

1 A bill to be entitled
2 An act relating to state court system administration;
3 amending ss. 25.386 and 44.106, F.S.; requiring
4 security background investigations for foreign
5 language court interpreters and mediators; amending s.
6 61.125, F.S.; providing definitions; revising
7 qualifications for parenting coordinators; providing
8 disqualification factors for appointment as a
9 parenting coordinator; authorizing disclosure of
10 certain testimony or evidence in certain
11 circumstances; providing immunity for certain persons;
12 requiring the Office of the State Courts Administrator
13 to establish standards and procedures for parenting
14 coordinators; authorizing the office to appoint or
15 employ certain persons to assist in specified duties;
16 amending s. 121.052, F.S.; revising provisions
17 relating to judicial retirement to conform to
18 revisions to the mandatory retirement age; amending s.
19 812.014, F.S.; authorizing electronic records of
20 judgments; amending s. 921.241, F.S.; authorizing
21 electronic records of judgments; providing
22 definitions; providing forms; authorizing the
23 collection of fingerprints; amending s. 921.242, F.S.;
24 providing for electronic records of judgments;
25 reenacting s. 775.084(3) (a), (b), and (c), F.S.,

26 relating to fingerprinting a defendant for the purpose
 27 of identification, to incorporate the amendments made
 28 by the act; providing an effective date.

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

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

34 25.386 Foreign language court interpreters.—

35 (1) The Supreme Court shall establish minimum standards
 36 and procedures for qualifications, certification, professional
 37 conduct, discipline, and training of foreign language court
 38 interpreters who are appointed by a court of competent
 39 jurisdiction. The Supreme Court shall set fees to be charged to
 40 applicants for certification and renewal of certification as a
 41 foreign language court interpreter. The revenues generated from
 42 such fees shall be used to offset the costs of administration of
 43 the certification program and shall be deposited into the
 44 Administrative Trust Fund within the state courts system. The
 45 Supreme Court may appoint or employ such personnel as are
 46 necessary to assist the court in administering this section.

47 (2) An applicant for certification as a foreign language
 48 court interpreter shall undergo a security background
 49 investigation, which includes, but is not limited to, submitting
 50 a full set of fingerprints to the Department of Law Enforcement

51 or to a vendor, entity, or agency authorized by s. 943.053. The
52 vendor, entity, or agency shall forward the fingerprints to the
53 department for state processing, and the department shall
54 forward the fingerprints to the Federal Bureau of Investigation
55 for national processing. Any vendor fee and state and federal
56 processing fees shall be borne by the applicant. For records
57 provided to a person or entity other than those excepted
58 therein, the cost for state fingerprint processing is the fee
59 authorized in s. 943.053(3)(e).

60 Section 2. Section 44.106, Florida Statutes, is amended to
61 read:

62 44.106 Standards and procedures for mediators and
63 arbitrators; fees.—

64 (1) The Supreme Court shall establish minimum standards and
65 procedures for qualifications, certification, professional
66 conduct, discipline, and training for mediators and arbitrators
67 who are appointed pursuant to this chapter. The Supreme Court is
68 authorized to set fees to be charged to applicants for
69 certification and renewal of certification. The revenues
70 generated from these fees shall be used to offset the costs of
71 administration of the certification process. The Supreme Court
72 may appoint or employ such personnel as are necessary to assist
73 the court in exercising its powers and performing its duties
74 under this chapter.

75 (2) An applicant for certification as a mediator shall

76 undergo a security background investigation, which includes, but
77 is not limited to, submitting a full set of fingerprints to the
78 Department of Law Enforcement or to a vendor, entity, or agency
79 authorized by s. 943.053. The vendor, entity, or agency shall
80 forward the fingerprints to the department for state processing,
81 and the department shall forward the fingerprints to the Federal
82 Bureau of Investigation for national processing. Any vendor fee
83 and state and federal processing fees shall be borne by the
84 applicant. For records provided to a person or entity other than
85 those excepted therein, the cost for state fingerprint
86 processing is the fee authorized in s. 943.053(3)(e).

87 Section 3. Subsections (1) through (9) of section 61.125,
88 Florida Statutes, are renumbered as subsections (2) through
89 (10), respectively, present subsections (4), (5), (7), and (9)
90 are amended, and new subsections (1) and (11) are added to that
91 section, to read:

92 61.125 Parenting coordination.—

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

94 (a) "Communication" means an oral or written statement, or
95 nonverbal conduct intended to make an assertion, by or to a
96 parenting coordinator, a participant, or a party made during
97 parenting coordination, or before parenting coordination if made
98 in furtherance of the parenting coordination process. The term
99 does not include the commission of a crime during parenting
100 coordination.

101 (b) "Office" means the Office of the State Courts
102 Administrator.

103 (c) "Participant" means any individual involved in the
104 parenting coordination process, other than the parenting
105 coordinator and the named parties, who takes part in an event in
106 person or by telephone, videoconference, or other electronic
107 means.

108 (d) "Parenting coordination" means a nonadversarial
109 dispute resolution process that is court ordered or agreed upon
110 by the parties.

111 (e) "Parenting coordinator" means an impartial third party
112 appointed by the court or agreed to by the parties whose role is
113 to assist the parties in successfully creating or implementing a
114 parenting plan.

115 (f) "Parenting Coordinator Review Board" means the board
116 appointed by the Chief Justice of the Florida Supreme Court to
117 consider complaints against qualified and court-appointed
118 parenting coordinators.

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

121 ~~(5)-(4) QUALIFICATIONS OF A PARENTING COORDINATOR.—A~~
122 ~~parenting coordinator is an impartial third person whose role is~~
123 ~~to assist the parents in successfully creating or implementing a~~
124 ~~parenting plan. Unless there is a written agreement between the~~
125 ~~parties, the court may appoint only a qualified parenting~~

126 ~~coordinator.~~

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

128 1. Meet one of the following professional requirements:

129 a. Be licensed as a mental health professional under
130 chapter 490 or chapter 491.

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

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

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

137 2. Complete all of the following:

138 a. Three years of postlicensure or postcertification
139 practice.

140 b. A family mediation training program certified by the
141 Florida Supreme Court.

142 c. A minimum of 24 hours of parenting coordination
143 training in parenting coordination concepts and ethics, family
144 systems theory and application, family dynamics in separation
145 and divorce, child and adolescent development, the parenting
146 coordination process, parenting coordination techniques, and
147 Florida family law and procedure, and a minimum of 4 hours of
148 training in domestic violence and child abuse which is related
149 to parenting coordination.

150 (b) The court may require additional qualifications to

151 address issues specific to the parties.

152 (c) A qualified parenting coordinator must be in good
 153 standing, or in clear and active status, with his or her
 154 respective licensing authority, certification board, or both, as
 155 applicable.

156 (d) Unless there is a written agreement between the
 157 parties, the court may appoint only a qualified parenting
 158 coordinator.

159 (6)~~(5)~~ DISQUALIFICATIONS OF PARENTING COORDINATOR.—

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

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

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

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

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

171 5. Has been disqualified by the Parenting Coordinator
 172 Review Board.

173 (b) A parenting coordinator must discontinue service as a
 174 parenting coordinator and immediately report to the court and
 175 the parties if any of the disqualifying circumstances described

176 in paragraph (a) occur, or if he or she no longer meets the
177 ~~minimum~~ qualifications in subsection (5)~~(4)~~, and the court may
178 appoint another parenting coordinator.

179 (8)~~(7)~~ CONFIDENTIALITY.—Except as otherwise provided in
180 this section, all communications made by, between, or among the
181 parties, participants, and the parenting coordinator during
182 parenting coordination sessions are confidential. The parenting
183 coordinator, participants, and each party designated in the
184 order appointing the coordinator may not testify or offer
185 evidence about communications made by, between, or among the
186 parties, participants, and the parenting coordinator during
187 parenting coordination sessions, except if:

188 (a) Necessary to identify, authenticate, confirm, or deny
189 a written agreement entered into by the parties during parenting
190 coordination;

191 (b) The testimony or evidence is necessary to identify an
192 issue for resolution by the court without otherwise disclosing
193 communications made by any party, participant, or the parenting
194 coordinator;

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

200 (d) The parenting coordinator reports that the case is no

201 longer appropriate for parenting coordination;

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

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

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

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

212 (i) The testimony or evidence is necessary to protect any
213 person from future acts that would constitute domestic violence
214 under chapter 741; child abuse, neglect, or abandonment under
215 chapter 39; or abuse, neglect, or exploitation of an elderly or
216 disabled adult under chapter 825; ~~or~~

217 (j) The testimony or evidence is offered to report, prove,
218 or disprove a violation of professional malpractice occurring
219 during the parenting coordination process, solely for the
220 purpose of the professional malpractice proceeding; or

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

225 ~~(10)~~ ~~(9)~~ IMMUNITY AND LIMITED ~~LIMITATION ON~~ LIABILITY.—

226 (a) A person appointed or employed to assist the Supreme
227 Court in performing its duties relating to disciplinary
228 proceedings involving parenting coordinators, including a member
229 of the Parenting Coordinator Review Board, is not liable for
230 civil damages for any act or omission arising from the
231 performance of his or her duties while acting within the scope
232 of his or her appointed function or job description unless such
233 person acted in bad faith or with malicious purpose.

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

240 (11) STANDARDS AND PROCEDURES.—The Supreme Court shall
241 establish minimum standards and procedures for the training,
242 ethical conduct, and discipline of parenting coordinators who
243 serve under this section. The office may appoint or employ
244 personnel as necessary to assist the court in exercising its
245 powers and performing its duties under this section.

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

248 121.052 Membership class of elected officers.—

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

251 (a) A duly elected officer whose term of office was
252 shortened by legislative or judicial apportionment pursuant to
253 s. 16, Art. III of the State Constitution may, after the term of
254 office to which he or she was elected is completed, pay into the
255 Florida Retirement System Trust Fund the amount of contributions
256 that would have been made by the officer or the officer's
257 employer on his or her behalf, plus 4 percent interest
258 compounded annually from the date he or she left office until
259 July 1, 1975, and 6.5 percent interest compounded annually
260 thereafter, and may receive service credit for the length of
261 time the officer would have served if such term had not been
262 shortened by apportionment.

263 (b) Any duly elected officer whose term of office was
264 shortened because the election at which he or she was elected
265 was delayed as a result of federal intervention under the
266 federal Voting Rights Act may, after the term of office to which
267 he or she was elected is completed, pay into the System Trust
268 Fund the amount of contributions that would have been made by
269 the employee or by the employer on his or her behalf for the
270 period of time the assumption of office was delayed, plus 4
271 percent interest compounded annually from the date he or she
272 assumed office until July 1, 1975, and 6.5 percent interest
273 compounded annually thereafter, and may receive service credit
274 for the length of time he or she would have served if such term
275 had not been shortened by delay of the election.

276 (c) For the purpose of this chapter, "creditable service"
277 includes the period from November 1972 to January 1973 which
278 would have been served by an elected county officer but for the
279 enactment of chapter 67-510, Laws of Florida, if the inclusion
280 of such period would provide any person affected with sufficient
281 creditable service to qualify for retirement benefits pursuant
282 to this chapter.

283 (d)1. Any justice or judge, or any retired justice or
284 judge who retired before July 1, 1993, who ~~has~~ attained the age
285 of 70 years before July 1, 2019, and who was ~~is~~ prevented under
286 s. 8, Art. V of the State Constitution from completing his or
287 her term of office because of age may elect to purchase credit
288 for all or a portion of the months he or she would have served
289 during the remainder of the term of office; however, he or she
290 may claim those months only after the date the service would
291 have occurred. The justice or judge must pay into the Florida
292 Retirement System Trust Fund the amount of contributions that
293 would have been made by the employer on his or her behalf for
294 the period of time being claimed, plus 6.5 percent interest
295 thereon compounded each June 30 from the date he or she left
296 office, in order to receive service credit in this class for the
297 period of time being claimed. After the date the service would
298 have occurred, and upon payment of the required contributions,
299 the retirement benefit of a retired justice or judge shall be
300 adjusted prospectively to include the additional creditable

301 service; however, such adjustment may be made only once.

302 2. Any justice or judge who did ~~does~~ not seek retention or
 303 election to a subsequent term of office because he or she was
 304 ~~would be~~ prevented under s. 8, Art. V of the State Constitution
 305 from completing such term of office upon attaining the age of 70
 306 years may elect to purchase service credit for service as a
 307 temporary judge as assigned by the court if the temporary
 308 assignment immediately follows the last full term of office
 309 served and the purchase is limited to the number of months of
 310 service needed to vest retirement benefits. To receive
 311 retirement credit for such temporary service beyond termination,
 312 the justice or judge must pay into the Florida Retirement System
 313 Trust Fund the amount of contributions that would have been made
 314 by the justice or judge and the employer on his or her behalf
 315 had he or she continued in office for the period of time being
 316 claimed, plus 6.5 percent interest thereon compounded each June
 317 30 from the date he or she left office.

318 Section 5. Paragraph (d) of subsection (3) of section
 319 812.014, Florida Statutes, is amended to read:

320 812.014 Theft.—

321 (3)

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

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

326 b. An electronic record that contains the judge's
 327 electronic signature as defined in s. 933.40 and is recorded by
 328 the clerk of the circuit court.

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

333 a. For a written judgment of guilty, the fingerprints of
 334 the defendant against whom such judgment is rendered shall be
 335 manually taken and. ~~Such fingerprints shall be~~ affixed beneath
 336 the judge's signature on the ~~to such~~ judgment. Beneath such
 337 fingerprints shall be appended a certificate to the following
 338 effect:

339 "I hereby certify that the above and foregoing fingerprints
 340 on this judgment are the fingerprints of the defendant, ,
 341 and that they were placed thereon by said defendant in my
 342 presence, in open court, this the day of ,
 343 . . . (year)"

344
 345 Such certificate shall be signed by the judge, whose signature
 346 thereto shall be followed by the word "Judge."

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

350 3.2. A Any such written or an electronic judgment of

351 guilty of a petit theft, or a certified copy thereof, is
352 admissible in evidence in the courts of this state as provided
353 in s. 921.241(4) ~~prima facie evidence that the fingerprints~~
354 ~~appearing thereon and certified by the judge are the~~
355 ~~fingerprints of the defendant against whom such judgment of~~
356 ~~guilty of a petit theft was rendered.~~

357 Section 6. Section 921.241, Florida Statutes, is amended
358 to read:

359 921.241 Felony judgments; fingerprints and social security
360 number required in record.—

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

362 (a) "Electronic signature" has the same meaning as in s.
363 933.40.

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

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

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

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

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

380 (a) For a written judgment of guilty, ~~and at the time the~~
381 ~~judgment is rendered,~~ the fingerprints of the defendant shall be
382 manually taken and against whom such judgment is rendered. Such
383 ~~fingerprints shall be~~ affixed beneath the judge's signature on
384 the ~~to such~~ judgment. Beneath such fingerprints shall be
385 appended a certificate to the following effect:

386 "I hereby certify that the above and foregoing fingerprints
387 on this judgment are the fingerprints of the defendant,,
388 and that they were placed thereon by said defendant in my
389 presence, in open court, this the day of,
390 . . . (year)"

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

393 (b) For an electronic judgment of guilty, the fingerprints
394 of the defendant shall be electronically captured and the
395 following certificate shall be included in the electronic
396 judgment:

397 "I hereby certify that the digital fingerprint record
398 associated with Transaction Control Number contains the
399 fingerprints of the defendant,, which were electronically
400 captured from the defendant in my presence, in open court, this

401 the day of, ... (year)...."

402

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

405 (4)(3) A written or electronic ~~Any such written~~ judgment
406 of guilty ~~of a felony~~, or a certified copy thereof, shall be
407 admissible in evidence in the several courts of this state as
408 prima facie evidence that the:

409 (a) Manual fingerprints appearing thereon and certified by
410 the judge as aforesaid are the fingerprints of the defendant
411 against whom the ~~such~~ judgment of guilty ~~of a felony~~ was
412 rendered.

413 (b) Digital fingerprint record associated with the
414 transaction control number specified in the judge's certificate
415 contains the fingerprints of the defendant against whom the
416 judgment of guilty was rendered.

417 (5)(4) At the time the defendant's fingerprints are
418 manually taken or electronically captured, the judge shall also
419 cause the defendant's social security number to be taken. The
420 defendant's social security number shall be specified in each
421 ~~affixed to every~~ written or electronic judgment of guilty of a
422 felony, in open court, in the presence of such judge, and at the
423 time the judgment is rendered. If the defendant is unable or
424 unwilling to provide his or her social security number, the
425 reason for its absence shall be specified in ~~indicated on the~~

426 | written or electronic judgment.

427 | Section 7. Section 921.242, Florida Statutes, is amended
428 | to read:

429 | 921.242 Subsequent offenses under chapter 796; method of
430 | proof applicable.—

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

433 | (a) A written record that is ~~writing~~, signed by the judge,
434 | and recorded by the clerk of the circuit court; or

435 | (b) An electronic record that contains the judge's
436 | electronic signature as defined in s. 933.40 and is recorded by
437 | the clerk of circuit court.

438 | (2) At the time a defendant is found guilty, the judge
439 | shall cause the following to occur ~~to be affixed to every such~~
440 | ~~written judgment of guilty,~~ in open court and in the judge's
441 | presence; ~~of such judge~~

442 | (a) For a written judgment of guilty, the fingerprints of
443 | the defendant against whom such judgment is rendered shall be
444 | manually taken and. ~~Such fingerprints shall be~~ affixed beneath
445 | the judge's signature on the ~~to any such~~ judgment. Beneath such
446 | fingerprints shall be appended a certificate to the following
447 | effect:

448 | "I hereby certify that the above and foregoing fingerprints
449 | are of the defendant, ...(name)..., and that they were placed
450 | thereon by said defendant in my presence, in open court, this

451 the day of, ... (year)...."

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

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

457 (3)(2) A ~~Any such~~ written or an electronic judgment of
458 guilty, or a certified copy thereof, shall be admissible in
459 evidence in the several courts of this state as provided in s.
460 921.241(4) ~~prima facie evidence that the fingerprints appearing~~
461 ~~thereon and certified by the judge as aforesaid are the~~
462 ~~fingerprints of the defendant against whom such judgment of~~
463 ~~guilty was rendered.~~

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

468 775.084 Violent career criminals; habitual felony
469 offenders and habitual violent felony offenders; three-time
470 violent felony offenders; definitions; procedure; enhanced
471 penalties or mandatory minimum prison terms.—

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

475 1. The court shall obtain and consider a presentence

476 investigation prior to the imposition of a sentence as a
477 habitual felony offender or a habitual violent felony offender.

478 2. Written notice shall be served on the defendant and the
479 defendant's attorney a sufficient time prior to the entry of a
480 plea or prior to the imposition of sentence in order to allow
481 the preparation of a submission on behalf of the defendant.

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

485 4. Each of the findings required as the basis for such
486 sentence shall be found to exist by a preponderance of the
487 evidence and shall be appealable to the extent normally
488 applicable to similar findings.

489 5. For the purpose of identification of a habitual felony
490 offender or a habitual violent felony offender, the court shall
491 fingerprint the defendant pursuant to s. 921.241.

492 6. For an offense committed on or after October 1, 1995,
493 if the state attorney pursues a habitual felony offender
494 sanction or a habitual violent felony offender sanction against
495 the defendant and the court, in a separate proceeding pursuant
496 to this paragraph, determines that the defendant meets the
497 criteria under subsection (1) for imposing such sanction, the
498 court must sentence the defendant as a habitual felony offender
499 or a habitual violent felony offender, subject to imprisonment
500 pursuant to this section unless the court finds that such

501 sentence is not necessary for the protection of the public. If
502 the court finds that it is not necessary for the protection of
503 the public to sentence the defendant as a habitual felony
504 offender or a habitual violent felony offender, the court shall
505 provide written reasons; a written transcript of orally stated
506 reasons is permissible, if filed by the court within 7 days
507 after the date of sentencing. Each month, the court shall submit
508 to the Office of Economic and Demographic Research of the
509 Legislature the written reasons or transcripts in each case in
510 which the court determines not to sentence a defendant as a
511 habitual felony offender or a habitual violent felony offender
512 as provided in this subparagraph.

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

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

519 2. 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 3. Except as provided in subparagraph 1., all evidence
524 presented shall be presented in open court with full rights of
525 confrontation, cross-examination, and representation by counsel.

526 4. 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 to the extent normally
529 applicable to similar findings.

530 5. For the purpose of identification of a three-time
531 violent felony offender, the court shall fingerprint the
532 defendant pursuant to s. 921.241.

533 6. For an offense committed on or after the effective date
534 of this act, if the state attorney pursues a three-time violent
535 felony offender sanction against the defendant and the court, in
536 a separate proceeding pursuant to this paragraph, determines
537 that the defendant meets the criteria under subsection (1) for
538 imposing such sanction, the court must sentence the defendant as
539 a three-time violent felony offender, subject to imprisonment
540 pursuant to this section as provided in paragraph (4) (c).

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

545 1. Written notice shall be served on the defendant and the
546 defendant's attorney a sufficient time prior to the entry of a
547 plea or prior to the imposition of sentence in order to allow
548 the preparation of a submission on behalf of the defendant.

549 2. All evidence presented shall be presented in open court
550 with full rights of confrontation, cross-examination, and

551 representation by counsel.

552 3. Each of the findings required as the basis for such
553 sentence shall be found to exist by a preponderance of the
554 evidence and shall be appealable only as provided in paragraph
555 (d).

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

558 5. For an offense committed on or after October 1, 1995,
559 if the state attorney pursues a violent career criminal sanction
560 against the defendant and the court, in a separate proceeding
561 pursuant to this paragraph, determines that the defendant meets
562 the criteria under subsection (1) for imposing such sanction,
563 the court must sentence the defendant as a violent career
564 criminal, subject to imprisonment pursuant to this section
565 unless the court finds that such sentence is not necessary for
566 the protection of the public. If the court finds that it is not
567 necessary for the protection of the public to sentence the
568 defendant as a violent career criminal, the court shall provide
569 written reasons; a written transcript of orally stated reasons
570 is permissible, if filed by the court within 7 days after the
571 date of sentencing. Each month, the court shall submit to the
572 Office of Economic and Demographic Research of the Legislature
573 the written reasons or transcripts in each case in which the
574 court determines not to sentence a defendant as a violent career
575 criminal as provided in this subparagraph.

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