A bill to be entitled
An act relating to sentencing and incarceration;
providing a short title; amending s. 944.705, F.S.;
requiring the Department of Corrections to provide
inmates with a community reentry resource directory;
providing requirements for directory listing;
authorizing the department to adopt policies and
procedures for an application process for
organizations applying for registration; authorizing
the department to contract with certain entities to
assist qualified veteran inmates in applying for
specified benefits; providing for rulemaking; amending
s. 944.801, F.S.; authorizing the establishment of a
prison entrepreneurship program; providing program
requirements; amending s. 944.275, F.S.; authorizing
an award of gain-time for completion of a prison
entrepreneurship program; providing limits on certain
awards of gain-time; specifying that certain inmates
may not receive gain-time in an amount that would
prevent them from serving a minimum of 85 percent of
their sentences; amending s. 948.001, F.S.; revising
the definition of "administrative probation"; amending
s. 948.013, F.S.; authorizing the Department of
Corrections to transfer an inmate to administrative
probation in certain circumstances; amending s.
948.03, F.S.; requiring that all conditions of
probation be included in the Florida Crime Information
Center system; amending s. 948.06, F.S.; providing for
an alternative sanctioning program for probationers or
offenders on community control who commit technical
violations; deleting existing provisions concerning an
alternative sanctioning program; providing for low and
moderate-risk violations; specifying circumstances in
which alternative sanctions are not available;
specifying alternative sanctions for different classes
of violations; specifying procedures for alternative
sanction programs; amending s. 944.611, F.S.;
specifying legislative intent concerning placement of
inmates within a specified distance of their primary
residences; amending s. 893.135, F.S.; requiring a
court to impose a sentence below the statutory minimum
for certain drug trafficking offenses in certain
circumstances; amending s. 893.03, F.S.; conforming a
cross-reference; providing an effective date.

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

Section 1. This act may be cited as the "Florida First-
Step Act."

Section 2. Subsections (3) through (6) of section 944.705,
Florida Statutes, are renumbered as subsections (4) through (7), respectively, and new subsections (3), (8), (9), (10), and (11) are added to that section, to read:

944.705 Release orientation program.—

(3) Before an inmate's release, the department shall provide the inmate with a comprehensive community reentry resource directory organized by county that includes the name, address, and telephone number of each provider and a description of services offered by each provider. The directory must also include the name, address, and telephone number for an initial contact with each organization.

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

(9) The department shall adopt policies and procedures for screening, approving, and registering an organization that applies for registration under subsection (8). The department may deny approval of an organization or a representative of an organization if it determines that the organization or representative does not meet policies and procedures of the department.
(10) The department may contract with a public or private educational institution's veterans advocacy clinic or veterans legal clinic to assist qualified veteran inmates in applying for veteran's benefits upon release.

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

Section 3. Subsections (4) through (6) of section 944.801, Florida Statutes, are renumbered as subsections (5) through (7), respectively, and a new subsection (4) is added to that section, to read:

944.801 Education for state prisoners.—
(4) The Correctional Education Program may establish a Prison Entrepreneurship Program and adopt procedures for admitting student inmates. If the department elects to develop the program, it must include at least 180 days of in-prison education. Program curriculum must include a component on developing a business plan, procedures for graduation and certification of successful student inmates, and at least 90 days of transitional and postrelease continuing education services. Transitional and postrelease continuing education services may be offered to graduate student inmates on a voluntary basis and shall not be a requirement for completion of the program. The department may enter into agreements with public or private colleges, universities, or other nonprofit entities to implement the program. The program must be funded
within existing resources.

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

944.275 Gain-time.—

(4)

(d) Notwithstanding the monthly maximum awards of incentive gain-time under subparagraphs (b)1., 2., and 3., the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is, or has been during the current commitment, awarded a high school equivalency diploma or vocational certificate or has completed the Prison Entrepreneurship Program, if one is established under s. 944.801. Under no circumstances may an inmate receive more than 60 days for educational attainment pursuant to this section.

(f) An inmate who is subject to subparagraph (b)3. is not eligible to earn or receive gain-time under paragraph (a), paragraph (b) or paragraph (c), or paragraph (d) or any other type of gain-time other than under paragraph (d) in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release, prior to serving a minimum of 85 percent of the sentence imposed. An inmate who is currently serving a sentence for or has been previously convicted of a dangerous crime, as defined in s. 907.041, or a
violation specified as a predicate offense for registration as a sexual predator under s. 775.21 or for registration as a sexual offender under s. 943.0435, is not eligible to earn or receive gain-time under paragraph (a), paragraph (b), paragraph (c), or paragraph (d) or any other type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release, prior to serving a minimum of 85 percent of the sentence imposed. For purposes of this paragraph, credits awarded by the court for time physically incarcerated shall be credited toward satisfaction of 85 percent of the sentence imposed. Except as provided by this section, a prisoner may not accumulate further gain-time awards at any point when the tentative release date is the same as that date at which the prisoner will have served 85 percent of the sentence imposed. State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their natural lives, unless granted pardon or clemency.

Section 5. Subsection (1) of section 948.001, Florida Statutes, is amended to read:

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

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

Section 6. Subsection (1) of section 948.013, Florida Statutes, is amended to read:

948.013  Administrative probation.—

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

Section 7. Subsection (3) is added to section 948.03, Florida Statutes, to read:

948.03  Terms and conditions of probation.—

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

Section 8. Paragraphs (c) through (g) of subsection (1) of section 948.06, Florida Statutes, are redesignated as paragraphs (d) through (h) respectively, and a new paragraph (c) is added to that subsection, present paragraph (h) of that section is
amended, and subsection (9) is added to that section, to read:

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

(1)

(c)  If a probationer or an offender on community control commits a technical violation, the probation officer shall determine whether he or she is eligible for the alternative sanctioning program under subsection (9). If the probationer or offender on community control is eligible, the probation officer may proceed with the alternative sanctioning program in lieu of filing an affidavit of violation with the court. For purposes of this section, the term "technical violation" means an alleged violation of supervision that is not a new felony offense, misdemeanor offense, or criminal traffic offense.

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

2.  To establish an alternative sanctioning program, the

CODING: Words stricken are deletions; words underlined are additions.
The chief judge must issue an administrative order specifying:
   a. Eligibility criteria.
   b. The technical violations that are eligible for the program.
   c. The sanctions that may be recommended by a probation officer for each technical violation.
   d. The process for reporting technical violations through the alternative sanctioning program, including approved forms.

3. If an offender is alleged to have committed a technical violation of supervision that is eligible for the program, the offender may:
   a. Waive participation in the alternative sanctioning program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court in accordance with this section; or
   b. Elect to participate in the alternative sanctioning program after receiving written notice of an alleged technical violation and a disclosure of the evidence against the offender, admit to the technical violation, agree to comply with the probation officer's recommended sanction if subsequently ordered by the court, and agree to waive the right to:
      (I) Be represented by legal counsel.
      (II) Require the state to prove his or her guilt before a neutral and detached hearing body.
      (III) Subpoena witnesses and present to a judge evidence
in his or her defense.

(IV) Confront and cross-examine adverse witnesses.

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

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

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

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

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

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

1. Up to 5 days in the county jail.
2. Up to 50 additional community service hours.
4. Support group attendance.
5. Drug testing.
6. Loss of travel or other privileges.
7. Curfew for up to 30 days.
8. House arrest for up to 30 days.
9. Any other sanction as determined by administrative order by the chief judge of the circuit.

(b) When committed by a probationer, a low-risk violation includes any of the following:

1. A positive drug or alcohol test result.
2. Failure to report to the probation office.
3. Failure to report a change in address or other required information.
4. Failure to attend a required class, treatment or counseling session, or meeting.
5. Failure to submit to a drug or alcohol test.
6. A violation of curfew.
7. Failure to meet a monthly quota on any required
probation condition, including, but not limited to, making
restitution payments, paying court costs, or completing
community service hours.

8. Leaving the county without permission.
9. Failure to report a change in employment.
10. Associating with a person engaged in criminal
activity.
11. Any other violation as determined by administrative
order of the chief judge of the circuit.

(c) For a first moderate-risk violation, as provided in
paragraph (d), within the current term of supervision, a
probation officer, with a supervisor's approval, may offer an
eligible probationer or offender on community control one or
more of the following as an alternative sanction:

1. Up to 21 days in the county jail.
2. Curfew for up to 90 days.
3. House arrest for up to 90 days.
4. Electronic monitoring for up to 90 days.
5. Residential treatment for up to 90 days.
6. Any other sanction available for a low-risk violation.
7. Any other sanction as determined by administrative
order of the chief judge of the circuit.

(d) A moderate-risk violation includes any of the
following:

1. A violation listed in paragraph (b) when committed by
an offender on community control.

2. Failure to remain at an approved residence by an offender on community control.

3. A third violation listed in paragraph (b) by a probationer within the current term of supervision.

4. Any other violation as determined by administrative order by the chief judge of the circuit.

(e) A probationer or offender on community control is not eligible for an alternative sanction if:

1. He or she is a violent felony offender of special concern as provided in paragraph (8)(b);

2. The violation is a felony, misdemeanor, or criminal traffic offense;

3. The violation is absconding;

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

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

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

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

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

9. The terms of the sentence prohibit alternative
sanctioning.

(f) If a probationer or offender on community control is eligible for the alternative sanctioning program under this subsection, he or she may:

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

2. Elect to participate in the program after receiving written notice of an alleged technical violation and disclosure of the evidence against him or her, admit to the technical violation, agree to comply with the probation officer's recommended sanction if subsequently ordered by the court, and agree to waive the right to:
   a. Be represented by legal counsel.
   b. Require the state to prove his or her guilt before a neutral and detached hearing body.
   c. Subpoena witnesses and present to a judge evidence in his or her defense.
   d. Confront and cross-examine adverse witnesses.
   e. Receive a written statement from a judge as to the evidence relied on and the reasons for the sanction imposed.

3. If the probationer or offender on community control admits to committing the technical violation and agrees with the probation officer's recommended sanction, the probation officer must, before imposing the sanction, submit the recommended
sanction to the court with documentation reflecting the
probationer's admission to the technical violation and agreement
with the recommended sanction.

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

(h) Participation in the program is voluntary for a
probationer or an offender on community control. The probationer
or offender on community control may waive or discontinue
participation in the program at any time before the court
imposes a recommended sanction.

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

(j) Each judicial circuit shall establish an alternative
sanctioning program as provided in this subsection. The chief
judge of each judicial circuit may, by administrative order,
define additional sanctions or eligibility criteria and specify
the process for reporting technical violations through the
alternative sanctioning program.

Section 9. Paragraphs (a) through (d) of subsection (2) of section 944.611, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, and a new paragraph (a) is added to that subsection, to read:

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

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

(a) 1. The secretary shall designate the place of each inmate's confinement, and shall, subject to bed availability, the inmate's security designation, the inmate's programmatic needs, and the inmate's mental and medical health needs, place each inmate in an institution or facility as close as practicable within 150 driving miles from the inmate's primary residence, unless the safety of department employees or inmates requires other placement.

2. If an inmate is not initially placed within 150 driving miles of the inmate's primary residence, the inmate shall, subject to bed availability and the inmate's security designation, be transferred to an institution or facility that is as close as practicable within 150 driving miles of the inmate's primary residence when an appropriate space becomes available unless the inmate chooses to remain at his or her current institution or facility.

Section 10. Subsections (6) and (7) of section 893.135,
Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section, to read:

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

(6) Notwithstanding any other provision of law, for an offense under this section the court shall impose a sentence pursuant to chapter 921 without regard to any statutory minimum sentence, if the court finds at sentencing, after the State Attorney has been afforded the opportunity to make a recommendation, that:

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

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

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

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

(e) Not later than the time of the sentencing hearing, the
defendant has truthfully provided to the state all information
and evidence the defendant has concerning the offense or
offenses that were part of the same course of conduct or of a
common scheme or plan. The fact that the defendant has no
relevant or useful other information to provide or that the
state is already aware of the information shall not preclude a
determination by the court that the defendant has complied with
this requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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