Amendment No. 1

Committee/Subcommittee hearing bill: Appropriations Committee
Representative Renner offered the following:

Amendment (with title amendment)
Remove lines 390-830 and insert:

Section 1. Effective July 1, 2019, paragraph (c) is added to subsection (4) and paragraph (e) is added to subsection (5) of section 16.555, Florida Statutes, to read:

16.555 Crime Stoppers Trust Fund; rulemaking.—
(4)
(c) After initial distribution of funds to the judicial circuit in which they were collected, up to 50 percent of the unencumbered funds returned to the Crime Stoppers Trust Fund from that circuit from a previous grant year, may, in subsequent grant years, be reallocated to other judicial circuits for special crime stoppers initiatives or other programs of the
Florida Association of Crime Stoppers, as prioritized and determined by the department and the Florida Association of Crime Stoppers.

(5)

(e) A county that is awarded a grant under this section may use such funds to pay rewards for tips that result in any of the following:

1. An arrest.
2. Recovery of stolen property.
4. Recovery of the body of a homicide victim.
5. Recovery of a human trafficking victim or a missing person connected to criminal activity.
6. Recovery of an illegal firearm or an illegal weapon on a K-12 school campus.
8. Solving and closing a homicide or other violent felony offense that remains unsolved for 1 year or more after being reported to a law enforcement agency and that has no viable and unexplored investigatory leads.

Section 2. Section 16.557, Florida Statutes, is created to read:

16.557 Crime stoppers organizations; disclosure of privileged communications or protected information.—

(1) As used in this section, the term:
(a) "Crime stoppers organization" means a private not-for-profit organization that collects and expends donations for rewards to persons who report to the organization information concerning criminal activity and forwards that information to appropriate law enforcement agencies.

(b) "Privileged communication" means the act of providing information to a crime stoppers organization for the purpose of reporting alleged criminal activity.

(c) "Protected information" includes the identity of a person who engages in privileged communication with a crime stoppers program and any records, recordings, oral or written statements, papers, documents, or other tangible things provided to or collected by a crime stoppers organization, a law enforcement crime stoppers coordinator or his or her staff, or a law enforcement agency in connection with such privileged communication.

(2)(a) Except pursuant to criminal discovery or as provided in paragraph (b), a person who discloses a privileged communication or protected information or any information concerning a privileged communication or protected information commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) This subsection does not apply to:

1. The person who provides the privileged communication or protected information; or
2. A law enforcement officer or an employee of a law enforcement agency or the Department of Legal Affairs when acting within the scope of his or her official duties.

(c) This subsection does not limit the right of any criminal defendant to criminal discovery.

Section 3. Subsection (2) of section 212.15, Florida Statutes, is amended to read:

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

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

(a) If the total amount of stolen revenue is less than $1,000, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction, the offender commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction, the offender commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the total amount of stolen revenue is $1,000 or more, but less than $20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(c) If the total amount of stolen revenue is $20,000 or more, but less than $100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

Section 4. Subsections (41), (42), (43), (44), (45), and (46) of section 322.01, Florida Statutes, are renumbered as subsections (42), (43), (44), (45), (46), and (47), respectively, and subsection (41) is added to that section, to read:

322.01 Definitions.—As used in this chapter:

(41) "Suspension or revocation equivalent status" is a designation for a person who does not have a driver license or driving privilege but would qualify for suspension or revocation of his or her driver license or driving privilege if licensed. The department may designate a person as having suspension or revocation equivalent status in the same manner as it is authorized to suspend or revoke a driver license or driving privilege by law.

Section 5. Subsections (1) through (4) of section 322.055, Florida Statutes, are amended to read:
322.055 Revocation or suspension of, or delay of
eligibility for, driver license for persons 18 years of age or
older convicted of certain drug offenses.—

(1) Notwithstanding s. 322.28, upon the conviction of a
person 18 years of age or older for possession or sale of,
trafficking in, or conspiracy to possess, sell, or traffic in a
controlled substance, the court shall direct the department to
suspend revoke the person's driver license or driving privilege
of the person. The suspension period of such revocation shall be
6 months or year or until the person is evaluated for and, if
deemed necessary by the evaluating agency, completes a drug
treatment and rehabilitation program approved or regulated by
the Department of Children and Families. However, the court may,
upon finding a compelling circumstance to warrant an exception
in its sound discretion, direct the department to issue a
license for driving privilege restricted to business or
employment purposes only, as defined by s. 322.271, if the
person is otherwise qualified for such a license. A driver whose
license or driving privilege has been suspended or revoked under
this section or s. 322.056 may, upon the expiration of 6 months,
petition the department for restoration of the driving privilege
on a restricted or unrestricted basis depending on length of
suspension or revocation. In no case shall a restricted license
be available until 6 months of the suspension or revocation
period has expired.
(2) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is eligible by reason of age for a driver license or privilege, the court shall direct the department to withhold issuance of such person's driver license or driving privilege for a period of 6 months after the date the person was convicted or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, upon finding a compelling circumstance to warrant an exception in its sound discretion, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until 6 months of the suspension or revocation period has expired.

(3) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to...
possess, sell, or traffic in a controlled substance and such person's driver license or driving privilege is already under suspension or revocation for any reason, the court shall direct the department to extend the period of such suspension or revocation by an additional period of 6 months or 1 year or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, upon finding a compelling circumstance to warrant an exception in its sound discretion, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until 6 months of the suspension or revocation period has expired.

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

Section 6. Section 322.056, Florida Statutes, is amended to read:

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

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

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

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

2. Two years, for a subsequent violation.

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

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

2. Two years, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver license or driving privilege, the court shall direct the department to withhold issuance of his or her driver license or driving privilege for a period of†
1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.

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

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

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

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

1. For the first violation, for 30 days.
2. For the second violation within 12 weeks of the first violation, for 45 days.

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

1. For the first violation, for 30 days.
2. For the second violation within 12 weeks of the first violation, for 45 days.

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

1. For the first violation, for 30 days.
2. For the second violation within 12 weeks of the first violation, for 45 days.

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

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

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

(5) The suspension or revocation of a person's driver license imposed pursuant to subsection (2) or subsection (3), shall not result in or be cause for an increase of the convicted person's, or his or her parent's or legal guardian's, automobile insurance rate or premium or result in points assessed against the person's driving record.

Section 7. Section 322.057, Florida Statutes, is repealed.

Section 8. Subsections (1) and (5) of section 322.34, Florida Statutes, are amended to read:

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

(1) Except as provided in subsection (2), any person whose driver license or driving privilege has been canceled, suspended, or revoked, or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status as defined in s. 322.01(41), except a "habitual traffic offender" as defined in s. 322.264, who drives
a vehicle upon the highways of this state while such license or
privilege is canceled, suspended, or revoked is guilty of a
moving violation, punishable as provided in chapter 318.

(5) Any person who has been designated a habitual traffic
offender as defined by whose driver license has been revoked
pursuant to s. 322.264 (habitual offender) and who drives any
motor vehicle upon the highways of this state while designated a
habitual traffic offender while such license is revoked is
guilty of a felony of the third degree, punishable as provided
in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Section 322.75, Florida Statutes, is created to
read:

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

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

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

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

1. Driving without a valid driver license;
2. Driving with a suspended driver license;
3. Failing to make a payment on penalties in collection;
4. Failing to appear in court for a traffic violation; or
5. Failing to comply with any provision of chapter 318 or this chapter.

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

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

(a) Failure to fulfill a court-ordered child support obligation;
(b) A violation of s. 316.193;
(c) Failure to complete a driver training program, driver improvement course, or alcohol or substance abuse education or evaluation program required under s. 316.192, s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;
(d) A traffic-related felony; or
(e) The person being a habitual traffic offender under s. 322.264.

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

(7) The clerk of court must collect and report to the Florida Clerks of the Court Operations Corporation:
(a) The number of cases paid in full.
(b) The number of cases put on a payment plan.
(c) The number of driver license reinstatements.
(d) The number of driver licenses made eligible for reinstatement.
(e) The amount of fees and costs collected, reported by the entity receiving the funds. The Florida Clerks of the Court Operations Corporation must report the aggregate funds received by the clerks of court, the local governmental entities, and state entities, including general revenue.
(f) The personnel, operating, security, and other expenditures incurred by the clerk of court.
(g) The number of cases that fail to comply with a payment plan and subsequently result in driver license suspension.

(8) The Florida Clerks of Court Operations Corporation shall report the information collected in subsection (7) in its annual report required by s. 28.35.

Section 10. Section 394.47891, Florida Statutes, is amended to read:

394.47891 Military veterans, and servicemembers, and other court programs.—The chief judge of each judicial circuit may establish a Military Veterans and Servicemembers Court Program under which veterans, as defined in s. 1.01, including veterans who were discharged or released under a general discharge, and servicemembers, as defined in s. 250.01; individuals who are current or former United States Department of Defense contractors, provided any separation was not due to the former contractor's bad conduct; and individuals who are current or former military members of a foreign allied country, provided any discharge was the equivalent of an honorable or general discharge, who are charged or convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem can be sentenced in accordance with chapter 921 in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the
individual needs of the participant. Entry into any Military Veterans and Servicemembers Court Program must be based upon the sentencing court's assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

Section 11. Subsection (2) of section 394.917, Florida Statutes, is amended to read:

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

(2) If the court or jury determines that the person is a sexually violent predator, upon the expiration of the incarcerative portion of all criminal sentences and disposition of any detainers, the person shall be committed to the custody of the Department of Children and Families for control, care, and treatment, and rehabilitation of criminal offenders, until such time as the person's mental abnormality or personality disorder has so changed that it is safe for the person to be at large. At all times, persons who are detained or committed under this part shall be kept in a secure facility segregated from patients of the department who are not detained or committed under this part.
Section 12. Subsection (2) of section 397.334, Florida Statutes, is amended to read:

397.334  Treatment-based drug court programs.—

(2) Entry into any pretrial treatment-based drug court program shall be voluntary. When neither s. 948.08(6)(c)1. nor 2. applies, the court may order an eligible individual to enter into a pretrial treatment-based drug court program only upon written agreement by the individual, which shall include a statement that the individual understands the requirements of the program and the potential sanctions for noncompliance.

Section 13. Subsections (3) through (12) of section 455.213, Florida Statutes, are renumbered as subsections (4) through (13), respectively, present subsection (2) is amended, and a new subsection (3) is added to that section, to read:

455.213  General licensing provisions.—

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

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

(b) A conviction, or any other adjudication, for a crime more than 5 years before the date the application is received by the applicable board may not be grounds for denial of a license. For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld. This paragraph does not limit the department or applicable board from considering an applicant's criminal history that includes a crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time only if such criminal history has been found to relate to the practice of the applicable profession, or any crime if it has been found to relate to good moral character if the applicable practice act requires such a standard.

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

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

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

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

(d) The department and each applicable board shall compile a list of crimes that, if committed and regardless of
adjudication, do not relate to the practice of the profession or the ability to practice the profession and do not constitute grounds for denial of a license. This list shall be made available on the department's website and be updated annually. Beginning October 1, 2019, each applicable board shall compile a list of crimes that although reported by an applicant for licensure, were not used as a basis for denial. The list must identify the crime reported for each license application and the:

1. Date of conviction or sentencing date, whichever is later.
2. Date adjudication was entered.

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

1. Date of conviction or sentencing date, whichever is later.
2. Date adjudication was entered.

Such denials shall be available to the public upon request.
Section 14. Subsection (4) of section 474.2165, Florida Statutes, is amended to read:

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

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

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

(b) In any civil or criminal action, unless otherwise

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T I T L E  A M E N D M E N T

Remove lines 2-24 and insert:

An act relating to public safety; amending s. 16.555, F.S.; providing for reallocation of unencumbered funds returned to the Crime Stoppers Trust Fund; specifying permissible uses for funds awarded to counties from the trust fund; creating s. 16.557, F.S.; providing definitions; providing criminal penalties for
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disclosure of privileged communications or protected information or information concerning such communications or information; providing exceptions; amending s. 212.15, F.S.; increasing threshold amounts for certain theft offenses; amending s. 322.055, F.S.; reducing the length of driver license revocation for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance; deleting provisions authorizing a driver to petition the Department of Highway Safety and Motor Vehicles for restoration of his or her driving privilege; amending s. 322.01, F.S.; providing a definition; amending s. 322.056, F.S.; reducing the period for revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain drug offenses; deleting requirements relating to the revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain alcohol or tobacco offenses; deleting provisions authorizing a driver to petition the Department of Highway Safety and Motor Vehicles for restoration of his or her driving privilege; repealing s. 322.057, F.S., relating to discretionary revocation or suspension of a driver license for certain persons who provide alcohol to persons under a specified age; amending s. 322.24, F.S.; extending penalties to a person who was never issued a driver license;