

1                   A bill to be entitled  
2           An act relating to sentencing and incarceration;  
3           providing a short title; amending s. 944.705, F.S.;  
4           requiring the Department of Corrections to provide  
5           inmates with a community reentry resource directory;  
6           providing requirements for directory listing;  
7           authorizing the department to adopt policies and  
8           procedures for an application process for  
9           organizations applying for registration; authorizing  
10          the department to contract with certain entities to  
11          assist qualified veteran inmates in applying for  
12          specified benefits; providing for rulemaking; amending  
13          s. 944.801, F.S.; authorizing the establishment of a  
14          prison entrepreneurship program; providing program  
15          requirements; amending s. 944.275, F.S.; authorizing  
16          an award of gain-time for completion of a prison  
17          entrepreneurship program; providing limits on certain  
18          awards of gain-time; specifying that certain inmates  
19          may not receive gain-time in an amount that would  
20          prevent them from serving a minimum of 85 percent of  
21          their sentences; amending s. 948.001, F.S.; revising  
22          the definition of "administrative probation"; amending  
23          s. 948.013, F.S.; authorizing the Department of  
24          Corrections to transfer an inmate to administrative  
25          probation in certain circumstances; amending s.

26 948.03, F.S.; requiring that all conditions of  
27 probation be included in the Florida Crime Information  
28 Center system; amending s. 948.06, F.S.; providing for  
29 an alternative sanctioning program for probationers or  
30 offenders on community control who commit technical  
31 violations; deleting existing provisions concerning an  
32 alternative sanctioning program; providing for low and  
33 moderate-risk violations; specifying circumstances in  
34 which alternative sanctions are not available;  
35 specifying alternative sanctions for different classes  
36 of violations; specifying procedures for alternative  
37 sanction programs; amending s. 944.611, F.S.;;  
38 specifying legislative intent concerning placement of  
39 inmates within a specified distance of their primary  
40 residences; amending s. 893.135, F.S.; requiring a  
41 court to impose a sentence below the statutory minimum  
42 for certain drug trafficking offenses in certain  
43 circumstances; amending s. 893.03, F.S.; conforming a  
44 cross-reference; providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. This act may be cited as the "Florida First-  
49 Step Act."

50 Section 2. Subsections (3) through (6) of section 944.705,

51 Florida Statutes, are renumbered as subsections (4) through (7),  
52 respectively, and new subsections (3), (8), (9), (10), and (11)  
53 are added to that section, to read:

54 944.705 Release orientation program.—

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

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

69 (9) The department shall adopt policies and procedures for  
70 screening, approving, and registering an organization that  
71 applies for registration under subsection (8). The department  
72 may deny approval of an organization or a representative of an  
73 organization if it determines that the organization or  
74 representative does not meet policies and procedures of the  
75 department.

76           (10) The department may contract with a public or private  
 77 educational institution's veterans advocacy clinic or veterans  
 78 legal clinic to assist qualified veteran inmates in applying for  
 79 veteran's benefits upon release.

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

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

86           944.801 Education for state prisoners.—

87           (4) The Correctional Education Program may establish a  
 88 Prison Entrepreneurship Program and adopt procedures for  
 89 admitting student inmates. If the department elects to develop  
 90 the program, it must include at least 180 days of in-prison  
 91 education. Program curriculum must include a component on  
 92 developing a business plan, procedures for graduation and  
 93 certification of successful student inmates, and at least 90  
 94 days of transitional and postrelease continuing education  
 95 services. Transitional and postrelease continuing education  
 96 services may be offered to graduate student inmates on a  
 97 voluntary basis and shall not be a requirement for completion of  
 98 the program. The department may enter into agreements with  
 99 public or private colleges, universities, or other nonprofit  
 100 entities to implement the program. The program must be funded

101 within existing resources.

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

104 944.275 Gain-time.—

105 (4)

106 (d) Notwithstanding the monthly maximum awards of  
107 incentive gain-time under subparagraphs (b)1., 2., and 3., the  
108 education program manager shall recommend, and the Department of  
109 Corrections may grant, a one-time award of 60 additional days of  
110 incentive gain-time to an inmate who is otherwise eligible and  
111 who successfully completes requirements for and is, or has been  
112 during the current commitment, awarded a high school equivalency  
113 diploma or vocational certificate or has completed the Prison  
114 Entrepreneurship Program, if one is established under s.

115 944.801. Under no circumstances may an inmate receive more than  
116 60 days for educational attainment pursuant to this section.

117 (f) An inmate who is subject to subparagraph (b)3. is not  
118 eligible to earn or receive gain-time under paragraph (a),  
119 paragraph (b) or, paragraph (c), ~~or paragraph (d)~~ or any other  
120 type of gain-time other than under paragraph (d) in an amount  
121 that would cause a sentence to expire, end, or terminate, or  
122 that would result in a prisoner's release, prior to serving a  
123 minimum of 85 percent of the sentence imposed. An inmate who is  
124 currently serving a sentence for or has been previously  
125 convicted of a dangerous crime, as defined in s. 907.041, or a

126 violation specified as a predicate offense for registration as a  
127 sexual predator under s. 775.21 or for registration as a sexual  
128 offender under s. 943.0435, is not eligible to earn or receive  
129 gain-time under paragraph (a), paragraph (b), paragraph (c), or  
130 paragraph (d) or any other type of gain-time in an amount that  
131 would cause a sentence to expire, end, or terminate, or that  
132 would result in a prisoner's release, prior to serving a minimum  
133 of 85 percent of the sentence imposed. For purposes of this  
134 paragraph, credits awarded by the court for time physically  
135 incarcerated shall be credited toward satisfaction of 85 percent  
136 of the sentence imposed. Except as provided by this section, a  
137 prisoner may not accumulate further gain-time awards at any  
138 point when the tentative release date is the same as that date  
139 at which the prisoner will have served 85 percent of the  
140 sentence imposed. State prisoners sentenced to life imprisonment  
141 shall be incarcerated for the rest of their natural lives,  
142 unless granted pardon or clemency.

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

145 948.001 Definitions.—As used in this chapter, the term:

146 (1) "Administrative probation" means a form of no contact,  
147 nonreporting supervision that may be imposed by order of the  
148 court or through a transfer by the Department of Corrections ~~in~~  
149 ~~which an offender who presents a low risk of harm to the~~  
150 ~~community may, upon satisfactory completion of half the term of~~

151 ~~probation, be transferred by the Department of Corrections to~~  
152 ~~this type of reduced level of supervision, as provided in s.~~  
153 ~~948.013.~~

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

156 948.013 Administrative probation.—

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

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

168 948.03 Terms and conditions of probation.—

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

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

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176 amended, and subsection (9) is added to that section, to read:

177 948.06 Violation of probation or community control;  
178 revocation; modification; continuance; failure to pay  
179 restitution or cost of supervision.—

180 (1)

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

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

200 ~~2. To establish an alternative sanctioning program, the~~



201 ~~chief judge must issue an administrative order specifying:~~  
202     ~~a. Eligibility criteria.~~  
203     ~~b. The technical violations that are eligible for the~~  
204 ~~program.~~  
205     ~~c. The sanctions that may be recommended by a probation~~  
206 ~~officer for each technical violation.~~  
207     ~~d. The process for reporting technical violations through~~  
208 ~~the alternative sanctioning program, including approved forms.~~  
209     ~~3. If an offender is alleged to have committed a technical~~  
210 ~~violation of supervision that is eligible for the program, the~~  
211 ~~offender may:~~  
212         ~~a. Waive participation in the alternative sanctioning~~  
213 ~~program, in which case the probation officer may submit a~~  
214 ~~violation report, affidavit, and warrant to the court in~~  
215 ~~accordance with this section; or~~  
216         ~~b. Elect to participate in the alternative sanctioning~~  
217 ~~program after receiving written notice of an alleged technical~~  
218 ~~violation and a disclosure of the evidence against the offender,~~  
219 ~~admit to the technical violation, agree to comply with the~~  
220 ~~probation officer's recommended sanction if subsequently ordered~~  
221 ~~by the court, and agree to waive the right to:~~  
222             ~~(I) Be represented by legal counsel.~~  
223             ~~(II) Require the state to prove his or her guilt before a~~  
224 ~~neutral and detached hearing body.~~  
225             ~~(III) Subpoena witnesses and present to a judge evidence~~

226 ~~in his or her defense.~~

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

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

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

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

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

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

250 (9) (a) For a first or second low-risk violation, as

251 provided in paragraph (b), within the current term of  
252 supervision, a probation officer may offer an eligible  
253 probationer one or more of the following as an alternative  
254 sanction:

- 255 1. Up to 5 days in the county jail.
- 256 2. Up to 50 additional community service hours.
- 257 3. Counseling or treatment.
- 258 4. Support group attendance.
- 259 5. Drug testing.
- 260 6. Loss of travel or other privileges.
- 261 7. Curfew for up to 30 days.
- 262 8. House arrest for up to 30 days.
- 263 9. Any other sanction as determined by administrative  
264 order by the chief judge of the circuit.

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

- 267 1. A positive drug or alcohol test result.
- 268 2. Failure to report to the probation office.
- 269 3. Failure to report a change in address or other required  
270 information.
- 271 4. Failure to attend a required class, treatment or  
272 counseling session, or meeting.
- 273 5. Failure to submit to a drug or alcohol test.
- 274 6. A violation of curfew.
- 275 7. Failure to meet a monthly quota on any required

276 probation condition, including, but not limited to, making  
277 restitution payments, paying court costs, or completing  
278 community service hours.

279 8. Leaving the county without permission.

280 9. Failure to report a change in employment.

281 10. Associating with a person engaged in criminal  
282 activity.

283 11. Any other violation as determined by administrative  
284 order of the chief judge of the circuit.

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

290 1. Up to 21 days in the county jail.

291 2. Curfew for up to 90 days.

292 3. House arrest for up to 90 days.

293 4. Electronic monitoring for up to 90 days.

294 5. Residential treatment for up to 90 days.

295 6. Any other sanction available for a low-risk violation.

296 7. Any other sanction as determined by administrative  
297 order of the chief judge of the circuit.

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

300 1. A violation listed in paragraph (b) when committed by

301 an offender on community control.

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

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

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

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

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

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

314 3. The violation is absconding;

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

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

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

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

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

325 9. The terms of the sentence prohibit alternative

326 sanctioning.

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

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

333 2. Elect to participate in the program after receiving  
334 written notice of an alleged technical violation and disclosure  
335 of the evidence against him or her, admit to the technical  
336 violation, agree to comply with the probation officer's  
337 recommended sanction if subsequently ordered by the court, and  
338 agree to waive the right to:

339 a. Be represented by legal counsel.

340 b. Require the state to prove his or her guilt before a  
341 neutral and detached hearing body.

342 c. Subpoena witnesses and present to a judge evidence in  
343 his or her defense.

344 d. Confront and cross-examine adverse witnesses.

345 e. Receive a written statement from a judge as to the  
346 evidence relied on and the reasons for the sanction imposed.

347 3. If the probationer or offender on community control  
348 admits to committing the technical violation and agrees with the  
349 probation officer's recommended sanction, the probation officer  
350 must, before imposing the sanction, submit the recommended

351 sanction to the court with documentation reflecting the  
352 probationer's admission to the technical violation and agreement  
353 with the recommended sanction.

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

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

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

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

376 alternative sanctioning program.

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

381 944.611 Legislative intent.—The Legislature finds and  
382 declares that:

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

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

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

400 Section 10. Subsections (6) and (7) of section 893.135,



401 Florida Statutes, are renumbered as subsections (7) and (8),  
402 respectively, and a new subsection (6) is added to that section,  
403 to read:

404 893.135 Trafficking; mandatory sentences; suspension or  
405 reduction of sentences; conspiracy to engage in trafficking.—

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

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

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

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

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

425 (e) Not later than the time of the sentencing hearing, the

426 defendant has truthfully provided to the state all information  
427 and evidence the defendant has concerning the offense or  
428 offenses that were part of the same course of conduct or of a  
429 common scheme or plan. The fact that the defendant has no  
430 relevant or useful other information to provide or that the  
431 state is already aware of the information shall not preclude a  
432 determination by the court that the defendant has complied with  
433 this requirement.

434 Section 11. Paragraph (c) of subsection (3) of section  
435 893.03, Florida Statutes, is amended to read:

436 893.03 Standards and schedules.—The substances enumerated  
437 in this section are controlled by this chapter. The controlled  
438 substances listed or to be listed in Schedules I, II, III, IV,  
439 and V are included by whatever official, common, usual,  
440 chemical, trade name, or class designated. The provisions of  
441 this section shall not be construed to include within any of the  
442 schedules contained in this section any excluded drugs listed  
443 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
444 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
445 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
446 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
447 Anabolic Steroid Products."

448 (3) SCHEDULE III.—A substance in Schedule III has a  
449 potential for abuse less than the substances contained in  
450 Schedules I and II and has a currently accepted medical use in

451 treatment in the United States, and abuse of the substance may  
452 lead to moderate or low physical dependence or high  
453 psychological dependence or, in the case of anabolic steroids,  
454 may lead to physical damage. The following substances are  
455 controlled in Schedule III:

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

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

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

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

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

475 5. Not more than 1.8 grams of dihydrocodeine per 100

476 milliliters or not more than 90 milligrams per dosage unit, with  
477 recognized therapeutic amounts of one or more active ingredients  
478 which are not controlled substances.

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

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

487

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

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