

By the Committee on Criminal Justice; and Senators Brandes, Gruters, Rouson, Perry, and Broxson

591-02648A-19

2019642c1

1 A bill to be entitled
2 An act relating to criminal justice; providing a short
3 title; amending s. 893.135, F.S.; requiring that the
4 court impose, for an offense relating to trafficking
5 in certain substances, a sentence pursuant to the
6 Criminal Punishment Code and without regard to any
7 statutory minimum sentence if the court makes
8 specified findings under certain circumstances;
9 amending s. 944.275, F.S.; requiring an education
10 program manager to recommend, and authorizing the
11 Department of Corrections to grant, an award of a
12 specified amount of incentive gain-time to an inmate
13 who has completed the Prison Entrepreneurship Program;
14 revising circumstances under which certain inmates are
15 not eligible for certain types of gain-time in amounts
16 that would cause a sentence to end or require a
17 release prior to serving a minimum percentage of a
18 sentence; amending s. 944.611, F.S.; providing
19 legislative intent with respect to the location of an
20 inmate's confinement; amending s. 944.705, F.S.;
21 requiring that the department provide an inmate with a
22 comprehensive community reentry resource directory
23 organized by county before an inmate's release;
24 authorizing a nonprofit faith-based or professional
25 business or a civic or community organization to apply
26 for registration with the department to provide inmate
27 reentry services; requiring the department to adopt
28 certain policies and procedures; authorizing the
29 department to deny approval and registration of an

591-02648A-19

2019642c1

30 organization or representative of an organization
31 under certain circumstances; authorizing the
32 department to contract with a public or private
33 educational institution's Veterans Advocacy Clinic or
34 Veterans Legal Clinic for certain purposes; requiring
35 the department to include notification of all
36 outstanding terms of sentence in an inmate's release
37 documents; providing an exception to the notification
38 requirement for inmates who are released to any type
39 of supervision monitored by the Department of
40 Corrections; requiring the department to adopt certain
41 rules; amending s. 944.801, F.S.; authorizing the
42 Correctional Education Program to establish a Prison
43 Entrepreneurship Program and adopt procedures for
44 admitting student inmates; providing requirements for
45 the program; authorizing transitional and postrelease
46 continuing educational services to be offered under
47 certain circumstances; requiring the department to
48 enter into certain agreements to implement the
49 program; requiring that the program be funded with
50 existing resources; amending s. 948.001, F.S.;
51 redefining the term "administrative probation";
52 amending s. 948.013, F.S.; authorizing the department
53 to transfer an offender to administrative probation
54 under certain circumstances; amending s. 948.03, F.S.;
55 requiring the department to include in the Florida
56 Crime Information Center system all conditions of
57 probation as determined by the court for each
58 probationer; creating s. 948.041, F.S.; requiring the

591-02648A-19

2019642c1

59 department to provide notification in writing to an
60 offender, upon the termination of his or her term of
61 probation or community control, of all outstanding
62 terms of sentence; amending s. 948.06, F.S.; requiring
63 a probation officer to determine whether a probationer
64 or offender on community control who commits a
65 technical violation is eligible for a certain
66 alternative sanctioning program; authorizing the
67 probation officer to take certain actions if such
68 probationer or offender is eligible; defining the term
69 "technical violation"; requiring that judicial
70 circuits establish an alternative sanctioning program;
71 authorizing the chief judge of each judicial circuit
72 to issue specified administrative orders; requiring a
73 probation officer to submit to the court for approval
74 any recommended sanctions against a probationer or
75 offender determined to be eligible for the program to
76 the court for approval; defining the terms "low-risk
77 violation" and "moderate-risk violation"; specifying
78 circumstances under which a probationer or offender on
79 community control is not eligible for an alternative
80 sanction; authorizing a probation officer to offer an
81 eligible probationer one or more specified alternative
82 sanctions for a first or second low-risk violation;
83 authorizing a probation officer, under certain
84 circumstances, to offer an eligible probationer or
85 offender on community control one or more specified
86 alternative sanctions for a first moderate-risk
87 violation; providing that the participation of a

591-02648A-19

2019642c1

88 probationer or offender on community control in the
89 alternative sanctioning program is voluntary, subject
90 to certain requirements; specifying actions that a
91 probationer or offender on community control may take
92 if he or she is eligible for an alternative
93 sanctioning program; providing that a probation
94 officer, under certain circumstances, submit a
95 recommended sanction to the court; authorizing the
96 court to impose the recommended sanction or direct the
97 department to submit a violation report, affidavit,
98 and warrant to the court; authorizing a probation
99 officer to submit a violation report, affidavit, and
100 warrant to the court under certain circumstances;
101 prohibiting certain evidence in subsequent
102 proceedings; creating s. 951.30, F.S.; requiring each
103 county detention facility to notify a prisoner in
104 writing, upon such prisoner's release, of all
105 outstanding terms of sentence; providing an exception
106 to the notification requirement for prisoners who are
107 released into the custody or control of the Department
108 of Corrections; amending s. 893.03, F.S.; conforming a
109 cross-reference; providing an effective date.

110
111 Be It Enacted by the Legislature of the State of Florida:

112
113 Section 1. This act may be cited as the Florida First Step
114 Act.

115 Section 2. Present subsections (6) and (7) of section
116 893.135, Florida Statutes, are redesignated as subsections (7)

591-02648A-19

2019642c1

117 and (8), respectively, and a new subsection (6) is added to that
118 section, to read:

119 893.135 Trafficking; mandatory sentences; suspension or
120 reduction of sentences; conspiracy to engage in trafficking.—

121 (6) Notwithstanding any other provision of law, for an
122 offense under this section the court shall impose a sentence
123 pursuant to the Criminal Punishment Code under chapter 921 and
124 without regard to any statutory minimum sentence, if the court
125 finds at sentencing, after the state attorney has been afforded
126 the opportunity to make a recommendation, all of the following:

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

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

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

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

140 (e) By the time of the sentencing hearing, the defendant
141 has truthfully provided to the state all information and
142 evidence the defendant has concerning the offense or offenses
143 that were part of the same course of conduct or of a common
144 scheme or plan. The fact that the defendant has no other
145 relevant or useful information to provide or that the state is

591-02648A-19

2019642c1

146 already aware of the information does not preclude a
147 determination by the court that the defendant has complied with
148 this requirement.

149 Section 3. Paragraphs (d) and (f) of subsection (4) of
150 section 944.275, Florida Statutes, are amended to read:

151 944.275 Gain-time.—

152 (4)

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

164 (f) An inmate who is subject to subparagraph (b)3. is not
165 eligible to earn or receive gain-time under paragraph (a),
166 paragraph (b), or paragraph (c), ~~or paragraph (d)~~ or any other
167 type of gain-time other than under paragraph (d) in an amount
168 that would cause a sentence to expire, end, or terminate, or
169 that would result in a prisoner's release, prior to serving a
170 minimum of 85 percent of the sentence imposed. An inmate who is
171 currently serving a sentence for or has been previously
172 convicted of a dangerous crime as defined in s. 907.041, or a
173 violation specified as a predicate offense for registration as a
174 sexual predator under s. 775.21 or for registration as a sexual

591-02648A-19

2019642c1

175 offender under s. 943.0435, is not eligible to earn or receive
176 gain-time under paragraphs (a) through (d), or any other type of
177 gain-time in an amount that would cause a sentence to expire,
178 end, or terminate, or that would result in a prisoner's release,
179 prior to serving a minimum of 85 percent of the sentence
180 imposed. For purposes of this paragraph, credits awarded by the
181 court for time physically incarcerated shall be credited toward
182 satisfaction of 85 percent of the sentence imposed. Except as
183 provided by this section, a prisoner may not accumulate further
184 gain-time awards at any point when the tentative release date is
185 the same as that date at which the prisoner will have served 85
186 percent of the sentence imposed. State prisoners sentenced to
187 life imprisonment shall be incarcerated for the rest of their
188 natural lives, unless granted pardon or clemency.

189 Section 4. Subsection (2) of section 944.611, Florida
190 Statutes, is amended to read:

191 944.611 Legislative intent.—The Legislature finds and
192 declares that:

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

194 (a) The secretary shall designate the place of each
195 inmate's confinement and shall, subject to bed availability and
196 the inmate's security designation, programmatic needs, and
197 mental and medical health needs, place each inmate in an
198 institution or facility as close as practicable to within 300
199 driving miles of the inmate's primary residence, unless the
200 safety of department employees or inmates requires other
201 placement. Subject to bed availability and the inmate's security
202 designation, the department shall transfer an inmate to an
203 institution or facility that is as close as practicable to

591-02648A-19

2019642c1

204 within 300 driving miles of the inmate's primary residence,
205 unless the inmate chooses to remain at his or her current
206 institution or facility.

207 (b)~~(a)~~ To the extent possible, an inmate be returned, upon
208 release, to the same area from which the inmate was committed.

209 (c)~~(b)~~ An inmate being released from a community work-
210 release program is not eligible for the provision of
211 transportation.

212 (d)~~(e)~~ Transportation provided for an eligible inmate upon
213 release shall be to one of the following points:

214 1. The county where parole placement has been approved and
215 supervision is to commence.

216 2. Another state.

217 3. The county of employment within the state.

218 4. The county of legal residence within the state.

219 5. The county of original commitment within the state.

220 (e)~~(d)~~ Each releasee who is eligible for the provision of
221 transportation shall be escorted to the site of embarkation by
222 an officer of the correctional facility, who shall remain until
223 the releasee has departed.

224 Section 5. Present subsections (3), (4), and (5) of section
225 944.705, Florida Statutes, are redesignated as subsections (4),
226 (5), and (6), respectively, present subsection (6) of that
227 section is amended, and new subsection (3) and subsections (7),
228 (8), (9), and (11) are added to that section, to read:

229 944.705 Release orientation program.—

230 (3) Before an inmate's release, the department shall
231 provide the inmate with a comprehensive community reentry
232 resource directory organized by county which includes the name,

591-02648A-19

2019642c1

233 address, and telephone number of each provider and a description
234 of the services offered by each provider. The directory must
235 also include the name, address, and telephone number of existing
236 starting points for using such resources.

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

244 (8) The department shall adopt policies and procedures for
245 screening, approving, and registering an organization that
246 applies under subsection (7). The department may deny approval
247 and registration of the organization or a representative of the
248 organization if it determines that the organization or
249 representative does not meet the department's policies or
250 procedures.

251 (9) The department may contract with a public or private
252 educational institution's Veterans Advocacy Clinic or Veterans
253 Legal Clinic to assist qualified veteran inmates in applying for
254 veteran's benefits upon release.

255 ~~(10)(6)(a)~~ The department shall notify every inmate, ~~in no~~
256 ~~less than 18-point type~~ in the inmate's release documents:7

257 (a) Of all outstanding terms of the inmate's sentence at
258 the time of release, including, but not limited to, a term of
259 supervision and any conditions required upon release from
260 imprisonment or unpaid restitution, court costs, fees, or fines.
261 This paragraph does not apply to inmates who are being released

591-02648A-19

2019642c1

262 from the custody of the department to any type of supervision
263 monitored by the department.

264 (b)1. In no less than 18-point type, that the inmate may be
265 sentenced pursuant to s. 775.082(9) if the inmate commits any
266 felony offense described in s. 775.082(9) within 3 years after
267 the inmate's release. This notice must be prefaced by the word
268 "WARNING" in boldfaced type.

269 2.(b) Nothing in This section does not preclude ~~precludes~~
270 the sentencing of a person pursuant to s. 775.082(9), and ~~nor~~
271 ~~shall~~ evidence that the department failed to provide this notice
272 does not prohibit a person from being sentenced pursuant to s.
273 775.082(9). The state is ~~shall~~ not ~~be~~ required to demonstrate
274 that a person received any notice from the department in order
275 for the court to impose a sentence pursuant to s. 775.082(9).

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

278 Section 6. Present subsections (4), (5), and (6) of section
279 944.801, Florida Statutes, are redesignated as subsections (5),
280 (6), and (7), respectively, and a new subsection (4) is added to
281 that section, to read:

282 944.801 Education for state prisoners.-

283 (4) The Correctional Education Program may establish a
284 Prison Entrepreneurship Program and adopt procedures for
285 admitting student inmates. If the department elects to develop
286 the program, it must include at least 180 days of in-prison
287 education. The program curriculum must include a component on
288 developing a business plan, procedures for graduation and
289 certification of successful student inmates, and at least 90
290 days of transitional and postrelease continuing educational

591-02648A-19

2019642c1

291 services. Transitional and postrelease continuing educational
292 services may be offered to graduate student inmates on a
293 voluntary basis and are not a requirement for completion of the
294 program. The department shall enter into agreements with public
295 or private colleges or universities or other nonprofit entities
296 to implement the program. The program must be funded with
297 existing resources.

298 Section 7. Subsection (1) of section 948.001, Florida
299 Statutes, is amended to read:

300 948.001 Definitions.—As used in this chapter, the term:

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

309 Section 8. Subsection (1) of section 948.013, Florida
310 Statutes, is amended to read:

311 948.013 Administrative probation.—

312 (1) The Department of Corrections may transfer an offender
313 to administrative probation if he or she presents a low risk of
314 harm to the community and has satisfactorily completed at least
315 half of his or her probation term. The department of Corrections
316 may establish procedures for transferring an offender to
317 administrative probation. The department may collect an initial
318 processing fee of up to \$50 for each probationer transferred to
319 administrative probation. The offender is exempt from further

591-02648A-19

2019642c1

320 payment for the cost of supervision as required in s. 948.09.

321 Section 9. Subsection (3) is added to section 948.03,
322 Florida Statutes, to read:

323 948.03 Terms and conditions of probation.—

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

327 Section 10. Section 948.041, Florida Statutes, is created
328 to read:

329 948.041 Notification of outstanding terms of sentence upon
330 termination of probation or community control.—Upon the
331 termination of an offender's term of probation or community
332 control, the department shall notify the offender in writing of
333 all outstanding terms of the offender's sentence at the time of
334 termination, including, but not limited to, uncompleted
335 conditions, unpaid restitution, court costs, fees, or fines.

336 Section 11. Present paragraphs (c) through (g) of
337 subsection (1) of section 948.06, Florida Statutes, are
338 redesignated as paragraphs (d) through (h), respectively,
339 present paragraph (h) of that subsection is amended, a new
340 paragraph (c) is added to that subsection, and subsection (9) is
341 added to that section, to read:

342 948.06 Violation of probation or community control;
343 revocation; modification; continuance; failure to pay
344 restitution or cost of supervision.—

345 (1)

346 (c) If a probationer or offender on community control
347 commits a technical violation, the probation officer shall
348 determine whether the probationer or offender on community

591-02648A-19

2019642c1

349 control is eligible for the alternative sanctioning program
350 under subsection (9). If the probation officer determines that
351 the probationer or offender on community control is eligible,
352 the probation officer may submit recommended sanctions to the
353 court for its approval in lieu of filing an affidavit of
354 violation with the court. For purposes of this section, the term
355 "technical violation" means an alleged violation of supervision
356 that is not a new felony offense, misdemeanor offense, or
357 criminal traffic offense.

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

367 ~~2. To establish an alternative sanctioning program, the~~
368 ~~chief judge must issue an administrative order specifying:~~

369 ~~a. Eligibility criteria.~~

370 ~~b. The technical violations that are eligible for the~~
371 ~~program.~~

372 ~~c. The sanctions that may be recommended by a probation~~
373 ~~officer for each technical violation.~~

374 ~~d. The process for reporting technical violations through~~
375 ~~the alternative sanctioning program, including approved forms.~~

376 ~~3. If an offender is alleged to have committed a technical~~
377 ~~violation of supervision that is eligible for the program, the~~

591-02648A-19

2019642c1

378 ~~offender may:~~

379 ~~a. Waive participation in the alternative sanctioning~~
380 ~~program, in which case the probation officer may submit a~~
381 ~~violation report, affidavit, and warrant to the court in~~
382 ~~accordance with this section; or~~

383 ~~b. Elect to participate in the alternative sanctioning~~
384 ~~program after receiving written notice of an alleged technical~~
385 ~~violation and a disclosure of the evidence against the offender,~~
386 ~~admit to the technical violation, agree to comply with the~~
387 ~~probation officer's recommended sanction if subsequently ordered~~
388 ~~by the court, and agree to waive the right to:~~

389 ~~(I) Be represented by legal counsel.~~

390 ~~(II) Require the state to prove his or her guilt before a~~
391 ~~neutral and detached hearing body.~~

392 ~~(III) Subpoena witnesses and present to a judge evidence in~~
393 ~~his or her defense.~~

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

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

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

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

406 ~~6. An offender's participation in an alternative~~

591-02648A-19

2019642c1

407 ~~sanctioning program is voluntary. The offender may elect to~~
408 ~~waive or discontinue participation in an alternative sanctioning~~
409 ~~program at any time before the issuance of a court order~~
410 ~~imposing the recommended sanction.~~

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

417 (9) (a) Each judicial circuit shall establish an alternative
418 sanctioning program as provided in this subsection. The chief
419 judge of each judicial circuit may, by administrative order,
420 define additional sanctions or eligibility criteria and specify
421 the process for reporting technical violations through the
422 alternative sanctioning program. Any sanctions recommended for
423 imposition through an alternative sanctions program must be
424 submitted to the court by the probation officer for approval
425 prior to imposing the sanction.

426 (b) When committed by a probationer, a "low-risk violation"
427 as used in this subsection means any of the following:

- 428 1. A positive drug or alcohol test result.
- 429 2. Failure to report to the probation office.
- 430 3. Failure to report a change in address or other required
431 information.
- 432 4. Failure to attend a required class, treatment or
433 counseling session, or meeting.
- 434 5. Failure to submit to a drug or alcohol test.
- 435 6. A violation of curfew.

591-02648A-19

2019642c1

436 7. Failure to meet a monthly quota on any required
437 probation condition, including, but not limited to, making
438 restitution payments, paying court costs, or completing
439 community service hours.

440 8. Leaving the county without permission.

441 9. Failure to report a change of employment.

442 10. Associating with a person engaged in criminal activity.

443 11. Any other violation as determined by administrative
444 order of the chief judge of the circuit.

445 (c) A "moderate-risk violation" as used in this subsection
446 means any of the following:

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

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

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

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

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

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

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

461 3. The violation is absconding;

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

464 5. The violation is not identified as low-risk or moderate-

591-02648A-19

2019642c1

465 risk under this subsection or by administrative order;

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

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

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

472 9. The terms of the sentence prohibit alternative
473 sanctioning.

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

478 1. Up to 5 days in the county jail.

479 2. Up to 50 additional community service hours.

480 3. Counseling or treatment.

481 4. Support group attendance.

482 5. Drug testing.

483 6. Loss of travel or other privileges.

484 7. Curfew for up to 30 days.

485 8. House arrest for up to 30 days.

486 9. Any other sanction as determined by administrative order
487 of the chief judge of the circuit.

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

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

591-02648A-19

2019642c1

494 2. Curfew for up to 90 days.

495 3. House arrest for up to 90 days.

496 4. Electronic monitoring for up to 90 days.

497 5. Residential treatment for up to 90 days.

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

499 7. Any other sanction as determined by administrative order
500 of the chief judge of the circuit.

501 (g) The participation of a probationer or an offender on
502 community control in the program is voluntary. The probationer
503 or offender on community control may waive or discontinue
504 participation in the program at any time before the court
505 imposes a recommended sanction.

506 (h)1. If a probationer or offender on community control is
507 eligible for the alternative sanctioning program under this
508 subsection, he or she may:

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

512 b. Elect to participate in the program after receiving
513 written notice of an alleged technical violation and disclosure
514 of the evidence against him or her, admitting to the technical
515 violation, agreeing to comply with the probation officer's
516 recommended sanction if subsequently ordered by the court, and
517 agreeing to waive the right to:

518 (I) Be represented by legal counsel.

519 (II) Require the state to prove his or her guilt before a
520 neutral and detached hearing body.

521 (III) Subpoena witnesses and present to a judge evidence in
522 his or her defense.

591-02648A-19

2019642c1

523 (IV) Confront and cross-examine adverse witnesses.

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

526 2. If the probationer or offender on community control
527 admits to committing the technical violation and agrees with the
528 probation officer's recommended sanction, the probation officer
529 must, before imposing the sanction, submit the recommended
530 sanction to the court with documentation reflecting the
531 probationer's admission to the technical violation and agreement
532 with the recommended sanction.

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

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

545 Section 12. Section 951.30, Florida Statutes, is created to
546 read:

547 951.30 Notification of outstanding terms of sentence upon
548 release.—

549 (1) A county detention facility shall notify a prisoner in
550 writing upon the discharge of such prisoner of all outstanding
551 terms of the prisoner's sentence at the time of release,

591-02648A-19

2019642c1

552 including, but not limited to, a term of supervision and any
553 conditions required upon release from imprisonment or unpaid
554 restitution, court costs, fees, or fines. Such notification
555 shall be included in the documentation provided to the prisoner
556 at release.

557 (2) This section does not apply to prisoners who are
558 discharged from a county detention facility to the custody or
559 control of the Department of Corrections.

560 Section 13. Paragraph (c) of subsection (3) of section
561 893.03, Florida Statutes, is amended to read:

562 893.03 Standards and schedules.—The substances enumerated
563 in this section are controlled by this chapter. The controlled
564 substances listed or to be listed in Schedules I, II, III, IV,
565 and V are included by whatever official, common, usual,
566 chemical, trade name, or class designated. The provisions of
567 this section shall not be construed to include within any of the
568 schedules contained in this section any excluded drugs listed
569 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
570 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
571 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
572 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
573 Anabolic Steroid Products."

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

591-02648A-19

2019642c1

581 controlled in Schedule III:

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

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

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

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

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

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

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

609 7. Not more than 50 milligrams of morphine per 100

591-02648A-19

2019642c1

610 milliliters or per 100 grams, with recognized therapeutic
611 amounts of one or more active ingredients which are not
612 controlled substances.

613
614 For purposes of charging a person with a violation of s. 893.135
615 involving any controlled substance described in subparagraph 3.
616 or subparagraph 4., the controlled substance is a Schedule III
617 controlled substance pursuant to this paragraph but the weight
618 of the controlled substance per milliliters or per dosage unit
619 is not relevant to the charging of a violation of s. 893.135.
620 The weight of the controlled substance shall be determined
621 pursuant to s. 893.135(7) ~~s. 893.135(6)~~.

622 Section 14. This act shall take effect July 1, 2019.