retirement credit for such temporary service beyond termination,  
285 the justice or judge must pay into the Florida Retirement System  
286 Trust Fund the amount of contributions that would have been made  
287 by the justice or judge and the employer on his or her behalf  
288 had he or she continued in office for the period of time being  
289 claimed, plus 6.5 percent interest thereon compounded each June  
290 30 from the date he or she left office.

291 Section 5. Paragraph (d) of subsection (3) of section  
292 812.014, Florida Statutes, is amended to read:

293 812.014 Theft.—

294 (3)

295 (d)1. A ~~Every~~ judgment of guilty or not guilty of a petit  
296 theft shall be in:

297 a. A written record that is ~~writing~~, signed by the judge,  
298 and recorded by the clerk of the circuit court; or

299 b. An electronic record that contains the judge's  
300 electronic signature as defined in s. 933.40 and is recorded by



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301 the clerk of the circuit court.

302 2. At the time a defendant is found guilty of petit theft,  
303 the judge shall cause the following to occur ~~to be affixed to~~  
304 ~~every such written judgment of guilty of petit theft,~~ in open  
305 court and in the judge's presence: ~~of such judge~~

306 a. For a written judgment of guilty, the fingerprints of  
307 the defendant against whom such judgment is rendered shall be  
308 manually taken and. ~~Such fingerprints shall be~~ affixed beneath  
309 the judge's signature on the ~~to such~~ judgment. Beneath such  
310 fingerprints shall be appended a certificate to the following  
311 effect:

312 "I hereby certify that the above and foregoing fingerprints  
313 on this judgment are the fingerprints of the defendant, . . . .,  
314 and that they were placed thereon by said defendant in my  
315 presence, in open court, this the . . . . day of . . . .,  
316 . . . (year) . . . ."

317  
318 Such certificate shall be signed by the judge, whose signature  
319 thereto shall be followed by the word "Judge."

320 b. For an electronic judgment of guilty, the fingerprints  
321 of the defendant must be electronically captured and a  
322 certificate must be issued as provided in s. 921.241(3)(b).

323 ~~3.2. A~~ Any such written or an electronic judgment of guilty  
324 of a petit theft, or a certified copy thereof, is admissible in  
325 evidence in the courts of this state as provided in s.  
326 921.241(4) ~~prima facie evidence that the fingerprints appearing~~  
327 ~~thereon and certified by the judge are the fingerprints of the~~  
328 ~~defendant against whom such judgment of guilty of a petit theft~~  
329 ~~was rendered.~~



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330 Section 6. Section 921.241, Florida Statutes, is amended to  
331 read:

332 921.241 Felony judgments; fingerprints and social security  
333 number required in record.—

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

335 (a) "Electronic signature" has the same meaning as in s.  
336 933.40.

337 (b) "Transaction control number" means the unique  
338 identifier comprised of numbers, letters, or other symbols for a  
339 digital fingerprint record generated by the device used to  
340 electronically capture the fingerprints ~~At the time a defendant~~  
341 ~~is found guilty of a felony, the judge shall cause the~~  
342 ~~defendant's fingerprints to be taken.~~

343 (2) A ~~Every~~ judgment of guilty or not guilty of a felony  
344 shall be in:

345 (a) A written record that is ~~writing,~~ signed by the judge,  
346 and recorded by the clerk of the court; or

347 (b) An electronic record that contains the judge's  
348 electronic signature and is recorded by the clerk of court.

349 (3) At the time a defendant is found guilty of a felony,  
350 the judge shall cause the following to occur ~~to be affixed to~~  
351 ~~every written judgment of guilty of a felony,~~ in open court and,  
352 in the judge's presence: ~~of such judge~~

353 (a) For a written judgment of guilty, and at the time the  
354 judgment is rendered, the fingerprints of the defendant shall be  
355 manually taken and against whom such judgment is rendered. Such  
356 fingerprints shall be affixed beneath the judge's signature on  
357 the ~~to such~~ judgment. Beneath such fingerprints shall be  
358 appended a certificate to the following effect:



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

364 Such certificate shall be signed by the judge, whose signature  
365 thereto shall be followed by the word "Judge."

366 (b) For an electronic judgment of guilty, the fingerprints  
367 of the defendant shall be electronically captured and the  
368 following certificate shall be included in the electronic  
369 judgment:

370 "I hereby certify that the digital fingerprint record  
371 associated with Transaction Control Number . . . . contains the  
372 fingerprints of the defendant, . . . . , which were electronically  
373 captured from the defendant in my presence, in open court, this  
374 the . . . . day of . . . . , . . . (year) . . . ."

375  
376 The judge shall place his or her electronic signature, which  
377 shall be followed by the word "Judge," on the certificate.

378 (4) ~~(3)~~ A written or electronic ~~Any such written~~ judgment of  
379 guilty ~~of a felony~~, or a certified copy thereof, shall be  
380 admissible in evidence in the several courts of this state as  
381 prima facie evidence that the:

382 (a) Manual fingerprints appearing thereon and certified by  
383 the judge as aforesaid are the fingerprints of the defendant  
384 against whom ~~the such~~ judgment of guilty ~~of a felony~~ was  
385 rendered.

386 (b) Digital fingerprint record associated with the  
387 transaction control number specified in the judge's certificate



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388 contains the fingerprints of the defendant against whom the  
389 judgment of guilty was rendered.

390 (5)~~(4)~~ At the time the defendant's fingerprints are  
391 manually taken or electronically captured, the judge shall also  
392 cause the defendant's social security number to be taken. The  
393 defendant's social security number shall be specified in each  
394 affixed to every written or electronic judgment of guilty of a  
395 felony, in open court, in the presence of such judge, and at the  
396 time the judgment is rendered. If the defendant is unable or  
397 unwilling to provide his or her social security number, the  
398 reason for its absence shall be specified in ~~indicated on~~ the  
399 written or electronic judgment.

400 Section 7. Section 921.242, Florida Statutes, is amended to  
401 read:

402 921.242 Subsequent offenses under chapter 796; method of  
403 proof applicable.—

404 (1) A ~~Every~~ judgment of guilty with respect to any offense  
405 governed by the provisions of chapter 796 shall be in:

406 (a) A written record that is writing, signed by the judge,  
407 and recorded by the clerk of the circuit court; or

408 (b) An electronic record that contains the judge's  
409 electronic signature as defined in s. 933.40 and is recorded by  
410 the clerk of circuit court.

411 (2) At the time a defendant is found guilty, the judge  
412 shall cause the following to occur ~~to be affixed to every such~~  
413 ~~written judgment of guilty~~, in open court and in the judge's  
414 presence; ~~of such judge~~

415 (a) For a written judgment of guilty, the fingerprints of  
416 the defendant against whom such judgment is rendered shall be



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417 ~~manually taken and. Such fingerprints shall be~~ affixed beneath  
418 the judge's signature on the ~~to any such~~ judgment. Beneath such  
419 fingerprints shall be appended a certificate to the following  
420 effect:

421 "I hereby certify that the above and foregoing fingerprints are  
422 of the defendant, ... (name) ..., and that they were placed  
423 thereon by said defendant in my presence, in open court, this  
424 the .... day of ....., ... (year) ...."

425  
426 Such certificate shall be signed by the judge, whose signature  
427 thereto shall be followed by the word "Judge."

428 (b) For an electronic judgment of guilty, the fingerprints  
429 of the defendant must be electronically captured and a  
430 certificate must be issued as provided in s. 921.241(3)(b).

431 (3)-(2) A Any such written or an electronic judgment of  
432 guilty, or a certified copy thereof, shall be admissible in  
433 evidence in the several courts of this state as provided in s.  
434 921.241(4) prima facie evidence that the fingerprints appearing  
435 thereon and certified by the judge as aforesaid are the  
436 fingerprints of the defendant against whom such judgment of  
437 guilty was rendered.

438 Section 8. For the purpose of incorporating the amendment  
439 made by this act to section 921.241, Florida Statutes, in  
440 references thereto, paragraphs (a), (b), and (c) of subsection  
441 (3) of section 775.084, Florida Statutes, are reenacted to read:

442 775.084 Violent career criminals; habitual felony offenders  
443 and habitual violent felony offenders; three-time violent felony  
444 offenders; definitions; procedure; enhanced penalties or  
445 mandatory minimum prison terms.-





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446 (3) (a) In a separate proceeding, the court shall determine  
447 if the defendant is a habitual felony offender or a habitual  
448 violent felony offender. The procedure shall be as follows:

449 1. The court shall obtain and consider a presentence  
450 investigation prior to the imposition of a sentence as a  
451 habitual felony offender or a habitual violent felony offender.

452 2. Written notice shall be served on the defendant and the  
453 defendant's attorney a sufficient time prior to the entry of a  
454 plea or prior to the imposition of sentence in order to allow  
455 the preparation of a submission on behalf of the defendant.

456 3. Except as provided in subparagraph 1., all evidence  
457 presented shall be presented in open court with full rights of  
458 confrontation, cross-examination, and representation by counsel.

459 4. Each of the findings required as the basis for such  
460 sentence shall be found to exist by a preponderance of the  
461 evidence and shall be appealable to the extent normally  
462 applicable to similar findings.

463 5. For the purpose of identification of a habitual felony  
464 offender or a habitual violent felony offender, the court shall  
465 fingerprint the defendant pursuant to s. 921.241.

466 6. For an offense committed on or after October 1, 1995, if  
467 the state attorney pursues a habitual felony offender sanction  
468 or a habitual violent felony offender sanction against the  
469 defendant and the court, in a separate proceeding pursuant to  
470 this paragraph, determines that the defendant meets the criteria  
471 under subsection (1) for imposing such sanction, the court must  
472 sentence the defendant as a habitual felony offender or a  
473 habitual violent felony offender, subject to imprisonment  
474 pursuant to this section unless the court finds that such



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475 sentence is not necessary for the protection of the public. If  
476 the court finds that it is not necessary for the protection of  
477 the public to sentence the defendant as a habitual felony  
478 offender or a habitual violent felony offender, the court shall  
479 provide written reasons; a written transcript of orally stated  
480 reasons is permissible, if filed by the court within 7 days  
481 after the date of sentencing. Each month, the court shall submit  
482 to the Office of Economic and Demographic Research of the  
483 Legislature the written reasons or transcripts in each case in  
484 which the court determines not to sentence a defendant as a  
485 habitual felony offender or a habitual violent felony offender  
486 as provided in this subparagraph.

487 (b) In a separate proceeding, the court shall determine if  
488 the defendant is a three-time violent felony offender. The  
489 procedure shall be as follows:

490 1. The court shall obtain and consider a presentence  
491 investigation prior to the imposition of a sentence as a three-  
492 time violent felony offender.

493 2. Written notice shall be served on the defendant and the  
494 defendant's attorney a sufficient time prior to the entry of a  
495 plea or prior to the imposition of sentence in order to allow  
496 the preparation of a submission on behalf of the defendant.

497 3. Except as provided in subparagraph 1., all evidence  
498 presented shall be presented in open court with full rights of  
499 confrontation, cross-examination, and representation by counsel.

500 4. Each of the findings required as the basis for such  
501 sentence shall be found to exist by a preponderance of the  
502 evidence and shall be appealable to the extent normally  
503 applicable to similar findings.



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504           5. For the purpose of identification of a three-time  
505 violent felony offender, the court shall fingerprint the  
506 defendant pursuant to s. 921.241.

507           6. For an offense committed on or after the effective date  
508 of this act, if the state attorney pursues a three-time violent  
509 felony offender sanction against the defendant and the court, in  
510 a separate proceeding pursuant to this paragraph, determines  
511 that the defendant meets the criteria under subsection (1) for  
512 imposing such sanction, the court must sentence the defendant as  
513 a three-time violent felony offender, subject to imprisonment  
514 pursuant to this section as provided in paragraph (4) (c).

515           (c) In a separate proceeding, the court shall determine  
516 whether the defendant is a violent career criminal with respect  
517 to a primary offense committed on or after October 1, 1995. The  
518 procedure shall be as follows:

519           1. Written notice shall be served on the defendant and the  
520 defendant's attorney a sufficient time prior to the entry of a  
521 plea or prior to the imposition of sentence in order to allow  
522 the preparation of a submission on behalf of the defendant.

523           2. All evidence presented shall be presented in open court  
524 with full rights of confrontation, cross-examination, and  
525 representation by counsel.

526           3. Each of the findings required as the basis for such  
527 sentence shall be found to exist by a preponderance of the  
528 evidence and shall be appealable only as provided in paragraph  
529 (d).

530           4. For the purpose of identification, the court shall  
531 fingerprint the defendant pursuant to s. 921.241.

532           5. For an offense committed on or after October 1, 1995, if



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533 the state attorney pursues a violent career criminal sanction  
534 against the defendant and the court, in a separate proceeding  
535 pursuant to this paragraph, determines that the defendant meets  
536 the criteria under subsection (1) for imposing such sanction,  
537 the court must sentence the defendant as a violent career  
538 criminal, subject to imprisonment pursuant to this section  
539 unless the court finds that such sentence is not necessary for  
540 the protection of the public. If the court finds that it is not  
541 necessary for the protection of the public to sentence the  
542 defendant as a violent career criminal, the court shall provide  
543 written reasons; a written transcript of orally stated reasons  
544 is permissible, if filed by the court within 7 days after the  
545 date of sentencing. Each month, the court shall submit to the  
546 Office of Economic and Demographic Research of the Legislature  
547 the written reasons or transcripts in each case in which the  
548 court determines not to sentence a defendant as a violent career  
549 criminal as provided in this subparagraph.

550 Section 9. This act shall take effect July 1, 2019.

551  
552 ===== T I T L E A M E N D M E N T =====

553 And the title is amended as follows:

554 Delete everything before the enacting clause  
555 and insert:

556 A bill to be entitled  
557 An act relating to state court system administration;  
558 amending ss. 25.386 and 44.106, F.S.; requiring  
559 security background investigations for foreign  
560 language court interpreters and mediators,  
561 respectively; amending s. 61.125, F.S.; defining



562 terms; revising qualifications for parenting  
563 coordinators; revising factors that disqualify a  
564 person from being appointed as a parenting  
565 coordinator; revising the confidentiality of  
566 communications during parenting coordination sessions;  
567 authorizing disclosure of certain testimony or  
568 evidence in certain circumstances; providing immunity  
569 for certain persons; requiring the Supreme Court to  
570 establish standards and procedures relating to  
571 parenting coordinators; authorizing the office to  
572 appoint or employ certain persons to assist in  
573 specified duties; amending s. 121.052, F.S.; modifying  
574 provisions authorizing justices or judges to purchase  
575 additional service credit in the Florida Retirement  
576 System under certain circumstances to conform to the  
577 revisions made to the mandatory judicial retirement  
578 age established in s. 8, Art. V of the State  
579 Constitution; amending s. 812.014, F.S.; authorizing  
580 electronic records of certain judgments; amending s.  
581 921.241, F.S.; defining the terms "electronic  
582 signature" and "transaction control number";  
583 authorizing electronic records of certain judgments;  
584 requiring that fingerprints be electronically captured  
585 under certain circumstances; providing forms; amending  
586 s. 921.242, F.S.; authorizing electronic records of  
587 certain judgments; reenacting s. 775.084(3)(a), (b),  
588 and (c), F.S., relating to fingerprinting a defendant  
589 for the purpose of identification, to incorporate the  
590 amendments made by the act; providing an effective



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591

date.