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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RE/2R

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05/01/2019 07:14 PM

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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
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 an initial distribution of funds to the judicial  
circuit in which they were collected, up to 50 percent of the



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12 unencumbered funds returned to the Crime Stoppers Trust Fund  
13 from that circuit from a previous grant year, may, in subsequent  
14 grant years, be reallocated to other judicial circuits for  
15 special crime stoppers initiatives or other programs of the  
16 Florida Association of Crime Stoppers, as prioritized and  
17 determined by the department and the Florida Association of  
18 Crime Stoppers.

19 (5)

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

23 1. An arrest.

24 2. The recovery of stolen property.

25 3. The recovery of illegal narcotics.

26 4. The recovery of the body of a homicide victim.

27 5. The recovery of a human trafficking victim or a missing  
28 person connected to criminal activity.

29 6. The recovery of an illegal firearm or an illegal weapon  
30 on a K-12 school campus.

31 7. The prevention of a terrorist act.

32 8. The solving and closing of a criminal case involving a  
33 homicide or other violent felony offense that remains unsolved  
34 for 1 year or more after being reported to a law enforcement  
35 agency and that has no viable and unexplored investigatory  
36 leads.

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

39 16.557 Crime stoppers organizations; disclosure of  
40 privileged communications or protected information.-



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

42 (a) "Crime stoppers organization" means a private not-for-  
43 profit organization that collects and expends donations for  
44 rewards to persons who report to the organization information  
45 concerning criminal activity, and forwards that information to  
46 appropriate law enforcement agencies.

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

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

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

64 (b) This subsection does not apply to:

65 1. The person who provides the privileged communication or  
66 protected information; or

67 2. A law enforcement officer or an employee of a law  
68 enforcement agency or the Department of Legal Affairs when he or  
69 she is acting within the scope of his or her official duties.



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

72           Section 3. Effective July 1, 2019, section 25.025, Florida  
73 Statutes, is created to read:

74           25.025 Headquarters.-

75           (1) (a) A Supreme Court justice who permanently resides  
76 outside Leon County shall, if he or she so requests, have a  
77 district court of appeal courthouse, a county courthouse, or  
78 another appropriate facility in his or her district of residence  
79 designated as his or her official headquarters pursuant to s.  
80 112.061. This official headquarters may serve only as the  
81 justice's private chambers.

82           (b) A justice for whom an official headquarters is  
83 designated in his or her district of residence under this  
84 subsection is eligible for subsistence at a rate to be  
85 established by the Chief Justice for each day or partial day  
86 that the justice is at the Supreme Court Building for the  
87 conduct of the business of the court. In addition to the  
88 subsistence allowance, a justice is eligible for reimbursement  
89 for transportation expenses as provided in s. 112.061(7) for  
90 travel between the justice's official headquarters and the  
91 Supreme Court Building for the conduct of the business of the  
92 court.

93           (c) Payment of subsistence and reimbursement for  
94 transportation expenses relating to travel between a justice's  
95 official headquarters and the Supreme Court Building must be  
96 made to the extent that appropriated funds are available, as  
97 determined by the Chief Justice.

98           (2) The Chief Justice shall coordinate with each affected



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99 justice and other state and local officials as necessary to  
100 implement paragraph (1) (a).

101 (3) (a) This section does not require a county to provide  
102 space in a county courthouse for a justice. A county may enter  
103 into an agreement with the Supreme Court governing the use of  
104 space in a county courthouse.

105 (b) The Supreme Court may not use state funds to lease  
106 space in a district court of appeal courthouse, county  
107 courthouse, or other facility to allow a justice to establish an  
108 official headquarters pursuant to subsection (1).

109 Section 4. Section 43.51, Florida Statutes, is created to  
110 read:

111 43.51 Problem-solving court reports.-

112 (1) The Office of the State Courts Administrator shall  
113 provide an annual report to the President of the Senate and the  
114 Speaker of the House of Representatives which details the number  
115 of participants in each problem-solving court for each fiscal  
116 year the court has been operating and the types of services  
117 provided, identifies each source of funding for each court  
118 during each fiscal year, and provides information on the  
119 performance of each court based upon outcome measures  
120 established by the courts.

121 (2) For purposes of this section, the term "problem-solving  
122 court" includes, but is not limited to, a drug court pursuant to  
123 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.  
124 948.20; a military veterans' and servicemembers' court pursuant  
125 to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental  
126 health court program pursuant to s. 394.47892, s. 948.01, s.  
127 948.06, s. 948.08, or s. 948.16; a community court pursuant to



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128 s. 948.081; or a delinquency pretrial intervention court program  
129 pursuant to s. 985.345.

130 Section 5. Subsection (8) is added to section 57.105,  
131 Florida Statutes, to read:

132 57.105 Attorney's fee; sanctions for raising unsupported  
133 claims or defenses; exceptions; service of motions; damages for  
134 delay of litigation.—

135 (8) Attorney fees may not be awarded under this section in  
136 proceedings for an injunction for protection pursuant to s.  
137 741.30, s. 784.046, or s. 784.0485, unless the court finds by  
138 clear and convincing evidence that the petitioner knowingly made  
139 a false statement or allegation in the petition with regard to a  
140 material matter as defined in s. 837.011(3).

141 Section 6. Paragraph (c) of subsection (1) of section  
142 61.13016, Florida Statutes, is amended to read:

143 61.13016 Suspension of driver licenses and motor vehicle  
144 registrations.—

145 (1) The driver license and motor vehicle registration of a  
146 support obligor who is delinquent in payment or who has failed  
147 to comply with subpoenas or a similar order to appear or show  
148 cause relating to paternity or support proceedings may be  
149 suspended. When an obligor is 15 days delinquent making a  
150 payment in support or failure to comply with a subpoena, order  
151 to appear, order to show cause, or similar order in IV-D cases,  
152 the Title IV-D agency may provide notice to the obligor of the  
153 delinquency or failure to comply with a subpoena, order to  
154 appear, order to show cause, or similar order and the intent to  
155 suspend by regular United States mail that is posted to the  
156 obligor's last address of record with the Department of Highway



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157 Safety and Motor Vehicles. When an obligor is 15 days delinquent  
158 in making a payment in support in non-IV-D cases, and upon the  
159 request of the obligee, the depository or the clerk of the court  
160 must provide notice to the obligor of the delinquency and the  
161 intent to suspend by regular United States mail that is posted  
162 to the obligor's last address of record with the Department of  
163 Highway Safety and Motor Vehicles. In either case, the notice  
164 must state:

165 (c) That notification will be given to the Department of  
166 Highway Safety and Motor Vehicles to suspend the obligor's  
167 driver license and motor vehicle registration unless, within 20  
168 days after the date that the notice is mailed, the obligor:

169 1.a. Pays the delinquency in full and any other costs and  
170 fees accrued between the date of the notice and the date the  
171 delinquency is paid;

172 b. Enters into a written agreement for payment with the  
173 obligee in non-IV-D cases or with the Title IV-D agency in IV-D  
174 cases; or in IV-D cases, complies with a subpoena or order to  
175 appear, order to show cause, or a similar order, which may  
176 include a reasonable period of payment deferral to accommodate  
177 an obligor's good faith job-seeking efforts;

178 c. Files a petition with the circuit court to contest the  
179 delinquency action;

180 d. Demonstrates that he or she receives reemployment  
181 assistance or unemployment compensation pursuant to chapter 443;

182 e. Demonstrates that he or she is disabled and incapable of  
183 self-support or that he or she receives benefits under the  
184 federal Supplemental Security Income program or Social Security  
185 Disability Insurance program;



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186 f. Demonstrates that he or she receives temporary cash  
187 assistance pursuant to chapter 414; or

188 g. Demonstrates that he or she is making payments in  
189 accordance with a confirmed bankruptcy plan under chapter 11,  
190 chapter 12, or chapter 13 of the United States Bankruptcy Code,  
191 11 U.S.C. ss. 101 et seq.; and

192 2. Pays any applicable delinquency fees.  
193

194 If an obligor in a non-IV-D case enters into a written agreement  
195 for payment before the expiration of the 20-day period, the  
196 obligor must provide a copy of the signed written agreement to  
197 the depository or the clerk of the court. If an obligor seeks to  
198 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-  
199 subparagraph 1.f., or sub-subparagraph 1.g. before expiration of  
200 the 20-day period, the obligor must provide the applicable  
201 documentation or proof to the depository or the clerk of the  
202 court.

203 Section 7. Subsection (2) of section 212.15, Florida  
204 Statutes, is amended to read:

205 212.15 Taxes declared state funds; penalties for failure to  
206 remit taxes; due and delinquent dates; judicial review.—

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

211 (a) If the total amount of stolen revenue is less than  
212 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,  
213 punishable as provided in s. 775.082 or s. 775.083. Upon a  
214 second conviction, the offender commits is ~~guilty of~~ a





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215 misdemeanor of the first degree, punishable as provided in s.  
216 775.082 or s. 775.083. Upon a third or subsequent conviction,  
217 the offender commits ~~is guilty of~~ a felony of the third degree,  
218 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

219 (b) If the total amount of stolen revenue is \$1,000 ~~\$300~~ or  
220 more, but less than \$20,000, the offense is a felony of the  
221 third degree, punishable as provided in s. 775.082, s. 775.083,  
222 or s. 775.084.

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

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

230 Section 8. Subsection (3) of section 287.095, Florida  
231 Statutes, is amended to read:

232 287.095 Department of Corrections; prison industry  
233 programs.—

234 (3) All products offered for purchase to a state agency by  
235 the corporation organized under chapter 946 shall be produced in  
236 majority part by inmate labor, except for products not made by  
237 inmates which products are contractually allied to products made  
238 by inmates which are offered by the corporation, ~~provided the~~  
239 ~~value of the products not made by inmates do not exceed 2~~  
240 ~~percent of the total sales of the corporation in any year.~~

241 Section 9. Present subsections (41) through (46) of section  
242 322.01, Florida Statutes, are redesignated as subsections (42)  
243 through (47), respectively, and a new subsection (41) is added



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244 to that section, to read:

245 322.01 Definitions.—As used in this chapter:

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

254 Section 10. Subsections (1) through (4) of section 322.055,  
255 Florida Statutes, are amended to read:

256 322.055 Revocation or suspension of, or delay of  
257 eligibility for, driver license for persons 18 years of age or  
258 older convicted of certain drug offenses.—

259 (1) Notwithstanding s. 322.28, upon the conviction of a  
260 person 18 years of age or older for possession or sale of,  
261 trafficking in, or conspiracy to possess, sell, or traffic in a  
262 controlled substance, the court shall direct the department to  
263 suspend ~~revoke~~ the person's driver license or driving privilege  
264 of the person. The suspension ~~period of such revocation~~ shall be  
265 6 months ~~1 year~~ or until the person is evaluated for and, if  
266 deemed necessary by the evaluating agency, completes a drug  
267 treatment and rehabilitation program approved or regulated by  
268 the Department of Children and Families. However, the court may,  
269 upon finding a compelling circumstance to warrant an exception  
270 in its sound discretion, direct the department to issue a  
271 license for driving privilege restricted to business or  
272 employment purposes only, as defined by s. 322.271, if the



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273 ~~person is otherwise qualified for such a license. A driver whose~~  
274 ~~license or driving privilege has been suspended or revoked under~~  
275 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~  
276 ~~petition the department for restoration of the driving privilege~~  
277 ~~on a restricted or unrestricted basis depending on length of~~  
278 ~~suspension or revocation. In no case shall a restricted license~~  
279 ~~be available until 6 months of the suspension or revocation~~  
280 ~~period has expired.~~

281 (2) If a person 18 years of age or older is convicted for  
282 the possession or sale of, trafficking in, or conspiracy to  
283 possess, sell, or traffic in a controlled substance and such  
284 person is eligible by reason of age for a driver license or  
285 privilege, the court shall direct the department to withhold  
286 issuance of such person's driver license or driving privilege  
287 for a period of 6 months ~~1 year~~ after the date the person was  
288 convicted or until the person is evaluated for and, if deemed  
289 necessary by the evaluating agency, completes a drug treatment  
290 and rehabilitation program approved or regulated by the  
291 Department of Children and Families. However, the court may,  
292 upon finding a compelling circumstance to warrant an exception  
293 ~~in its sound discretion~~, direct the department to issue a  
294 license for driving privilege restricted to business or  
295 employment purposes only, as defined by s. 322.271, if the  
296 person is otherwise qualified for such a license. ~~A driver whose~~  
297 ~~license or driving privilege has been suspended or revoked under~~  
298 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~  
299 ~~petition the department for restoration of the driving privilege~~  
300 ~~on a restricted or unrestricted basis depending on the length of~~  
301 ~~suspension or revocation. In no case shall a restricted license~~



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302 ~~be available until 6 months of the suspension or revocation~~  
303 ~~period has expired.~~

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

327 (4) If a person 18 years of age or older is convicted for  
328 the possession or sale of, trafficking in, or conspiracy to  
329 possess, sell, or traffic in a controlled substance and such  
330 person is ineligible by reason of age for a driver license or



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331 driving privilege, the court shall direct the department to  
332 withhold issuance of such person's driver license or driving  
333 privilege for a period of 6 months ~~1 year~~ after the date that he  
334 or she would otherwise have become eligible or until he or she  
335 becomes eligible by reason of age for a driver license and is  
336 evaluated for and, if deemed necessary by the evaluating agency,  
337 completes a drug treatment and rehabilitation program approved  
338 or regulated by the Department of Children and Families.  
339 However, the court may, upon finding a compelling circumstance  
340 to warrant an exception in its sound discretion, direct the  
341 department to issue a license for driving privilege restricted  
342 to business or employment purposes only, as defined by s.  
343 322.271, if the person is otherwise qualified for such a  
344 license. ~~A driver whose license or driving privilege has been~~  
345 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
346 ~~the expiration of 6 months, petition the department for~~  
347 ~~restoration of the driving privilege on a restricted or~~  
348 ~~unrestricted basis depending on the length of suspension or~~  
349 ~~revocation. In no case shall a restricted license be available~~  
350 ~~until 6 months of the suspension or revocation period has~~  
351 ~~expired.~~

352 Section 11. Section 322.056, Florida Statutes, is amended  
353 to read:

354 322.056 Mandatory revocation or suspension of, or delay of  
355 eligibility for, driver license for persons under age 18 found  
356 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;  
357 prohibition.—

358 (1) Notwithstanding ~~the provisions of~~ s. 322.055, if a  
359 person under 18 years of age is found guilty of or delinquent



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360 for a violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893,  
361 and:

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

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

368 ~~2. Two years, for a subsequent violation.~~

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

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

375 ~~2. Two years, for a subsequent violation.~~

376 (c) The person is ineligible by reason of age for a driver  
377 license or driving privilege, the court shall direct the  
378 department to withhold issuance of his or her driver license or  
379 driving privilege for a period of±

380 ~~1. Not less than 6 months and not more than 1 year after~~  
381 ~~the date on which he or she would otherwise have become~~  
382 ~~eligible, for the first violation.~~

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

385  
386 However, the court may, upon finding a compelling circumstance  
387 to warrant an exception in its sound discretion, direct the  
388 department to issue a license for driving privileges restricted



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389 to business or employment purposes only, as defined in s.  
390 322.271, if the person is otherwise qualified for such a  
391 license.

392 ~~(2) If a person under 18 years of age is found by the court~~  
393 ~~to have committed a noncriminal violation under s. 569.11 or s.~~  
394 ~~877.112(6) or (7) and that person has failed to comply with the~~  
395 ~~procedures established in that section by failing to fulfill~~  
396 ~~community service requirements, failing to pay the applicable~~  
397 ~~fine, or failing to attend a locally available school-approved~~  
398 ~~anti-tobacco program, and:~~

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

- 403 ~~1. For the first violation, for 30 days.~~  
404 ~~2. For the second violation within 12 weeks of the first~~  
405 ~~violation, for 45 days.~~

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

- 410 ~~1. For the first violation, for 30 days.~~  
411 ~~2. For the second violation within 12 weeks of the first~~  
412 ~~violation, for 45 days.~~

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

- 417 ~~1. For the first violation, for 30 days.~~



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418 ~~2. For the second violation within 12 weeks of the first~~  
419 ~~violation, for 45 days.~~

420

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

425 ~~(3) If a person under 18 years of age is found by the court~~  
426 ~~to have committed a third violation of s. 569.11 or s.~~  
427 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~  
428 ~~court must direct the Department of Highway Safety and Motor~~  
429 ~~Vehicles to suspend or withhold issuance of his or her driver~~  
430 ~~license or driving privilege for 60 consecutive days. Any third~~  
431 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~  
432 ~~12-week period after the first violation will be treated as a~~  
433 ~~first violation and in the same manner as provided in subsection~~  
434 ~~(2).~~

435 ~~(2)-(4)~~ A penalty imposed under this section shall be in  
436 addition to any other penalty imposed by law.

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

443 Section 12. Section 322.057, Florida Statutes, is repealed.

444 Section 13. Subsections (2), (4), (7), paragraph (a) of  
445 subsection (8), paragraph (a) of subsection (9), subsection  
446 (10), and paragraph (a) of subsection (11) of section 322.34,





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447 Florida Statutes, are amended to read:

448 322.34 Driving while license suspended, revoked, canceled,  
449 or disqualified.—

450 (2) Any person whose driver license or driving privilege  
451 has been canceled, suspended, or revoked as provided by law, or  
452 who does not have a driver license or driving privilege but is  
453 under suspension or revocation equivalent status as defined in  
454 s. 322.01(41), except persons defined in s. 322.264, who,  
455 knowing of such cancellation, suspension, ~~or~~ revocation, or  
456 suspension or revocation equivalent status, drives any motor  
457 vehicle upon the highways of this state while such license or  
458 privilege is canceled, suspended, or revoked, or while under  
459 suspension or revocation equivalent status, commits upon:

460 (a) ~~A first conviction is guilty of a~~ misdemeanor of the  
461 second degree, punishable as provided in s. 775.082 or s.  
462 775.083.

463 (b) 1. ~~A second conviction is guilty of a~~ misdemeanor of the  
464 first degree, punishable as provided in s. 775.082 or s.  
465 775.083, upon a second or subsequent conviction, except as  
466 provided in paragraph (c).

467 2. A person convicted of a third or subsequent conviction,  
468 except as provided in paragraph (c), must serve a minimum of 10  
469 days in jail.

470 (c) ~~A third or subsequent conviction is guilty of a~~ felony  
471 of the third degree, punishable as provided in s. 775.082, s.  
472 775.083, or s. 775.084, upon a third or subsequent conviction if  
473 the current violation of this section or the most recent prior  
474 violation of the section are related to driving while license  
475 canceled, suspended, revoked, or suspension or revocation



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476 equivalent status resulting from a violation of:

477 1. Driving under the influence;

478 2. Refusal to submit to a urine, breath-alcohol, or blood  
479 alcohol test;

480 3. A traffic offense causing death or serious bodily  
481 injury; or

482 4. Fleeing or eluding.

483

484 The element of knowledge is satisfied if the person has been  
485 previously cited as provided in subsection (1); or the person  
486 admits to knowledge of the cancellation, suspension, or  
487 revocation, or suspension or revocation equivalent status; or  
488 the person received notice as provided in subsection (4). There  
489 shall be a rebuttable presumption that the knowledge requirement  
490 is satisfied if a judgment or order as provided in subsection  
491 (4) appears in the department's records for any case except for  
492 one involving a suspension by the department for failure to pay  
493 a traffic fine or for a financial responsibility violation.

494 (4) Any judgment or order rendered by a court or  
495 adjudicatory body or any uniform traffic citation that cancels,  
496 suspends, or revokes a person's driver license or places a  
497 person under suspension or revocation equivalent status must  
498 contain a provision notifying the person that his or her driver  
499 license has been canceled, suspended, or revoked, or of such  
500 suspension or revocation equivalent status.

501 (7) Any person whose driver license or driving privilege  
502 has been canceled, suspended, revoked, or disqualified, or who  
503 does not have a driver license or driving privilege but is under  
504 suspension or revocation equivalent status, and who drives a



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505 commercial motor vehicle on the highways of this state while  
506 such license or privilege is canceled, suspended, revoked, or  
507 disqualified, or while under suspension or revocation equivalent  
508 status, upon:

509 (a) A first conviction is guilty of a misdemeanor of the  
510 first degree, punishable as provided in s. 775.082 or s.  
511 775.083.

512 (b) A second or subsequent conviction is guilty of a felony  
513 of the third degree, punishable as provided in s. 775.082, s.  
514 775.083, or s. 775.084.

515 (8) (a) Upon the arrest of a person for the offense of  
516 driving while the person's driver license or driving privilege  
517 is suspended or revoked, the arresting officer shall determine:

518 1. Whether the person's driver license is suspended or  
519 revoked, or the person is under suspension or revocation  
520 equivalent status.

521 2. Whether the person's driver license has remained  
522 suspended or revoked, or the person has been under suspension or  
523 revocation equivalent status, since a conviction for the offense  
524 of driving with a suspended or revoked license.

525 3. Whether the suspension, ~~or~~ revocation, or suspension or  
526 revocation equivalent status was made under s. 316.646 or s.  
527 627.733, relating to failure to maintain required security, or  
528 under s. 322.264, relating to habitual traffic offenders.

529 4. Whether the driver is the registered owner or coowner of  
530 the vehicle.

531 (9) (a) A motor vehicle that is driven by a person under the  
532 influence of alcohol or drugs in violation of s. 316.193 is  
533 subject to seizure and forfeiture under ss. 932.701-932.7062 and



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534 is subject to liens for recovering, towing, or storing vehicles  
535 under s. 713.78 if, at the time of the offense, the person's  
536 driver license is suspended, revoked, or canceled, or suspension  
537 or revocation equivalent status was imposed, as a result of a  
538 prior conviction for driving under the influence.

539 (10) (a) Notwithstanding any other provision of this  
540 section, if a person does not have a prior forcible felony  
541 conviction as defined in s. 776.08, the penalties provided in  
542 paragraph (b) apply if a person's driver license or driving  
543 privilege is canceled, suspended, or revoked, or the person is  
544 under suspension or revocation equivalent status, for:

545 1. Failing to pay child support as provided in s. 322.245  
546 or s. 61.13016;

547 2. Failing to pay any other financial obligation as  
548 provided in s. 322.245 other than those specified in s.  
549 322.245(1);

550 3. Failing to comply with a civil penalty required in s.  
551 318.15;

552 4. Failing to maintain vehicular financial responsibility  
553 as required by chapter 324;

554 5. Failing to comply with attendance or other requirements  
555 for minors as set forth in s. 322.091; or

556 6. Having been designated a habitual traffic offender under  
557 s. 322.264(1) (d) as a result of suspensions of his or her driver  
558 license or driver privilege for any underlying violation listed  
559 in subparagraphs 1.-5.

560 (b)1. Upon a first conviction for knowingly driving while  
561 his or her license is suspended, revoked, or canceled, or while  
562 under suspension or revocation equivalent status, for any of the



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563 underlying violations listed in subparagraphs (a)1.-6., a person  
564 commits a misdemeanor of the second degree, punishable as  
565 provided in s. 775.082 or s. 775.083.

566 2. Upon a second or subsequent conviction for the same  
567 offense of knowingly driving while his or her license is  
568 suspended, revoked, or canceled, or while under suspension or  
569 revocation equivalent status, for any of the underlying  
570 violations listed in subparagraphs (a)1.-6., a person commits a  
571 misdemeanor of the first degree, punishable as provided in s.  
572 775.082 or s. 775.083.

573 (11) (a) A person who does not hold a commercial driver  
574 license and who is cited for an offense of knowingly driving  
575 while his or her license is suspended, revoked, or canceled, or  
576 while under suspension or revocation equivalent status, for any  
577 of the underlying violations listed in paragraph (10) (a) may, in  
578 lieu of payment of fine or court appearance, elect to enter a  
579 plea of nolo contendere and provide proof of compliance to the  
580 clerk of the court, designated official, or authorized operator  
581 of a traffic violations bureau. In such case, adjudication shall  
582 be withheld. However, no election shall be made under this  
583 subsection if such person has made an election under this  
584 subsection during the preceding 12 months. A person may not make  
585 more than three elections under this subsection.

586 Section 14. Section 322.75, Florida Statutes, is created to  
587 read:

588 322.75 Driver License Reinstatement Days.—

589 (1) Each clerk of court shall establish a Driver License  
590 Reinstatement Days program for reinstating suspended driver  
591 licenses. Participants may include, but are not limited to, the



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592 Department of Highway Safety and Motor Vehicles, the state  
593 attorney's office, the public defender's office, the circuit and  
594 county courts, the clerk of court, and any interested community  
595 organization.

596 (2) The clerk of court, in consultation with other  
597 participants, shall select 1 or more days annually for an event  
598 at which a person may have his or her driver license reinstated.  
599 The clerk may work with the Florida Association of Court Clerks  
600 and Comptrollers to promote such program, develop  
601 communications, and coordinate the event. A person must pay the  
602 full license reinstatement fee; however, the clerk may reduce or  
603 waive other fees and costs, except those imposed by the court,  
604 to facilitate reinstatement.

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

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

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

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

620 (5) A person is not eligible for reinstatement under the



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621 program if his or her driver license is suspended or revoked due  
622 to:

623 (a) The person's failure to fulfill a court-ordered child  
624 support obligation;

625 (b) A violation of s. 316.193;

626 (c) The person's failure to complete a driver training  
627 program, driver improvement course, or alcohol or substance  
628 abuse education or evaluation program required under s. 316.192,  
629 s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;

630 (d) A traffic-related felony; or

631 (e) The person being designated as a habitual traffic  
632 offender under s. 322.264.

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

636 (7) The clerk of court must collect and report to the  
637 Florida Clerks of Court Operations Corporation all of the  
638 following:

639 (a) Number of cases paid in full.

640 (b) Number of cases put on a payment plan.

641 (c) Number of driver license reinstatements.

642 (d) Number of driver licenses made eligible for  
643 reinstatement.

644 (e) Amount of fees and costs collected, reported by the  
645 entity receiving the funds. The Florida Clerks of Court  
646 Operations Corporation must report the aggregate funds received  
647 by the clerks of court, the local governmental entities, and  
648 state entities, including the General Revenue Fund.

649 (f) The personnel, operating, security, and other



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650 expenditures incurred by the clerk of court.

651 (g) The number of cases that fail to comply with a payment  
652 plan and subsequently result in driver license suspension.

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

656 Section 15. Subsection (2) of section 394.917, Florida  
657 Statutes, is amended to read:

658 394.917 Determination; commitment procedure; mistrials;  
659 housing; counsel and costs in indigent appellate cases.—

660 (2) If the court or jury determines that the person is a  
661 sexually violent predator, upon the expiration of the  
662 incarcerative portion of all criminal sentences and disposition  
663 of any detainers, the person shall be committed to the custody  
664 of the Department of Children and Families for control, care,  
665 ~~and~~ treatment, and rehabilitation of criminal offenders, until  
666 such time as the person's mental abnormality or personality  
667 disorder has so changed that it is safe for the person to be at  
668 large. At all times, persons who are detained or committed under  
669 this part shall be kept in a secure facility segregated from  
670 patients of the department who are not detained or committed  
671 under this part.

672 Section 16. Subsection (2) of section 397.334, Florida  
673 Statutes, is amended to read:

674 397.334 Treatment-based drug court programs.—

675 (2) Entry into any pretrial treatment-based drug court  
676 program shall be voluntary. When neither s. 948.08(6)(c)1. nor  
677 2. s. 948.08(6)(a)1. nor 2. applies, the court may order an  
678 eligible individual to enter into a pretrial treatment-based





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679 drug court program only upon written agreement by the  
680 individual, which shall include a statement that the individual  
681 understands the requirements of the program and the potential  
682 sanctions for noncompliance.

683 Section 17. Present subsections (3) through (12) of section  
684 455.213, Florida Statutes, are redesignated as subsections (4)  
685 through (13), respectively, subsection (2) of that section is  
686 amended, and a new subsection (3) is added to that section, to  
687 read:

688 455.213 General licensing provisions.-

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

704 (3) (a) Notwithstanding any other law, the applicable board  
705 shall use the process in this subsection for review of an  
706 applicant's criminal record to determine his or her eligibility  
707 for licensure as:



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- 708       1. A barber under chapter 476;  
709       2. A cosmetologist or cosmetology specialist under chapter  
710 477;  
711       3. Any of the following construction professions under  
712 chapter 489:  
713       a. Air-conditioning contractor;  
714       b. Electrical contractor;  
715       c. Mechanical contractor;  
716       d. Plumbing contractor;  
717       e. Pollutant storage systems contractor;  
718       f. Roofing contractor;  
719       g. Sheet metal contractor;  
720       h. Solar contractor;  
721       i. Swimming pool and spa contractor;  
722       j. Underground utility and excavation contractor; or  
723       k. Other specialty contractors; or  
724       4. Any other profession for which the department issues a  
725 license, provided the profession is offered in to inmates in any  
726 correctional institution or correctional facility as vocational  
727 training or through an industry certification program.  
728       (b)1. A conviction, or any other adjudication, for a crime  
729 more than 5 years before the date the application is received by  
730 the applicable board may not be grounds for denial of a license  
731 specified in paragraph (a). For purposes of this paragraph, the  
732 term "conviction" means a determination of guilt that is the  
733 result of a plea or trial, regardless of whether adjudication is  
734 withheld. This paragraph does not limit the applicable board  
735 from considering an applicant's criminal history that includes a  
736 crime listed in s. 775.21(4) (a)1. or s. 776.08 at any time, but



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737 only if such criminal history has been found to relate to the  
738 practice of the applicable profession.

739 2. The applicable board may consider the criminal history  
740 of an applicant for licensure under subparagraph (a)3. if such  
741 criminal history has been found to relate to good moral  
742 character.

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

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

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

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



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766       (d) Each applicable board shall compile a list of crimes  
767 that, if committed and regardless of adjudication, do not relate  
768 to the practice of the profession or the ability to practice the  
769 profession and do not constitute grounds for denial of a  
770 license. This list must be made available on the department's  
771 website and updated annually. Beginning October 1, 2019, each  
772 applicable board shall compile a list of crimes that although  
773 reported by an applicant for licensure, were not used as a basis  
774 for denial. The list must identify for each such license  
775 application the crime reported and the date of conviction and  
776 whether there was a finding of guilt, a plea, or an adjudication  
777 entered or the date of sentencing.

778       (e) Each applicable board shall compile a list of crimes  
779 that have been used as a basis for denial of a license in the  
780 past 2 years and shall make the list available on the  
781 department's website. Starting October 1, 2019, and updated  
782 quarterly thereafter, the applicable board shall compile a list  
783 indicating each crime used as a basis for denial. For each crime  
784 listed, the applicable board must identify the date of  
785 conviction, finding of guilt, plea, or adjudication entered, or  
786 date of sentencing. Such denials must be made available to the  
787 public upon request.

788       Section 18. Subsection (4) of section 474.2165, Florida  
789 Statutes, is amended to read:

790       474.2165 Ownership and control of veterinary medical  
791 patient records; report or copies of records to be furnished.—

792       (4) Except as otherwise provided in this section, such  
793 records may not be furnished to, and the medical condition of a  
794 patient may not be discussed with, any person other than the



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795 client or the client's legal representative or other  
796 veterinarians involved in the care or treatment of the patient,  
797 except upon written authorization of the client. However, such  
798 records may be furnished without written authorization under the  
799 following circumstances:

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

803 (b) In any civil or criminal action, unless otherwise  
804 prohibited by law, upon the issuance of a subpoena from a court  
805 of competent jurisdiction and proper notice to the client or the  
806 client's legal representative by the party seeking such records.

807 (c) For statistical and scientific research, provided the  
808 information is abstracted in such a way as to protect the  
809 identity of the patient and the client, or provided written  
810 permission is received from the client or the client's legal  
811 representative.

812 (d) In any criminal action or situation where a  
813 veterinarian suspects a criminal violation. If a criminal  
814 violation is suspected, a veterinarian may, without notice to or  
815 authorization from the client, report the violation to a law  
816 enforcement officer, an animal control officer who is certified  
817 pursuant to s. 828.27(4)(a), or an agent appointed under s.  
818 828.03. However, if a suspected violation occurs at a commercial  
819 food-producing animal operation on land classified as  
820 agricultural under s. 193.461, the veterinarian must provide  
821 notice to the client or the client's legal representative before  
822 reporting the suspected violation to an officer or agent under  
823 this paragraph. The report may not include written medical



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824 records except upon the issuance of an order from a court of  
825 competent jurisdiction.

826 Section 19. Subsections (2), (3), and (4) of section  
827 489.126, Florida Statutes, are amended, and subsections (5) and  
828 (6) are added to that section, to read:

829 489.126 Moneys received by contractors.—

830 (2) (a) A contractor who receives, as initial payment, money  
831 totaling more than 10 percent of the contract price for repair,  
832 restoration, improvement, or construction to residential real  
833 property must:

834 1. ~~(a)~~ Apply for permits necessary to do work within 30 days  
835 after the date payment is made, except where the work does not  
836 require a permit under the applicable codes and ordinances, and

837 2. ~~(b)~~ Start the work within 90 days after the date all  
838 necessary permits for work, if any, are issued,

839  
840 unless the contractor has just cause for failing to apply for  
841 the necessary permits, starting the work, or refunding the  
842 payment, or unless the person who made the payment agreed, in  
843 writing, to a longer period to apply for the necessary permits  
844 or start the work or to longer periods for both.

845 (b)1. If a contractor fails to comply with the requirements  
846 of paragraph (a), the contractee must make written demand to the  
847 contractor in the form of a letter that includes a demand to  
848 apply for the necessary permits, to start the work, or to refund  
849 the payment sent via certified mail, return receipt requested,  
850 mailed to the address listed in the contracting agreement. If  
851 there is no address for the contractor listed in the contracting  
852 agreement, or no written agreement exists, the contractee must



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853 mail the written demand letter to the address listed for  
854 licensing purposes with the department or the local construction  
855 industry licensing board, if applicable.

856 2. It may be inferred that a contractor does not have just  
857 cause if the contractor fails to apply for the necessary  
858 permits, start the work, or refund payments within 30 days of  
859 receiving written demand to apply for the necessary permits,  
860 start the work, or refund the payment from the person who made  
861 the payment.

862 (3) (a) A contractor who receives money for repair,  
863 restoration, addition, improvement, or construction of  
864 residential real property in excess of the value of the work  
865 performed may shall not, with intent to defraud the owner, fail  
866 or refuse to perform any work for any 90-day period or for any  
867 period that is mutually agreed upon and specified in the  
868 contract.

869 (b) It is prima facie evidence ~~Proof~~ that a contractor  
870 received money for the repair, restoration, addition,  
871 improvement, or construction of residential real property and  
872 that the amount received exceeds the value of the work performed  
873 by the contractor when and that:

874 1. The contractor failed to perform any of the work for  
875 which he or she contracted during any 90-day ~~60-day~~ period or  
876 any period that is mutually agreed upon and specified in the  
877 contract;

878 2. The failure to perform any such work during the 90-day  
879 60-day period or such period that is mutually agreed upon and  
880 specified in the contract was not related to the owner's  
881 termination of the contract or a material breach of the contract



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882 by the owner; and

883 3. The contractor failed to perform for the 90-day period  
884 or such period that is mutually agreed upon and specified in the  
885 contract without just cause or terminated the contract without  
886 proper notification to the owner.

887 a. Proper notification of termination for purposes of this  
888 subparagraph must be made by the contractor in the form of a  
889 letter that includes the reason for termination of the contract  
890 or the reason for failure to perform sent via certified mail,  
891 return receipt requested, mailed to the address of the owner  
892 listed in the contracting agreement. If no written agreement  
893 exists, the letter must be mailed to the address where the work  
894 was to be performed or the address listed on the permit, if  
895 applicable.

896 b. If a contractor fails to comply with paragraph (a),  
897 written demand must be made to the contractor in the form of a  
898 letter that includes a demand to perform work, or refund the  
899 money received in excess of the value of the work performed,  
900 sent via certified mail, return receipt requested, mailed to the  
901 address listed in the contracting agreement. If there is no  
902 address for the contractor listed in the contracting agreement,  
903 or no agreement exists, the letter must be mailed to the address  
904 listed with the department for licensing purposes or the local  
905 construction industry licensing board, if applicable.

906 c. It may be inferred that a contractor does not have just  
907 cause if the contractor fails to perform work, or refund the  
908 money received in excess of the value of the work performed,  
909 within 30 days after receiving a written demand to perform the  
910 work, or refund the money received in excess of the value of the





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911 ~~work performed, from the person who made the payment, for an~~  
912 ~~additional 30-day period after the date of mailing of~~  
913 ~~notification as specified in paragraph (c), to perform any work~~  
914 ~~for which he or she contracted,~~  
915  
916 ~~gives rise to an inference that the money in excess of the value~~  
917 ~~of the work performed was taken with the intent to defraud.~~  
918 ~~(c) Notification as contemplated in paragraph (b) consists~~  
919 ~~of a certified letter, return receipt requested, mailed to the~~  
920 ~~address of the contractor as listed in the written contracting~~  
921 ~~agreement. The letter must indicate that the contractor has~~  
922 ~~failed to perform any work for a 60-day period, that the failure~~  
923 ~~to perform the work was not the result of the owner's~~  
924 ~~termination of the contract or a material breach of the contract~~  
925 ~~by the owner, and that the contractor must recommence~~  
926 ~~construction within 30 days after the date of mailing of the~~  
927 ~~letter. If there is no address for the contractor listed in the~~  
928 ~~written contracting agreement, or no written agreement exists,~~  
929 ~~the letter must be mailed to the address of the contractor~~  
930 ~~listed in the building permit application.~~  
931 (4) Any violation of subsection (2) or subsection (3) must  
932 be prosecuted in accordance with the thresholds established in  
933 this section and the following: person who violates any  
934 provision of this section is guilty of theft and shall be  
935 prosecuted and punished under s. 812.014.  
936 (a) The required intent to prove a criminal violation may  
937 be shown to exist at the time that the contractor appropriated  
938 the money to his or her own use and is not required to be proven  
939 to exist at the time of the taking of the money from the owner



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940 or at the time the owner makes a payment to the contractor.

941 (b) It may be inferred that a contractor intended to  
942 deprive the owner of the right to the money owed, or deprive the  
943 owner of the benefit from it, and inferred that the contractor  
944 appropriated the money for his or her own use, or to a person  
945 not entitled to the use of the money, if the contractor fails to  
946 refund any portion of the money owed within 30 days after  
947 receiving a written demand for such money from the owner.

948 (c) In a prosecution for a violation of this section, the  
949 fact that the person so charged intended to return the money  
950 owed is not a defense.

951 (5) A person who violates subsection (2) commits:

952 (a) A misdemeanor of the first degree, punishable as  
953 provided in s. 775.082 or s. 775.083, if the total money  
954 received is less than \$1,000.

955 (b) A felony of the third degree, punishable as provided in  
956 s. 775.082, s. 775.083, or s. 775.084, if the total money  
957 received is \$1,000 or more, but less than \$20,000.

958 (c) A felony of the second degree, punishable as provided  
959 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
960 received is \$20,000 or more, but less than \$200,000.

961 (d) A felony of the first degree, punishable as provided in  
962 s. 775.082, s. 775.083, or s. 775.084, if the total money  
963 received is \$200,000 or more.

964 (6) A person who violates subsection (3) commits:

965 (a) A misdemeanor of the first degree, punishable as  
966 provided in s. 775.082 or s. 775.083, if the total money  
967 received exceeding the value of the work performed is less than  
968 \$1,000.



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969 (b) A felony of the third degree, punishable as provided in  
970 s. 775.082, s. 775.083, or s. 775.084, if the total money  
971 received exceeding the value of the work performed is \$1,000 or  
972 more, but less than \$20,000.

973 (c) A felony of the second degree, punishable as provided  
974 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
975 received exceeding the value of the work performed is \$20,000 or  
976 more, but less than \$200,000.

977 (d) A felony of the first degree, punishable as provided in  
978 s. 775.082, s. 775.083, or s. 775.084, if the total money  
979 received exceeding the value of the work performed is \$200,000  
980 or more.

981 Section 20. Subsections (7) through (10) are added to  
982 section 489.553, Florida Statutes, to read:

983 489.553 Administration of part; registration  
984 qualifications; examination.—

985 (7) Notwithstanding any other law, a conviction, or any  
986 other adjudication, for a crime more than 5 years before the  
987 date the application is received by the department or other  
988 applicable authority may not be grounds for denial of  
989 registration. For purposes of this subsection, the term  
990 "conviction" means a determination of guilt that is the result  
991 of a plea or trial, regardless of whether adjudication is  
992 withheld. This subsection does not limit a board from  
993 considering an applicant's criminal history that includes any  
994 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but  
995 only if such criminal history has been found to relate to the  
996 practice of the applicable profession, or any crime if it has  
997 been found to relate to good moral character.



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998           (8) (a) A person may apply to be registered before his or  
999 her lawful release from confinement or supervision. The  
1000 department or other applicable authority may not charge an  
1001 applicant an additional fee for being confined or under  
1002 supervision. The department or other applicable authority may  
1003 not deny an application for registration solely on the basis of  
1004 the applicant's current confinement or supervision.

1005           (b) After a registration application is approved, the  
1006 department or other applicable authority may stay the issuance  
1007 of registration until the applicant is lawfully released from  
1008 confinement or supervision and the applicant notifies the board  
1009 of such release. The department or other applicable authority  
1010 must verify the applicant's release with the Department of  
1011 Corrections before it registers such applicant.

1012           (c) If an applicant is unable to appear in person due to  
1013 his or her confinement or supervision, the department or other  
1014 applicable authority must permit the applicant to appear by  
1015 teleconference or video conference, as appropriate, at any  
1016 meeting or hearing by the department or other applicable  
1017 authority concerning his or her application.

1018           (d) If an applicant is confined or under supervision, the  
1019 Department of Corrections and the department or other applicable  
1020 authority shall cooperate and coordinate to facilitate the  
1021 appearance of the applicant at a meeting or hearing in person,  
1022 by teleconference, or by video conference, as appropriate.

1023           (9) The department or other applicable authority shall  
1024 compile a list of crimes that, if committed and regardless of  
1025 adjudication, do not relate to the practice of the profession or  
1026 the ability to practice the profession and do not constitute



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1027 grounds for denial of registration. This list must be made  
1028 available on the department's website and updated annually.  
1029 Beginning October 1, 2019, and updated quarterly thereafter, the  
1030 department or other applicable authority shall add to this list  
1031 such crimes that although reported by an applicant for  
1032 registration, were not used as a basis for denial in the past 2  
1033 years. The list must identify for each such registration  
1034 application the crime reported and the date of conviction, plea,  
1035 adjudication, or sentencing.

1036 (10) The department or other applicable authority shall  
1037 compile a list of crimes that have been used as a basis for  
1038 denial of registration in the past 2 years and make the list  
1039 available on the department's website. Beginning October 1,  
1040 2019, and updated quarterly thereafter, the department shall add  
1041 to this list each crime used as a basis for denial. For each  
1042 crime listed, the department must identify the date of  
1043 conviction, plea, adjudication, or sentencing. Such denials must  
1044 be made available to the public upon request.

1045 Section 21. Subsection (2) of section 500.451, Florida  
1046 Statutes, is amended and subsection (1) of that section is  
1047 republished, to read:

1048 500.451 Horse meat; offenses.—

1049 (1) It is unlawful for any person to:

1050 (a) Sell in the markets of this state horse meat for human  
1051 consumption unless the horse meat is clearly stamped, marked,  
1052 and described as horse meat for human consumption.

1053 (b) Knowingly transport, distribute, sell, purchase, or  
1054 possess horse meat for human consumption that is not clearly  
1055 stamped, marked, and described as horse meat for human



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1056 consumption or horse meat that is not acquired from a licensed  
1057 slaughterhouse.

1058 (2) A person that violates this section commits a felony of  
1059 the third degree, punishable as provided in s. 775.082, s.  
1060 775.083, or s. 775.084, except that any person who commits a  
1061 violation of this section must ~~shall~~ be sentenced to a minimum  
1062 mandatory fine of \$3,500 ~~and a minimum mandatory period of~~  
1063 ~~incarceration of 1 year.~~

1064 Section 22. Subsection (1) of section 509.151, Florida  
1065 Statutes, is amended to read:

1066 509.151 Obtaining food or lodging with intent to defraud;  
1067 penalty.—

1068 (1) Any person who obtains food, lodging, or other  
1069 accommodations having a value of less than \$1,000 ~~\$300~~ at any  
1070 public food service establishment, or at any transient  
1071 establishment, with intent to defraud the operator thereof,  
1072 commits ~~is guilty of~~ a misdemeanor of the second degree,  
1073 punishable as provided in s. 775.082 or s. 775.083; if such  
1074 food, lodging, or other accommodations have a value of \$1,000  
1075 ~~\$300~~ or more, such person commits ~~is guilty of~~ a felony of the  
1076 third degree, punishable as provided in s. 775.082, s. 775.083,  
1077 or s. 775.084.

1078 Section 23. Paragraph (a) of subsection (1) and paragraph  
1079 (c) of subsection (2) of section 562.11, Florida Statutes, are  
1080 amended to read:

1081 562.11 Selling, giving, or serving alcoholic beverages to  
1082 person under age 21; providing a proper name; misrepresenting or  
1083 misstating age or age of another to induce licensee to serve  
1084 alcoholic beverages to person under 21; penalties.—



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1085           (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to  
1086 be served alcoholic beverages to a person under 21 years of age  
1087 or permit a person under 21 years of age to consume such  
1088 beverages on the licensed premises. A person who violates this  
1089 paragraph ~~subparagraph~~ commits a misdemeanor of the second  
1090 degree, punishable as provided in s. 775.082 or s. 775.083. A  
1091 person who violates this paragraph ~~subparagraph~~ a second or  
1092 subsequent time within 1 year after a prior conviction commits a  
1093 misdemeanor of the first degree, punishable as provided in s.  
1094 775.082 or s. 775.083.

1095           ~~2. In addition to any other penalty imposed for a violation~~  
1096 ~~of subparagraph 1., the court may order the Department of~~  
1097 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~  
1098 ~~or suspend or revoke, the driver license or driving privilege,~~  
1099 ~~as provided in s. 322.057, of any person who violates~~  
1100 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~  
1101 ~~as defined in s. 561.01, who violates subparagraph 1. while~~  
1102 ~~acting within the scope of his or her license or an employee or~~  
1103 ~~agent of a licensee, as defined in s. 561.01, who violates~~  
1104 ~~subparagraph 1. while engaged within the scope of his or her~~  
1105 ~~employment or agency.~~

1106           ~~3. A court that withholds the issuance of, or suspends or~~  
1107 ~~revokes, the driver license or driving privilege of a person~~  
1108 ~~pursuant to subparagraph 2. may direct the Department of Highway~~  
1109 ~~Safety and Motor Vehicles to issue the person a license for~~  
1110 ~~driving privilege restricted to business purposes only, as~~  
1111 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1112           (2) It is unlawful for any person to misrepresent or  
1113 misstate his or her age or the age of any other person for the



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1114 purpose of inducing any licensee or his or her agents or  
1115 employees to sell, give, serve, or deliver any alcoholic  
1116 beverages to a person under 21 years of age, or for any person  
1117 under 21 years of age to purchase or attempt to purchase  
1118 alcoholic beverages.

1119 (c) In addition to any other penalty imposed for a  
1120 violation of this subsection, if a person uses a driver license  
1121 or identification card issued by the Department of Highway  
1122 Safety and Motor Vehicles in violation of this subsection, the  
1123 court:

1124 ~~1. may order the person to participate in public service or~~  
1125 ~~a community work project for a period not to exceed 40 hours;~~  
1126 ~~and~~

1127 ~~2. Shall direct the Department of Highway Safety and Motor~~  
1128 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~  
1129 ~~person's driver license or driving privilege, as provided in s.~~  
1130 ~~322.056.~~

1131 Section 24. Subsection (3) of section 562.111, Florida  
1132 Statutes, is amended to read:

1133 562.111 Possession of alcoholic beverages by persons under  
1134 age 21 prohibited.-

1135 ~~(3) In addition to any other penalty imposed for a~~  
1136 ~~violation of subsection (1), the court shall direct the~~  
1137 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
1138 ~~issuance of, or suspend or revoke, the violator's driver license~~  
1139 ~~or driving privilege, as provided in s. 322.056.~~

1140 Section 25. Subsection (8) of section 562.27, Florida  
1141 Statutes, is amended, and subsections (1) through (7) of that  
1142 section are republished, to read:





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1143           562.27 Seizure and forfeiture.-

1144           (1) It is unlawful for any person to have in her or his  
1145 possession, custody, or control, or to own, make, construct, or  
1146 repair, any still, still piping, still apparatus, or still worm,  
1147 or any piece or part thereof, designed or adapted for the  
1148 manufacture of an alcoholic beverage, or to have in her or his  
1149 possession, custody or control any receptacle or container  
1150 containing any mash, wort, or wash, or other fermented liquids  
1151 whatever capable of being distilled or manufactured into an  
1152 alcoholic beverage, unless such possession, custody, control,  
1153 ownership, manufacture, construction, or repairing be by or for  
1154 a person authorized by law to manufacture such alcoholic  
1155 beverage.

1156           (2) It is unlawful for any person to have in her or his  
1157 possession, custody, or control any raw materials or substance  
1158 intended to be used in the distillation or manufacturing of an  
1159 alcoholic beverage unless the person holds a license from the  
1160 state authorizing the manufacture of the alcoholic beverage.

1161           (3) The terms "raw material" or "substance" for the purpose  
1162 of this chapter shall mean and include, but not be limited to,  
1163 any of the following: Any grade or type of sugar, syrup, or  
1164 molasses derived from sugarcane, sugar beets, corn, sorghum, or  
1165 any other source; starch; potatoes; grain or cornmeal, corn  
1166 chops, cracked corn, rye chops, middlings, shorts, bran, or any  
1167 other grain derivative; malt; malt sugar or malt syrup; oak  
1168 chips, charred or not charred; yeast; cider; honey; fruit;  
1169 grapes; berries; fruit, grape or berry juices or concentrates;  
1170 wine; caramel; burnt sugar; gin flavor; Chinese bean cake or  
1171 Chinese wine cake; urea; ammonium phosphate, ammonium carbonate,



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1172 ammonium sulphate, or any other yeast food; ethyl acetate or any  
1173 other ethyl ester; any other material of the character used in  
1174 the manufacture of distilled spirits or any chemical or other  
1175 material suitable for promoting or accelerating fermentation;  
1176 any chemical or material of the character used in the production  
1177 of distilled spirits by chemical reaction; or any combination of  
1178 such materials or chemicals.

1179 (4) Any such raw materials, substance, or any still, still  
1180 piping, still apparatus, or still worm, or any piece or part  
1181 thereof, or any mash, wort, or wash, or other fermented liquid  
1182 and the receptacle or container thereof, and any alcoholic  
1183 beverage, together with all personal property used to facilitate  
1184 the manufacture or production of the alcoholic beverage or to  
1185 facilitate the violation of the alcoholic beverage control laws  
1186 of this state or the United States, may be seized by the  
1187 division or by any sheriff or deputy sheriff and shall be  
1188 forfeited to the state.

1189 (5) It shall be unlawful for any person to sell or  
1190 otherwise dispose of raw materials or other substances knowing  
1191 same are to be used in the distillation or manufacture of an  
1192 alcoholic beverage unless such person receiving same, by  
1193 purchase or otherwise, holds a license from the state  
1194 authorizing the manufacture of such alcoholic beverage.

1195 (6) Any vehicle, vessel, or aircraft used in the  
1196 transportation or removal of or for the deposit or concealment  
1197 of any illicit liquor still or stilling apparatus; any mash,  
1198 wort, wash, or other fermented liquids capable of being  
1199 distilled or manufactured into an alcoholic beverage; or any  
1200 alcoholic beverage commonly known and referred to as "moonshine



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1201 whiskey" shall be seized and may be forfeited as provided by the  
1202 Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff,  
1203 employee of the division, or police officer may seize any of the  
1204 vehicles, vessels, or conveyances, and the same may be forfeited  
1205 as provided by law.

1206 (7) The finding of any still, still piping, still  
1207 apparatus, or still worm, or any piece or part thereof, or any  
1208 mash, wort, or wash or other fermented liquids in the dwelling  
1209 house or place of business, or so near thereto as to lead to the  
1210 reasonable belief that they are within the possession, custody,  
1211 or control of the occupants of the dwelling house or place of  
1212 business, shall be prima facie evidence of a violation of this  
1213 section by the occupants of the dwelling house or place of  
1214 business.

1215 (8) Any person violating any provisions of this section of  
1216 the law commits ~~shall be guilty of a misdemeanor felony~~ of the  
1217 second ~~third~~ degree, punishable as provided in s. 775.082 or, s.  
1218 775.083, ~~or s. 775.084~~.

1219 Section 26. Subsections (1) and (2) of section 562.451,  
1220 Florida Statutes, are amended to read:

1221 562.451 Moonshine whiskey; ownership, possession, or  
1222 control prohibited; penalties; rule of evidence.-

1223 (1) Any person who owns or has in her or his possession or  
1224 under her or his control less than 1 gallon of liquor, as  
1225 defined in the Beverage Law, which was not made or manufactured  
1226 in accordance with the laws in effect at the time when and place  
1227 where the same was made or manufactured commits ~~shall be guilty~~  
1228 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
1229 s. 775.082 or s. 775.083.



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1230 (2) Any person who owns or has in her or his possession or  
1231 under her or his control 1 gallon or more of liquor, as defined  
1232 in the Beverage Law, which was not made or manufactured in  
1233 accordance with the laws in effect at the time when and place  
1234 where the same was made or manufactured commits ~~shall be guilty~~  
1235 ~~of a misdemeanor felony~~ of the first ~~third~~ degree, punishable as  
1236 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

1237 Section 27. Subsections (1), (2), and (5) of section  
1238 569.11, Florida Statutes, are amended to read:

1239 569.11 Possession, misrepresenting age or military service  
1240 to purchase, and purchase of tobacco products by persons under  
1241 18 years of age prohibited; penalties; jurisdiction; disposition  
1242 of fines.—

1243 (1) It is unlawful for any person under 18 years of age to  
1244 knowingly possess any tobacco product. Any person under 18 years  
1245 of age who violates ~~the provisions of~~ this subsection commits a  
1246 noncriminal violation as provided in s. 775.08(3), punishable  
1247 by:

1248 (a) For a first violation, 16 hours of community service  
1249 or, instead of community service, a \$25 fine. In addition, the  
1250 person must attend a school-approved anti-tobacco program, if  
1251 locally available; or

1252 (b) For a second or subsequent violation within 12 weeks  
1253 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1254 ~~(c) For a third or subsequent violation within 12 weeks of~~  
1255 ~~the first violation, the court must direct the Department of~~  
1256 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
1257 ~~suspend or revoke the person's driver license or driving~~  
1258 ~~privilege, as provided in s. 322.056.~~



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1259  
1260 Any second or subsequent violation not within the 12-week ~~time~~  
1261 period after the first violation is punishable as provided for a  
1262 first violation.

1263 (2) It is unlawful for any person under 18 years of age to  
1264 misrepresent his or her age or military service for the purpose  
1265 of inducing a dealer or an agent or employee of the dealer to  
1266 sell, give, barter, furnish, or deliver any tobacco product, or  
1267 to purchase, or attempt to purchase, any tobacco product from a  
1268 person or a vending machine. Any person under 18 years of age  
1269 who violates ~~a provision of~~ this subsection commits a  
1270 noncriminal violation as provided in s. 775.08(3), punishable  
1271 by:

1272 (a) For a first violation, 16 hours of community service  
1273 or, instead of community service, a \$25 fine and, in addition,  
1274 the person must attend a school-approved anti-tobacco program,  
1275 if available; or

1276 (b) For a second or subsequent violation within 12 weeks  
1277 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1278 ~~(c) For a third or subsequent violation within 12 weeks of~~  
1279 ~~the first violation, the court must direct the Department of~~  
1280 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
1281 ~~suspend or revoke the person's driver license or driving~~  
1282 ~~privilege, as provided in s. 322.056.~~

1283  
1284 Any second or subsequent violation not within the 12-week ~~time~~  
1285 period after the first violation is punishable as provided for a  
1286 first violation.

1287 (5) (a) If a person under 18 years of age is found by the



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1288 court to have committed a noncriminal violation under this  
1289 section and that person has failed to complete community  
1290 service, pay the fine as required by paragraph (1) (a) or  
1291 paragraph (2) (a), or attend a school-approved anti-tobacco  
1292 program, if locally available, the court may ~~must~~ direct the  
1293 Department of Highway Safety and Motor Vehicles to withhold  
1294 issuance of or suspend the driver license or driving privilege  
1295 of that person for a period of 30 consecutive days.

1296 (b) If a person under 18 years of age is found by the court  
1297 to have committed a noncriminal violation under this section and  
1298 that person has failed to pay the applicable fine as required by  
1299 paragraph (1) (b) or paragraph (2) (b), the court may ~~must~~ direct  
1300 the Department of Highway Safety and Motor Vehicles to withhold  
1301 issuance of or suspend the driver license or driving privilege  
1302 of that person for a period of 45 consecutive days.

1303 Section 28. Section 713.69, Florida Statutes, is amended to  
1304 read:

1305 713.69 Unlawful to remove property upon which lien has  
1306 accrued.—It is unlawful for any person to remove any property  
1307 upon which a lien has accrued under ~~the provisions of~~ s. 713.68  
1308 from any hotel, apartment house, roominghouse, lodginghouse,  
1309 boardinghouse or tenement house without first making full  
1310 payment to the person operating or conducting the same of all  
1311 sums due and payable for such occupancy or without first having  
1312 the written consent of such person so conducting or operating  
1313 such place to so remove such property. Any person who violates  
1314 ~~violating the provisions of~~ this section shall, if the value of  
1315 the property removed in violation hereof is less than \$1,000 ~~be~~  
1316 ~~of the value of \$50 or less, commits~~ be guilty of a misdemeanor



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1317 of the second degree, punishable as provided in s. 775.082 or s.  
1318 775.083; and if the value of the property so removed is \$1,000  
1319 or more, should be of greater value than \$50 then such person  
1320 commits shall be guilty of a felony of the third degree,  
1321 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1322 Section 29. Paragraph (g) of subsection (1) of section  
1323 741.30, Florida Statutes, is amended to read:

1324 741.30 Domestic violence; injunction; powers and duties of  
1325 court and clerk; petition; notice and hearing; temporary  
1326 injunction; issuance of injunction; statewide verification  
1327 system; enforcement; public records exemption.-

1328 (1) There is created a cause of action for an injunction  
1329 for protection against domestic violence.

1330 ~~(g) Notwithstanding any other law, attorney fees may not be~~  
1331 ~~awarded in any proceeding under this section.~~

1332 Section 30. Paragraphs (a) and (d) of subsection (9) of  
1333 section 775.082, Florida Statutes, are amended to read:

1334 775.082 Penalties; applicability of sentencing structures;  
1335 mandatory minimum sentences for certain reoffenders previously  
1336 released from prison.-

1337 (9)(a)1. "Prison releasee reoffender" means any defendant  
1338 who commits, or attempts to commit:

- 1339 a. Treason;
- 1340 b. Murder;
- 1341 c. Manslaughter;
- 1342 d. Sexual battery;
- 1343 e. Carjacking;
- 1344 f. Home-invasion robbery;
- 1345 g. Robbery;



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1346 h. Arson;  
1347 i. Kidnapping;  
1348 j. Aggravated assault with a deadly weapon;  
1349 k. Aggravated battery;  
1350 l. Aggravated stalking;  
1351 m. Aircraft piracy;  
1352 n. Unlawful throwing, placing, or discharging of a  
1353 destructive device or bomb;  
1354 o. Any felony that involves the use or threat of physical  
1355 force or violence against an individual;  
1356 p. Armed burglary;  
1357 q. Burglary of a dwelling or burglary of an occupied  
1358 structure; or  
1359 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,  
1360 s. 827.071, or s. 847.0135(5);  
1361  
1362 within 3 years after being released from a state correctional  
1363 facility operated by the Department of Corrections or a private  
1364 vendor, a county detention facility following incarceration for  
1365 an offense for which the sentence pronounced was a prison  
1366 sentence, or within 3 years after being released from a  
1367 correctional institution of another state, the District of  
1368 Columbia, the United States, any possession or territory of the  
1369 United States, or any foreign jurisdiction, following  
1370 incarceration for an offense for which the sentence is  
1371 punishable by more than 1 year in this state.  
1372 2. "Prison releasee reoffender" also means any defendant  
1373 who commits or attempts to commit any offense listed in sub-  
1374 subparagraphs (a)1.a.-r. while the defendant was serving a





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1375 | prison sentence or on escape status from a state correctional  
1376 | facility operated by the Department of Corrections or a private  
1377 | vendor or while the defendant was on escape status from a  
1378 | correctional institution of another state, the District of  
1379 | Columbia, the United States, any possession or territory of the  
1380 | United States, or any foreign jurisdiction, following  
1381 | incarceration for an offense for which the sentence is  
1382 | punishable by more than 1 year in this state.

1383 |         3. If the state attorney determines that a defendant is a  
1384 | prison releasee reoffender as defined in subparagraph 1., the  
1385 | state attorney may seek to have the court sentence the defendant  
1386 | as a prison releasee reoffender. Upon proof from the state  
1387 | attorney that establishes by a preponderance of the evidence  
1388 | that a defendant is a prison releasee reoffender as defined in  
1389 | this section, such defendant is not eligible for sentencing  
1390 | under the sentencing guidelines and must be sentenced as  
1391 | follows:

1392 |             a. For a felony punishable by life, by a term of  
1393 | imprisonment for life;

1394 |             b. For a felony of the first degree, by a term of  
1395 | imprisonment of 30 years;

1396 |             c. For a felony of the second degree, by a term of  
1397 | imprisonment of 15 years; and

1398 |             d. For a felony of the third degree, by a term of  
1399 | imprisonment of 5 years.

1400 |         (d)1. It is the intent of the Legislature that offenders  
1401 | previously released from prison or a county detention facility  
1402 | following incarceration for an offense for which the sentence  
1403 | pronounced was a prison sentence who meet the criteria in



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1404 paragraph (a) be punished to the fullest extent of the law and  
1405 as provided in this subsection, unless the state attorney  
1406 determines that extenuating circumstances exist which preclude  
1407 the just prosecution of the offender, including whether the  
1408 victim recommends that the offender not be sentenced as provided  
1409 in this subsection.

1410 2. For every case in which the offender meets the criteria  
1411 in paragraph (a) and does not receive the mandatory minimum  
1412 prison sentence, the state attorney must explain the sentencing  
1413 deviation in writing and place such explanation in the case file  
1414 maintained by the state attorney.

1415 Section 31. Paragraph (d) of subsection (1) of section  
1416 784.048, Florida Statutes, is amended, and subsections (2)  
1417 through (5) and (7) of that section are republished, to read:

1418 784.048 Stalking; definitions; penalties.—

1419 (1) As used in this section, the term:

1420 (d) "Cyberstalk" means:

1421 1. To engage in a course of conduct to communicate, or to  
1422 cause to be communicated, words, images, or language by or  
1423 through the use of electronic mail or electronic communication,  
1424 directed at a specific person; or

1425 2. To access, or attempt to access, the online accounts or  
1426 Internet-connected home electronic systems of another person  
1427 without that person's permission,

1428  
1429 causing substantial emotional distress to that person and  
1430 serving no legitimate purpose.

1431 (2) A person who willfully, maliciously, and repeatedly  
1432 follows, harasses, or cyberstalks another person commits the



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1433 offense of stalking, a misdemeanor of the first degree,  
1434 punishable as provided in s. 775.082 or s. 775.083.

1435 (3) A person who willfully, maliciously, and repeatedly  
1436 follows, harasses, or cyberstalks another person and makes a  
1437 credible threat to that person commits the offense of aggravated  
1438 stalking, a felony of the third degree, punishable as provided  
1439 in s. 775.082, s. 775.083, or s. 775.084.

1440 (4) A person who, after an injunction for protection  
1441 against repeat violence, sexual violence, or dating violence  
1442 pursuant to s. 784.046, or an injunction for protection against  
1443 domestic violence pursuant to s. 741.30, or after any other  
1444 court-imposed prohibition of conduct toward the subject person  
1445 or that person's property, knowingly, willfully, maliciously,  
1446 and repeatedly follows, harasses, or cyberstalks another person  
1447 commits the offense of aggravated stalking, a felony of the  
1448 third degree, punishable as provided in s. 775.082, s. 775.083,  
1449 or s. 775.084.

1450 (5) A person who willfully, maliciously, and repeatedly  
1451 follows, harasses, or cyberstalks a child under 16 years of age  
1452 commits the offense of aggravated stalking, a felony of the  
1453 third degree, punishable as provided in s. 775.082, s. 775.083,  
1454 or s. 775.084.

1455 (7) A person who, after having been sentenced for a  
1456 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and  
1457 prohibited from contacting the victim of the offense under s.  
1458 921.244, willfully, maliciously, and repeatedly follows,  
1459 harasses, or cyberstalks the victim commits the offense of  
1460 aggravated stalking, a felony of the third degree, punishable as  
1461 provided in s. 775.082, s. 775.083, or s. 775.084.



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1462 Section 32. Subsection (1) of section 790.052, Florida  
1463 Statutes, is amended to read:

1464 790.052 Carrying concealed firearms; off-duty law  
1465 enforcement officers.—

1466 (1) (a) All persons holding active certifications from the  
1467 Criminal Justice Standards and Training Commission as law  
1468 enforcement officers or correctional officers as defined in s.  
1469 943.10(1), (2), (6), (7), (8), or (9) shall have the right to  
1470 carry, on or about their persons, concealed firearms, during  
1471 off-duty hours, at the discretion of their superior officers,  
1472 and may perform those law enforcement functions that they  
1473 normally perform during duty hours, utilizing their weapons in a  
1474 manner which is reasonably expected of on-duty officers in  
1475 similar situations.

1476 (b) All persons holding an active certification from the  
1477 Criminal Justice Standards and Training Commission as a law  
1478 enforcement officer or a correctional officer as defined in s.  
1479 943.10(1), (2), (6), (7), (8), or (9) meet the definition of  
1480 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

1481 (c) All persons who held an active certification from the  
1482 Criminal Justice Standards and Training Commission as a law  
1483 enforcement officer or correctional officer as defined in s.  
1484 943.10(1), (2), (6), (7), (8), or (9), while working for an  
1485 employing agency, as defined in s. 943.10(4), but have separated  
1486 from service under the conditions set forth in 18 U.S.C. s.  
1487 926C(c), meet the definition of "qualified retired law  
1488 enforcement officer."

1489 (d) However, nothing in This section does not subsection  
1490 shall be construed to limit the right of a law enforcement



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1491 officer, correctional officer, or correctional probation officer  
1492 to carry a concealed firearm off duty as a private citizen under  
1493 the exemption provided in s. 790.06 that allows a law  
1494 enforcement officer, correctional officer, or correctional  
1495 probation officer as defined in s. 943.10(1), (2), (3), (6),  
1496 (7), (8), or (9) to carry a concealed firearm without a  
1497 concealed weapon or firearm license. The appointing or employing  
1498 agency or department of an officer carrying a concealed firearm  
1499 as a private citizen under s. 790.06 shall not be liable for the  
1500 use of the firearm in such capacity. Nothing herein limits the  
1501 authority of the appointing or employing agency or department  
1502 from establishing policies limiting law enforcement officers or  
1503 correctional officers from carrying concealed firearms during  
1504 off-duty hours in their capacity as appointees or employees of  
1505 the agency or department.

1506 Section 33. Subsections (5) and (10) of section 790.22,  
1507 Florida Statutes, are amended to read:

1508 790.22 Use of BB guns, air or gas-operated guns, or  
1509 electric weapons or devices by minor under 16; limitation;  
1510 possession of firearms by minor under 18 prohibited; penalties.—

1511 (5) (a) A minor who violates subsection (3) commits a  
1512 misdemeanor of the first degree; for a first offense, may serve  
1513 a period of detention of up to 3 days in a secure detention  
1514 facility; and, in addition to any other penalty provided by law,  
1515 shall be required to perform 100 hours of community service;  
1516 and:

1517 1. If the minor is eligible by reason of age for a driver  
1518 license or driving privilege, the court may ~~shall~~ direct the  
1519 Department of Highway Safety and Motor Vehicles to revoke or to



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1520 withhold issuance of the minor's driver license or driving  
1521 privilege for up to 1 year.

1522         2. If the minor's driver license or driving privilege is  
1523 under suspension or revocation for any reason, the court may  
1524 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1525 to extend the period of suspension or revocation by an  
1526 additional period of up to 1 year.

1527         3. If the minor is ineligible by reason of age for a driver  
1528 license or driving privilege, the court may ~~shall~~ direct the  
1529 Department of Highway Safety and Motor Vehicles to withhold  
1530 issuance of the minor's driver license or driving privilege for  
1531 up to 1 year after the date on which the minor would otherwise  
1532 have become eligible.

1533         (b) For a second or subsequent offense, a minor who  
1534 violates subsection (3) commits a felony of the third degree and  
1535 shall serve a period of detention of up to 15 days in a secure  
1536 detention facility and shall be required to perform not less  
1537 than 100 nor more than 250 hours of community service, and:

1538         1. If the minor is eligible by reason of age for a driver  
1539 license or driving privilege, the court may ~~shall~~ direct the  
1540 Department of Highway Safety and Motor Vehicles to revoke or to  
1541 withhold issuance of the minor's driver license or driving  
1542 privilege for up to 2 years.

1543         2. If the minor's driver license or driving privilege is  
1544 under suspension or revocation for any reason, the court may  
1545 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1546 to extend the period of suspension or revocation by an  
1547 additional period of up to 2 years.

1548         3. If the minor is ineligible by reason of age for a driver



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1549 license or driving privilege, the court may ~~shall~~ direct the  
1550 Department of Highway Safety and Motor Vehicles to withhold  
1551 issuance of the minor's driver license or driving privilege for  
1552 up to 2 years after the date on which the minor would otherwise  
1553 have become eligible.

1554  
1555 For the purposes of this subsection, community service shall be  
1556 performed, if possible, in a manner involving a hospital  
1557 emergency room or other medical environment that deals on a  
1558 regular basis with trauma patients and gunshot wounds.

1559 (10) If a minor is found to have committed an offense under  
1560 subsection (9), the court shall impose the following penalties  
1561 in addition to any penalty imposed under paragraph (9)(a) or  
1562 paragraph (9)(b):

1563 (a) For a first offense:

1564 1. If the minor is eligible by reason of age for a driver  
1565 license or driving privilege, the court may ~~shall~~ direct the  
1566 Department of Highway Safety and Motor Vehicles to revoke or to  
1567 withhold issuance of the minor's driver license or driving  
1568 privilege for up to 1 year.

1569 2. If the minor's driver license or driving privilege is  
1570 under suspension or revocation for any reason, the court may  
1571 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1572 to extend the period of suspension or revocation by an  
1573 additional period for up to 1 year.

1574 3. If the minor is ineligible by reason of age for a driver  
1575 license or driving privilege, the court may ~~shall~~ direct the  
1576 Department of Highway Safety and Motor Vehicles to withhold  
1577 issuance of the minor's driver license or driving privilege for



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1578 up to 1 year after the date on which the minor would otherwise  
1579 have become eligible.

1580 (b) For a second or subsequent offense:

1581 1. If the minor is eligible by reason of age for a driver  
1582 license or driving privilege, the court may ~~shall~~ direct the  
1583 Department of Highway Safety and Motor Vehicles to revoke or to  
1584 withhold issuance of the minor's driver license or driving  
1585 privilege for up to 2 years.

1586 2. If the minor's driver license or driving privilege is  
1587 under suspension or revocation for any reason, the court may  
1588 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1589 to extend the period of suspension or revocation by an  
1590 additional period for up to 2 years.

1591 3. If the minor is ineligible by reason of age for a driver  
1592 license or driving privilege, the court may ~~shall~~ direct the  
1593 Department of Highway Safety and Motor Vehicles to withhold  
1594 issuance of the minor's driver license or driving privilege for  
1595 up to 2 years after the date on which the minor would otherwise  
1596 have become eligible.

1597 Section 34. Section 800.09, Florida Statutes, is amended to  
1598 read:

1599 800.09 Lewd or lascivious exhibition in the presence of an  
1600 employee.—

1601 (1) As used in this section, the term:

1602 (a) "Employee" means:

1603 1. Any person employed by or performing contractual  
1604 services for a public or private entity operating a state  
1605 correctional institution or private correctional facility; ~~or~~

1606 2. Any person employed by or performing contractual





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1607 services for the corporation operating the prison industry  
1608 enhancement programs or the correctional work programs under  
1609 part II of chapter 946; ~~The term also includes~~

1610 3. Any person who is a parole examiner with the Florida  
1611 Commission on Offender Review; or

1612 4. Any person employed at or performing contractual  
1613 services for a county detention facility.

1614 (b) "Facility" means a state correctional institution as  
1615 defined in s. 944.02, ~~or~~ a private correctional facility as  
1616 defined in s. 944.710, or a county detention facility as defined  
1617 in s. 951.23.

1618 (2) (a) A person who is detained in a facility may not:

1619 1. Intentionally masturbate;

1620 2. Intentionally expose the genitals in a lewd or  
1621 lascivious manner; or

1622 3. Intentionally commit any other sexual act that does not  
1623 involve actual physical or sexual contact with the victim,  
1624 including, but not limited to, sadomasochistic abuse, sexual  
1625 bestiality, or the simulation of any act involving sexual  
1626 activity,

1627  
1628 in the presence of a person he or she knows or reasonably should  
1629 know is an employee.

1630 (b) A person who violates paragraph (a) commits lewd or  
1631 lascivious exhibition in the presence of an employee, a felony  
1632 of the third degree, punishable as provided in s. 775.082, s.  
1633 775.083, or s. 775.084.

1634 Section 35. Subsection (7) of section 806.13, Florida  
1635 Statutes, is amended, and subsection (8) of that section is



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1636 republished, to read:

1637 806.13 Criminal mischief; penalties; penalty for minor.—

1638 (7) In addition to any other penalty provided by law, if a  
1639 minor is found to have committed a delinquent act under this  
1640 section for placing graffiti on any public property or private  
1641 property, and:

1642 (a) The minor is eligible by reason of age for a driver  
1643 license or driving privilege, the court may ~~shall~~ direct the  
1644 Department of Highway Safety and Motor Vehicles to revoke or  
1645 withhold issuance of the minor's driver license or driving  
1646 privilege for not more than 1 year.

1647 (b) The minor's driver license or driving privilege is  
1648 under suspension or revocation for any reason, the court may  
1649 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1650 to extend the period of suspension or revocation by an  
1651 additional period of not more than 1 year.

1652 (c) The minor is ineligible by reason of age for a driver  
1653 license or driving privilege, the court may ~~shall~~ direct the  
1654 Department of Highway Safety and Motor Vehicles to withhold  
1655 issuance of the minor's driver license or driving privilege for  
1656 not more than 1 year after the date on which he or she would  
1657 otherwise have become eligible.

1658 (8) A minor whose driver license or driving privilege is  
1659 revoked, suspended, or withheld under subsection (7) may elect  
1660 to reduce the period of revocation, suspension, or withholding  
1661 by performing community service at the rate of 1 day for each  
1662 hour of community service performed. In addition, if the court  
1663 determines that due to a family hardship, the minor's driver  
1664 license or driving privilege is necessary for employment or



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1665 medical purposes of the minor or a member of the minor's family,  
1666 the court shall order the minor to perform community service and  
1667 reduce the period of revocation, suspension, or withholding at  
1668 the rate of 1 day for each hour of community service performed.  
1669 As used in this subsection, the term "community service" means  
1670 cleaning graffiti from public property.

1671 Section 36. Paragraphs (c), (d), and (e) of subsection (2)  
1672 of section 812.014, Florida Statutes, are amended, and  
1673 subsection (7) is added to that section, to read:

1674 812.014 Theft.—

1675 (2)

1676 (c) It is grand theft of the third degree and a felony of  
1677 the third degree, punishable as provided in s. 775.082, s.  
1678 775.083, or s. 775.084, if the property stolen is:

1679 1. Valued at \$750 ~~\$300~~ or more, but less than \$5,000.

1680 2. Valued at \$5,000 or more, but less than \$10,000.

1681 3. Valued at \$10,000 or more, but less than \$20,000.

1682 4. A will, codicil, or other testamentary instrument.

1683 5. A firearm.

1684 6. A motor vehicle, except as provided in paragraph (a).

1685 7. Any commercially farmed animal, including any animal of  
1686 the equine, avian, bovine, or swine class or other grazing  
1687 animal; a bee colony of a registered beekeeper; and aquaculture  
1688 species raised at a certified aquaculture facility. If the  
1689 property stolen is a commercially farmed animal, including an  
1690 animal of the equine, avian, bovine, or swine class or other  
1691 grazing animal; a bee colony of a registered beekeeper; or an  
1692 aquaculture species raised at a certified aquaculture facility,  
1693 a \$10,000 fine shall be imposed.



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1694           8. Any fire extinguisher that, at the time of the taking,  
1695 was installed in any building for the purpose of fire prevention  
1696 and control. This subparagraph does not apply to a fire  
1697 extinguisher taken from the inventory at a point-of-sale  
1698 business.

1699           9. Any amount of citrus fruit consisting of 2,000 or more  
1700 individual pieces of fruit.

1701           10. Taken from a designated construction site identified by  
1702 the posting of a sign as provided for in s. 810.09(2)(d).

1703           11. Any stop sign.

1704           12. Anhydrous ammonia.

1705           13. Any amount of a controlled substance as defined in s.  
1706 893.02. Notwithstanding any other law, separate judgments and  
1707 sentences for theft of a controlled substance under this  
1708 subparagraph and for any applicable possession of controlled  
1709 substance offense under s. 893.13 or trafficking in controlled  
1710 substance offense under s. 893.135 may be imposed when all such  
1711 offenses involve the same amount or amounts of a controlled  
1712 substance.

1713  
1714 However, if the property is stolen within a county that is  
1715 subject to a state of emergency declared by the Governor under  
1716 chapter 252, the property is stolen after the declaration of  
1717 emergency is made, and the perpetration of the theft is  
1718 facilitated by conditions arising from the emergency, the  
1719 offender commits a felony of the second degree, punishable as  
1720 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
1721 property is valued at \$5,000 or more, but less than \$10,000, as  
1722 provided under subparagraph 2., or if the property is valued at



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1723 \$10,000 or more, but less than \$20,000, as provided under  
1724 subparagraph 3. As used in this paragraph, the term "conditions  
1725 arising from the emergency" means civil unrest, power outages,  
1726 curfews, voluntary or mandatory evacuations, or a reduction in  
1727 the presence of or the response time for first responders or  
1728 homeland security personnel. For purposes of sentencing under  
1729 chapter 921, a felony offense that is reclassified under this  
1730 paragraph is ranked one level above the ranking under s.  
1731 921.0022 or s. 921.0023 of the offense committed.

1732 (d) It is grand theft of the third degree and a felony of  
1733 the third degree, punishable as provided in s. 775.082, s.  
1734 775.083, or s. 775.084, if the property stolen is valued at \$100  
1735 or more, but less than \$750 ~~\$300~~, and is taken from a dwelling  
1736 as defined in s. 810.011(2) or from the unenclosed curtilage of  
1737 a dwelling pursuant to s. 810.09(1).

1738 (e) Except as provided in paragraph (d), if the property  
1739 stolen is valued at \$100 or more, but less than \$750 ~~\$300~~, the  
1740 offender commits petit theft of the first degree, punishable as  
1741 a misdemeanor of the first degree, as provided in s. 775.082 or  
1742 s. 775.083.

1743 (7) The Office of Program Policy Analysis and Government  
1744 Accountability (OPPAGA) shall perform a study every 5 years to  
1745 determine the appropriateness of the threshold amounts included  
1746 in this section. The study's scope must include, but need not be  
1747 limited to, the crime trends related to theft offenses, the  
1748 theft threshold amounts of other states in effect at the time of  
1749 the study, the fiscal impact of any modifications to this  
1750 state's threshold amounts, and the effect on economic factors,  
1751 such as inflation. The study must include options for amending



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1752 the threshold amounts if the study finds that such amounts are  
1753 inconsistent with current trends. In conducting the study,  
1754 OPPAGA shall consult with the Office of Economic and Demographic  
1755 Research in addition to other interested entities. OPPAGA shall  
1756 submit a report to the Governor, the President of the Senate,  
1757 and the Speaker of the House of Representatives by September 1  
1758 of every 5th year.

1759 Section 37. Subsections (8) and (9) of section 812.015,  
1760 Florida Statutes, are amended, and subsections (10) and (11) are  
1761 added to that section, to read:

1762 812.015 Retail and farm theft; transit fare evasion;  
1763 mandatory fine; alternative punishment; detention and arrest;  
1764 exemption from liability for false arrest; resisting arrest;  
1765 penalties.—

1766 (8) Except as provided in subsection (9), a person who  
1767 commits retail theft commits a felony of the third degree,  
1768 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
1769 if the property stolen is valued at \$750 ~~\$300~~ or more, and the  
1770 person:

1771 (a) Individually commits retail theft, or in concert with  
1772 one or more other persons, coordinates the activities of one or  
1773 more individuals in committing the offense, which may occur  
1774 through multiple acts of retail theft, in which ~~case~~ the amount  
1775 of each individual theft is aggregated within a 30-day period to  
1776 determine the value of the property stolen;

1777 (b) Conspires with another person to commit retail theft  
1778 with the intent to sell the stolen property for monetary or  
1779 other gain, and subsequently takes or causes such property to be  
1780 placed in the control of another person in exchange for



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1781 consideration, in which the stolen property taken or placed  
1782 within a 30-day period is aggregated to determine the value of  
1783 the stolen property;

1784 (c) ~~(b)~~ Individually, or in concert with one or more other  
1785 persons, commits theft from more than one location within a 30-  
1786 day ~~48-hour~~ period, in which ~~case~~ the amount of each individual  
1787 theft is aggregated to determine the value of the property  
1788 stolen;

1789 (d) ~~(e)~~ Acts in concert with one or more other individuals  
1790 within one or more establishments to distract the merchant,  
1791 merchant's employee, or law enforcement officer in order to  
1792 carry out the offense, or acts in other ways to coordinate  
1793 efforts to carry out the offense; or

1794 (e) ~~(d)~~ Commits the offense through the purchase of  
1795 merchandise in a package or box that contains merchandise other  
1796 than, or in addition to, the merchandise purported to be  
1797 contained in the package or box.

1798 (9) A person commits a felony of the second degree,  
1799 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
1800 if the person:

1801 (a) Violates subsection (8) and has previously been  
1802 convicted of a violation of subsection (8); ~~or~~

1803 (b) Individually, or in concert with one or more other  
1804 persons, coordinates the activities of one or more persons in  
1805 committing the offense of retail theft, in which the amount of  
1806 each individual theft within a 30-day period is aggregated to  
1807 determine the value of the stolen property and such ~~where the~~  
1808 stolen property has a value is in excess of \$3,000; or

1809 (c) Conspires with another person to commit retail theft



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1810 with the intent to sell the stolen property for monetary or  
1811 other gain, and subsequently takes or causes such property to be  
1812 placed in control of another person in exchange for  
1813 consideration, in which the stolen property taken or placed  
1814 within a 30-day period is aggregated to have a value in excess  
1815 of \$3,000.

1816 (10) If a person commits retail theft in more than one  
1817 judicial circuit within a 30-day period, the value of the stolen  
1818 property resulting from the thefts in each judicial circuit may  
1819 be aggregated, and the person must be prosecuted by the Office  
1820 of the Statewide Prosecutor in accordance with s. 16.56.

1821 (11) The Office of Program Policy Analysis and Government  
1822 Accountability (OPPAGA) shall perform a study every 5 years to  
1823 determine the appropriateness of the threshold amounts included  
1824 in this section. The study's scope must include, but need not be  
1825 limited to, the crime trends related to theft offenses, the  
1826 theft threshold amounts of other states in effect at the time of  
1827 the study, the fiscal impact of any modifications to this  
1828 state's threshold amounts, and the effect on economic factors,  
1829 such as inflation. The study must include options for amending  
1830 the threshold amounts if the study finds that such amounts are  
1831 inconsistent with current trends. In conducting the study,  
1832 OPPAGA shall consult with the Office of Economic and Demographic  
1833 Research in addition to other interested entities. OPPAGA shall  
1834 submit a report to the Governor, the President of the Senate,  
1835 and the Speaker of the House of Representatives by September 1  
1836 of every 5th year.

1837 Section 38. Section 812.0155, Florida Statutes, is amended  
1838 to read:





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1839           812.0155 Driver license suspension as an alternative  
1840 sentence for a person under 18 years of age ~~Suspension of driver~~  
1841 ~~license following an adjudication of guilt for theft.-~~

1842           ~~(1) Except as provided in subsections (2) and (3), the~~  
1843 ~~court may order the suspension of the driver license of each~~  
1844 ~~person adjudicated guilty of any misdemeanor violation of s.~~  
1845 ~~812.014 or s. 812.015, regardless of the value of the property~~  
1846 ~~stolen. Upon ordering the suspension of the driver license of~~  
1847 ~~the person adjudicated guilty, the court shall forward the~~  
1848 ~~driver license of the person adjudicated guilty to the~~  
1849 ~~Department of Highway Safety and Motor Vehicles in accordance~~  
1850 ~~with s. 322.25.~~

1851           ~~(a) The first suspension of a driver license under this~~  
1852 ~~subsection shall be for a period of up to 6 months.~~

1853           ~~(b) A second or subsequent suspension of a driver license~~  
1854 ~~under this subsection shall be for 1 year.~~

1855           (1)~~(2)~~ The court may revoke, suspend, or withhold issuance  
1856 of a driver license of a person less than 18 years of age who  
1857 violates s. 812.014 or s. 812.015 as an alternative to  
1858 sentencing the person to:

1859           (a) Probation as defined in s. 985.03 or commitment to the  
1860 Department of Juvenile Justice, if the person is adjudicated  
1861 delinquent for such violation and has not previously been  
1862 convicted of or adjudicated delinquent for any criminal offense,  
1863 regardless of whether adjudication was withheld.

1864           (b) Probation as defined in s. 985.03, commitment to the  
1865 Department of Juvenile Justice, probation as defined in chapter  
1866 948, community control, or incarceration, if the person is  
1867 convicted as an adult of such violation and has not previously



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1868 been convicted of or adjudicated delinquent for any criminal  
1869 offense, regardless of whether adjudication was withheld.

1870 ~~(2)~~(3) As used in this subsection, the term "department"  
1871 means the Department of Highway Safety and Motor Vehicles. A  
1872 court that revokes, suspends, or withholds issuance of a driver  
1873 license under subsection (1) ~~(2)~~ shall:

1874 (a) If the person is eligible by reason of age for a driver  
1875 license or driving privilege, direct the department to revoke or  
1876 withhold issuance of the person's driver license or driving  
1877 privilege for not less than 6 months and not more than 1 year;

1878 (b) If the person's driver license is under suspension or  
1879 revocation for any reason, direct the department to extend the  
1880 period of suspension or revocation by not less than 6 months and  
1881 not more than 1 year; or

1882 (c) If the person is ineligible by reason of age for a  
1883 driver license or driving privilege, direct the department to  
1884 withhold issuance of the person's driver license or driving  
1885 privilege for not less than 6 months and not more than 1 year  
1886 after the date on which the person would otherwise become  
1887 eligible.

1888 ~~(3)~~(4) This section does ~~Subsections (2) and (3) do not~~  
1889 preclude the court from imposing any other sanction ~~specified or~~  
1890 ~~not specified in subsection (2) or subsection (3).~~

1891 ~~(5) A court that suspends the driver license of a person~~  
1892 ~~pursuant to subsection (1) may direct the Department of Highway~~  
1893 ~~Safety and Motor Vehicles to issue the person a license for~~  
1894 ~~driving privilege restricted to business purposes only, as~~  
1895 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1896 Section 39. Subsection (1) of section 815.03, Florida



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1897 Statutes, is amended to read:

1898       815.03 Definitions.—As used in this chapter, unless the  
1899 context clearly indicates otherwise:

1900       (1) "Access" means to approach, instruct, communicate with,  
1901 store data in, retrieve data from, or otherwise make use of any  
1902 resources of a computer, a computer system, a ~~or~~ computer  
1903 network, or an electronic device.

1904       Section 40. Subsection (2) of section 815.06, Florida  
1905 Statutes, is amended, and subsection (3) of that section is  
1906 republished, to read:

1907       815.06 Offenses against users of computers, computer  
1908 systems, computer networks, and electronic devices.—

1909       (2) A person commits an offense against users of computers,  
1910 computer systems, computer networks, or electronic devices if he  
1911 or she willfully, knowingly, and without authorization or  
1912 exceeding authorization:

1913       (a) Accesses or causes to be accessed any computer,  
1914 computer system, computer network, or electronic device with  
1915 knowledge that such access is unauthorized or the manner of use  
1916 exceeds authorization;

1917       (b) Disrupts or denies or causes the denial of the ability  
1918 to transmit data to or from an authorized user of a computer,  
1919 computer system, computer network, or electronic device, which,  
1920 in whole or in part, is owned by, under contract to, or operated  
1921 for, on behalf of, or in conjunction with another;

1922       (c) Destroys, takes, injures, or damages equipment or  
1923 supplies used or intended to be used in a computer, computer  
1924 system, computer network, or electronic device;

1925       (d) Destroys, injures, or damages any computer, computer



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1926 system, computer network, or electronic device;

1927 (e) Introduces any computer contaminant into any computer,  
1928 computer system, computer network, or electronic device; or

1929 (f) Engages in audio or video surveillance of an individual  
1930 by accessing any inherent feature or component of a computer,  
1931 computer system, computer network, or electronic device,  
1932 including accessing the data or information of a computer,  
1933 computer system, computer network, or electronic device that is  
1934 stored by a third party.

1935 (3) (a) Except as provided in paragraphs (b) and (c), a  
1936 person who violates subsection (2) commits a felony of the third  
1937 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1938 775.084.

1939 (b) A person commits a felony of the second degree,  
1940 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
1941 if he or she violates subsection (2) and:

1942 1. Damages a computer, computer equipment or supplies, a  
1943 computer system, or a computer network and the damage or loss is  
1944 at least \$5,000;

1945 2. Commits the offense for the purpose of devising or  
1946 executing any scheme or artifice to defraud or obtain property;

1947 3. Interrupts or impairs a governmental operation or public  
1948 communication, transportation, or supply of water, gas, or other  
1949 public service; or

1950 4. Intentionally interrupts the transmittal of data to or  
1951 from, or gains unauthorized access to, a computer, computer  
1952 system, computer network, or electronic device belonging to any  
1953 mode of public or private transit, as defined in s. 341.031.

1954 (c) A person who violates subsection (2) commits a felony



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1955 of the first degree, punishable as provided in s. 775.082, s.  
1956 775.083, or s. 775.084, if the violation:

- 1957 1. Endangers human life; or  
1958 2. Disrupts a computer, computer system, computer network,  
1959 or electronic device that affects medical equipment used in the  
1960 direct administration of medical care or treatment to a person.

1961 Section 41. Section 817.413, Florida Statutes, is amended  
1962 to read:

1963 817.413 Sale of used motor vehicle goods as new; penalty.—

1964 (1) With respect to a transaction for which any charges  
1965 will be paid from the proceeds of a motor vehicle insurance  
1966 policy, ~~and in which the purchase price of motor vehicle goods~~  
1967 ~~exceeds \$100~~, it is unlawful for the seller to knowingly  
1968 misrepresent orally, in writing, or by failure to speak, that  
1969 the goods are new or original when they are used or repossessed  
1970 or have been used for sales demonstration.

1971 (2) A person who violates ~~the provisions of this section,~~  
1972 if the purchase price of the motor vehicle goods is \$1,000 or  
1973 more, commits a felony of the third degree, punishable as  
1974 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1975 purchase price of the motor vehicle goods is less than \$1,000,  
1976 the person commits a misdemeanor of the first degree, punishable  
1977 as provided in s. 775.082 or s. 775.083.

1978 Section 42. Paragraph (a) of subsection (2) of section  
1979 831.28, Florida Statutes, is amended to read:

1980 831.28 Counterfeiting a payment instrument; possessing a  
1981 counterfeit payment instrument; penalties.—

1982 (2) (a) It is unlawful to counterfeit a payment instrument  
1983 with the intent to defraud a financial institution, account



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1984 holder, or any other person or organization or for a person to  
1985 have any counterfeit payment instrument in such person's  
1986 possession with the intent to defraud a financial institution,  
1987 an account holder, or any other person or organization. Any  
1988 person who violates this subsection commits a felony of the  
1989 third degree, punishable as provided in s. 775.082, s. 775.083,  
1990 or s. 775.084.

1991 Section 43. Section 849.01, Florida Statutes, is amended to  
1992 read:

1993 849.01 Keeping gambling houses, etc.—Whoever by herself or  
1994 himself, her or his servant, clerk or agent, or in any other  
1995 manner has, keeps, exercises or maintains a gaming table or  
1996 room, or gaming implements or apparatus, or house, booth, tent,  
1997 shelter or other place for the purpose of gaming or gambling or  
1998 in any place of which she or he may directly or indirectly have  
1999 charge, control or management, either exclusively or with  
2000 others, procures, suffers or permits any person to play for  
2001 money or other valuable thing at any game whatever, whether  
2002 heretofore prohibited or not, commits ~~shall be guilty of a~~  
2003 misdemeanor ~~felony~~ of the second ~~third~~ degree, punishable as  
2004 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

2005 Section 44. Subsections (6) and (7) and paragraphs (c) and  
2006 (d) of subsection (8) of section 877.112, Florida Statutes, are  
2007 amended to read:

2008 877.112 Nicotine products and nicotine dispensing devices;  
2009 prohibitions for minors; penalties; civil fines; signage  
2010 requirements; preemption.—

2011 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR  
2012 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any



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2013 person under 18 years of age to knowingly possess any nicotine  
2014 product or a nicotine dispensing device. Any person under 18  
2015 years of age who violates this subsection commits a noncriminal  
2016 violation as defined in s. 775.08(3), punishable by:

2017 (a) For a first violation, 16 hours of community service  
2018 or, instead of community service, a \$25 fine. In addition, the  
2019 person must attend a school-approved anti-tobacco and nicotine  
2020 program, if locally available; or

2021 (b) For a second or subsequent violation within 12 weeks  
2022 after ~~of~~ the first violation, a \$25 fine. ~~;~~ ~~or~~

2023 ~~(c) For a third or subsequent violation within 12 weeks of~~  
2024 ~~the first violation, the court must direct the Department of~~  
2025 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
2026 ~~suspend or revoke the person's driver license or driving~~  
2027 ~~privilege, as provided in s. 322.056.~~

2028  
2029 Any second or subsequent violation not within the 12-week time  
2030 period after the first violation is punishable as provided for a  
2031 first violation.

2032 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for  
2033 any person under 18 years of age to misrepresent his or her age  
2034 or military service for the purpose of inducing a retailer of  
2035 nicotine products or nicotine dispensing devices or an agent or  
2036 employee of such retailer to sell, give, barter, furnish, or  
2037 deliver any nicotine product or nicotine dispensing device, or  
2038 to purchase, or attempt to purchase, any nicotine product or  
2039 nicotine dispensing device from a person or a vending machine.  
2040 Any person under 18 years of age who violates this subsection  
2041 commits a noncriminal violation as defined in s. 775.08(3),



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2042 punishable by:

2043 (a) For a first violation, 16 hours of community service  
2044 or, instead of community service, a \$25 fine and, in addition,  
2045 the person must attend a school-approved anti-tobacco and  
2046 nicotine program, if available; or

2047 (b) For a second violation within 12 weeks after ~~of~~ the  
2048 first violation, a \$25 fine. ~~;~~ or

2049 ~~(c) For a third or subsequent violation within 12 weeks of~~  
2050 ~~the first violation, the court must direct the Department of~~  
2051 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
2052 ~~suspend or revoke the person's driver license or driving~~  
2053 ~~privilege, as provided in s. 322.056.~~

2054  
2055 Any second or subsequent violation not within the 12-week time  
2056 period after the first violation is punishable as provided for a  
2057 first violation.

2058 (8) PENALTIES FOR MINORS.—

2059 (c) If a person under 18 years of age is found by the court  
2060 to have committed a noncriminal violation under this section and  
2061 that person has failed to complete community service, pay the  
2062 fine as required by paragraph (6) (a) or paragraph (7) (a), or  
2063 attend a school-approved anti-tobacco and nicotine program, if  
2064 locally available, the court may ~~must~~ direct the Department of  
2065 Highway Safety and Motor Vehicles to withhold issuance of or  
2066 suspend the driver license or driving privilege of that person  
2067 for 30 consecutive days.

2068 (d) If a person under 18 years of age is found by the court  
2069 to have committed a noncriminal violation under this section and  
2070 that person has failed to pay the applicable fine as required by





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2071 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct  
2072 the Department of Highway Safety and Motor Vehicles to withhold  
2073 issuance of or suspend the driver license or driving privilege  
2074 of that person for 45 consecutive days.

2075 Section 45. Paragraph (c) of subsection (1) of section  
2076 893.135, Florida Statutes, is amended to read:

2077 893.135 Trafficking; mandatory sentences; suspension or  
2078 reduction of sentences; conspiracy to engage in trafficking.—

2079 (1) Except as authorized in this chapter or in chapter 499  
2080 and notwithstanding the provisions of s. 893.13:

2081 (c)1. A person who knowingly sells, purchases,  
2082 manufactures, delivers, or brings into this state, or who is  
2083 knowingly in actual or constructive possession of, 4 grams or  
2084 more of any morphine, opium, hydromorphone, or any salt,  
2085 derivative, isomer, or salt of an isomer thereof, including  
2086 heroin, as described in s. 893.03(1) (b), (2) (a), (3) (c) 3., or  
2087 (3) (c) 4., or 4 grams or more of any mixture containing any such  
2088 substance, but less than 30 kilograms of such substance or  
2089 mixture, commits a felony of the first degree, which felony  
2090 shall be known as "trafficking in illegal drugs," punishable as  
2091 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2092 quantity involved:

2093 a. Is 4 grams or more, but less than 14 grams, such person  
2094 shall be sentenced to a mandatory minimum term of imprisonment  
2095 of 3 years and shall be ordered to pay a fine of \$50,000.

2096 b. Is 14 grams or more, but less than 28 grams, such person  
2097 shall be sentenced to a mandatory minimum term of imprisonment  
2098 of 15 years and shall be ordered to pay a fine of \$100,000.

2099 c. Is 28 grams or more, but less than 30 kilograms, such



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2100 person shall be sentenced to a mandatory minimum term of  
2101 imprisonment of 25 years and shall be ordered to pay a fine of  
2102 \$500,000.

2103         2. A person who knowingly sells, purchases, manufactures,  
2104 delivers, or brings into this state, or who is knowingly in  
2105 actual or constructive possession of, 28 ~~14~~ grams or more of  
2106 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
2107 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 ~~14~~  
2108 grams or more of any mixture containing any such substance,  
2109 commits a felony of the first degree, which felony shall be  
2110 known as "trafficking in hydrocodone," punishable as provided in  
2111 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

2112             a. Is 28 ~~14~~ grams or more, but less than 50 ~~28~~ grams, such  
2113 person shall be sentenced to a mandatory minimum term of  
2114 imprisonment of 3 years and shall be ordered to pay a fine of  
2115 \$50,000.

2116             b. Is 50 ~~28~~ grams or more, but less than 100 ~~50~~ grams, such  
2117 person shall be sentenced to a mandatory minimum term of  
2118 imprisonment of 7 years and shall be ordered to pay a fine of  
2119 \$100,000.

2120             c. Is 100 ~~50~~ grams or more, but less than 300 ~~200~~ grams,  
2121 such person shall be sentenced to a mandatory minimum term of  
2122 imprisonment of 15 years and shall be ordered to pay a fine of  
2123 \$500,000.

2124             d. Is 300 ~~200~~ grams or more, but less than 30 kilograms,  
2125 such person shall be sentenced to a mandatory minimum term of  
2126 imprisonment of 25 years and shall be ordered to pay a fine of  
2127 \$750,000.

2128         3. A person who knowingly sells, purchases, manufactures,



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2129 delivers, or brings into this state, or who is knowingly in  
2130 actual or constructive possession of, 7 grams or more of  
2131 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
2132 thereof, or 7 grams or more of any mixture containing any such  
2133 substance, commits a felony of the first degree, which felony  
2134 shall be known as "trafficking in oxycodone," punishable as  
2135 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2136 quantity involved:

2137       a. Is 7 grams or more, but less than 14 grams, such person  
2138 shall be sentenced to a mandatory minimum term of imprisonment  
2139 of 3 years and shall be ordered to pay a fine of \$50,000.

2140       b. Is 14 grams or more, but less than 25 grams, such person  
2141 shall be sentenced to a mandatory minimum term of imprisonment  
2142 of 7 years and shall be ordered to pay a fine of \$100,000.

2143       c. Is 25 grams or more, but less than 100 grams, such  
2144 person shall be sentenced to a mandatory minimum term of  
2145 imprisonment of 15 years and shall be ordered to pay a fine of  
2146 \$500,000.

2147       d. Is 100 grams or more, but less than 30 kilograms, such  
2148 person shall be sentenced to a mandatory minimum term of  
2149 imprisonment of 25 years and shall be ordered to pay a fine of  
2150 \$750,000.

2151       4.a. A person who knowingly sells, purchases, manufactures,  
2152 delivers, or brings into this state, or who is knowingly in  
2153 actual or constructive possession of, 4 grams or more of:

2154           (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2155           (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2156           (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2157           (IV) Sufentanil, as described in s. 893.03(2)(b)30.;



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2158 (V) A fentanyl derivative, as described in s.

2159 893.03(1)(a)62.;

2160 (VI) A controlled substance analog, as described in s.

2161 893.0356, of any substance described in sub-sub-subparagraphs

2162 (I)-(V); or

2163 (VII) A mixture containing any substance described in sub-

2164 sub-subparagraphs (I)-(VI), commits a felony of the first

2165 degree, which felony shall be known as "trafficking in

2166 fentanyl," punishable as provided in s. 775.082, s. 775.083, or

2167 s. 775.084.

2168 b. If the quantity involved under sub-subparagraph a.:

2169 (I) Is 4 grams or more, but less than 14 grams, such person

2170 shall be sentenced to a mandatory minimum term of imprisonment

2171 of 3 years, and shall be ordered to pay a fine of \$50,000.

2172 (II) Is 14 grams or more, but less than 28 grams, such

2173 person shall be sentenced to a mandatory minimum term of

2174 imprisonment of 15 years, and shall be ordered to pay a fine of

2175 \$100,000.

2176 (III) Is 28 grams or more, such person shall be sentenced

2177 to a mandatory minimum term of imprisonment of 25 years, and

2178 shall be ordered to pay a fine of \$500,000.

2179 5. A person who knowingly sells, purchases, manufactures,

2180 delivers, or brings into this state, or who is knowingly in

2181 actual or constructive possession of, 30 kilograms or more of

2182 any morphine, opium, oxycodone, hydrocodone, codeine,

2183 hydromorphone, or any salt, derivative, isomer, or salt of an

2184 isomer thereof, including heroin, as described in s.

2185 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or

2186 more of any mixture containing any such substance, commits the



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2187 first degree felony of trafficking in illegal drugs. A person  
2188 who has been convicted of the first degree felony of trafficking  
2189 in illegal drugs under this subparagraph shall be punished by  
2190 life imprisonment and is ineligible for any form of  
2191 discretionary early release except pardon or executive clemency  
2192 or conditional medical release under s. 947.149. However, if the  
2193 court determines that, in addition to committing any act  
2194 specified in this paragraph:

2195 a. The person intentionally killed an individual or  
2196 counseled, commanded, induced, procured, or caused the  
2197 intentional killing of an individual and such killing was the  
2198 result; or

2199 b. The person's conduct in committing that act led to a  
2200 natural, though not inevitable, lethal result, such person  
2201 commits the capital felony of trafficking in illegal drugs,  
2202 punishable as provided in ss. 775.082 and 921.142. A person  
2203 sentenced for a capital felony under this paragraph shall also  
2204 be sentenced to pay the maximum fine provided under subparagraph  
2205 1.

2206 6. A person who knowingly brings into this state 60  
2207 kilograms or more of any morphine, opium, oxycodone,  
2208 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
2209 isomer, or salt of an isomer thereof, including heroin, as  
2210 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
2211 60 kilograms or more of any mixture containing any such  
2212 substance, and who knows that the probable result of such  
2213 importation would be the death of a person, commits capital  
2214 importation of illegal drugs, a capital felony punishable as  
2215 provided in ss. 775.082 and 921.142. A person sentenced for a



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2216 capital felony under this paragraph shall also be sentenced to  
2217 pay the maximum fine provided under subparagraph 1.

2218 Section 46. Effective upon this act becoming a law, section  
2219 900.05, Florida Statutes, is amended to read:

2220 900.05 Criminal justice data collection.—

2221 (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of  
2222 the Legislature to create a model of uniform criminal justice  
2223 data collection by requiring local and state criminal justice  
2224 agencies to report complete, accurate, and timely data, and  
2225 making such data available to the public. The Legislature finds  
2226 that it is an important state interest to implement a uniform  
2227 data collection process and promote criminal justice data  
2228 transparency.

2229 (2) DEFINITIONS.—As used in this section, the term:

2230 (a) "Annual felony caseload" means the yearly caseload of  
2231 each full-time state attorney and assistant state attorney, ~~or~~  
2232 public defender and assistant public defender, or regional  
2233 conflict counsel and assistant regional conflict counsel for  
2234 cases assigned to the circuit criminal division, based on the  
2235 number of felony cases reported to the Supreme Court under s.  
2236 25.075. The term does not include the appellate caseload of a  
2237 public defender, ~~or~~ assistant public defender, regional conflict  
2238 counsel, or assistant regional conflict counsel. Cases reported  
2239 pursuant to this term must be associated with a case number, and  
2240 each case number must only be reported once regardless of the  
2241 number of attorney assignments that occur during the course of  
2242 litigation. The caseload shall be calculated on June 30 and  
2243 reported once at the beginning of the reporting agency's fiscal  
2244 year.



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2245           (b) "Annual felony conflict caseload" means the total  
2246 number of felony cases the office of the public defender or  
2247 office of regional conflict counsel has declined or withdrawn  
2248 from in the previous calendar year due to lack of qualified  
2249 counsel or due to excessive caseload. The caseload shall be  
2250 calculated on June 30 and reported once at the beginning of the  
2251 reporting agency's fiscal year.

2252           (c) ~~(b)~~ "Annual misdemeanor caseload" means the yearly  
2253 caseload of each full-time state attorney and assistant state  
2254 attorney, ~~or~~ public defender and assistant public defender, or  
2255 regional conflict counsel and assistant regional conflict  
2256 counsel for cases assigned to the county criminal division,  
2257 based on the number of misdemeanor cases reported to the Supreme  
2258 Court under s. 25.075. The term does not include the appellate  
2259 caseload of a public defender, ~~or~~ assistant public defender,  
2260 regional conflict counsel, or assistant regional conflict  
2261 counsel. Cases reported pursuant to this term must be associated  
2262 with a case number, and each case number must only be reported  
2263 once regardless of the number of attorney assignments that occur  
2264 during the course of litigation. The caseload shall be  
2265 calculated on June 30 and reported once at the beginning of the  
2266 reporting agency's fiscal year.

2267           (d) "Annual misdemeanor conflict caseload" means the total  
2268 number of misdemeanor cases the office of the public defender or  
2269 office of regional conflict counsel has declined or withdrawn  
2270 from in the previous calendar year due to lack of qualified  
2271 counsel or due to excessive caseload. The caseload shall be  
2272 calculated on June 30 and reported once at the beginning of the  
2273 reporting agency's fiscal year.



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2274            (e)~~(e)~~ "Attorney assignment date" means the date a court-  
2275 appointed attorney is assigned to the case or, if privately  
2276 retained, the date an attorney files a notice of appearance with  
2277 the clerk of court.

2278            (f)~~(d)~~ "Attorney withdrawal date" means the date the court  
2279 removes court-appointed counsel from a case or, for a privately  
2280 retained attorney, the date a motion to withdraw is granted by  
2281 the court.

2282            (g)~~(e)~~ "Case number" means the uniform case identification  
2283 number assigned by the clerk of court to a criminal case.

2284            (h)~~(f)~~ "Case status" means whether a case is open, active,  
2285 inactive, closed, reclosed, or reopened due to a violation of  
2286 probation or community control.

2287            (i)~~(g)~~ "Charge description" means the statement of the  
2288 conduct that is alleged to have been violated, the associated  
2289 statutory section establishing such conduct as criminal, and the  
2290 misdemeanor or felony classification that is provided for in the  
2291 statutory section alleged to have been violated.

2292            (j) "Charge disposition" means the final adjudication for  
2293 each charged crime, including, but not limited to, dismissal by  
2294 state attorney, dismissal by judge, acquittal, no contest plea,  
2295 guilty plea, or guilty finding at trial.

2296            (k)~~(h)~~ "Charge modifier" means an aggravating circumstance  
2297 of an alleged crime that enhances or reclassifies a charge to a  
2298 more serious misdemeanor or felony offense level.

2299            (l)~~(i)~~ "Concurrent or consecutive sentence flag" means an  
2300 indication that a defendant is serving another sentence  
2301 concurrently or consecutively in addition to the sentence for  
2302 which data is being reported.





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2303            (m)~~(j)~~ "Daily number of correctional officers" means the  
2304 number of full-time, part-time, and auxiliary correctional  
2305 officers who are actively providing supervision, protection,  
2306 care, custody, and control of inmates in a county detention  
2307 facility or state correctional institution or facility each day.

2308            (n)~~(k)~~ "Defense attorney type" means whether the attorney  
2309 is a public defender, regional conflict counsel, or other  
2310 counsel court-appointed for the defendant; the attorney is  
2311 privately retained by the defendant; or the defendant is  
2312 represented pro se.

2313            (o)~~(l)~~ "Deferred prosecution or pretrial diversion  
2314 agreement date" means the date an agreement ~~a contract~~ is signed  
2315 by the parties regarding a defendant's admission into a deferred  
2316 prosecution or pretrial diversion program.

2317            (p)~~(m)~~ "Deferred prosecution or pretrial diversion hearing  
2318 date" means each date that a hearing, including a status  
2319 hearing, is held on a case that is in a deferred prosecution or  
2320 pretrial diversion program, if applicable.

2321            (q)~~(n)~~ "Disciplinary violation and action" means any  
2322 conduct performed by an inmate in violation of the rules of a  
2323 county detention facility or state correctional institution or  
2324 facility that results in the initiation of disciplinary  
2325 proceedings by the custodial entity and the consequences of such  
2326 disciplinary proceedings.

2327            (r)~~(o)~~ "Disposition date" means the date of final judgment,  
2328 adjudication, adjudication withheld, dismissal, or nolle  
2329 prosequi for the case and if different dates apply, the  
2330 disposition dates of each charge.

2331            (s) "Disposition type" means the manner in which the charge



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2332 was closed, including final judgment, adjudication, adjudication  
2333 withheld, dismissal, or nolle prosequi.

2334 (t)~~(p)~~ "Domestic violence flag" means an indication that a  
2335 filed charge involves domestic violence as defined in s. 741.28.

2336 (u)~~(q)~~ "Gang affiliation flag" means an indication that a  
2337 defendant is involved in or associated with a criminal gang as  
2338 defined in s. 874.03 at the time of the current offense.

2339 (v)~~(r)~~ "Gain-time credit earned" means a credit of time  
2340 awarded to an inmate in a county detention facility in  
2341 accordance with s. 951.22 or a state correctional institution or  
2342 facility in accordance with s. 944.275.

2343 (w)~~(s)~~ "Habitual offender flag" means an indication that a  
2344 defendant is a habitual felony offender as defined in s. 775.084  
2345 or a habitual misdemeanor offender as defined in s. 775.0837.

2346 (x) "Habitual violent felony offender flag" means an  
2347 indication that a defendant is a habitual violent felony  
2348 offender as defined in s. 775.084.

2349 ~~(t) "Judicial transfer date" means a date on which a~~  
2350 ~~defendant's case is transferred to another court or presiding~~  
2351 ~~judge.~~

2352 (y)~~(u)~~ "Number of contract attorneys representing indigent  
2353 defendants for the office of the public defender" means the  
2354 number of attorneys hired on a temporary basis, by contract, to  
2355 represent indigent clients who were appointed a public defender,  
2356 whereby the public defender withdraws from the case due to a  
2357 conflict of interest.

2358 (z)~~(v)~~ "Pretrial release violation flag" means an  
2359 indication that the defendant has violated the terms of his or  
2360 her pretrial release.



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2361            (aa)~~(w)~~ "Prior incarceration within the state" means any  
2362 prior history of a defendant's incarceration ~~defendant being~~  
2363 ~~incarcerated in a county detention facility or state~~  
2364 ~~correctional institution or facility.~~

2365            (bb) "Prison releasee reoffender flag" means an indication  
2366 that the defendant is a prison releasee reoffender as defined in  
2367 s. 775.082 or any other statute.

2368            (dd)~~(\*)~~ "Tentative release date" means the anticipated date  
2369 that an inmate will be released from incarceration after the  
2370 application of adjustments for any gain-time earned or credit  
2371 for time served.

2372            (cc)~~(y)~~ "Sexual offender flag" means an indication that a  
2373 defendant was ~~is~~ required to register as a sexual predator as  
2374 defined in s. 775.21 or as a sexual offender as defined in s.  
2375 943.0435.

2376            (ee) "Three-time violent felony offender flag" means an  
2377 indication that the defendant is a three-time violent felony  
2378 offender as defined in s. 775.084 or any other statute.

2379            (ff) "Violent career criminal flag" means an indication  
2380 that the defendant is a violent career criminal as defined in s.  
2381 775.084 or any other statute.

2382            (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~  
2383 ~~2019,~~ An entity required to collect data in accordance with this  
2384 subsection shall collect the specified data and ~~required of the~~  
2385 ~~entity on a biweekly basis. Each entity shall report them the~~  
2386 ~~data collected~~ in accordance with this subsection to the  
2387 Department of Law Enforcement on a monthly basis.

2388            (a) *Clerk of the court.*—Each clerk of court shall collect  
2389 the following data for each criminal case:



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- 2390 1. Case number.
- 2391 2. Date that the alleged offense occurred.
- 2392 ~~3. County in which the offense is alleged to have occurred.~~
- 2393 3.4. Date the defendant is taken into physical custody by a  
2394 law enforcement agency or is issued a notice to appear on a  
2395 criminal charge, ~~if such date is different from the date the~~  
2396 ~~offense is alleged to have occurred.~~
- 2397 4. Whether the case originated by notice to appear.
- 2398 5. Date that the criminal prosecution of a defendant is  
2399 formally initiated ~~through the filing, with the clerk of the~~  
2400 ~~court, of an information by the state attorney or an indictment~~  
2401 ~~issued by a grand jury.~~
- 2402 6. Arraignment date.
- 2403 7. Attorney appointment assignment date.
- 2404 8. Attorney withdrawal date.
- 2405 9. Case status.
- 2406 10. Charge disposition.
- 2407 ~~11.10.~~ Disposition date and disposition type.
- 2408 ~~12.11.~~ Information related to each defendant, including:
- 2409 a. Identifying information, including name, known aliases,  
2410 date of birth, ~~age,~~ race, or ethnicity, and gender.
- 2411 b. Zip code of last known address ~~primary residence.~~
- 2412 c. Primary language.
- 2413 d. Citizenship.
- 2414 e. Immigration status, if applicable.
- 2415 f. Whether the defendant has been found ~~by a court~~ to be  
2416 indigent under ~~pursuant to~~ s. 27.52.
- 2417 ~~13.12.~~ Information related to the ~~formal~~ charges filed  
2418 against the defendant, including:



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- 2419 a. Charge description.
- 2420 b. Charge modifier description and statute, if applicable.
- 2421 c. Drug type for each drug charge, if known.
- 2422 d. Qualification for a flag designation as defined in this
- 2423 section, including a domestic violence flag, gang affiliation
- 2424 flag, sexual offender flag, habitual offender flag, habitual
- 2425 violent felony offender flag, ~~or~~ pretrial release violation
- 2426 flag, prison releasee reoffender flag, three-time violent felony
- 2427 offender flag, or violent career criminal flag.

2428 ~~14.13.~~ Information related to bail or bond and pretrial  
2429 release determinations, including the dates of any such  
2430 determinations:

- 2431 a. Pretrial release determination made at a first
- 2432 appearance hearing that occurs within 24 hours of arrest,
- 2433 including any ~~all~~ monetary and nonmonetary conditions of
- 2434 release.
- 2435 b. Modification of bail or bond conditions made by a court
- 2436 having jurisdiction to try the defendant or, in the absence of
- 2437 the judge of the trial court, by the circuit court, including
- 2438 modifications to any monetary and nonmonetary conditions of
- 2439 release.
- 2440 c. Cash bail or bond payment, including whether the
- 2441 defendant utilized a bond agent to post a surety bond.
- 2442 d. Date defendant is released on bail, bond, or pretrial
- 2443 release for the current case.
- 2444 e. Bail or bond revocation due to a new offense, a failure
- 2445 to appear, or a violation of the terms of bail or bond, if
- 2446 applicable.

2447 ~~15.14.~~ Information related to court dates and dates of



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2448 motions and appearances, including:  
2449       a. Date of any court appearance and the type of proceeding  
2450 scheduled for each date reported.  
2451       b. Date of any failure to appear in court, if applicable.  
2452       c. Deferred prosecution or pretrial diversion hearing, if  
2453 applicable ~~Judicial transfer date, if applicable.~~  
2454       d. Each scheduled trial date.  
2455       e. Date that a defendant files a notice to participate in  
2456 discovery.  
2457       f. Speedy trial motion date and each hearing date ~~dates~~, if  
2458 applicable.  
2459       g. Dismissal motion date and each hearing date ~~dates~~, if  
2460 applicable.  
2461       ~~16.15.~~ Defense attorney type.  
2462       ~~17.16.~~ Information related to sentencing, including:  
2463       a. Date that a court enters a sentence against a defendant.  
2464       b. Charge sentenced to, including charge sequence number,  
2465 and charge description, ~~statute, type, and charge class~~  
2466 ~~severity.~~  
2467       c. Sentence type and length imposed by the court in the  
2468 current case, reported in years, months, and days, including,  
2469 but not limited to, the total duration of incarceration  
2470 ~~imprisonment~~ in a county detention facility or state  
2471 correctional institution or facility, and conditions of  
2472 probation or community control supervision.  
2473       d. Amount of time served in custody by the defendant  
2474 related to each charge ~~the reported criminal case~~ that is  
2475 credited at the time of disposition of the charge ~~case~~ to reduce  
2476 the imposed ~~actual~~ length of time the defendant will serve on



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2477 the term of incarceration ~~imprisonment~~ that is ordered by the  
2478 court at disposition.

2479 e. Total amount of court costs ~~fees~~ imposed by the court at  
2480 the disposition of the case.

2481 ~~f. Outstanding balance of the defendant's court fees~~  
2482 ~~imposed by the court at disposition of the case.~~

2483 ~~f.g.~~ Total amount of fines imposed by the court at the  
2484 disposition of the case.

2485 ~~h. Outstanding balance of the defendant's fines imposed by~~  
2486 ~~the court at disposition of the case.~~

2487 ~~g.i.~~ Restitution amount ordered at sentencing, including  
2488 ~~the amount collected by the court and the amount paid to the~~  
2489 ~~victim, if applicable.~~

2490 ~~j. Digitized sentencing scoresheet prepared in accordance~~  
2491 ~~with s. 921.0024.~~

2492 ~~18.17.~~ The sentencing judge or magistrate, or their  
2493 equivalent number of judges or magistrates, or their  
2494 equivalents, hearing cases in circuit or county criminal  
2495 divisions of the circuit court. Judges or magistrates, or their  
2496 equivalents, who solely hear appellate cases from the county  
2497 criminal division are not to be reported under this  
2498 subparagraph.

2499 (b) *State attorney.*—Each state attorney shall collect the  
2500 following data:

2501 1. Information related to a human victim of a criminal  
2502 offense, including:

2503 a. Identifying information of the victim, including race,  
2504 ~~or~~ ethnicity, gender, and age at the time of the offense.

2505 b. Relationship to the offender, if any.



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- 2506 2. Number of full-time prosecutors.
- 2507 3. Number of part-time prosecutors.
- 2508 4. Annual felony caseload.
- 2509 5. Annual misdemeanor caseload.
- 2510 6. Disposition of each referred charge, such as filed,
- 2511 declined, or diverted ~~Any charge referred to the state attorney~~
- 2512 ~~by a law enforcement agency related to an episode of criminal~~
- 2513 ~~activity.~~
- 2514 7. Number of cases in which a no-information was filed.
- 2515 8. Information related to each defendant, including:
- 2516 a. Each charge referred to the state attorney by a law
- 2517 enforcement agency or sworn complainant related to an episode of
- 2518 criminal activity.
- 2519 b. Case number, name, and date of birth.
- 2520 ~~c.~~ b. Drug type for each drug charge, if applicable.
- 2521 d. Deferred prosecution or pretrial diversion agreement
- 2522 date, if applicable.
- 2523 (c) *Public defender.*—Each public defender shall collect the
- 2524 following data ~~for each criminal case:~~
- 2525 1. Number of full-time public defenders.
- 2526 2. Number of part-time public defenders.
- 2527 3. Number of contract attorneys representing indigent
- 2528 defendants for the office of the public defender.
- 2529 4. Annual felony caseload.
- 2530 5. Annual felony conflict caseload.
- 2531 ~~6.~~ 5. Annual misdemeanor caseload.
- 2532 7. Annual misdemeanor conflict caseload.
- 2533 (d) *County detention facility.*—The administrator of each
- 2534 county detention facility shall collect the following data:





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- 2535 1. Maximum capacity for the county detention facility.
- 2536 2. Weekly admissions to the county detention facility for a  
2537 revocation of probation or community control.
- 2538 3. Weekly admissions to the county detention facility for a  
2539 revocation of pretrial release.
- 2540 ~~4.3.~~ Daily population of the county detention facility,  
2541 including the specific number of inmates in the custody of the  
2542 county that:
- 2543 a. Are awaiting case disposition.
- 2544 b. Have been sentenced by a court to a term of  
2545 incarceration imprisonment in the county detention facility.
- 2546 c. Have been sentenced by a court to a term of imprisonment  
2547 with the Department of Corrections and who are awaiting  
2548 transportation to the department.
- 2549 d. Have a federal detainer, ~~or~~ are awaiting disposition of  
2550 a case in federal court, or are awaiting other federal  
2551 disposition.
- 2552 ~~5.4.~~ Information related to each inmate, including:
- 2553 a. Identifying information, including name, date of birth,  
2554 race, ethnicity, gender, case number, and identification number  
2555 assigned by the county detention facility.
- 2556 ~~b.a.~~ Date when an inmate a defendant is processed and  
2557 booked into the county detention facility subsequent to an  
2558 arrest for a new violation of law, ~~or~~ for a violation of  
2559 probation or community control, or for a violation of pretrial  
2560 release.
- 2561 ~~c.b.~~ Reason why an inmate a defendant is processed and  
2562 booked into the county detention facility, including if it is  
2563 ~~for~~ a new law violation, or a violation of probation or



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2564 community control, or a violation of pretrial release.

2565 ~~d.e.~~ Qualification for a flag designation as defined in  
2566 this section, including domestic violence flag, gang affiliation  
2567 flag, habitual offender flag, habitual violent felony offender  
2568 flag, pretrial release violation flag, ~~or~~ sexual offender flag,  
2569 prison releasee reoffender flag, three-time violent felony  
2570 offender flag, or violent career criminal flag.

2571 ~~6.5.~~ Total population of the county detention facility at  
2572 year-end. This data must include the same specified  
2573 classifications as subparagraph 3.

2574 ~~7.6.~~ Per diem rate for a county detention facility bed.

2575 ~~8.7.~~ Daily number of correctional officers for the county  
2576 detention facility.

2577 ~~9.8.~~ Annual county detention facility budget. This  
2578 information only needs to be reported once annually at the  
2579 beginning of the county's fiscal year.

2580 ~~10.9.~~ Annual revenue generated for the county from the  
2581 temporary incarceration of federal defendants or inmates.

2582 (e) *Department of Corrections.*—The Department of  
2583 Corrections shall collect the following data:

2584 1. Information related to each inmate, including:

2585 a. Identifying information, including name, date of birth,  
2586 race, ~~or~~ ethnicity, gender, case number, and identification  
2587 number assigned by the department.

2588 b. ~~Number of children.~~

2589 e. Highest education level, ~~including any vocational~~  
2590 ~~training.~~

2591 ~~c.d.~~ Date the inmate was admitted to the custody of the  
2592 department for his or her current incarceration.



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2593 ~~d.e.~~ Current institution placement and the security level  
2594 assigned to the institution.

2595 ~~e.f.~~ Custody level assignment.

2596 ~~f.g.~~ Qualification for a flag designation as defined in  
2597 this section, including sexual offender flag, habitual offender  
2598 flag, habitual violent felony offender flag, prison releasee  
2599 reoffender flag, three-time violent felony offender flag,  
2600 violent career criminal flag, gang affiliation flag, or  
2601 concurrent or consecutive sentence flag.

2602 ~~g.h.~~ County that committed the prisoner to the custody of  
2603 the department.

2604 ~~h.i.~~ Whether the reason for admission to the department is  
2605 for a new conviction or a violation of probation, community  
2606 control, or parole. For an admission for a probation, community  
2607 control, or parole violation, the department shall report  
2608 whether the violation was technical or based on a new violation  
2609 of law.

2610 ~~i.j.~~ Specific statutory citation for which the inmate was  
2611 committed to the department, including, for an inmate convicted  
2612 of drug trafficking under s. 893.135, the statutory citation for  
2613 each specific drug trafficked.

2614 j. Length of sentence served.

2615 k. Length of ~~sentence or~~ concurrent or consecutive  
2616 sentences served.

2617 l. Tentative release date.

2618 m. Gain time earned in accordance with s. 944.275.

2619 n. Prior incarceration within the state.

2620 o. Disciplinary violation and action.

2621 p. Participation in rehabilitative or educational programs



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2622 while in the custody of the department.  
2623       q. Digitized sentencing scoresheet prepared in accordance  
2624 with s. 921.0024.  
2625       2. Information about each state correctional institution or  
2626 facility, including:  
2627       a. Budget for each state correctional institution or  
2628 facility.  
2629       b. Daily prison population of all inmates incarcerated in a  
2630 state correctional institution or facility.  
2631       c. Daily number of correctional officers for each state  
2632 correctional institution or facility.  
2633       3. Information related to persons supervised by the  
2634 department on probation or community control, including:  
2635       a. Identifying information for each person supervised by  
2636 the department on probation or community control, including his  
2637 or her name, date of birth, race, ~~or~~ ethnicity, gender, case  
2638 number ~~sex~~, and department-assigned case number.  
2639       b. Length of probation or community control sentence  
2640 imposed and amount of time that has been served on such  
2641 sentence.  
2642       c. Projected termination date for probation or community  
2643 control.  
2644       d. Revocation of probation or community control due to a  
2645 violation, including whether the revocation is due to a  
2646 technical violation of the conditions of supervision or from the  
2647 commission of a new law violation.  
2648       4. Per diem rates for:  
2649       a. Prison bed.  
2650       b. Probation.



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2651 c. Community control.

2652

2653 This information only needs to be reported once annually at the  
2654 time the most recent per diem rate is published.

2655 (f) Justice Administrative Commission.—The Justice  
2656 Administrative Commission shall collect the following data:

2657 1. Number of private registry attorneys representing  
2658 indigent adult defendants.

2659 2. Annual felony caseload assigned to private registry  
2660 contract attorneys.

2661 3. Annual misdemeanor caseload assigned to private registry  
2662 contract attorneys.

2663 (g) Criminal regional conflict counsel.—Each office of  
2664 criminal regional conflict counsel shall report the following  
2665 data:

2666 1. Number of full-time assistant regional conflict counsel  
2667 handling criminal cases.

2668 2. Number of part-time assistant regional conflict counsel  
2669 handling criminal cases.

2670 3. Number of contract attorneys representing indigent adult  
2671 defendants.

2672 4. Annual felony caseload.

2673 5. Annual felony caseload assigned to contract attorneys.

2674 6. Annual felony conflict caseload.

2675 7. Annual misdemeanor caseload.

2676 8. Annual misdemeanor caseload assigned to contract  
2677 attorneys.

2678 9. Annual misdemeanor conflict caseload.

2679 (4) DATA PUBLICLY AVAILABLE.—~~Beginning January 1, 2019,~~ The



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2680 Department of Law Enforcement shall publish datasets in its  
2681 possession in a modern, open, electronic format that is machine-  
2682 readable and readily accessible by the public on the  
2683 department's website. The published data must be searchable, at  
2684 a minimum, by ~~each~~ data elements ~~element~~, county, circuit, and  
2685 unique identifier. Beginning March 1, 2019, the department shall  
2686 publish ~~begin publishing~~ the data received under subsection (3)  
2687 ~~(2)~~ in the same modern, open, electronic format that is machine-  
2688 readable and readily accessible to the public on the  
2689 department's website. The department shall publish all data  
2690 received under subsection (3) ~~(2)~~ no later than January 1, 2020,  
2691 and monthly thereafter ~~July 1, 2019.~~

2692 (5) NONCOMPLIANCE.—Notwithstanding any other ~~provision of~~  
2693 law, an entity required to collect and transmit data under  
2694 subsection (3) ~~paragraph (3)(a) or paragraph (3)(d)~~ which does  
2695 not comply with the requirements of this section is ineligible  
2696 to receive funding from the General Appropriations Act, any  
2697 state grant program administered by the Department of Law  
2698 Enforcement, or any other state agency for 5 years after the  
2699 date of noncompliance.

2700 (6) CONFIDENTIALITY.—Information collected by any reporting  
2701 agency which is confidential and exempt upon collection remains  
2702 confidential and exempt when reported to the Department of Law  
2703 Enforcement under this section.

2704 Section 47. Section 943.0578, Florida Statutes, is created  
2705 to read:

2706 943.0578 Lawful self-defense expunction.—

2707 (1) Notwithstanding the eligibility requirements defined in  
2708 s. 943.0585(1) and (2), the department shall issue a certificate



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2709 of eligibility for expunction under this section to a person who  
2710 is the subject of a criminal history record if that person has  
2711 obtained, and submitted to the department, on a form provided by  
2712 the department, a written, certified statement from the  
2713 appropriate state attorney or statewide prosecutor which states  
2714 whether an information, indictment, or other charging document  
2715 was not filed or was dismissed by the state attorney, or  
2716 dismissed by the court, because it was found that the person  
2717 acted in lawful self-defense pursuant to chapter 776.

2718 (2) Each petition to expunge a criminal history record  
2719 pursuant to this section must be accompanied by:

2720 (a) A valid certificate of eligibility for expunction  
2721 issued by the department pursuant to this section; and

2722 (b) The petitioner's sworn statement attesting that the  
2723 petitioner is eligible for such an expunction to the best of his  
2724 or her knowledge or belief.

2725  
2726 Any person who knowingly provides false information on such  
2727 sworn statement to the court commits a felony of the third  
2728 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2729 775.084.

2730 (3) This section does not confer any right to the  
2731 expunction of a criminal history record, and any request for  
2732 expunction of a criminal history record may be denied at the  
2733 discretion of the court.

2734 (4) Sections 943.0585(5) and (6) apply to an expunction  
2735 ordered under this section.

2736 (5) The department shall adopt rules to establish  
2737 procedures for applying for and issuing a certificate of



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2738 eligibility for expunction under this section.

2739 Section 48. Section 943.0581, Florida Statutes, is amended  
2740 to read:

2741 943.0581 Administrative expunction for arrests made  
2742 contrary to law or by mistake.—

2743 (1) Notwithstanding any law dealing generally with the  
2744 preservation and destruction of public records, the department  
2745 may adopt a rule pursuant to chapter 120 for the administrative  
2746 expunction of any nonjudicial record of an arrest of a minor or  
2747 an adult made contrary to law or by mistake.

2748 (2) A law enforcement agency shall apply to the department  
2749 in the manner prescribed by rule for the administrative  
2750 expunction of any nonjudicial record of any arrest of a minor or  
2751 an adult who is subsequently determined by the agency, at its  
2752 discretion, or by the final order of a court of competent  
2753 jurisdiction, to have been arrested contrary to law or by  
2754 mistake.

2755 (3) An adult or, in the case of a minor child, the parent  
2756 or legal guardian of the minor child, may apply to the  
2757 department in the manner prescribed by rule for the  
2758 administrative expunction of any nonjudicial record of an arrest  
2759 alleged to have been made contrary to law or by mistake,  
2760 provided that the application is supported by the endorsement of  
2761 the head of the arresting agency or his or her designee or the  
2762 state attorney of the judicial circuit in which the arrest  
2763 occurred or his or her designee.

2764 (4) An application for administrative expunction shall  
2765 include the date and time of the arrest, the name of the person  
2766 arrested, the offender-based tracking system (OBTS) number, and





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2767 the crime or crimes charged. The application shall be on the  
2768 submitting agency's letterhead and shall be signed by the head  
2769 of the submitting agency or his or her designee.

2770 (5) If the person was arrested on a warrant, capias, or  
2771 pickup order, a request for an administrative expunction may be  
2772 made by the sheriff of the county in which the warrant, capias,  
2773 or pickup order was issued or his or her designee or by the  
2774 state attorney of the judicial circuit in which the warrant,  
2775 capias, or pickup order was issued or his or her designee.

2776 (6) An application or endorsement under this section is not  
2777 admissible as evidence in any judicial or administrative  
2778 proceeding and may not be construed in any way as an admission  
2779 of liability in connection with an arrest.

2780 Section 49. Section 943.0584, Florida Statutes, is created  
2781 to read:

2782 943.0584 Criminal history records ineligible for court-  
2783 ordered expunction or court-ordered sealing.-

2784 (1) As used in this section, the term "conviction" means a  
2785 determination of guilt which is the result of a trial or the  
2786 entry of a plea of guilty or nolo contendere, regardless of  
2787 whether adjudication is withheld, or if the defendant was a  
2788 minor, a finding that the defendant committed or pled guilty or  
2789 nolo contendere to committing a delinquent act, regardless of  
2790 whether adjudication of delinquency is withheld.

2791 (2) A criminal history record is ineligible for a  
2792 certificate of eligibility for expunction or a court-ordered  
2793 expunction pursuant to s. 943.0585 or a certificate of  
2794 eligibility for sealing or a court-ordered sealing pursuant to  
2795 s. 943.059 if the record is a conviction for any of the



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- 2796 following offenses:
- 2797 (a) Sexual misconduct, as defined in s. 393.135, s.
- 2798 394.4593, or s. 916.1075;
- 2799 (b) Illegal use of explosives, as defined in chapter 552;
- 2800 (c) Terrorism, as defined in s. 775.30;
- 2801 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
- 2802 782.09;
- 2803 (e) Manslaughter or homicide, as defined in s. 782.07, s.
- 2804 782.071, or s. 782.072;
- 2805 (f) Assault or battery, as defined in ss. 784.011 and
- 2806 784.03, respectively, of one family or household member by
- 2807 another family or household member, as defined in s. 741.28(3);
- 2808 (g) Aggravated assault, as defined in s. 784.021;
- 2809 (h) Felony battery, domestic battery by strangulation, or
- 2810 aggravated battery, as defined in s. 784.03, s. 784.041, and s.
- 2811 784.045, respectively;
- 2812 (i) Stalking or aggravated stalking, as defined in s.
- 2813 784.048;
- 2814 (j) Luring or enticing a child, as defined in s. 787.025;
- 2815 (k) Human trafficking, as defined in s. 787.06;
- 2816 (l) Kidnapping or false imprisonment, as defined in s.
- 2817 787.01 or s. 787.02;
- 2818 (m) Any offense defined in chapter 794;
- 2819 (n) Procuring a person less than 18 years of age for
- 2820 prostitution, as defined in former s. 796.03;
- 2821 (o) Lewd or lascivious offenses committed upon or in the
- 2822 presence of persons less than 16 years of age, as defined in s.
- 2823 800.04;
- 2824 (p) Arson, as defined in s. 806.01;



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2825       (q) Burglary of a dwelling, as defined in s. 810.02;  
2826       (r) Voyeurism or video voyeurism, as defined in s. 810.14  
2827 and s. 810.145, respectively;  
2828       (s) Robbery or robbery by sudden snatching, as defined in  
2829 s. 812.13 and s. 812.131, respectively;  
2830       (t) Carjacking, as defined in s. 812.133;  
2831       (u) Home-invasion robbery, as defined in s. 812.135;  
2832       (v) A violation of the Florida Communications Fraud Act, as  
2833 provided in s. 817.034;  
2834       (w) Abuse of an elderly person or disabled adult, or  
2835 aggravated abuse of an elderly person or disabled adult, as  
2836 defined in s. 825.102;  
2837       (x) Lewd or lascivious offenses committed upon or in the  
2838 presence of an elderly person or disabled person, as defined in  
2839 s. 825.1025;  
2840       (y) Child abuse or aggravated child abuse, as defined in s.  
2841 827.03;  
2842       (z) Sexual performance by a child, as defined in s.  
2843 827.071;  
2844       (aa) Any offense defined in chapter 839;  
2845       (bb) Certain acts in connection with obscenity, as defined  
2846 in s. 847.0133;  
2847       (cc) Any offense defined in s. 847.0135;  
2848       (dd) Selling or buying of minors, as defined in s.  
2849 847.0145;  
2850       (ee) Aircraft piracy, as defined in s. 860.16;  
2851       (ff) Manufacturing a controlled substance in violation of  
2852 chapter 893;  
2853       (gg) Drug trafficking, as defined in s. 893.135; or



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2854 (hh) Any violation specified as a predicate offense for  
2855 registration as a sexual predator pursuant to s. 775.21, or  
2856 sexual offender pursuant to s. 943.0435, without regard to  
2857 whether that offense alone is sufficient to require such  
2858 registration.

2859 Section 50. Section 943.0585, Florida Statutes, is amended  
2860 to read:

2861 (Substantial rewording of section. See  
2862 s. 943.0585, F.S., for present text.)

2863 943.0585 Court-ordered expunction of criminal history  
2864 records.—

2865 (1) ELIGIBILITY.—A person is eligible to petition a court  
2866 to expunge a criminal history record if:

2867 (a) An indictment, information, or other charging document  
2868 was not filed or issued in the case giving rise to the criminal  
2869 history record.

2870 (b) An indictment, information, or other charging document  
2871 was filed or issued in the case giving rise to the criminal  
2872 history record, was dismissed or nolle prosequi by the state  
2873 attorney or statewide prosecutor, or was dismissed by a court of  
2874 competent jurisdiction or a judgment of acquittal was rendered  
2875 by a judge, or a verdict of not guilty was rendered by a judge  
2876 or jury.

2877 (c) The person is not seeking to expunge a criminal history  
2878 record that is ineligible for court-ordered expunction under s.  
2879 943.0584.

2880 (d) The person has never, as of the date the application  
2881 for a certificate of expunction is filed, been adjudicated  
2882 guilty in this state of a criminal offense or been adjudicated



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2883 delinquent in this state for committing any felony or any of the  
2884 following misdemeanors, unless the record of such adjudication  
2885 of delinquency has been expunged pursuant to s. 943.0515:

2886 1. Assault, as defined in s. 784.011;

2887 2. Battery, as defined in s. 784.03;

2888 3. Assault on a law enforcement officer, a firefighter, or  
2889 other specified officers, as defined in s. 784.07(2) (a);

2890 4. Carrying a concealed weapon, as defined in s. 790.01(1);

2891 5. Open carrying of a weapon, as defined in s. 790.053;

2892 6. Unlawful possession or discharge of a weapon or firearm  
2893 at a school-sponsored event or on school property, as defined in  
2894 s. 790.115;

2895 7. Unlawful use of destructive devices or bombs, as defined  
2896 in s. 790.1615(1);

2897 8. Unlawful possession of a firearm, as defined in s.  
2898 790.22(5);

2899 9. Exposure of sexual organs, as defined in s. 800.03;

2900 10. Arson, as defined in s. 806.031(1);

2901 11. Petit theft, as defined in s. 812.014(3);

2902 12. Neglect of a child, as defined in s. 827.03(1) (e); or

2903 13. Cruelty to animals, as defined in s. 828.12(1).

2904 (e) The person has not been adjudicated guilty of, or  
2905 adjudicated delinquent for committing, any of the acts stemming  
2906 from the arrest or alleged criminal activity to which the  
2907 petition pertains.

2908 (f) The person is no longer under court supervision  
2909 applicable to the disposition of arrest or alleged criminal  
2910 activity to which the petition to expunge pertains.

2911 (g) The person has never secured a prior sealing or



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2912 expunction of a criminal history record under this section, s.  
2913 943.059, former s. 893.14, former s. 901.33, or former s.  
2914 943.058, unless expunction is sought of a criminal history  
2915 record previously sealed for 10 years pursuant to paragraph (h)  
2916 and the record is otherwise eligible for expunction.

2917 (h) The person has previously obtained a court-ordered  
2918 sealing the criminal history record under s. 943.059, former s.  
2919 893.14, former s. 901.33, or former s. 943.058 for a minimum of  
2920 10 years because adjudication was withheld or because all  
2921 charges related to the arrest or alleged criminal activity to  
2922 which the petition to expunge pertains were not dismissed before  
2923 trial, without regard to whether the outcome of the trial was  
2924 other than an adjudication of guilt. The requirement for the  
2925 record to have previously been sealed for a minimum of 10 years  
2926 does not apply if a plea was not entered or all charges related  
2927 to the arrest or alleged criminal activity to which the petition  
2928 to expunge pertains were dismissed before trial or a judgment of  
2929 acquittal was rendered by a judge or a verdict of not guilty was  
2930 rendered by a judge or jury.

2931 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court  
2932 to expunge a criminal history record, a person seeking to  
2933 expunge a criminal history record must apply to the department  
2934 for a certificate of eligibility for expunction. The department  
2935 shall adopt rules to establish procedures for applying for and  
2936 issuing a certificate of eligibility for expunction.

2937 (a) The department shall issue a certificate of eligibility  
2938 for expunction to a person who is the subject of a criminal  
2939 history record if that person:

2940 1. Satisfies the eligibility criteria in paragraphs (1) (a)–



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2941 (h) and is not ineligible under s. 943.0584.

2942 2. Has submitted to the department a written certified  
2943 statement from the appropriate state attorney or statewide  
2944 prosecutor which confirms the criminal history record complies  
2945 with the criteria in paragraph (1)(a) or paragraphs (1)(b) and  
2946 (c).

2947 3. Has submitted to the department a certified copy of the  
2948 disposition of the charge to which the petition to expunge  
2949 pertains.

2950 4. Remits a \$75 processing fee to the department for  
2951 placement in the Department of Law Enforcement Operating Trust  
2952 Fund, unless the executive director waives such fee.

2953 (b) A certificate of eligibility for expunction is valid  
2954 for 12 months after the date stamped on the certificate when  
2955 issued by the department. After that time, the petitioner must  
2956 reapply to the department for a new certificate of eligibility.  
2957 The petitioner's status and the law in effect at the time of the  
2958 renewal application determine the petitioner's eligibility.

2959 (3) PETITION.—Each petition to expunge a criminal history  
2960 record must be accompanied by:

2961 (a) A valid certificate of eligibility issued by the  
2962 department.

2963 (b) The petitioner's sworn statement that he or she:

2964 1. Satisfies the eligibility requirements for expunction in  
2965 subsection (1).

2966 2. Is eligible for expunction to the best of his or her  
2967 knowledge and does not have any other petition to seal or  
2968 expunge a criminal history record pending before any court.

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2970 A person who knowingly provides false information on such sworn  
2971 statement commits a felony of the third degree, punishable as  
2972 provided in s. 775.082, s. 775.083, or s. 775.084.

2973 (4) COURT AUTHORITY.—

2974 (a) The courts of this state have jurisdiction over their  
2975 own procedures, including the maintenance, expunction, and  
2976 correction of judicial records containing criminal history  
2977 information to the extent that such procedures are not  
2978 inconsistent with the conditions, responsibilities, and duties  
2979 established by this section.

2980 (b) A court of competent jurisdiction may order a criminal  
2981 justice agency to expunge the criminal history record of a minor  
2982 or an adult who complies with the requirements of this section.  
2983 The court may not order a criminal justice agency to expunge a  
2984 criminal history record until the person seeking to expunge a  
2985 criminal history record has applied for and received a  
2986 certificate of eligibility under subsection (2).

2987 (c) The court may order expunction of a criminal history  
2988 record pertaining to one arrest or one incident of alleged  
2989 criminal activity only, except that the court may order the  
2990 expunction of a criminal history record pertaining to more than  
2991 one arrest if the additional arrests directly relate to the  
2992 original arrest. If the court intends to order the expunction of  
2993 records pertaining to such additional arrests, such intent must  
2994 be specified in the order. A criminal justice agency may not  
2995 expunge any record pertaining to such additional arrests if the  
2996 order to expunge does not articulate the intention of the court  
2997 to expunge a record pertaining to more than one arrest. This  
2998 section does not prevent the court from ordering the expunction





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2999 of only a portion of a criminal history record pertaining to one  
3000 arrest or one incident of alleged criminal activity.

3001 (d) Notwithstanding any law to the contrary, a criminal  
3002 justice agency may comply with laws, court orders, and official  
3003 requests of other jurisdictions relating to expunction,  
3004 correction, or confidential handling of criminal history records  
3005 or information derived therefrom.

3006 (e) This section does not confer any right to expunction of  
3007 any criminal history record, and any request for expunction of a  
3008 criminal history record may be denied at the sole discretion of  
3009 the court.

3010 (5) PROCESSING OF A PETITION OR AN ORDER.—

3011 (a) In judicial proceedings under this section, a copy of  
3012 the completed petition to expunge shall be served upon the  
3013 appropriate state attorney or the statewide prosecutor and upon  
3014 the arresting agency; however, it is not necessary to make any  
3015 agency other than the state a party. The appropriate state  
3016 attorney or the statewide prosecutor and the arresting agency  
3017 may respond to the court regarding the completed petition to  
3018 expunge.

3019 (b) If relief is granted by the court, the clerk of the  
3020 court shall certify copies of the order to the appropriate state  
3021 attorney or the statewide prosecutor and the arresting agency.  
3022 The arresting agency shall forward the order to any other agency  
3023 to which the arresting agency disseminated the criminal history  
3024 record information to which the order pertains. The department  
3025 shall forward the order to expunge to the Federal Bureau of  
3026 Investigation. The clerk of the court shall certify a copy of  
3027 the order to any other agency which the records of the court



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3028 reflect has received the criminal history record from the court.

3029 (c) The department or any other criminal justice agency is  
3030 not required to act on an order to expunge entered by a court  
3031 when such order does not comply with the requirements of this  
3032 section. Upon receipt of such an order, the department must  
3033 notify the issuing court, the appropriate state attorney or  
3034 statewide prosecutor, the petitioner or the petitioner's  
3035 attorney, and the arresting agency of the reason for  
3036 noncompliance. The appropriate state attorney or statewide  
3037 prosecutor shall take action within 60 days to correct the  
3038 record and petition the court to void the order. No cause of  
3039 action, including contempt of court, shall arise against any  
3040 criminal justice agency for failure to comply with an order to  
3041 expunge when the petitioner for such order failed to obtain the  
3042 certificate of eligibility as required by this section or such  
3043 order does not otherwise comply with the requirements of this  
3044 section.

3045 (6) EFFECT OF EXPUNCTION ORDER.—

3046 (a) Any criminal history record of a minor or an adult  
3047 which is ordered expunged by a court of competent jurisdiction  
3048 pursuant to this section must be physically destroyed or  
3049 obliterated by any criminal justice agency having custody of  
3050 such record, except that any criminal history record in the  
3051 custody of the department must be retained in all cases. A  
3052 criminal history record ordered expunged which is retained by  
3053 the department is confidential and exempt from s. 119.07(1) and  
3054 s. 24(a), Art. I of the State Constitution and not available to  
3055 any person or entity except upon order of a court of competent  
3056 jurisdiction. A criminal justice agency may retain a notation



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3057 indicating compliance with an order to expunge.

3058 (b) The person who is the subject of a criminal history  
3059 record that is expunged under this section or under other  
3060 provisions of law, including former s. 893.14, former s. 901.33,  
3061 and former s. 943.058, may lawfully deny or fail to acknowledge  
3062 the arrests covered by the expunged record, except when the  
3063 subject of the record:

3064 1. Is a candidate for employment with a criminal justice  
3065 agency;

3066 2. Is a defendant in a criminal prosecution;

3067 3. Concurrently or subsequently petitions for relief under  
3068 this section, s. 943.0583, or s. 943.059;

3069 4. Is a candidate for admission to The Florida Bar;

3070 5. Is seeking to be employed or licensed by or to contract  
3071 with the Department of Children and Families, the Division of  
3072 Vocational Rehabilitation within the Department of Education,  
3073 the Agency for Health Care Administration, the Agency for  
3074 Persons with Disabilities, the Department of Health, the  
3075 Department of Elderly Affairs, or the Department of Juvenile  
3076 Justice or to be employed or used by such contractor or licensee  
3077 in a sensitive position having direct contact with children, the  
3078 disabled, or the elderly;

3079 6. Is seeking to be employed or licensed by the Department  
3080 of Education, any district school board, any university  
3081 laboratory school, any charter school, any private or parochial  
3082 school, or any local governmental entity that licenses child  
3083 care facilities;

3084 7. Is seeking to be licensed by the Division of Insurance  
3085 Agent and Agency Services within the Department of Financial



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3086 Services; or

3087 8. Is seeking to be appointed as a guardian pursuant to s.  
3088 744.3125.

3089 (c) Subject to the exceptions in paragraph (b), a person  
3090 who has been granted an expunction under this section, former s.  
3091 893.14, former s. 901.33, or former s. 943.058 may not be held  
3092 under any provision of law of this state to commit perjury or to  
3093 be otherwise liable for giving a false statement by reason of  
3094 such person's failure to recite or acknowledge an expunged  
3095 criminal history record.

3096 (d) Information relating to the existence of an expunged  
3097 criminal history record which is provided in accordance with  
3098 paragraph (a) is confidential and exempt from s. 119.07(1) and  
3099 s. 24(a), Art. I of the State Constitution, except that the  
3100 department shall disclose the existence of a criminal history  
3101 record ordered expunged to the entities set forth in  
3102 subparagraphs (b)1., 4., 5., 6., 7., and 8. for their respective  
3103 licensing, access authorization, and employment purposes and to  
3104 criminal justice agencies for their respective criminal justice  
3105 purposes. It is unlawful for any employee of an entity set forth  
3106 in subparagraph (b)1., 4., 5., 6., 7., or 8. to disclose  
3107 information relating to the existence of an expunged criminal  
3108 history record of a person seeking employment, access  
3109 authorization, or licensure with such entity or contractor,  
3110 except to the person to whom the criminal history record relates  
3111 or to persons having direct responsibility for employment,  
3112 access authorization, or licensure decisions. A person who  
3113 violates this paragraph commits a misdemeanor of the first  
3114 degree, punishable as provided in s. 775.082 or s. 775.083.



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3115 Section 51. Section 943.059, Florida Statutes, is amended  
3116 to read:

3117 (Substantial rewording of section. See  
3118 s. 943.059, F.S., for present text.)

3119 943.059 Court-ordered sealing of criminal history records.-

3120 (1) ELIGIBILITY.-A person is eligible to petition a court  
3121 to seal a criminal history record when:

3122 (a) The criminal history record is not ineligible for  
3123 court-ordered sealing under s. 943.0584.

3124 (b) The person has never, before the date the application  
3125 for a certificate of eligibility is filed, been adjudicated  
3126 guilty in this state of a criminal offense, or been adjudicated  
3127 delinquent in this state for committing any felony or any of the  
3128 following misdemeanor offenses, unless the record of such  
3129 adjudication of delinquency has been expunged pursuant to s.  
3130 943.0515:

3131 1. Assault, as defined in s. 784.011;

3132 2. Battery, as defined in s. 784.03;

3133 3. Assault on a law enforcement officer, a firefighter, or  
3134 other specified officers, as defined in s. 784.07(2)(a);

3135 4. Carrying a concealed weapon, as defined in s. 790.01(1);

3136 5. Open carrying of a weapon, as defined in s. 790.053;

3137 6. Unlawful possession or discharge of a weapon or firearm  
3138 at a school-sponsored event or on school property, as defined in  
3139 s. 790.115;

3140 7. Unlawful use of destructive devices or bombs, as defined  
3141 in s. 790.1615(1);

3142 8. Unlawful possession of a firearm by a minor, as defined  
3143 in s. 790.22(5);



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- 3144 9. Exposure of sexual organs, as defined in s. 800.03;  
3145 10. Arson, as defined in s. 806.031(1);  
3146 11. Petit theft, as defined in s. 812.014(3);  
3147 12. Neglect of a child, as defined in s. 827.03(1)(e); or  
3148 13. Cruelty to animals, as defined in s. 828.12(10).

3149 (c) The person has not been adjudicated guilty of, or  
3150 adjudicated delinquent for committing, any of the acts stemming  
3151 from the arrest or alleged criminal activity to which the  
3152 petition to seal pertains.

3153 (d) The person is no longer under court supervision  
3154 applicable to the disposition of arrest or alleged criminal  
3155 activity to which the petition to seal pertains.

3156 (e) The person has never secured a prior sealing or  
3157 expunction of a criminal history record under this section, s.  
3158 943.0585, former s. 893.14, former s. 901.33, or former s.  
3159 943.058.

3160 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the  
3161 court to seal a criminal history record, a person seeking to  
3162 seal a criminal history record must apply to the department for  
3163 a certificate of eligibility for sealing. The department shall  
3164 adopt rules relating to the application for and issuance of  
3165 certificates of eligibility for sealing.

3166 (a) The department shall issue a certificate of eligibility  
3167 for sealing to a person who is the subject of a criminal history  
3168 record if that person:

3169 1. Satisfies the eligibility criteria in paragraphs (1)(a)-  
3170 (e) and is not ineligible for court-ordered sealing under s.  
3171 943.0584.

3172 2. Has submitted to the department a certified copy of the



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3173 disposition of charge to which the petition pertains.  
3174 3. Remits a \$75 processing fee to the department for  
3175 placement in the Department of Law Enforcement Operating Trust  
3176 Fund, unless the executive director waives such fee.  
3177 (b) A certificate of eligibility for sealing is valid for  
3178 12 months after the date stamped on the certificate when issued  
3179 by the department. After that time, the petitioner must reapply  
3180 to the department for a new certificate of eligibility. The  
3181 status of the applicant and the law in effect at the time of the  
3182 renewal application determine the petitioner's eligibility.  
3183 (3) PETITION.—Each petition to a court to seal a criminal  
3184 history record is complete only when accompanied by:  
3185 (a) A valid certificate of eligibility issued by the  
3186 department pursuant to this section.  
3187 (b) The petitioner's sworn statement that the petitioner:  
3188 1. Satisfies the eligibility requirements for sealing in  
3189 subsection (1).  
3190 2. Is eligible for sealing to the best of his or her  
3191 knowledge and does not have any other petition to seal or  
3192 expunge a criminal history record pending before any court.  
3193  
3194 Any person who knowingly provides false information on such  
3195 sworn statement to the court commits a felony of the third  
3196 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
3197 775.084.  
3198 (4) COURT AUTHORITY.—  
3199 (a) The courts of this state have jurisdiction over their  
3200 own procedures, including the maintenance, sealing, and  
3201 correction of judicial records containing criminal history



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3202 information to the extent that such procedures are not  
3203 inconsistent with the conditions, responsibilities, and duties  
3204 established by this section.

3205 (b) Any court of competent jurisdiction may order a  
3206 criminal justice agency to seal the criminal history record of a  
3207 minor or an adult who complies with the requirements of this  
3208 section. The court may not order a criminal justice agency to  
3209 seal a criminal history record until the person seeking to seal  
3210 a criminal history record has applied for and received a  
3211 certificate of eligibility pursuant to subsection (2).

3212 (c) The court may order the sealing of a criminal history  
3213 record pertaining to one arrest or one incident of alleged  
3214 criminal activity only, except the court may order the sealing  
3215 of a criminal history record pertaining to more than one arrest  
3216 if the additional arrests directly relate to the original  
3217 arrest. If the court intends to order the sealing of records  
3218 pertaining to such additional arrests, such intent must be  
3219 specified in the order. A criminal justice agency may not seal  
3220 any record pertaining to such additional arrests if the order to  
3221 seal does not articulate the intention of the court to seal a  
3222 record pertaining to more than one arrest. This section does not  
3223 prevent the court from ordering the sealing of only a portion of  
3224 a criminal history record pertaining to one arrest or one  
3225 incident of alleged criminal activity.

3226 (d) Notwithstanding any law to the contrary, a criminal  
3227 justice agency may comply with laws, court orders, and official  
3228 requests of other jurisdictions relating to sealing, correction,  
3229 or confidential handling of criminal history records or  
3230 information derived therefrom.





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3231 (e) This section does not confer any right to the sealing  
3232 of any criminal history record, and any request for sealing of a  
3233 criminal history record may be denied at the sole discretion of  
3234 the court.

3235 (5) PROCESSING OF A PETITION OR ORDER.-

3236 (a) In judicial proceedings under this section, a copy of  
3237 the completed petition to seal shall be served upon the  
3238 appropriate state attorney or the statewide prosecutor and upon  
3239 the arresting agency; however, it is not necessary to make any  
3240 agency other than the state a party. The appropriate state  
3241 attorney or the statewide prosecutor and the arresting agency  
3242 may respond to the court regarding the completed petition to  
3243 seal.

3244 (b) If relief is granted by the court, the clerk of the  
3245 court shall certify copies of the order to the appropriate state  
3246 attorney or the statewide prosecutor and the arresting agency.  
3247 The arresting agency is responsible for forwarding the order to  
3248 any other agency to which the arresting agency disseminated the  
3249 criminal history record information to which the order pertains.  
3250 The department shall forward the order to seal to the Federal  
3251 Bureau of Investigation. The clerk of the court shall certify a  
3252 copy of the order to any other agency that the records of the  
3253 court reflect has received the criminal history record from the  
3254 court.

3255 (c) The department or any other criminal justice agency is  
3256 not required to act on an order to seal entered by a court when  
3257 such order does not comply with the requirements of this  
3258 section. Upon receipt of such an order, the department must  
3259 notify the issuing court, the appropriate state attorney or



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3260 statewide prosecutor, the petitioner or the petitioner's  
3261 attorney, and the arresting agency of the reason for  
3262 noncompliance. The appropriate state attorney or statewide  
3263 prosecutor shall take action within 60 days to correct the  
3264 record and petition the court to void the order. No cause of  
3265 action, including contempt of court, shall arise against any  
3266 criminal justice agency for failure to comply with an order to  
3267 seal when the petitioner for such order failed to obtain the  
3268 certificate of eligibility as required by this section or such  
3269 order does not otherwise comply with the requirements of this  
3270 section.

3271 (6) EFFECT OF ORDER.—

3272 (a) A criminal history record of a minor or an adult which  
3273 is ordered sealed by a court pursuant to this section is  
3274 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
3275 of the State Constitution and is available only to the following  
3276 persons:

3277 1. The subject of the record;

3278 2. The subject's attorney;

3279 3. Criminal justice agencies for their respective criminal  
3280 justice purposes, which include conducting a criminal history  
3281 background check for approval of firearms purchases or transfers  
3282 as authorized by state or federal law;

3283 4. Judges in the state courts system for the purpose of  
3284 assisting them in their case-related decisionmaking  
3285 responsibilities, as set forth in s. 943.053(5); or

3286 5. To those entities set forth in subparagraphs (b)1., 4.,  
3287 5., 6., 8., 9., and 10. for their respective licensing access  
3288 authorization and employment purposes.



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3289           (b) The subject of the criminal history record sealed under  
3290 this section or under other provisions of law, including former  
3291 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
3292 deny or fail to acknowledge the arrests covered by the sealed  
3293 record, except when the subject of the record:

3294           1. Is a candidate for employment with a criminal justice  
3295 agency;

3296           2. Is a defendant in a criminal prosecution;

3297           3. Concurrently or subsequently petitions for relief under  
3298 this section, s. 943.0583, or s. 943.0585;

3299           4. Is a candidate for admission to The Florida Bar;

3300           5. Is seeking to be employed or licensed by or to contract  
3301 with the Department of Children and Families, the Division of  
3302 Vocational Rehabilitation within the Department of Education,  
3303 the Agency for Health Care Administration, the Agency for  
3304 Persons with Disabilities, the Department of Health, the  
3305 Department of Elderly Affairs, or the Department of Juvenile  
3306 Justice or to be employed or used by such contractor or licensee  
3307 in a sensitive position having direct contact with children, the  
3308 disabled, or the elderly;

3309           6. Is seeking to be employed or licensed by the Department  
3310 of Education, a district school board, a university laboratory  
3311 school, a charter school, a private or parochial school, or a  
3312 local governmental entity that licenses child care facilities;

3313           7. Is attempting to purchase a firearm from a licensed  
3314 importer, licensed manufacturer, or licensed dealer and is  
3315 subject to a criminal history check under state or federal law;

3316           8. Is seeking to be licensed by the Division of Insurance  
3317 Agent and Agency Services within the Department of Financial



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3318 Services;

3319 9. Is seeking to be appointed as a guardian pursuant to s.  
3320 744.3125; or

3321 10. Is seeking to be licensed by the Bureau of License  
3322 Issuance of the Division of Licensing within the Department of  
3323 Agriculture and Consumer Services to carry a concealed weapon or  
3324 concealed firearm. This subparagraph applies only in the  
3325 determination of an applicant's eligibility under s. 790.06.

3326 (c) Subject to the exceptions in paragraph (b), a person  
3327 who has been granted a sealing under this section, former s.  
3328 893.14, former s. 901.33, or former s. 943.058 may not be held  
3329 under any provision of law of this state to commit perjury or to  
3330 be otherwise liable for giving a false statement by reason of  
3331 such person's failure to recite or acknowledge a sealed criminal  
3332 history record.

3333 (d) Information relating to the existence of a sealed  
3334 criminal history record provided in accordance with paragraph  
3335 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),  
3336 Art. I of the State Constitution, except that the department  
3337 shall disclose the sealed criminal history record to the  
3338 entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9.,  
3339 and 10. for their respective licensing, access authorization,  
3340 and employment purposes. An employee of an entity set forth in  
3341 subparagraph (b)1., (b)4., (b)5., (b)6., (b)8., (b)9., or (b)10.  
3342 may not disclose information relating to the existence of a  
3343 sealed criminal history record of a person seeking employment,  
3344 access authorization, or licensure with such entity or  
3345 contractor, except to the person to whom the criminal history  
3346 record relates or to persons having direct responsibility for



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3347 employment, access authorization, or licensure decisions. A  
3348 person who violates this paragraph commits a misdemeanor of the  
3349 first degree, punishable as provided in s. 775.082 or s.  
3350 775.083.

3351 Section 52. Section 943.0595, Florida Statutes, is created  
3352 to read:

3353 943.0595 Automatic sealing of criminal history records.-

3354 (1) RULEMAKING.-Notwithstanding any law dealing generally  
3355 with the preservation and destruction of public records, the  
3356 department shall adopt rules addressing the automatic sealing of  
3357 any criminal history record of a minor or adult described in  
3358 this section.

3359 (2) ELIGIBILITY.-

3360 (a) The department shall automatically seal a criminal  
3361 history record that does not result from an indictment,  
3362 information, or other charging document for a forcible felony as  
3363 defined in s. 776.08 or for an offense enumerated in s.  
3364 943.0435(1)(h)1.a.(I), if:

3365 1. An indictment, information, or other charging document  
3366 was not filed or issued in the case giving rise to the criminal  
3367 history record.

3368 2. An indictment, information, or other charging document  
3369 was filed in the case giving rise to the criminal history  
3370 record, but was dismissed or nolle prosequi by the state  
3371 attorney or statewide prosecutor or was dismissed by a court of  
3372 competent jurisdiction. However, a person is not eligible for  
3373 automatic sealing under this section if the dismissal was  
3374 pursuant to s. 916.145 or s. 985.19.

3375 3. A not guilty verdict was rendered by a judge or jury.



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3376 However, a person is not eligible for automatic sealing under  
3377 this section if the defendant was found not guilty by reason of  
3378 insanity.

3379 4. A judgment of acquittal was rendered by a judge.

3380 (b) There is no limitation on the number of times a person  
3381 may obtain an automatic sealing for a criminal history record  
3382 described in paragraph (a).

3383 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

3384 (a) Upon the disposition of a criminal case resulting in a  
3385 criminal history record eligible for automatic sealing under  
3386 paragraph (2) (a), the clerk of the court shall transmit a  
3387 certified copy of the disposition of the criminal history record  
3388 to the department, which shall seal the criminal history record  
3389 upon receipt of the certified copy.

3390 (b) Automatic sealing of a criminal history record does not  
3391 require sealing by the court or other criminal justice agencies,  
3392 or that such record be surrendered to the court, and such record  
3393 shall continue to be maintained by the department and other  
3394 criminal justice agencies.

3395 (c) Except as provided in this section, automatic sealing  
3396 of a criminal history record shall have the same effect, and the  
3397 department may disclose such a record in the same manner, as a  
3398 record sealed under s. 943.059.

3399 Section 53. Effective upon this act becoming a law,  
3400 subsections (9) and (10) are added to section 943.6871, Florida  
3401 Statutes, to read:

3402 943.6871 Criminal justice data transparency.—In order to  
3403 facilitate the availability of comparable and uniform criminal  
3404 justice data, the department shall:



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3405 (9) Keep all information received by the department under  
3406 s. 900.05 which is confidential and exempt when collected by the  
3407 reporting agency confidential and exempt for purposes of this  
3408 section and s. 900.05.

3409 (10) (a) By October 1, 2019, assist the Criminal and  
3410 Juvenile Justice Information Systems Council in developing  
3411 specifications for a uniform arrest affidavit to be used by each  
3412 state, county, and municipal law enforcement agency to  
3413 facilitate complete, accurate, and timely collection and  
3414 reporting of data from each criminal offense arrest. The uniform  
3415 arrest affidavit must at a minimum include all of the following:

- 3416 1. Identification of the arrestee.
- 3417 2. Details of the arrest, including each charge.
- 3418 3. Details of each vehicle and item seized at the time of  
3419 arrest.
- 3420 4. Juvenile arrestee information.
- 3421 5. Release information.

3422  
3423 The uniform arrest affidavit specifications must also include  
3424 guidelines for developing a uniform criminal charge and  
3425 disposition statute crosswalk table to be used by each law  
3426 enforcement agency, state attorney, and jail administrator; and  
3427 guidelines for developing a uniform criminal disposition and  
3428 sentencing statute crosswalk table to be used by each clerk of  
3429 the court.

3430 (b) By January 1, 2020, subject to appropriation, the  
3431 department shall procure a uniform arrest affidavit, a uniform  
3432 criminal charge and disposition statute crosswalk table, and a  
3433 uniform criminal disposition and sentencing statute crosswalk



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3434 table following the specifications developed under paragraph  
3435 (a). The department shall provide training on use of the  
3436 affidavit and crosswalk tables to each state, county, and  
3437 municipal law enforcement agency, clerk of the court, state  
3438 attorney, and jail administrator, as appropriate.

3439 (c) By July 1, 2020, each state, county, and municipal law  
3440 enforcement agency must use the uniform arrest affidavit, each  
3441 state attorney and jail administrator must use the uniform  
3442 criminal charge and statute crosswalk table, and each clerk of  
3443 the court must use the uniform criminal disposition and  
3444 sentencing statute crosswalk table.

3445 Section 54. Section 944.40, Florida Statutes, is amended to  
3446 read:

3447 944.40 Escapes; penalty.—Any prisoner confined in, or  
3448 released on furlough from, any prison, jail, private  
3449 correctional facility, road camp, or other penal institution,  
3450 whether operated by the state, a county, or a municipality, or  
3451 operated under a contract with the state, a county, or a  
3452 municipality, working upon the public roads, or being  
3453 transported to or from a place of confinement who escapes or  
3454 attempts to escape from such confinement commits a felony of the  
3455 second degree, punishable as provided in s. 775.082, s. 775.083,  
3456 or s. 775.084. The punishment of imprisonment imposed under this  
3457 section shall run consecutive to any former sentence imposed  
3458 upon any prisoner.

3459 Section 55. Subsection (2) of section 944.47, Florida  
3460 Statutes, is amended to read:

3461 944.47 Introduction, removal, or possession of contraband  
3462 ~~certain articles unlawful~~; penalty.—





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3463           (2) (a) A person who violates ~~any provision of~~ this section  
3464 as it pertains to an article of contraband described in  
3465 subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph  
3466 (1)(a)6. commits a felony of the third degree, punishable as  
3467 provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In~~  
3468 ~~all other cases~~, a violation of ~~a provision of~~ this section is  
3469 ~~constitutes~~ a felony of the second degree, punishable as  
3470 provided in s. 775.082, s. 775.083, or s. 775.084.

3471           (b) A violation of this section by an employee, as defined  
3472 in s. 944.115(2)(b), who uses or attempts to use the powers,  
3473 rights, privileges, duties, or position of his or her employment  
3474 in the commission of the violation is ranked one level above the  
3475 ranking specified in s. 921.0022 or s. 921.0023 for the offense  
3476 committed.

3477           Section 56. Section 944.704, Florida Statutes, is amended  
3478 to read:

3479           944.704 Staff who provide transition assistance; duties.—

3480           (1) The department shall provide a transition assistance  
3481 specialist at each of the major institutions.

3482           (2) The department may increase the number of transition  
3483 assistance specialists in proportion to the number of inmates  
3484 served at each of the major institutions and may increase the  
3485 number of employment specialists per judicial circuit based on  
3486 the number of released inmates served under community  
3487 supervision in that circuit, subject to appropriations.

3488           (3) The transition assistance specialists' ~~whose~~ duties  
3489 include, but are not limited to:

3490           (a) ~~(1)~~ Coordinating delivery of transition assistance  
3491 program services at the institution and at the community



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3492 correctional centers authorized pursuant to s. 945.091(1)(b).

3493 (b)~~(2)~~ Assisting in the development of each inmate's  
3494 postrelease plan.

3495 (c)~~(3)~~ Obtaining job placement information. Such  
3496 information must include identifying any job assignment  
3497 credentialing or industry certifications for which the inmate is  
3498 eligible.

3499 (d)~~(4)~~ Providing a written medical discharge plan and  
3500 referral to a county health department.

3501 (e)~~(5)~~ For an inmate who is known to be HIV positive,  
3502 providing a 30-day supply of all HIV/AIDS-related medication  
3503 that the inmate is taking before ~~prior to~~ release, if required  
3504 under protocols of the Department of Corrections and treatment  
3505 guidelines of the United States Department of Health and Human  
3506 Services.

3507 (f)~~(6)~~ Facilitating placement in a private transition  
3508 housing program, if requested by any eligible inmate. If an  
3509 inmate who is nearing his or her date of release requests  
3510 placement in a contracted substance abuse transition housing  
3511 program, the transition assistance specialist shall inform the  
3512 inmate of program availability and assess the inmate's need and  
3513 suitability for transition housing assistance. If an inmate is  
3514 approved for placement, the specialist shall assist the inmate  
3515 and coordinate the release of the inmate with the selected  
3516 program. If an inmate requests and is approved for placement in  
3517 a contracted faith-based substance abuse transition housing  
3518 program, the specialist must consult with the chaplain before  
3519 ~~prior to~~ such placement. In selecting inmates who are nearing  
3520 their date of release for placement in a faith-based program,



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3521 the department shall ensure that an inmate's faith orientation,  
3522 or lack thereof, will not be considered in determining admission  
3523 to the program and that the program does not attempt to convert  
3524 an inmate toward a particular faith or religious preference.

3525 (g) ~~(7)~~ Providing a photo identification card to all inmates  
3526 before ~~prior to~~ their release.

3527 (4) A ~~The~~ transition assistance specialist may not be a  
3528 correctional officer or correctional probation officer as  
3529 defined in s. 943.10.

3530 Section 57. Present subsections (3) through (6) of section  
3531 944.705, Florida Statutes, are redesignated as subsections (4)  
3532 through (7), respectively, and a new subsection (3) and  
3533 subsections (8) through (12) are added to that section, to read:

3534 944.705 Release orientation program.—

3535 (3) (a) The department shall establish a toll-free hotline  
3536 for the benefit of released inmates. The hotline shall provide  
3537 information to released inmates seeking to obtain post-release  
3538 referrals for community-based reentry services.

3539 (b) Before an inmate's release, the department shall  
3540 provide the inmate with a comprehensive community reentry  
3541 resource directory organized by county and which must include  
3542 the name, address, and a description of the services offered by  
3543 each reentry service provider. The directory must also include  
3544 the name, address, and telephone number of existing portals of  
3545 entry and the toll-free hotline number required by paragraph  
3546 (a).

3547 (c) The department shall expand the use of a department-  
3548 approved risk and needs assessment system to provide inmates and  
3549 offenders with community-specific reentry service provider



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3550 referrals.

3551 (8) A nonprofit faith-based or professional business, or a  
3552 civic or community organization, may apply for registration with  
3553 the department to provide inmate reentry services. Reentry  
3554 services include, but are not limited to, counseling; providing  
3555 information on housing and job placement; money management  
3556 assistance; and programs that address substance abuse, mental  
3557 health, or co-occurring conditions.

3558 (9) The department shall adopt policies and procedures for  
3559 screening, approving, and registering an organization that  
3560 applies under subsection (8). The department may deny approval  
3561 and registration of an organization or a representative from an  
3562 organization if it determines that the organization or  
3563 representative does not meet the department's policies and  
3564 procedures.

3565 (10) The department may contract with a public or private  
3566 educational institution's veteran advocacy clinic or veteran  
3567 legal clinic to assist qualified veteran inmates in applying for  
3568 veterans' benefits upon release.

3569 (11) The department may contract with public or private  
3570 organizations to establish transitional employment programs that  
3571 provide employment opportunities for released inmates.

3572 (12) The department shall adopt rules to implement this  
3573 section.

3574 Section 58. Present subsections (4), (5), and (6) of  
3575 section 944.801, Florida Statutes, are redesignated as  
3576 subsections (7), (8), and (9), respectively, and new subsections  
3577 (4), (5), and (6) are added to that section, to read:

3578 944.801 Education for state prisoners.-



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3579           (4) The department may expand the use of job assignment  
3580 credentialing and industry certifications.

3581           (5) The Correctional Education Program may establish a  
3582 prison entrepreneurship program and adopt procedures for  
3583 admitting student inmates. If the department elects to develop  
3584 the program, it must include at least 180 days of in-prison  
3585 education. The program curriculum must include a component on  
3586 developing a business plan, procedures for graduation and  
3587 certification of successful student inmates, and at least 90  
3588 days of transitional and postrelease continuing educational  
3589 services. Transitional and postrelease continuing educational  
3590 services may be offered to graduate student inmates on a  
3591 voluntary basis and are not a requirement for completion of the  
3592 program. The department shall enter into agreements with public  
3593 or private colleges or universities, other nonprofit entities,  
3594 or other authorized provider under s. 1002.45(1)(a)1. to  
3595 implement the program. The program must be funded with existing  
3596 resources.

3597           (6) The Correctional education Program may work in  
3598 cooperation with the Department of Agriculture and Consumer  
3599 Services, Florida Forestry Service Division, and the Florida  
3600 Department of Financial Services, Division of State Fire  
3601 Marshall to develop a program for implementation within state  
3602 correctional institutions or correctional facilities to train  
3603 and certify inmates as firefighters. The program should include,  
3604 but not be limited to, certification of inmates as state forest  
3605 staff trained to help protect homes, forestland, and natural  
3606 resources from the effects of wildfires throughout the state.

3607           Section 59. Subsection (1) of section 948.001, Florida



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3608 Statutes, is amended to read:

3609 948.001 Definitions.—As used in this chapter, the term:

3610 (1) "Administrative probation" means a form of no contact,  
3611 nonreporting supervision. A court may order administrative  
3612 probation, or the Department of Corrections may transfer an  
3613 offender to administrative probation, as provided in s. 948.013  
3614 ~~in which an offender who presents a low risk of harm to the~~  
3615 ~~community may, upon satisfactory completion of half the term of~~  
3616 ~~probation, be transferred by the Department of Corrections to~~  
3617 ~~this type of reduced level of supervision, as provided in s.~~  
3618 ~~948.013.~~

3619 Section 60. Subsection (1) of section 948.013, Florida  
3620 Statutes, is amended to read:

3621 948.013 Administrative probation.—

3622 (1) The Department of Corrections may transfer an offender  
3623 to administrative probation if he or she presents a low risk of  
3624 harm to the community and has satisfactorily completed at least  
3625 half of his or her probation term. The department ~~of Corrections~~  
3626 may establish procedures for transferring an offender to  
3627 administrative probation. The department may collect an initial  
3628 processing fee of up to \$50 for each probationer transferred to  
3629 administrative probation. The offender is exempt from further  
3630 payment for the cost of supervision as required in s. 948.09.

3631 Section 61. Subsections (4), (5), and (6) are added to  
3632 section 948.04, Florida Statutes, to read:

3633 948.04 Period of probation; duty of probationer; early  
3634 termination; conversion of term.—

3635 (4) Except as provided in subsection (5), for defendants  
3636 sentenced to probation on or after October 1, 2019, the court,



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3637 upon motion by the probationer or the probation officer, shall  
3638 either early terminate the probationer's supervision or convert  
3639 the supervisory term to administrative probation if all of the  
3640 following requirements are met:

3641 (a) The probationer has completed at least half of the term  
3642 of probation to which he or she was sentenced.

3643 (b) The probationer has successfully completed all other  
3644 conditions of probation.

3645 (c) The court has not found the probationer in violation of  
3646 probation pursuant to a filed affidavit of violation of  
3647 probation at any point during the current supervisory term.

3648 (d) The parties did not specifically exclude the  
3649 possibility of early termination or conversion to administrative  
3650 probation as part of a negotiated sentence.

3651 (e) The probationer does not qualify as a violent felony  
3652 offender of special concern under s. 948.06(8)(b).

3653 (5) Upon making written findings that continued reporting  
3654 probation is necessary to protect the community or the interests  
3655 of justice, the court may decline to early terminate the  
3656 probationary term or convert the term to administrative  
3657 probation for a probationer who is otherwise eligible under  
3658 subsection (4).

3659 (6) Subsections (4) and (5) do not apply to an offender on  
3660 community control. If an offender on community control is  
3661 subsequently placed on probation, he or she must complete half  
3662 of the probationary term to which he or she was sentenced,  
3663 without receiving credit for time served on community control,  
3664 before being eligible for mandatory early termination or  
3665 conversion to administrative probation under this section.



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3666 Section 62. Section 948.05, Florida Statutes, is amended to  
3667 read:

3668 948.05 Court to admonish or commend probationer or offender  
3669 in community control; graduated incentives.-

3670 (1) A court may at any time cause a probationer or offender  
3671 in community control to appear before it to be admonished or  
3672 commended, and, when satisfied that its action will be for the  
3673 best interests of justice and the welfare of society, it may  
3674 discharge the probationer or offender in community control from  
3675 further supervision.

3676 (2) The department shall implement a system of graduated  
3677 incentives to promote compliance with the terms of supervision  
3678 and prioritize the highest levels of supervision for  
3679 probationers or offenders presenting the greatest risk of  
3680 recidivism.

3681 (a) As part of the graduated incentives system, the  
3682 department may, without leave of court, offer the following  
3683 incentives to a compliant probationer or offender in community  
3684 control:

3685 1. Up to 25 percent reduction of required community service  
3686 hours;

3687 2. Waiver of supervision fees;

3688 3. Reduction in frequency of reporting;

3689 4. Permission to report by mail or telephone; or

3690 5. Transfer of an eligible offender to administrative  
3691 probation as authorized under s. 948.013.

3692 (b) The department may also incentivize positive behavior  
3693 and compliance with recommendations to the court to modify the  
3694 terms of supervision, including recommending:





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- 3695        1. Permission to travel;  
3696        2. Reduction of supervision type;  
3697        3. Modification or cessation of curfew;  
3698        4. Reduction or cessation of substance abuse testing; or  
3699        5. Early termination of supervision.

3700        (c) A probationer or offender who commits a subsequent  
3701 violation of probation may forfeit any previously earned  
3702 probation incentive, as determined appropriate by his or her  
3703 probation officer.

3704        Section 63. Present paragraphs (c) through (g) of  
3705 subsection (1) of section 948.06, Florida Statutes, are  
3706 redesignated as paragraphs (d) through (h), respectively, a new  
3707 paragraph (c) is added to that subsection, and present paragraph  
3708 (h) of that subsection is amended, present paragraphs (f)  
3709 through (j) of subsection (2) are redesignated as paragraphs (g)  
3710 through (k), respectively, and a new paragraph (f) is added to  
3711 that subsection, and subsection (9) is added to that section, to  
3712 read:

3713        948.06 Violation of probation or community control;  
3714 revocation; modification; continuance; failure to pay  
3715 restitution or cost of supervision.—

3716        (1)

3717        (c) If a probationer or offender on community control  
3718 commits a technical violation, the probation officer shall  
3719 determine whether the probationer or offender on community  
3720 control is eligible for the alternative sanctioning program  
3721 under subsection (9). If the probation officer determines that  
3722 the probationer or offender on community control is eligible,  
3723 the probation officer may proceed with the alternative



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3724 sanctioning program in lieu of filing an affidavit of violation  
3725 with the court. For purposes of this section, the term  
3726 "technical violation" means an alleged violation of supervision  
3727 that is not a new felony offense, misdemeanor offense, or  
3728 criminal traffic offense.

3729 ~~(h)1. The chief judge of each judicial circuit, in~~  
3730 ~~consultation with the state attorney, the public defender, and~~  
3731 ~~the department, may establish an alternative sanctioning program~~  
3732 ~~in which the department, after receiving court approval, may~~  
3733 ~~enforce specified sanctions for certain technical violations of~~  
3734 ~~supervision. For purposes of this paragraph, the term "technical~~  
3735 ~~violation" means any alleged violation of supervision that is~~  
3736 ~~not a new felony offense, misdemeanor offense, or criminal~~  
3737 ~~traffic offense.~~

3738 ~~2. To establish an alternative sanctioning program, the~~  
3739 ~~chief judge must issue an administrative order specifying:~~

3740 ~~a. Eligibility criteria.~~

3741 ~~b. The technical violations that are eligible for the~~  
3742 ~~program.~~

3743 ~~c. The sanctions that may be recommended by a probation~~  
3744 ~~officer for each technical violation.~~

3745 ~~d. The process for reporting technical violations through~~  
3746 ~~the alternative sanctioning program, including approved forms.~~

3747 ~~3. If an offender is alleged to have committed a technical~~  
3748 ~~violation of supervision that is eligible for the program, the~~  
3749 ~~offender may:~~

3750 ~~a. Waive participation in the alternative sanctioning~~  
3751 ~~program, in which case the probation officer may submit a~~  
3752 ~~violation report, affidavit, and warrant to the court in~~



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3753 ~~accordance with this section; or~~  
3754 ~~b. Elect to participate in the alternative sanctioning~~  
3755 ~~program after receiving written notice of an alleged technical~~  
3756 ~~violation and a disclosure of the evidence against the offender,~~  
3757 ~~admit to the technical violation, agree to comply with the~~  
3758 ~~probation officer's recommended sanction if subsequently ordered~~  
3759 ~~by the court, and agree to waive the right to:~~  
3760 ~~(I) Be represented by legal counsel.~~  
3761 ~~(II) Require the state to prove his or her guilt before a~~  
3762 ~~neutral and detached hearing body.~~  
3763 ~~(III) Subpoena witnesses and present to a judge evidence in~~  
3764 ~~his or her defense.~~  
3765 ~~(IV) Confront and cross-examine adverse witnesses.~~  
3766 ~~(V) Receive a written statement from a factfinder as to the~~  
3767 ~~evidence relied on and the reasons for the sanction imposed.~~  
3768 ~~4. If the offender admits to committing the technical~~  
3769 ~~violation and agrees with the probation officer's recommended~~  
3770 ~~sanction, the probation officer must, before imposing the~~  
3771 ~~sanction, submit the recommended sanction to the court as well~~  
3772 ~~as documentation reflecting the offender's admission to the~~  
3773 ~~technical violation and agreement with the recommended sanction.~~  
3774 ~~5. The court may impose the recommended sanction or may~~  
3775 ~~direct the department to submit a violation report, affidavit,~~  
3776 ~~and warrant to the court in accordance with this section.~~  
3777 ~~6. An offender's participation in an alternative~~  
3778 ~~sanctioning program is voluntary. The offender may elect to~~  
3779 ~~waive or discontinue participation in an alternative sanctioning~~  
3780 ~~program at any time before the issuance of a court order~~  
3781 ~~imposing the recommended sanction.~~



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3782 ~~7. If an offender waives or discontinues participation in~~  
3783 ~~an alternative sanctioning program, the probation officer may~~  
3784 ~~submit a violation report, affidavit, and warrant to the court~~  
3785 ~~in accordance with this section. The offender's prior admission~~  
3786 ~~to the technical violation may not be used as evidence in~~  
3787 ~~subsequent proceedings.~~

3788 (2)

3789 (f)1. Except as provided in subparagraph 3. or upon waiver  
3790 by the probationer, the court shall modify or continue a  
3791 probationary term upon finding a probationer in violation when  
3792 any of the following applies:

3793 a. The term of supervision is probation.

3794 b. The probationer does not qualify as a violent felony  
3795 offender of special concern, as defined in paragraph (8)(b).

3796 c. The violation is a low-risk technical violation, as  
3797 defined in paragraph (9)(b).

3798 d. The court has not previously found the probationer in  
3799 violation of his or her probation pursuant to a filed violation  
3800 of probation affidavit during the current term of supervision. A  
3801 probationer who has successfully completed sanctions through the  
3802 alternative sanctioning program is eligible for mandatory  
3803 modification or continuation of his or her probation.

3804 2. Upon modifying probation under subparagraph 1., the  
3805 court may include in the sentence a maximum of 90 days in county  
3806 jail as a special condition of probation.

3807 3. Notwithstanding s. 921.0024, if a probationer has less  
3808 than 90 days of supervision remaining on his or her term of  
3809 probation and meets the criteria for mandatory modification or  
3810 continuation in subparagraph 1., the court may revoke probation



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3811 and sentence the probationer to a maximum of 90 days in county  
3812 jail.

3813 4. For purposes of imposing a jail sentence under this  
3814 paragraph only, the court may grant credit only for time served  
3815 in the county jail since the probationer's most recent arrest  
3816 for the violation. However, the court may not order the  
3817 probationer to a total term of incarceration greater than the  
3818 maximum provided by s. 775.082.

3819 (9) (a) Each judicial circuit shall establish an alternative  
3820 sanctioning program as provided in this subsection. The chief  
3821 judge of each judicial circuit may, by administrative order,  
3822 define additional sanctions or eligibility criteria and specify  
3823 the process for reporting technical violations through the  
3824 alternative sanctioning program. Any sanctions recommended for  
3825 imposition through an alternative sanctions program must be  
3826 submitted to the court by the probation officer for approval  
3827 before imposing the sanction.

3828 (b) As used in this subsection, the term "low-risk  
3829 violation," when committed by a probationer, means any of the  
3830 following:

3831 1. A positive drug or alcohol test result.  
3832 2. Failure to report to the probation office.  
3833 3. Failure to report a change in address or other required  
3834 information.

3835 4. Failure to attend a required class, treatment or  
3836 counseling session, or meeting.

3837 5. Failure to submit to a drug or alcohol test.

3838 6. A violation of curfew.

3839 7. Failure to meet a monthly quota on any required



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3840 probation condition, including, but not limited to, making  
3841 restitution payments, paying court costs, or completing  
3842 community service hours.

3843 8. Leaving the county without permission.

3844 9. Failure to report a change in employment.

3845 10. Associating with a person engaged in criminal activity.

3846 11. Any other violation as determined by administrative  
3847 order of the chief judge of the circuit.

3848 (c) As used in this subsection, the term "moderate-risk  
3849 violation" means any of the following:

3850 1. A violation identified in paragraph (b), when committed  
3851 by an offender on community control.

3852 2. Failure to remain at an approved residence by an  
3853 offender on community control.

3854 3. A third violation identified in paragraph (b) by a  
3855 probationer within the current term of supervision.

3856 4. Any other violation as determined by administrative  
3857 order of the chief judge of the circuit.

3858 (d) A probationer or offender on community control is not  
3859 eligible for an alternative sanction if:

3860 1. He or she is a violent felony offender of special  
3861 concern as defined in paragraph (8) (b);

3862 2. The violation is a felony, misdemeanor, or criminal  
3863 traffic offense;

3864 3. The violation is absconding;

3865 4. The violation is of a stay-away order or no-contact  
3866 order;

3867 5. The violation is not identified as low-risk or moderate-  
3868 risk under this subsection or by administrative order;



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3869 6. He or she has a prior moderate-risk level violation  
3870 during the current term of supervision;

3871 7. He or she has three prior low-risk level violations  
3872 during the same term of supervision;

3873 8. The term of supervision is scheduled to terminate in  
3874 less than 90 days; or

3875 9. The terms of the sentence prohibit alternative  
3876 sanctioning.

3877 (e) For a first or second low-risk violation, as defined in  
3878 paragraph (b), within the current term of supervision, a  
3879 probation officer may offer an eligible probationer one or more  
3880 of the following as an alternative sanction:

3881 1. Up to 5 days in the county jail.

3882 2. Up to 50 additional community service hours.

3883 3. Counseling or treatment.

3884 4. Support group attendance.

3885 5. Drug testing.

3886 6. Loss of travel or other privileges.

3887 7. Curfew for up to 30 days.

3888 8. House arrest for up to 30 days.

3889 9.a. Any other sanction as determined by administrative  
3890 order of the chief judge of the circuit.

3891 b. However, in no circumstance shall participation in an  
3892 alternative sanctioning program convert a withheld adjudication  
3893 to an adjudication of guilt.

3894 (f) For a first moderate-risk violation, as defined in  
3895 paragraph (c), within the current term of supervision, a  
3896 probation officer, with a supervisor's approval, may offer an  
3897 eligible probationer or offender on community control one or



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3898 more of the following as an alternative sanction:  
3899 1. Up to 21 days in the county jail.  
3900 2. Curfew for up to 90 days.  
3901 3. House arrest for up to 90 days.  
3902 4. Electronic monitoring for up to 90 days.  
3903 5. Residential treatment for up to 90 days.  
3904 6. Any other sanction available for a low-risk violation.  
3905 7.a. Any other sanction as determined by administrative  
3906 order of the chief judge of the circuit.  
3907 b. However, in no circumstance shall participation in an  
3908 alternative sanctioning program convert a withheld adjudication  
3909 to an adjudication of guilt.  
3910 (g) The participation of a probationer or an offender on  
3911 community control in the program is voluntary. The probationer  
3912 or offender on community control may waive or discontinue  
3913 participation in the program at any time before the court  
3914 imposes a recommended sanction.  
3915 (h)1. If a probationer or offender on community control is  
3916 eligible for the alternative sanctioning program under this  
3917 subsection, he or she may:  
3918 a. Waive participation in the program, in which case the  
3919 probation officer may submit a violation report, affidavit, and  
3920 warrant to the court; or  
3921 b. Elect to participate in the program after receiving  
3922 written notice of an alleged technical violation and disclosure  
3923 of the evidence against him or her, and admit the technical  
3924 violation, agree to comply with the probation officer's  
3925 recommended sanction if subsequently ordered by the court, and  
3926 agree to waive the right to:





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3927        (I) Be represented by legal counsel.  
3928        (II) Require the state to prove his or her guilt before a  
3929 neutral and detached hearing body.  
3930        (III) Subpoena witnesses and present to a judge evidence in  
3931 his or her defense.  
3932        (IV) Confront and cross-examine adverse witnesses.  
3933        (V) Receive a written statement from a judge as to the  
3934 evidence relied on and the reasons for the sanction imposed.  
3935        2. If the probationer or offender on community control  
3936 admits to committing the technical violation and agrees with the  
3937 probation officer's recommended sanction, the probation officer  
3938 must, before imposing the sanction, submit the recommended  
3939 sanction to the court with documentation reflecting the  
3940 probationer's admission to the technical violation and agreement  
3941 with the recommended sanction.  
3942        (i) The court may impose the recommended sanction or direct  
3943 the department to submit a violation report, affidavit, and  
3944 warrant to the court.  
3945        (j) If a probationer or offender on community control  
3946 waives or discontinues participation in the program or fails to  
3947 successfully complete all alternative sanctions within 90 days  
3948 after imposition or within the timeframe specified in the  
3949 agreed-upon sanction, the probation officer may submit a  
3950 violation report, affidavit, and warrant to the court. A prior  
3951 admission by the probationer or offender on community control to  
3952 a technical violation may not be used as evidence in subsequent  
3953 proceedings.  
3954        Section 64. Subsection (6) of section 948.08, Florida  
3955 Statutes, is amended to read:



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3956 948.08 Pretrial intervention program.-

3957 (6) (a) For purposes of this subsection, the term  
3958 "nonviolent felony" means a third degree felony violation of  
3959 chapter 810 or any other felony offense that is not a forcible  
3960 felony as defined in s. 776.08.

3961 (b) Notwithstanding any provision of this section, a person  
3962 ~~who is charged with a nonviolent felony and is identified as~~  
3963 ~~having a substance abuse problem or is charged with a felony of~~  
3964 ~~the second or third degree for purchase or possession of a~~  
3965 ~~controlled substance under chapter 893, prostitution, tampering~~  
3966 ~~with evidence, solicitation for purchase of a controlled~~  
3967 ~~substance, or obtaining a prescription by fraud; who has not~~  
3968 ~~been charged with a crime involving violence, including, but not~~  
3969 ~~limited to, murder, sexual battery, robbery, carjacking, home-~~  
3970 ~~invasion robbery, or any other crime involving violence; and who~~  
3971 ~~has not previously been convicted of a felony~~ is eligible for  
3972 voluntary admission into a pretrial substance abuse education  
3973 and treatment intervention program, including a treatment-based  
3974 drug court program established pursuant to s. 397.334, approved  
3975 by the chief judge of the circuit, for a period of not less than  
3976 1 year in duration, if he or she:

3977 1. Is identified as having a substance abuse problem and is  
3978 amenable to treatment.

3979 2. Is charged with a nonviolent felony.

3980 3. Has never been charged with a crime involving violence,  
3981 including, but not limited to, murder, sexual battery, robbery,  
3982 carjacking, home-invasion robbery, or any other crime involving  
3983 violence.

3984 4. Has two or fewer felony convictions, provided that the



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3985 prior convictions are for nonviolent felonies.

3986 (c) Upon motion of either party or the court's own motion,  
3987 and with the agreement of the defendant, the court shall admit  
3988 an eligible person into a pretrial substance abuse education and  
3989 treatment intervention program, except:

3990 1. If a defendant was previously offered admission to a  
3991 pretrial substance abuse education and treatment intervention  
3992 program at any time before ~~prior to~~ trial and the defendant  
3993 rejected that offer on the record, ~~then~~ the court or the state  
3994 attorney may deny the defendant's admission to such a program.

3995 2. If the state attorney believes that the facts and  
3996 circumstances of the case suggest the defendant's involvement in  
3997 the dealing and selling of controlled substances, the court  
3998 shall hold a preadmission hearing. If the state attorney  
3999 establishes, by a preponderance of the evidence at such hearing,  
4000 that the defendant was involved in the dealing or selling of  
4001 controlled substances, the court shall deny the defendant's  
4002 admission into a pretrial intervention program.

4003 3. If the defendant has two or fewer prior felony  
4004 convictions as provided in subparagraph (b)4., the court, in its  
4005 discretion, may deny admission to such a program.

4006 (d) ~~(b)~~ While enrolled in a pretrial intervention program  
4007 authorized by this subsection, the participant is subject to a  
4008 coordinated strategy developed by a drug court team under s.  
4009 397.334(4). The coordinated strategy may include a protocol of  
4010 sanctions that may be imposed upon the participant for  
4011 noncompliance with program rules. The protocol of sanctions may  
4012 include, but is not limited to, placement in a substance abuse  
4013 treatment program offered by a licensed service provider as



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4014 defined in s. 397.311 or in a jail-based treatment program or  
4015 serving a period of incarceration within the time limits  
4016 established for contempt of court. The coordinated strategy must  
4017 be provided in writing to the participant before the participant  
4018 agrees to enter into a pretrial treatment-based drug court  
4019 program or other pretrial intervention program. Any person whose  
4020 charges are dismissed after successful completion of the  
4021 treatment-based drug court program, if otherwise eligible, may  
4022 have his or her arrest record and plea of nolo contendere to the  
4023 dismissed charges expunged under s. 943.0585.

4024 (e)~~(e)~~ At the end of the pretrial intervention period, the  
4025 court shall consider the recommendation of the administrator  
4026 pursuant to subsection (5) and the recommendation of the state  
4027 attorney as to disposition of the pending charges. The court  
4028 shall determine, by written finding, whether the defendant has  
4029 successfully completed the pretrial intervention program.  
4030 Notwithstanding the coordinated strategy developed by a drug  
4031 court team pursuant to s. 397.334(4), if the court finds that  
4032 the defendant has not successfully completed the pretrial  
4033 intervention program, the court may order the person to continue  
4034 in education and treatment, which may include substance abuse  
4035 treatment programs offered by licensed service providers as  
4036 defined in s. 397.311 or jail-based treatment programs, or order  
4037 that the charges revert to normal channels for prosecution. The  
4038 court shall dismiss the charges upon a finding that the  
4039 defendant has successfully completed the pretrial intervention  
4040 program.

4041 (f)~~(d)~~ Any entity, whether public or private, providing a  
4042 pretrial substance abuse education and treatment intervention



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4043 program under this subsection must contract with the county or  
4044 appropriate governmental entity, and the terms of the contract  
4045 must include, but need not be limited to, the requirements  
4046 established for private entities under s. 948.15(3).

4047 Section 65. Section 948.081, Florida Statutes, is created  
4048 to read:

4049 948.081 Community court programs.-

4050 (1) Each judicial circuit may establish a community court  
4051 program for defendants charged with certain misdemeanor  
4052 offenses. Each community court shall, at a minimum:

4053 (a) Adopt a nonadversarial approach.

4054 (b) Establish an advisory committee to recommend solutions  
4055 and sanctions in each case.

4056 (c) Provide for judicial leadership and interaction.

4057 (d) In each particular case, consider the needs of the  
4058 victim, consider individualized treatment services for the  
4059 defendant, and monitor the defendant's compliance.

4060 (2) The chief judge of the judicial circuit, by  
4061 administrative order, shall specify each misdemeanor offense  
4062 eligible for the community court program. In making such  
4063 determination, the chief judge shall consider the particular  
4064 needs and concerns of the communities within the judicial  
4065 circuit.

4066 (3) A defendant's entry into any community court program  
4067 must be voluntary.

4068 (4) The chief judge shall appoint a community court  
4069 resource coordinator, who shall:

4070 (a) Coordinate the responsibilities of the participating  
4071 agencies and service providers.



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4072           (b) Provide case management services.  
4073           (c) Monitor compliance by defendants with court  
4074 requirements.  
4075           (d) Manage the collection of data for program evaluation  
4076 and accountability.  
4077           (5) The chief judge of the judicial circuit shall appoint  
4078 members to an advisory committee for each community court. The  
4079 members of the advisory committee must include, at a minimum:  
4080           (a) The chief judge or a community court judge designated  
4081 by the chief judge, who shall serve as chair.  
4082           (b) The state attorney or his or her designee.  
4083           (c) The public defender or his or her designee.  
4084           (d) The community court resource coordinator.  
4085  
4086 The committee may also include community stakeholders, treatment  
4087 representatives, and other persons the chair deems appropriate.  
4088           (6) The advisory committee shall review each defendant's  
4089 case. Each committee member may make recommendations to the  
4090 judge, including appropriate sanctions and treatment solutions  
4091 for the defendant. The judge shall consider such recommendations  
4092 and make the final decision concerning sanctions and treatment  
4093 with respect to each defendant.  
4094           (7) Each judicial circuit shall report client-level and  
4095 programmatic data to the Office of the State Courts  
4096 Administrator annually for program evaluation. Client-level data  
4097 include primary offenses resulting in the community court  
4098 referral or sentence, treatment compliance, completion status,  
4099 reasons for failing to complete the program, offenses committed  
4100 during treatment and sanctions imposed, frequency of court



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4101 appearances, and units of service. Programmatic data include  
4102 referral and screening procedures, eligibility criteria, type  
4103 and duration of treatment offered, and residential treatment  
4104 resources.

4105 (8) The Department of Corrections, the Department of  
4106 Juvenile Justice, the Department of Health, the Department of  
4107 Law Enforcement, the Department of Education, law enforcement  
4108 agencies, and other governmental entities involved in the  
4109 criminal justice system shall support such community court  
4110 programs.

4111 (9) Community court program funding must be secured from  
4112 sources other than the state for costs not assumed by the state  
4113 under s. 29.004. However, this subsection does not preclude the  
4114 use of funds provided for treatment and other services through  
4115 state executive branch agencies.

4116 Section 66. Section 951.22, Florida Statutes, is amended to  
4117 read:

4118 951.22 County detention facilities; contraband articles.—

4119 (1) It is unlawful, except through regular channels as duly  
4120 authorized by the sheriff or officer in charge, to introduce  
4121 into or possess upon the grounds of any county detention  
4122 facility as defined in s. 951.23 or to give to or receive from  
4123 any inmate of any such facility wherever said inmate is located  
4124 at the time or to take or to attempt to take or send therefrom  
4125 any of the following articles, which are hereby declared to be  
4126 contraband:

4127 (a) for the purposes of this act, to wit: Any written or  
4128 recorded communication. This paragraph does not apply to any  
4129 document or correspondence exchanged between a lawyer,



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4130 paralegal, or other legal staff and an inmate at a detention  
4131 facility if the document or correspondence is otherwise lawfully  
4132 possessed and disseminated and relates to the legal  
4133 representation of the inmate.†

4134 (b) Any currency or coin.†

4135 (c) Any article of food or clothing.†

4136 (d) Any tobacco products as defined in s. 210.25(12).†

4137 (e) Any cigarette as defined in s. 210.01(1).†

4138 (f) Any cigar.†

4139 (g) Any intoxicating beverage or beverage ~~that~~ which causes  
4140 or may cause an intoxicating effect.†

4141 (h) Any narcotic, hypnotic, or excitative drug or drug of  
4142 any kind or nature, including nasal inhalators, sleeping pills,  
4143 barbiturates, and controlled substances as defined in s.  
4144 893.02(4).†

4145 (i) Any firearm or any instrumentality customarily used or  
4146 which is intended to be used as a dangerous weapon.† ~~and~~

4147 (j) Any instrumentality of any nature which ~~that~~ may be or  
4148 is intended to be used as an aid in effecting or attempting to  
4149 effect an escape from a county facility.

4150 (k) Any cellular telephone or other portable communication  
4151 device as described in s. 944.47(1)(a)6. The term does not  
4152 include any device that has communication capabilities which has  
4153 been approved or issued by the sheriff or officer in charge for  
4154 investigative or institutional security purposes or for  
4155 conducting other official business.

4156 (2) A person who ~~Whoever~~ violates paragraph (1)(a),  
4157 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph  
4158 (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a





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4159 misdemeanor of the first degree, punishable as provided in s.  
4160 775.082 or s. 775.083. A person who violates paragraph (1)(h),  
4161 paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits  
4162 subsection (1) shall be guilty of a felony of the third degree,  
4163 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4164 Section 67. Subsection (1) of section 958.04, Florida  
4165 Statutes, is amended to read:

4166 958.04 Judicial disposition of youthful offenders.—

4167 (1) The court may sentence as a youthful offender any  
4168 person:

4169 (a) Who is at least 18 years of age or who has been  
4170 transferred for prosecution to the criminal division of the  
4171 circuit court pursuant to chapter 985;

4172 (b) Who is found guilty of or who has tendered, and the  
4173 court has accepted, a plea of nolo contendere or guilty to a  
4174 crime that is, under the laws of this state, a felony if such  
4175 crime was committed before the defendant turned 21 years of age  
4176 ~~the offender is younger than 21 years of age at the time~~  
4177 ~~sentence is imposed;~~ and

4178 (c) Who has not previously been classified as a youthful  
4179 offender under ~~the provisions of~~ this act; however, a person who  
4180 has been found guilty of a capital or life felony may not be  
4181 sentenced as a youthful offender under this act.

4182 Section 68. Section 960.07, Florida Statutes, is amended to  
4183 read:

4184 960.07 Filing of claims for compensation.—

4185 (1) A claim for compensation may be filed by a person  
4186 eligible for compensation as provided in s. 960.065 or, if such  
4187 person is a minor, by his or her parent or guardian or, if the



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4188 person entitled to make a claim is mentally incompetent, by the  
4189 person's guardian or such other individual authorized to  
4190 administer his or her estate.

4191 (2) Except as provided in subsections ~~subsection~~ (3) and  
4192 (4), a claim must be filed in accordance with this subsection.  
4193 ~~not later than 1 year after:~~

4194 (a) 1. A claim arising from a crime occurring before October  
4195 1, 2019, must be filed within 1 year after:

4196 a. The occurrence of the crime upon which the claim is  
4197 based.

4198 b. ~~(b)~~ The death of the victim or intervenor.

4199 c. ~~(c)~~ The death of the victim or intervenor is determined  
4200 to be the result of a crime, and the crime occurred after June  
4201 30, 1994.

4202 2. ~~However,~~ For good cause the department may extend the  
4203 time for filing a claim under subparagraph 1. for a period not  
4204 exceeding 2 years after such occurrence.

4205 (b) 1. A claim arising from a crime occurring on or after  
4206 October 1, 2019, must be filed within 3 years after the later  
4207 of:

4208 a. The occurrence of the crime upon which the claim is  
4209 based;

4210 b. The death of the victim or intervenor; or

4211 c. The death of the victim or intervenor is determined to  
4212 be the result of the crime.

4213 2. For good cause the department may extend the time for  
4214 filing a claim under subparagraph 1. for a period not to exceed  
4215 5 years after such occurrence.

4216 (3) Notwithstanding the provisions of subsection (2) ~~and~~



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4217 ~~regardless of when the crime occurred~~, if the victim or  
4218 intervenor was under the age of 18 at the time the crime upon  
4219 which the claim is based occurred, a claim may be filed in  
4220 accordance with this subsection.

4221 (a) The victim's or intervenor's parent or guardian may  
4222 file a claim on behalf of the victim or intervenor while the  
4223 victim or intervenor is less than 18 years of age; ~~or~~

4224 (b) For a claim arising from a crime that occurred before  
4225 October 1, 2019, when a victim or intervenor who was under the  
4226 age of 18 at the time the crime occurred reaches the age of 18,  
4227 the victim or intervenor has 1 year ~~within which~~ to file a  
4228 claim; or

4229 (c) For a claim arising from a crime occurring on or after  
4230 October 1, 2019, when a victim or intervenor who was under the  
4231 age of 18 at the time the crime occurred reaches the age of 18,  
4232 the victim or intervenor has 3 years to file a claim.

4233  
4234 For good cause, the department may extend the time period  
4235 allowed for filing a claim under paragraph (b) for an additional  
4236 period not to exceed 1 year or under paragraph (c) for an  
4237 additional period not to exceed 2 years.

4238 (4) The provisions of subsection (2) notwithstanding, ~~and~~  
4239 ~~regardless of when the crime occurred~~, a victim of a sexually  
4240 violent offense as defined in s. 394.912, may file a claim for  
4241 compensation for counseling or other mental health services  
4242 within:

4243 (a) One ± year after the filing of a petition under s.  
4244 394.914, to involuntarily civilly commit the individual who  
4245 perpetrated the sexually violent offense, if the claim arises



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4246 from a crime committed before October 1, 2019; or  
4247 (b) Three years after the filing of petition under s.  
4248 394.914, to involuntarily civilly commit the individual who  
4249 perpetrated the sexually violent offense, if the claim arises  
4250 from a crime committed on or after October 1, 2019.  
4251 Section 69. Paragraph (b) of subsection (1) of section  
4252 960.13, Florida Statutes, is amended to read:  
4253 960.13 Awards.—  
4254 (1)  
4255 (b) In no case may an award be made when the record shows  
4256 that such report was made more than:  
4257 1. Seventy-two ~~72~~ hours after the occurrence of such crime,  
4258 if the crime occurred before October 1, 2019; or  
4259 2. Five days after the occurrence of such crime, if the  
4260 crime occurred on or after October 1, 2019,  
4261  
4262 unless the department, for good cause shown, finds the delay to  
4263 have been justified. The department, upon finding that any  
4264 claimant or award recipient has not duly cooperated with the  
4265 state attorney, all law enforcement agencies, and the  
4266 department, may deny, reduce, or withdraw any award, as the case  
4267 may be.  
4268 Section 70. Subsection (1) of section 960.195, Florida  
4269 Statutes, is amended to read:  
4270 960.195 Awards to elderly persons or disabled adults for  
4271 property loss.—  
4272 (1) Notwithstanding the criteria in s. 960.13, for crime  
4273 victim compensation awards, the department may award a maximum  
4274 of \$500 on any one claim and a lifetime maximum of \$1,000 on all



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4275 claims to elderly persons or disabled adults who suffer a  
4276 property loss that causes a substantial diminution in their  
4277 quality of life when:

4278 (a) There is proof that a criminal or delinquent act was  
4279 committed;

4280 (b) The criminal or delinquent act is reported to law  
4281 enforcement authorities within:

4282 1. Seventy-two ~~72~~ hours, if such crime or act occurred  
4283 before October 1, 2019; or

4284 2. Five days, if such crime or act occurred on or after  
4285 October 1, 2019,

4286  
4287 unless the department, for good cause shown, finds the delay to  
4288 have been justified;

4289 (c) There is proof that the tangible personal property in  
4290 question belonged to the claimant;

4291 (d) The claimant did not contribute to the criminal or  
4292 delinquent act;

4293 (e) There is no other source of reimbursement or  
4294 indemnification available to the claimant; and

4295 (f) The claimant would not be able to replace the tangible  
4296 personal property in question without incurring a serious  
4297 financial hardship.

4298 Section 71. Section 960.196, Florida Statutes, is amended  
4299 to read:

4300 960.196 Relocation assistance for victims of human  
4301 trafficking.—

4302 (1) Notwithstanding the criteria specified in ss. 960.07(2)  
4303 and 960.13 for crime victim compensation awards, the department



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4304 may award a one-time payment of up to \$1,500 for any one claim  
4305 and a lifetime maximum of \$3,000 to a victim of human  
4306 trafficking who needs urgent assistance to escape from an unsafe  
4307 environment directly related to the human trafficking offense.

4308 (2) In order for an award to be granted to a victim for  
4309 relocation assistance:

4310 (a) There must be proof that a human trafficking offense,  
4311 as described in s. 787.06(3)(b), (d), (f), or (g), was  
4312 committed.

4313 (b) 1. For a crime occurring before October 1, 2019, the  
4314 crime must be reported to the proper authorities and the claim  
4315 must be filed within 1 year, or 2 years with good cause, after  
4316 the date of the last human trafficking offense, as described in  
4317 s. 787.06(3)(b), (d), (f), or (g).

4318 2. For a crime occurring on or after October 1, 2019, the  
4319 crime must be reported to the proper authorities and the claim  
4320 must be filed within 3 years, or 5 years with good cause, after  
4321 the date of the last human trafficking offense, as described in  
4322 s. 787.06(3)(b), (d), (f), or (g).

4323 3. In a case that exceeds the reporting and filing ~~2-year~~  
4324 requirement due to an active and ongoing investigation, a state  
4325 attorney, statewide prosecutor, or federal prosecutor may  
4326 certify in writing a human trafficking victim's need to relocate  
4327 from an unsafe environment due to the threat of future violence  
4328 which is directly related to the human trafficking offense.

4329 (c) The victim's need must be certified by a certified  
4330 domestic violence or rape crisis center in this state, except as  
4331 provided in paragraph (b). The center's certification must  
4332 assert that the victim is cooperating with the proper



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4333 authorities and must include documentation that the victim has  
4334 developed a safety plan.

4335 (3) Relocation payments for a human trafficking claim shall  
4336 be denied if the department has previously approved or paid out  
4337 a domestic violence or sexual battery relocation claim under s.  
4338 960.198 or s. 960.199 to the same victim regarding the same  
4339 incident.

4340 Section 72. Subsection (2) of section 960.28, Florida  
4341 Statutes, is amended to read:

4342 960.28 Payment for victims' initial forensic physical  
4343 examinations.-

4344 (2) The Crime Victims' Services Office of the department  
4345 shall pay for medical expenses connected with an initial  
4346 forensic physical examination of a victim of sexual battery as  
4347 defined in chapter 794 or a lewd or lascivious offense as  
4348 defined in chapter 800. Such payment shall be made regardless of  
4349 whether the victim is covered by health or disability insurance  
4350 and whether the victim participates in the criminal justice  
4351 system or cooperates with law enforcement. The payment shall be  
4352 made only out of moneys allocated to the Crime Victims' Services  
4353 Office for the purposes of this section, and the payment may not  
4354 exceed \$1,000 ~~\$500~~ with respect to any violation. The department  
4355 shall develop and maintain separate protocols for the initial  
4356 forensic physical examination of adults and children. Payment  
4357 under this section is limited to medical expenses connected with  
4358 the initial forensic physical examination, and payment may be  
4359 made to a medical provider using an examiner qualified under  
4360 part I of chapter 464, excluding s. 464.003(14); chapter 458; or  
4361 chapter 459. Payment made to the medical provider by the



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4362 department shall be considered by the provider as payment in  
4363 full for the initial forensic physical examination associated  
4364 with the collection of evidence. The victim may not be required  
4365 to pay, directly or indirectly, the cost of an initial forensic  
4366 physical examination performed in accordance with this section.

4367 Section 73. Effective upon this act becoming a law,  
4368 paragraphs (c), (d), and (f) of subsection (2) of section  
4369 985.12, Florida Statutes, are amended to read:

4370 985.12 Civil citation or similar prearrest diversion  
4371 programs.—

4372 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST  
4373 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

4374 (c) The state attorney of each circuit shall operate a  
4375 civil citation or similar prearrest diversion program in each  
4376 circuit. A sheriff, police department, county, municipality,  
4377 locally authorized entity, or public or private educational  
4378 institution may continue to operate an independent civil  
4379 citation or similar prearrest diversion program that is in  
4380 operation as of October 1, 2018, if the independent program is  
4381 reviewed by the state attorney of the applicable circuit and he  
4382 or she determines that the independent program is substantially  
4383 similar to the civil citation or similar prearrest diversion  
4384 program developed by the circuit. If the state attorney  
4385 determines that the independent program is not substantially  
4386 similar to the civil citation or similar prearrest diversion  
4387 program developed by the circuit, the operator of the  
4388 independent diversion program may revise the program and the  
4389 state attorney may conduct an additional review of the  
4390 independent program.





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4391 (d) A judicial circuit may model an existing sheriff's,  
4392 police department's, county's, municipality's, locally  
4393 authorized entity's, or public or private educational  
4394 institution's independent civil citation or similar prearrest  
4395 diversion program in developing the civil citation or similar  
4396 prearrest diversion program for the circuit.

4397 (f) Each civil citation or similar prearrest diversion  
4398 program shall enter the appropriate youth data into the Juvenile  
4399 Justice Information System Prevention Web within 7 days after  
4400 the admission of the youth into the program ~~A copy of each civil~~  
4401 ~~citation or similar prearrest diversion program notice issued~~  
4402 ~~under this section shall be provided to the department, and the~~  
4403 ~~department shall enter appropriate information into the juvenile~~  
4404 ~~offender information system.~~

4405 Section 74. Effective upon this act becoming a law,  
4406 subsection (2) and paragraph (c) of subsection (3) of section  
4407 985.126, Florida Statutes, are amended to read:

4408 985.126 Diversion programs; data collection; denial of  
4409 participation or expunged record.—

4410 (2) Upon issuance of documentation requiring a minor to  
4411 participate in a diversion program, before or without an arrest,  
4412 the issuing law enforcement officer shall send a copy of such  
4413 documentation to the entity designated to operate the diversion  
4414 program ~~and to the department~~, which shall enter such  
4415 information into the Juvenile Justice Information System  
4416 Prevention Web within 7 days after the youth's admission into  
4417 the program.

4418 (3)

4419 (c) The data required pursuant to paragraph (a) shall be



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4420 entered into the Juvenile Justice Information System Prevention  
4421 Web within 7 days after the youth's admission into the program  
4422 ~~submitted to the department quarterly.~~

4423 Section 75. Effective upon this act becoming a law,  
4424 paragraph (f) of subsection (1) of section 985.145, Florida  
4425 Statutes, is amended to read:

4426 985.145 Responsibilities of the department during intake;  
4427 screenings and assessments.—

4428 (1) The department shall serve as the primary case manager  
4429 for the purpose of managing, coordinating, and monitoring the  
4430 services provided to the child. Each program administrator  
4431 within the Department of Children and Families shall cooperate  
4432 with the primary case manager in carrying out the duties and  
4433 responsibilities described in this section. In addition to  
4434 duties specified in other sections and through departmental  
4435 rules, the department shall be responsible for the following:

4436 ~~(f) Prevention web. For a child with a first-time~~  
4437 ~~misdemeanor offense, the department shall enter all related~~  
4438 ~~information into the Juvenile Justice Information System~~  
4439 ~~Prevention Web until such time as formal charges are filed. If~~  
4440 ~~formal charges are not filed, the information shall remain in~~  
4441 ~~the Juvenile Justice Information System Prevention Web until~~  
4442 ~~removed pursuant to department policies.~~

4443 Section 76. Subsection (2) of section 985.557, Florida  
4444 Statutes, is amended to read:

4445 985.557 Direct filing of an information; discretionary ~~and~~  
4446 ~~mandatory~~ criteria.—

4447 ~~(2) MANDATORY DIRECT FILE.—~~

4448 ~~(a) With respect to any child who was 16 or 17 years of age~~



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4449 ~~at the time the alleged offense was committed, the state~~  
4450 ~~attorney shall file an information if the child has been~~  
4451 ~~previously adjudicated delinquent for an act classified as a~~  
4452 ~~felony, which adjudication was for the commission of, attempt to~~  
4453 ~~commit, or conspiracy to commit murder, sexual battery, armed or~~  
4454 ~~strong-armed robbery, carjacking, home-invasion robbery,~~  
4455 ~~aggravated battery, or aggravated assault, and the child is~~  
4456 ~~currently charged with a second or subsequent violent crime~~  
4457 ~~against a person.~~

4458 ~~(b) With respect to any child 16 or 17 years of age at the~~  
4459 ~~time an offense classified as a forcible felony, as defined in~~  
4460 ~~s. 776.08, was committed, the state attorney shall file an~~  
4461 ~~information if the child has previously been adjudicated~~  
4462 ~~delinquent or had adjudication withheld for three acts~~  
4463 ~~classified as felonies each of which occurred at least 45 days~~  
4464 ~~apart from each other. This paragraph does not apply when the~~  
4465 ~~state attorney has good cause to believe that exceptional~~  
4466 ~~circumstances exist which preclude the just prosecution of the~~  
4467 ~~juvenile in adult court.~~

4468 ~~(c) The state attorney must file an information if a child,~~  
4469 ~~regardless of the child's age at the time the alleged offense~~  
4470 ~~was committed, is alleged to have committed an act that would be~~  
4471 ~~a violation of law if the child were an adult, that involves~~  
4472 ~~stealing a motor vehicle, including, but not limited to, a~~  
4473 ~~violation of s. 812.133, relating to carjacking, or s.~~  
4474 ~~812.014(2)(c)6., relating to grand theft of a motor vehicle, and~~  
4475 ~~while the child was in possession of the stolen motor vehicle~~  
4476 ~~the child caused serious bodily injury to or the death of a~~  
4477 ~~person who was not involved in the underlying offense. For~~



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4478 ~~purposes of this section, the driver and all willing passengers~~  
4479 ~~in the stolen motor vehicle at the time such serious bodily~~  
4480 ~~injury or death is inflicted shall also be subject to mandatory~~  
4481 ~~transfer to adult court. "Stolen motor vehicle," for the~~  
4482 ~~purposes of this section, means a motor vehicle that has been~~  
4483 ~~the subject of any criminal wrongful taking. For purposes of~~  
4484 ~~this section, "willing passengers" means all willing passengers~~  
4485 ~~who have participated in the underlying offense.~~

4486 ~~(d)1. With respect to any child who was 16 or 17 years of~~  
4487 ~~age at the time the alleged offense was committed, the state~~  
4488 ~~attorney shall file an information if the child has been charged~~  
4489 ~~with committing or attempting to commit an offense listed in s.~~  
4490 ~~775.087(2)(a)1.a.p., and, during the commission of or attempt~~  
4491 ~~to commit the offense, the child:~~

4492 ~~a. Actually possessed a firearm or destructive device, as~~  
4493 ~~those terms are defined in s. 790.001.~~

4494 ~~b. Discharged a firearm or destructive device, as described~~  
4495 ~~in s. 775.087(2)(a)2.~~

4496 ~~e. Discharged a firearm or destructive device, as described~~  
4497 ~~in s. 775.087(2)(a)3., and, as a result of the discharge, death~~  
4498 ~~or great bodily harm was inflicted upon any person.~~

4499 ~~2. Upon transfer, any child who is:~~

4500 ~~a. Charged under sub-subparagraph 1.a. and who has been~~  
4501 ~~previously adjudicated or had adjudication withheld for a~~  
4502 ~~forcible felony offense or any offense involving a firearm, or~~  
4503 ~~who has been previously placed in a residential commitment~~  
4504 ~~program, shall be subject to sentencing under s. 775.087(2)(a),~~  
4505 ~~notwithstanding s. 985.565.~~

4506 ~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~



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4507 ~~1.c., shall be subject to sentencing under s. 775.087(2)(a),~~  
4508 ~~notwithstanding s. 985.565.~~

4509 ~~3. Upon transfer, any child who is charged under this~~  
4510 ~~paragraph, but who does not meet the requirements specified in~~  
4511 ~~subparagraph 2., shall be sentenced under s. 985.565; however,~~  
4512 ~~if the court imposes a juvenile sanction, the court must commit~~  
4513 ~~the child to a high risk or maximum risk juvenile facility.~~

4514 ~~4. This paragraph shall not apply if the state attorney has~~  
4515 ~~good cause to believe that exceptional circumstances exist that~~  
4516 ~~preclude the just prosecution of the child in adult court.~~

4517 ~~5. The Department of Corrections shall make every~~  
4518 ~~reasonable effort to ensure that any child 16 or 17 years of age~~  
4519 ~~who is convicted and sentenced under this paragraph be~~  
4520 ~~completely separated such that there is no physical contact with~~  
4521 ~~adult offenders in the facility, to the extent that it is~~  
4522 ~~consistent with chapter 958.~~

4523 Section 77. Subsection (3) of section 776.09, Florida  
4524 Statutes, is amended to read:

4525 776.09 Retention of records pertaining to persons found to  
4526 be acting in lawful self-defense; expunction of criminal history  
4527 records.—

4528 (3) Under either condition described in subsection (1) or  
4529 subsection (2), the person accused may apply for a certificate  
4530 of eligibility to expunge the associated criminal history  
4531 record, pursuant to s. 943.0578 ~~s. 943.0585(5)~~, notwithstanding  
4532 the eligibility requirements prescribed in s. 943.0585(1) ~~s.~~  
4533 ~~943.0585(1)(b)~~ or (2).

4534 Section 78. Paragraph (c) of subsection (3) of section  
4535 943.053, Florida Statutes, is amended to read:



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4536           943.053 Dissemination of criminal justice information;  
4537 fees.—  
4538           (3)  
4539           (c)1. Criminal history information relating to juveniles,  
4540 including criminal history information consisting in whole or in  
4541 part of information that is confidential and exempt under  
4542 paragraph (b), shall be available to:  
4543           a. A criminal justice agency for criminal justice purposes  
4544 on a priority basis and free of charge;  
4545           b. The person to whom the record relates, or his or her  
4546 attorney;  
4547           c. The parent, guardian, or legal custodian of the person  
4548 to whom the record relates, provided such person has not reached  
4549 the age of majority, been emancipated by a court, or been  
4550 legally married; or  
4551           d. An agency or entity specified in s. 943.0585(6) ~~s.~~  
4552 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~, for the purposes  
4553 specified therein, and to any person within such agency or  
4554 entity who has direct responsibility for employment, access  
4555 authorization, or licensure decisions.  
4556           2. After providing the program with all known personal  
4557 identifying information, the criminal history information  
4558 relating to a juvenile which is not confidential and exempt  
4559 under this subsection may be released to the private sector and  
4560 noncriminal justice agencies not specified in s. 943.0585(6) ~~s.~~  
4561 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~ in the same manner as  
4562 provided in paragraph (a). Criminal history information relating  
4563 to a juvenile which is not confidential and exempt under this  
4564 subsection is the entire criminal history information relating



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4565 to a juvenile who satisfies any of the criteria listed in sub-  
4566 subparagraphs (b)1.a.-d., except for any portion of such  
4567 juvenile's criminal history record which has been expunged or  
4568 sealed under any law applicable to such record.

4569 3. All criminal history information relating to juveniles,  
4570 other than that provided to criminal justice agencies for  
4571 criminal justice purposes, shall be provided upon tender of fees  
4572 as established in this subsection and in the manner prescribed  
4573 by rule of the Department of Law Enforcement.

4574 Section 79. Paragraph (b) of subsection (2) of section  
4575 943.0582, Florida Statutes, is amended to read:

4576 943.0582 Diversion program expunction.—

4577 (2) As used in this section, the term:

4578 (b) "Expunction" has the same meaning ascribed in and  
4579 effect as s. 943.0585, except that:

4580 1. Section 943.0585(6)(b) does ~~The provisions of s.~~  
4581 ~~943.0585(4)(a) do~~ not apply, except that the criminal history  
4582 record of a person whose record is expunged pursuant to this  
4583 section shall be made available only to criminal justice  
4584 agencies for the purpose of:

4585 a. Determining eligibility for diversion programs;

4586 b. A criminal investigation; or

4587 c. Making a prosecutorial decision under s. 985.15.

4588 2. Records maintained by local criminal justice agencies in  
4589 the county in which the arrest occurred that are eligible for  
4590 expunction pursuant to this section shall be sealed as the term  
4591 is used in s. 943.059.

4592 Section 80. Paragraphs (a) and (b) of subsection (4) of  
4593 section 985.565, Florida Statutes, are amended to read:



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4594           985.565 Sentencing powers; procedures; alternatives for  
4595 juveniles prosecuted as adults.—  
4596           (4) SENTENCING ALTERNATIVES.—  
4597           (a) *Adult sanctions*.—  
4598           1. Cases prosecuted on indictment.—If the child is found to  
4599 have committed the offense punishable by death or life  
4600 imprisonment, the child shall be sentenced as an adult. If the  
4601 juvenile is not found to have committed the indictable offense  
4602 but is found to have committed a lesser included offense or any  
4603 other offense for which he or she was indicted as a part of the  
4604 criminal episode, the court may sentence as follows:  
4605           a. As an adult;  
4606           b. Under chapter 958; or  
4607           c. As a juvenile under this section.  
4608           2. Other cases.—If a child who has been transferred for  
4609 criminal prosecution pursuant to information or waiver of  
4610 juvenile court jurisdiction is found to have committed a  
4611 violation of state law or a lesser included offense for which he  
4612 or she was charged as a part of the criminal episode, the court  
4613 may sentence as follows:  
4614           a. As an adult;  
4615           b. Under chapter 958; or  
4616           c. As a juvenile under this section.  
4617           3. Notwithstanding any other provision to the contrary, if  
4618 the state attorney is required to file a motion to transfer and  
4619 certify the juvenile for prosecution as an adult under s.  
4620 985.556(3) and that motion is granted, ~~or if the state attorney~~  
4621 ~~is required to file an information under s. 985.557(2) (a) or~~  
4622 ~~(b)~~, the court must impose adult sanctions.





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4623           4. Any sentence imposing adult sanctions is presumed  
4624 appropriate, and the court is not required to set forth specific  
4625 findings or enumerate the criteria in this subsection as any  
4626 basis for its decision to impose adult sanctions.

4627           5. When a child has been transferred for criminal  
4628 prosecution as an adult and has been found to have committed a  
4629 violation of state law, the disposition of the case may include  
4630 the enforcement of any restitution ordered in any juvenile  
4631 proceeding.

4632           (b) *Juvenile sanctions.*—For juveniles transferred to adult  
4633 court but who do not qualify for such transfer under s.  
4634 985.556(3) ~~or s. 985.557(2)(a) or (b)~~, the court may impose  
4635 juvenile sanctions under this paragraph. If juvenile sentences  
4636 are imposed, the court shall, under this paragraph, adjudge the  
4637 child to have committed a delinquent act. Adjudication of  
4638 delinquency may ~~shall~~ not be deemed a conviction, nor shall it  
4639 operate to impose any of the civil disabilities ordinarily  
4640 resulting from a conviction. The court shall impose an adult  
4641 sanction or a juvenile sanction and may not sentence the child  
4642 to a combination of adult and juvenile punishments. An adult  
4643 sanction or a juvenile sanction may include enforcement of an  
4644 order of restitution or probation previously ordered in any  
4645 juvenile proceeding. However, if the court imposes a juvenile  
4646 sanction and the department determines that the sanction is  
4647 unsuitable for the child, the department shall return custody of  
4648 the child to the sentencing court for further proceedings,  
4649 including the imposition of adult sanctions. Upon adjudicating a  
4650 child delinquent under subsection (1), the court may:

4651           1. Place the child in a probation program under the



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4652 supervision of the department for an indeterminate period of  
4653 time until the child reaches the age of 19 years or sooner if  
4654 discharged by order of the court.

4655 2. Commit the child to the department for treatment in an  
4656 appropriate program for children for an indeterminate period of  
4657 time until the child is 21 or sooner if discharged by the  
4658 department. The department shall notify the court of its intent  
4659 to discharge no later than 14 days before ~~prior to~~ discharge.  
4660 Failure of the court to timely respond to the department's  
4661 notice shall be considered approval for discharge.

4662 3. Order disposition under ss. 985.435, 985.437, 985.439,  
4663 985.441, 985.45, and 985.455 as an alternative to youthful  
4664 offender or adult sentencing if the court determines not to  
4665 impose youthful offender or adult sanctions.

4666  
4667 It is the intent of the Legislature that the criteria and  
4668 guidelines in this subsection are mandatory and that a  
4669 determination of disposition under this subsection is subject to  
4670 the right of the child to appellate review under s. 985.534.

4671 Section 81. Subsection (3) of section 921.0022, Florida  
4672 Statutes, is amended to read:

4673 921.0022 Criminal Punishment Code; offense severity ranking  
4674 chart.—

4675 (3) OFFENSE SEVERITY RANKING CHART

4676 (a) LEVEL 1

4677

Florida Statute	Felony Degree	Description
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4678



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4679	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
4680	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
4681	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount <u>\$1,000 or more</u> <del>greater than \$300</del> but less than \$20,000.
4682	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
4683	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
4684	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
4685	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
	322.212	3rd	Possession of forged,



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	(1) (a) - (c)		stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
4686	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
4687	322.212 (5) (a)	3rd	False application for driver license or identification card.
4688	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
4689	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
4690	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value <u>\$1,000 or more</u> <del>greater than \$300</del> .
4691	517.302 (1)	3rd	Violation of the Florida Securities and Investor



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4692			Protection Act.
	<del>562.27(1)</del>	3rd	<del>Possess still or still apparatus.</del>
4693	713.69	3rd	Tenant removes property upon which lien has accrued, value <u>\$1,000 or more</u> <del>than</del> <del>\$50.</del>
4694	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
4695	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
4696	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
4697	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
4698	817.569 (2)	3rd	Use of public record or public records information



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4699			or providing false information to facilitate commission of a felony.
4700	826.01	3rd	Bigamy.
4701	828.122 (3)	3rd	Fighting or baiting animals.
4702	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
4703	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
4704	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
4705	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
4706	838.15 (2)	3rd	Commercial bribe receiving.



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4707	838.16	3rd	Commercial bribery.
4708	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
4709	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
4710	<del>849.01</del>	<del>3rd</del>	<del>Keeping gambling house.</del>
4711	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
4712	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
4713	849.25 (2)	3rd	Engaging in bookmaking.
4714	860.08	3rd	Interfere with a railroad signal.
	860.13 (1) (a)	3rd	Operate aircraft while under the influence.



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4715	893.13(2)(a)2.	3rd	Purchase of cannabis.
4716	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
4717	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
4718			
4719			
4720	(b) LEVEL 2		
4721			
	Florida Statute	Felony Degree	Description
4722	379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
4723	379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
4724	403.413(6)(c)	3rd	Dumps waste litter





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			exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
4725	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
4726	590.28 (1)	3rd	Intentional burning of lands.
4727	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
4728	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
4729	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public



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4730			service.
	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
4731			
	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
4732			
	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$750</u> <del>\$300</del> or more but less than \$5,000.
4733			
	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$750</u> <del>\$300</del> , taken from unenclosed curtilage of dwelling.
4734			
	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
4735			
	817.234 (1) (a) 2.	3rd	False statement in support of insurance



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4736			claim.
	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
4737			
	817.52(3)	3rd	Failure to redeliver hired vehicle.
4738			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
4739			
	817.60(5)	3rd	Dealing in credit cards of another.
4740			
	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
4741			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
4742			
	826.04	3rd	Knowingly marries or has sexual intercourse with



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4743			person to whom related.
4744	831.01	3rd	Forgery.
4745	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
4746	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
4747	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
4748	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
4749	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.



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4750	843.08	3rd	False personation.
4751	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs other than cannabis.
4752	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
4753			
4754			
4755	(c) LEVEL 3		
4756			
	Florida	Felony	
	Statute	Degree	Description
4757	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
4758	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
4759			



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4760	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
4761	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
4762	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
4763	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
4764	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
4765	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
4766	327.35 (2) (b)	3rd	Felony BUI.



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4767	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
4768	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
4769	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
4770	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
	379.2431	3rd	Possessing any marine



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4771	(1) (e) 6.		turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
	379.2431	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
	(1) (e) 7.		
4772	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
4773	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
4774	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
4775	501.001 (2) (b)	2nd	Tampers with a consumer





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4776	624.401 (4) (a)	3rd	product or the container using materially false/misleading information.
4777	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority.
4778	626.902 (1) (a) & (b)	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
4779	697.08	3rd	Representing an unauthorized insurer.
4780	790.15 (3)	3rd	Equity skimming.
4781	806.10 (1)	3rd	Person directs another to discharge firearm from a vehicle.
4782			Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.



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4783	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
4784	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
4785	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
4786	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
4787	<u>812.015(8)(b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; conspires with others.</u>
4788	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.



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4789	817.233	3rd	Burning to defraud insurer.
4790	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
4791	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
4792	817.236	3rd	Filing a false motor vehicle insurance application.
4793	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
4794	817.413 (2)	3rd	Sale of used goods <u>of \$1,000 or more</u> as new.
4795	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument <u>with intent to defraud</u> .
4796			



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831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
4797		
838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
4798		
843.19	3rd	Injure, disable, or kill police dog or horse.
4799		
860.15 (3)	3rd	Overcharging for repairs and parts.
4800		
870.01 (2)	3rd	Riot; inciting or encouraging.
4801		
893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
4802		
893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2.,



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4803	893.13(1)(f)2.	2nd	(2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
4804	893.13(4)(c)	3rd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
4805	893.13(6)(a)	3rd	Use or hire of minor; deliver to minor other controlled substances.
4806	893.13(7)(a)8.	3rd	Possession of any controlled substance other than felony possession of cannabis.
			Withhold information from practitioner regarding previous receipt of or prescription for a



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4807			controlled substance.
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
4808			
	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
4809			
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
4810			
	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
4811			
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other



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4812			person, or owner of an animal in obtaining a controlled substance.
	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
4813			
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
4814			
	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
4815			
	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
4816			
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
4817			
	985.721	3rd	Escapes from a juvenile



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facility (secure detention  
or residential commitment  
facility).

4818  
4819  
4820  
4821

(d) LEVEL 4

Florida  
Statute

Felony  
Degree

Description

4822

316.1935 (3) (a)

2nd

Driving at high speed or  
with wanton disregard  
for safety while fleeing  
or attempting to elude  
law enforcement officer  
who is in a patrol  
vehicle with siren and  
lights activated.

4823

499.0051 (1)

3rd

Failure to maintain or  
deliver transaction  
history, transaction  
information, or  
transaction statements.

4824

499.0051 (5)

2nd

Knowing sale or  
delivery, or possession  
with intent to sell,  
contraband prescription





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4825			drugs.
	517.07 (1)	3rd	Failure to register securities.
4826			
	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
4827			
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
4828			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
4829			
	784.075	3rd	Battery on detention or commitment facility staff.
4830			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
4831			
	784.08 (2) (c)	3rd	Battery on a person 65



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4832			years of age or older.
	784.081 (3)	3rd	Battery on specified official or employee.
4833			
	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
4834			
	784.083 (3)	3rd	Battery on code inspector.
4835			
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
4836			
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
4837			
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
4838			



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4839	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
4840	787.07	3rd	Human smuggling.
4841	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
4842	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
4843	790.115 (2) (c)	3rd	Possessing firearm on school property.
4844	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an



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4845	810.02 (4) (b)	3rd	unoccupied structure; unarmed; no assault or battery. Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
4846	810.06	3rd	Burglary; possession of tools.
4847	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
4848	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
4849	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , <del>a will,</del> <del>firearm, motor vehicle,</del> <del>livestock, etc.</del>
4850	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property



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4851			stolen \$300 or more.
4852	817.505 (4) (a)	3rd	Patient brokering.
4853	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
4854	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
4855	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
4856	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
4857	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.



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4858	837.02 (1)	3rd	Perjury in official proceedings.
4859	837.021 (1)	3rd	Make contradictory statements in official proceedings.
4860	838.022	3rd	Official misconduct.
4861	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
4862	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
4863	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
4864	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.



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4865	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
4866	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
4867	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
4868	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
4869	914.14(2)	3rd	Witnesses accepting bribes.
4870	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
	914.23(2)	3rd	Retaliation against a witness, victim, or



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4871			informant, no bodily injury.
4872	918.12	3rd	Tampering with jurors.
4873	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
4874	<u>944.47(1)(a)6.</u>	<u>3rd</u>	<u>Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.</u>
4875			
4876	<u>951.22(1)(h), (j), &amp; (k)</u>	<u>3rd</u>	<u>Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.</u>
4877	(e) LEVEL 5		





	Florida Statute	Felony Degree	Description
4878			
4879	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
4880	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
4881	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
4882	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
4883	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
4884	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful



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molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

4885

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.



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4886	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
4887	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
4888	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
4889	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
4890	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
4891	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium



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4892			collected \$20,000 or more but less than \$100,000.
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
4893			
	790.01 (2)	3rd	Carrying a concealed firearm.
4894			
	790.162	2nd	Threat to throw or discharge destructive device.
4895			
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
4896			
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
4897			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.



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4898	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
4899	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
4900	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
4901	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
4902	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
4903	812.015 (8) <u>(a), (c), (d), &amp; (e)</u>	3rd	Retail theft; property stolen is valued at <u>\$750</u> <del>\$300</del> or more and one or more specified acts.
4904	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.



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4905	812.131 (2) (b)	3rd	Robbery by sudden snatching.
4906	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
4907	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
4908	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
4909	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
4910	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services



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4911	817.611 (2) (a)	2nd	received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
4912	817.625 (2) (b)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
4913	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
4914	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
			Possess with intent to promote any photographic material, motion picture, etc., which



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4915			includes sexual conduct by a child.
827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.	
4916			
828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	
4917			
839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.	
4918			
843.01	3rd	Resist officer with violence to person; resist arrest with violence.	
4919			
847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using	





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4920	847.0137 (2) & (3)	3rd	computer; offender 18 years or older. Transmission of pornography by electronic device or equipment.
4921	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
4922	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
4923	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
4924	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.



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4925

893.13(1)(c)2.

2nd

drugs).

Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

4926

893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

4927

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited



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			under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
4928	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
4929	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
4930	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
4931			



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4932			
4933	(f) LEVEL 6		
4934			
	Florida	Felony	
	Statute	Degree	Description
4935			
	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
4936			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
4937			
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
4938			
	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
4939			
	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
4940			



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4941	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
4942	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
4943	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
4944	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
4945	784.041	3rd	Felony battery; domestic battery by strangulation.
4946	784.048 (3)	3rd	Aggravated stalking; credible threat.
4947	784.048 (5)	3rd	Aggravated stalking of person under 16.
4948	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent



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4949			predators facility staff.
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
4950			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
4951			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
4952			
	784.083 (2)	2nd	Aggravated assault on code inspector.
4953			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
4954			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
4955			
	790.161 (2)	2nd	Make, possess, or throw



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4956	790.164 (1)	2nd	destructive device with intent to do bodily harm or damage property. False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
4957	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
4958	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
4959	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
4960	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years



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4961			of age; offender less than 18 years.
4962	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
4963	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
4964	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
4965	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
4966	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
4967	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.





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4968	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$750</u> <del>\$300</del> or more; second or subsequent conviction.
4969	812.015 (9) (b)	2nd	Retail theft; <u>aggregated property stolen within 30 days is</u> \$3,000 or more; coordination of others.
4970	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
4971	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
4972	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
4973	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled



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4974			adult.
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
4975			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
4976			
	827.03 (2) (c)	3rd	Abuse of a child.
4977			
	827.03 (2) (d)	3rd	Neglect of a child.
4978			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
4979			
	836.05	2nd	Threats; extortion.
4980			
	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
4981			
	843.12	3rd	Aids or assists person



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4982	847.011	3rd	to escape. Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
4983	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
4984	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
4985	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
4986	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an



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4987			inmate or offender on community supervision, resulting in great bodily harm.
4988	944.40	2nd	Escapes.
4989	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
4990	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
4991	<u>951.22 (1) (i)</u>	3rd	<del>Intoxicating drug,</del>
4992	<del>951.22 (1)</del>		Firearm, or weapon introduced into county <u>detention</u> facility.
4993	(g) LEVEL 7		
4994	Florida Statute	Felony Degree	Description
4995	316.027 (2) (c)	1st	Accident involving death,



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4996			failure to stop; leaving scene.
	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
4997			
	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
4998			
	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
4999			
	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
5000			
	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.



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5001	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
5002	456.065 (2)	3rd	Practicing a health care profession without a license.
5003	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
5004	458.327 (1)	3rd	Practicing medicine without a license.
5005	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
5006	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
5007	461.012 (1)	3rd	Practicing podiatric medicine without a license.
5008			



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5009	462.17	3rd	Practicing naturopathy without a license.
5010	463.015 (1)	3rd	Practicing optometry without a license.
5011	464.016 (1)	3rd	Practicing nursing without a license.
5012	465.015 (2)	3rd	Practicing pharmacy without a license.
5013	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
5014	467.201	3rd	Practicing midwifery without a license.
5015	468.366	3rd	Delivering respiratory care services without a license.
5016	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
	483.901 (7)	3rd	Practicing medical physics without a license.



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5017	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
5018	484.053	3rd	Dispensing hearing aids without a license.
5019	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
5020	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
5021	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
5022	655.50 (10) (b) 1.	3rd	Failure to report





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5023	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
5024	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
5025	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
5026	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
5027	782.07 (1)	2nd	Killing of a human being by the act, procurement,



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5028			or culpable negligence of another (manslaughter).
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
5029			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
5030			
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
5031			
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
5032			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
5033			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or



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5034			court order.
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
5035			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
5036			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
5037			
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
5038			
	784.081 (1)	1st	Aggravated battery on specified official or employee.
5039			
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
5040			
	784.083 (1)	1st	Aggravated battery on code inspector.
5041			
	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and



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5042			services of an adult.
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
5043			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
5044			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
5045			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
5046			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
5047			
	790.166(3)	2nd	Possessing, selling,



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5048			using, or attempting to use a hoax weapon of mass destruction.
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
5049			
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
5050			
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
5051			
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
5052			
	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.



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5053	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
5054	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
5055	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
5056	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
5057	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.



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5058	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
5059	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
5060	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
5061	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
5062	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
5063	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.



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5064	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
5065	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
5066	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
5067	812.131 (2) (a)	2nd	Robbery by sudden snatching.
5068	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
5069	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
5070	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims





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5071			with intent to defraud.
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
5072			
	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
5073			
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
5074			
	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
5075			
	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
5076			
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult



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5077			causing great bodily harm, disability, or disfigurement.
	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
5078			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
5079			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
5080			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
5081			
	838.015	2nd	Bribery.
5082			
	838.016	2nd	Unlawful compensation or reward for official



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5083			behavior.
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
5084			
	838.22	2nd	Bid tampering.
5085			
	843.0855 (2)	3rd	Impersonation of a public officer or employee.
5086			
	843.0855 (3)	3rd	Unlawful simulation of legal process.
5087			
	843.0855 (4)	3rd	Intimidation of a public officer or employee.
5088			
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
5089			
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
5090			
	872.06	2nd	Abuse of a dead human body.
5091			
	874.05 (2) (b)	1st	Encouraging or recruiting



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5092			person under 13 to join a criminal gang; second or subsequent offense.
	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
5093			
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
5094			
	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b),



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5095			(1) (d), (2) (a), (2) (b), or (2) (c) 5., within 1,000 feet of property used for religious services or a specified business site.
5096	893.13 (4) (a)	1st	Use or hire of minor; deliver to minor other controlled substance.
5097	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
5098	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
5099	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
5100	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, <u>28</u> <del>14</del> grams or more, less than <u>50</u> <del>28</del> grams.
	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, <u>50</u> <del>28</del> grams



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5101			or more, less than <u>100</u> <del>50</del> grams.
	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
5102			
	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
5103			
	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
5104			
	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
5105			
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
5106			
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
5107			
	893.135	1st	Trafficking in



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5108	(1) (g) 1.a.		flunitrazepam, 4 grams or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
5109			
	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.a.		Butanediol, 1 kilogram or more, less than 5 kilograms.
5110			
	893.135	1st	Trafficking in
	(1) (k) 2.a.		Phenethylamines, 10 grams or more, less than 200 grams.
5111			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams or more, less than 500 grams.
5112			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
5113			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams



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			or more, less than 100 grams.
5114	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
5115	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
5116	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
5117	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
5118	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting





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5119			requirements.
	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
5120			
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5121			
	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5122			
	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
5123			
	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
5124			
	944.607 (12)	3rd	Failure to report or providing false



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5125			information about a sexual offender; harbor or conceal a sexual offender.
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5126			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
5127			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5128			
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5129			
5130			



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5131 (h) LEVEL 8

5132

Florida Statute	Felony Degree	Description
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5133

316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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5134

316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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5135

327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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5136

499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
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5137

499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
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5138

560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
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5139	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
5140	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
5141	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
5142	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or



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5143			unlawfully discharging bomb.
	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
5144			
	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
5145			
	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
5146			
	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
5147			
	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
5148			
	787.06 (3) (c) 2.	1st	Human trafficking using



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5149			coercion for labor and services of an unauthorized alien adult.
	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
5150			
	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
5151			
	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
5152			
	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not



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5153

794.011 (5) (b)

2nd

use physical force likely to cause serious injury.

Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

5154

794.011 (5) (c)

2nd

Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

5155

794.011 (5) (d)

1st

Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

5156

794.08 (3)

2nd

Female genital mutilation, removal of a victim younger than 18 years of age from this



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5157			state.
	800.04 (4) (b)	2nd	Lewd or lascivious battery.
5158			
	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
5159			
	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
5160			
	810.02 (2) (a)	1st,PBL	Burglary with assault or battery.
5161			
	810.02 (2) (b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
5162			
	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.





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5163	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
5164	812.13 (2) (b)	1st	Robbery with a weapon.
5165	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
5166	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
5167	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
5168	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
5169	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is



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5170			incarcerated or under supervision.
	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
5171			
	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
5172			
	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
5173			
	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
5174			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
5175			



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5176	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
5177	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
5178	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
5179	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
5180	860.16	1st	Aircraft piracy.
5181	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).



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5182	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
5183	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
5184	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
5185	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
5186	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
5187	893.135 (1)(c)2.c.	1st	Trafficking in hydrocodone, <u>100</u> <del>50</del> grams or more, less than <u>300</u> <del>200</del> grams.
	893.135	1st	Trafficking in oxycodone,



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5188	(1) (c) 3.c.		25 grams or more, less than 100 grams.
	893.135	1st	Trafficking in fentanyl,
	(1) (c) 4.b. (II)		14 grams or more, less than 28 grams.
5189			
	893.135	1st	Trafficking in
	(1) (d) 1.b.		phencyclidine, 200 grams or more, less than 400 grams.
5190			
	893.135	1st	Trafficking in
	(1) (e) 1.b.		methaqualone, 5 kilograms or more, less than 25 kilograms.
5191			
	893.135	1st	Trafficking in
	(1) (f) 1.b.		amphetamine, 28 grams or more, less than 200 grams.
5192			
	893.135	1st	Trafficking in
	(1) (g) 1.b.		flunitrazepam, 14 grams or more, less than 28 grams.
5193			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid



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5194	893.135 (1) (j) 1.b.	1st	(GHB), 5 kilograms or more, less than 10 kilograms.
5195	893.135 (1) (k) 2.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
5196	893.135 (1) (m) 2.c.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
5197	893.135 (1) (n) 2.b.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
5198	893.1351 (3)	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
			Possession of a place used to manufacture controlled substance when minor is present or resides there.



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5199	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
5200	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
5201	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
5202	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
5203	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but



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less than \$100,000.

5204  
5205  
5206  
5207

(i) LEVEL 9

Florida  
Statute

Felony  
Degree

Description

5208

316.193  
(3) (c) 3.b.

1st

DUI manslaughter; failing  
to render aid or give  
information.

5209

327.35  
(3) (c) 3.b.

1st

BUI manslaughter; failing  
to render aid or give  
information.

5210

409.920  
(2) (b) 1.c.

1st

Medicaid provider fraud;  
\$50,000 or more.

5211

499.0051 (8)

1st

Knowing sale or purchase  
of contraband  
prescription drugs  
resulting in great bodily  
harm.

5212

560.123 (8) (b) 3.

1st

Failure to report  
currency or payment  
instruments totaling or  
exceeding \$100,000 by





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5213			money transmitter.
	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
5214			
	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
5215			
	775.0844	1st	Aggravated white collar crime.
5216			
	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
5217			
	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other



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5218			specified felonies.
	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
5219			
	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
5220			
	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
5221			
	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
5222			
	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
5223			
	787.02(3)(a)	1st,PBL	False imprisonment; child under age 13; perpetrator also commits aggravated



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			child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
5224	787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
5225	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
5226	787.06(3)(f)1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
5227	790.161	1st	Attempted capital destructive device offense.
5228	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass



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5229			destruction.
	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
5230			
	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
5231			
	794.011 (4) (a)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
5232			
	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
5233			
	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.



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5234	794.011 (4) (d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
5235	794.011 (8) (b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
5236	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
5237	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
5238	812.13 (2) (a)	1st,PBL	Robbery with firearm or other deadly weapon.
5239	812.133 (2) (a)	1st,PBL	Carjacking; firearm or other deadly weapon.
5240			



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5241	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
5242	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
5243	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
5244	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an



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5245			individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
5246	827.03 (2) (a)	1st	Aggravated child abuse.
5247	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
5248	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
5249	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
5250	893.135	1st	Attempted capital trafficking offense.
	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.



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5251	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
5252	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
5253	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, <u>300</u> <del>200</del> grams or more, less than 30 kilograms.
5254	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
5255	893.135 (1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
5256	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
5257	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.





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5258	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
5259	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
5260	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
5261	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
5262	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
5263	893.135 (1) (n) 2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
5264	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding



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5265			\$100,000.
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
5266			
5267			
5268	(j) LEVEL 10		
5269			
	Florida Statute	Felony Degree	Description
5270	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
5271	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
5272	782.07 (3)	1st	Aggravated manslaughter of a child.
5273	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or



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5274			terrorize victim.
	787.01 (3) (a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
5275			
	787.06 (3) (g)	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.
5276			
	787.06 (4) (a)	Life	Selling or buying of minors into human trafficking.
5277			
	794.011 (3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
5278			
	812.135 (2) (a)	1st, PBL	Home-invasion robbery





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5304 shall be held in custody until brought before the court for  
5305 admittance to bail in accordance with chapter 903. A person who  
5306 willfully violates this paragraph commits a felony of the first  
5307 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
5308 775.084, and shall be sentenced to a mandatory minimum term of  
5309 imprisonment of 4 years. A person who willfully commits such a  
5310 violation while driving under the influence as set forth in s.  
5311 316.193(1) shall be sentenced to a mandatory minimum term of  
5312 imprisonment of 4 years.

5313 Section 84. For the purpose of incorporating the amendment  
5314 made by this act to section 322.34, Florida Statutes, in a  
5315 reference thereto, paragraph (c) of subsection (4) of section  
5316 907.041, Florida Statutes, is reenacted to read:

5317 907.041 Pretrial detention and release.—

5318 (4) PRETRIAL DETENTION.—

5319 (c) The court may order pretrial detention if it finds a  
5320 substantial probability, based on a defendant's past and present  
5321 patterns of behavior, the criteria in s. 903.046, and any other  
5322 relevant facts, that any of the following circumstances exist:

5323 1. The defendant has previously violated conditions of  
5324 release and that no further conditions of release are reasonably  
5325 likely to assure the defendant's appearance at subsequent  
5326 proceedings;

5327 2. The defendant, with the intent to obstruct the judicial  
5328 process, has threatened, intimidated, or injured any victim,  
5329 potential witness, juror, or judicial officer, or has attempted  
5330 or conspired to do so, and that no condition of release will  
5331 reasonably prevent the obstruction of the judicial process;

5332 3. The defendant is charged with trafficking in controlled



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5333 substances as defined by s. 893.135, that there is a substantial  
5334 probability that the defendant has committed the offense, and  
5335 that no conditions of release will reasonably assure the  
5336 defendant's appearance at subsequent criminal proceedings;

5337         4. The defendant is charged with DUI manslaughter, as  
5338 defined by s. 316.193, and that there is a substantial  
5339 probability that the defendant committed the crime and that the  
5340 defendant poses a threat of harm to the community; conditions  
5341 that would support a finding by the court pursuant to this  
5342 subparagraph that the defendant poses a threat of harm to the  
5343 community include, but are not limited to, any of the following:

5344             a. The defendant has previously been convicted of any crime  
5345 under s. 316.193, or of any crime in any other state or  
5346 territory of the United States that is substantially similar to  
5347 any crime under s. 316.193;

5348             b. The defendant was driving with a suspended driver  
5349 license when the charged crime was committed; or

5350             c. The defendant has previously been found guilty of, or  
5351 has had adjudication of guilt withheld for, driving while the  
5352 defendant's driver license was suspended or revoked in violation  
5353 of s. 322.34;

5354         5. The defendant poses the threat of harm to the community.  
5355 The court may so conclude, if it finds that the defendant is  
5356 presently charged with a dangerous crime, that there is a  
5357 substantial probability that the defendant committed such crime,  
5358 that the factual circumstances of the crime indicate a disregard  
5359 for the safety of the community, and that there are no  
5360 conditions of release reasonably sufficient to protect the  
5361 community from the risk of physical harm to persons;



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5362           6. The defendant was on probation, parole, or other release  
5363 pending completion of sentence or on pretrial release for a  
5364 dangerous crime at the time the current offense was committed;

5365           7. The defendant has violated one or more conditions of  
5366 pretrial release or bond for the offense currently before the  
5367 court and the violation, in the discretion of the court,  
5368 supports a finding that no conditions of release can reasonably  
5369 protect the community from risk of physical harm to persons or  
5370 assure the presence of the accused at trial; or

5371           8.a. The defendant has ever been sentenced pursuant to s.  
5372 775.082(9) or s. 775.084 as a prison releasee reoffender,  
5373 habitual violent felony offender, three-time violent felony  
5374 offender, or violent career criminal, or the state attorney  
5375 files a notice seeking that the defendant be sentenced pursuant  
5376 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
5377 habitual violent felony offender, three-time violent felony  
5378 offender, or violent career criminal;

5379           b. There is a substantial probability that the defendant  
5380 committed the offense; and

5381           c. There are no conditions of release that can reasonably  
5382 protect the community from risk of physical harm or ensure the  
5383 presence of the accused at trial.

5384           Section 85. For the purpose of incorporating the amendment  
5385 made by this act to section 509.151, Florida Statutes, in a  
5386 reference thereto, section 509.161, Florida Statutes, is  
5387 reenacted to read:

5388           509.161 Rules of evidence in prosecutions.—In prosecutions  
5389 under s. 509.151, proof that lodging, food, or other  
5390 accommodations were obtained by false pretense; by false or



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5391 fictitious show of baggage or other property; by absconding  
5392 without paying or offering to pay for such food, lodging, or  
5393 accommodations; or by surreptitiously removing or attempting to  
5394 remove baggage shall constitute prima facie evidence of  
5395 fraudulent intent. If the operator of the establishment has  
5396 probable cause to believe, and does believe, that any person has  
5397 obtained food, lodging, or other accommodations at such  
5398 establishment with intent to defraud the operator thereof, the  
5399 failure to make payment upon demand therefor, there being no  
5400 dispute as to the amount owed, shall constitute prima facie  
5401 evidence of fraudulent intent in such prosecutions.

5402 Section 86. For the purpose of incorporating the amendment  
5403 made by this act to section 784.048, Florida Statutes, in a  
5404 reference thereto, paragraph (c) of subsection (2) of section  
5405 790.065, Florida Statutes, is reenacted to read:

5406 790.065 Sale and delivery of firearms.—

5407 (2) Upon receipt of a request for a criminal history record  
5408 check, the Department of Law Enforcement shall, during the  
5409 licensee's call or by return call, forthwith:

5410 (c)1. Review any records available to it to determine  
5411 whether the potential buyer or transferee has been indicted or  
5412 has had an information filed against her or him for an offense  
5413 that is a felony under either state or federal law, or, as  
5414 mandated by federal law, has had an injunction for protection  
5415 against domestic violence entered against the potential buyer or  
5416 transferee under s. 741.30, has had an injunction for protection  
5417 against repeat violence entered against the potential buyer or  
5418 transferee under s. 784.046, or has been arrested for a  
5419 dangerous crime as specified in s. 907.041(4)(a) or for any of





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- 5420 the following enumerated offenses:
- 5421 a. Criminal anarchy under ss. 876.01 and 876.02.
  - 5422 b. Extortion under s. 836.05.
  - 5423 c. Explosives violations under s. 552.22(1) and (2).
  - 5424 d. Controlled substances violations under chapter 893.
  - 5425 e. Resisting an officer with violence under s. 843.01.
  - 5426 f. Weapons and firearms violations under this chapter.
  - 5427 g. Treason under s. 876.32.
  - 5428 h. Assisting self-murder under s. 782.08.
  - 5429 i. Sabotage under s. 876.38.
  - 5430 j. Stalking or aggravated stalking under s. 784.048.

5431  
5432 If the review indicates any such indictment, information, or  
5433 arrest, the department shall provide to the licensee a  
5434 conditional nonapproval number.

5435 2. Within 24 working hours, the department shall determine  
5436 the disposition of the indictment, information, or arrest and  
5437 inform the licensee as to whether the potential buyer is  
5438 prohibited from receiving or possessing a firearm. For purposes  
5439 of this paragraph, "working hours" means the hours from 8 a.m.  
5440 to 5 p.m. Monday through Friday, excluding legal holidays.

5441 3. The office of the clerk of court, at no charge to the  
5442 department, shall respond to any department request for data on  
5443 the disposition of the indictment, information, or arrest as  
5444 soon as possible, but in no event later than 8 working hours.

5445 4. The department shall determine as quickly as possible  
5446 within the allotted time period whether the potential buyer is  
5447 prohibited from receiving or possessing a firearm.

5448 5. If the potential buyer is not so prohibited, or if the



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5449 department cannot determine the disposition information within  
5450 the allotted time period, the department shall provide the  
5451 licensee with a conditional approval number.

5452 6. If the buyer is so prohibited, the conditional  
5453 nonapproval number shall become a nonapproval number.

5454 7. The department shall continue its attempts to obtain the  
5455 disposition information and may retain a record of all approval  
5456 numbers granted without sufficient disposition information. If  
5457 the department later obtains disposition information which  
5458 indicates:

5459 a. That the potential buyer is not prohibited from owning a  
5460 firearm, it shall treat the record of the transaction in  
5461 accordance with this section; or

5462 b. That the potential buyer is prohibited from owning a  
5463 firearm, it shall immediately revoke the conditional approval  
5464 number and notify local law enforcement.

5465 8. During the time that disposition of the indictment,  
5466 information, or arrest is pending and until the department is  
5467 notified by the potential buyer that there has been a final  
5468 disposition of the indictment, information, or arrest, the  
5469 conditional nonapproval number shall remain in effect.

5470 Section 87. For the purpose of incorporating the amendment  
5471 made by this act to section 784.048, Florida Statutes, in a  
5472 reference thereto, subsection (1) of section 794.056, Florida  
5473 Statutes, is reenacted to read:

5474 794.056 Rape Crisis Program Trust Fund.—

5475 (1) The Rape Crisis Program Trust Fund is created within  
5476 the Department of Health for the purpose of providing funds for  
5477 rape crisis centers in this state. Trust fund moneys shall be



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5478 used exclusively for the purpose of providing services for  
5479 victims of sexual assault. Funds credited to the trust fund  
5480 consist of those funds collected as an additional court  
5481 assessment in each case in which a defendant pleads guilty or  
5482 nolo contendere to, or is found guilty of, regardless of  
5483 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
5484 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
5485 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
5486 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
5487 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
5488 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
5489 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
5490 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
5491 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
5492 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
5493 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
5494 fund also shall include revenues provided by law, moneys  
5495 appropriated by the Legislature, and grants from public or  
5496 private entities.

5497 Section 88. For the purpose of incorporating the amendment  
5498 made by this act to section 784.048, Florida Statutes, in a  
5499 reference thereto, subsection (4) of section 847.0141, Florida  
5500 Statutes, is reenacted to read:

5501 847.0141 Sexting; prohibited acts; penalties.—

5502 (4) This section does not prohibit the prosecution of a  
5503 minor for a violation of any law of this state if the photograph  
5504 or video that depicts nudity also includes the depiction of  
5505 sexual conduct or sexual excitement, and does not prohibit the  
5506 prosecution of a minor for stalking under s. 784.048.



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5507           Section 89. For the purpose of incorporating the amendment  
5508 made by this act to section 784.048, Florida Statutes, in a  
5509 reference thereto, subsection (5) of section 901.41, Florida  
5510 Statutes, is reenacted to read:

5511           901.41 Prearrest diversion programs.—

5512           (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime  
5513 of domestic violence, as defined in s. 741.28, or a misdemeanor  
5514 under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048,  
5515 s. 784.0487, or s. 784.049 does not qualify for a civil citation  
5516 or prearrest diversion program.

5517           Section 90. For the purpose of incorporating the amendment  
5518 made by this act to section 784.048, Florida Statutes, in a  
5519 reference thereto, section 938.08, Florida Statutes, is  
5520 reenacted to read:

5521           938.08 Additional cost to fund programs in domestic  
5522 violence.—In addition to any sanction imposed for a violation of  
5523 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.  
5524 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.  
5525 784.083, s. 784.085, s. 794.011, or for any offense of domestic  
5526 violence described in s. 741.28, the court shall impose a  
5527 surcharge of \$201. Payment of the surcharge shall be a condition  
5528 of probation, community control, or any other court-ordered  
5529 supervision. The sum of \$85 of the surcharge shall be deposited  
5530 into the Domestic Violence Trust Fund established in s. 741.01.  
5531 The clerk of the court shall retain \$1 of each surcharge that  
5532 the clerk of the court collects as a service charge of the  
5533 clerk's office. The remainder of the surcharge shall be provided  
5534 to the governing board of the county and must be used only to  
5535 defray the costs of incarcerating persons sentenced under s.



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5536 741.283 and provide additional training to law enforcement  
5537 personnel in combating domestic violence.

5538 Section 91. For the purpose of incorporating the amendment  
5539 made by this act to section 784.048, Florida Statutes, in a  
5540 reference thereto, section 938.085, Florida Statutes, is  
5541 reenacted to read:

5542 938.085 Additional cost to fund rape crisis centers.—In  
5543 addition to any sanction imposed when a person pleads guilty or  
5544 nolo contendere to, or is found guilty of, regardless of  
5545 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
5546 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
5547 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
5548 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
5549 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
5550 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
5551 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
5552 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
5553 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
5554 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
5555 (14)(c); or s. 985.701(1), the court shall impose a surcharge of  
5556 \$151. Payment of the surcharge shall be a condition of  
5557 probation, community control, or any other court-ordered  
5558 supervision. The sum of \$150 of the surcharge shall be deposited  
5559 into the Rape Crisis Program Trust Fund established within the  
5560 Department of Health by chapter 2003-140, Laws of Florida. The  
5561 clerk of the court shall retain \$1 of each surcharge that the  
5562 clerk of the court collects as a service charge of the clerk's  
5563 office.

5564 Section 92. For the purpose of incorporating the amendment



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5565 made by this act to section 784.048, Florida Statutes, in a  
5566 reference thereto, paragraph (c) of subsection (8) of section  
5567 948.06, Florida Statutes, is reenacted to read:

5568 948.06 Violation of probation or community control;  
5569 revocation; modification; continuance; failure to pay  
5570 restitution or cost of supervision.—

5571 (8)

5572 (c) For purposes of this section, the term “qualifying  
5573 offense” means any of the following:

5574 1. Kidnapping or attempted kidnapping under s. 787.01,  
5575 false imprisonment of a child under the age of 13 under s.  
5576 787.02(3), or luring or enticing a child under s. 787.025(2) (b)  
5577 or (c).

5578 2. Murder or attempted murder under s. 782.04, attempted  
5579 felony murder under s. 782.051, or manslaughter under s. 782.07.

5580 3. Aggravated battery or attempted aggravated battery under  
5581 s. 784.045.

5582 4. Sexual battery or attempted sexual battery under s.  
5583 794.011(2), (3), (4), or (8) (b) or (c).

5584 5. Lewd or lascivious battery or attempted lewd or  
5585 lascivious battery under s. 800.04(4), lewd or lascivious  
5586 molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious  
5587 conduct under s. 800.04(6) (b), lewd or lascivious exhibition  
5588 under s. 800.04(7) (b), or lewd or lascivious exhibition on  
5589 computer under s. 847.0135(5) (b).

5590 6. Robbery or attempted robbery under s. 812.13, carjacking  
5591 or attempted carjacking under s. 812.133, or home invasion  
5592 robbery or attempted home invasion robbery under s. 812.135.

5593 7. Lewd or lascivious offense upon or in the presence of an



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5594 elderly or disabled person or attempted lewd or lascivious  
5595 offense upon or in the presence of an elderly or disabled person  
5596 under s. 825.1025.

5597 8. Sexual performance by a child or attempted sexual  
5598 performance by a child under s. 827.071.

5599 9. Computer pornography under s. 847.0135(2) or (3),  
5600 transmission of child pornography under s. 847.0137, or selling  
5601 or buying of minors under s. 847.0145.

5602 10. Poisoning food or water under s. 859.01.

5603 11. Abuse of a dead human body under s. 872.06.

5604 12. Any burglary offense or attempted burglary offense that  
5605 is either a first degree felony or second degree felony under s.  
5606 810.02(2) or (3).

5607 13. Arson or attempted arson under s. 806.01(1).

5608 14. Aggravated assault under s. 784.021.

5609 15. Aggravated stalking under s. 784.048(3), (4), (5), or  
5610 (7).

5611 16. Aircraft piracy under s. 860.16.

5612 17. Unlawful throwing, placing, or discharging of a  
5613 destructive device or bomb under s. 790.161(2), (3), or (4).

5614 18. Treason under s. 876.32.

5615 19. Any offense committed in another jurisdiction which  
5616 would be an offense listed in this paragraph if that offense had  
5617 been committed in this state.

5618 Section 93. For the purpose of incorporating the amendment  
5619 made by this act to section 784.048, Florida Statutes, in a  
5620 reference thereto, subsection (1) of section 948.062, Florida  
5621 Statutes, is reenacted to read:

5622 948.062 Reviewing and reporting serious offenses committed



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5623 by offenders placed on probation or community control.-

5624 (1) The department shall review the circumstances related  
5625 to an offender placed on probation or community control who has  
5626 been arrested while on supervision for the following offenses:

5627 (a) Any murder as provided in s. 782.04;

5628 (b) Any sexual battery as provided in s. 794.011 or s.  
5629 794.023;

5630 (c) Any sexual performance by a child as provided in s.  
5631 827.071;

5632 (d) Any kidnapping, false imprisonment, or luring of a  
5633 child as provided in s. 787.01, s. 787.02, or s. 787.025;

5634 (e) Any lewd and lascivious battery or lewd and lascivious  
5635 molestation as provided in s. 800.04(4) or (5);

5636 (f) Any aggravated child abuse as provided in s.  
5637 827.03(2) (a);

5638 (g) Any robbery with a firearm or other deadly weapon, home  
5639 invasion robbery, or carjacking as provided in s. 812.13(2) (a),  
5640 s. 812.135, or s. 812.133;

5641 (h) Any aggravated stalking as provided in s. 784.048(3),  
5642 (4), or (5);

5643 (i) Any forcible felony as provided in s. 776.08, committed  
5644 by a person on probation or community control who is designated  
5645 as a sexual predator; or

5646 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),  
5647 or vehicular or vessel homicide as provided in s. 782.071 or s.  
5648 782.072, committed by a person who is on probation or community  
5649 control for an offense involving death or injury resulting from  
5650 a driving incident.

5651 Section 94. For the purpose of incorporating the amendment





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5652 made by this act to section 784.048, Florida Statutes, in a  
5653 reference thereto, paragraph (b) of subsection (1) of section  
5654 960.001, Florida Statutes, is reenacted to read:

5655 960.001 Guidelines for fair treatment of victims and  
5656 witnesses in the criminal justice and juvenile justice systems.-

5657 (1) The Department of Legal Affairs, the state attorneys,  
5658 the Department of Corrections, the Department of Juvenile  
5659 Justice, the Florida Commission on Offender Review, the State  
5660 Courts Administrator and circuit court administrators, the  
5661 Department of Law Enforcement, and every sheriff's department,  
5662 police department, or other law enforcement agency as defined in  
5663 s. 943.10(4) shall develop and implement guidelines for the use  
5664 of their respective agencies, which guidelines are consistent  
5665 with the purposes of this act and s. 16(b), Art. I of the State  
5666 Constitution and are designed to implement s. 16(b), Art. I of  
5667 the State Constitution and to achieve the following objectives:

5668 (b) *Information for purposes of notifying victim or*  
5669 *appropriate next of kin of victim or other designated contact of*  
5670 *victim.*-In the case of a homicide, pursuant to chapter 782; or a  
5671 sexual offense, pursuant to chapter 794; or an attempted murder  
5672 or sexual offense, pursuant to chapter 777; or stalking,  
5673 pursuant to s. 784.048; or domestic violence, pursuant to s.  
5674 25.385:

5675 1. The arresting law enforcement officer or personnel of an  
5676 organization that provides assistance to a victim or to the  
5677 appropriate next of kin of the victim or other designated  
5678 contact must request that the victim or appropriate next of kin  
5679 of the victim or other designated contact complete a victim  
5680 notification card. However, the victim or appropriate next of



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5681 kin of the victim or other designated contact may choose not to  
5682 complete the victim notification card.

5683         2. Unless the victim or the appropriate next of kin of the  
5684 victim or other designated contact waives the option to complete  
5685 the victim notification card, a copy of the victim notification  
5686 card must be filed with the incident report or warrant in the  
5687 sheriff's office of the jurisdiction in which the incident  
5688 report or warrant originated. The notification card shall, at a  
5689 minimum, consist of:

- 5690             a. The name, address, and phone number of the victim; or
- 5691             b. The name, address, and phone number of the appropriate  
5692 next of kin of the victim; or
- 5693             c. The name, address, and telephone number of a designated  
5694 contact other than the victim or appropriate next of kin of the  
5695 victim; and
- 5696             d. Any relevant identification or case numbers assigned to  
5697 the case.

5698         3. The chief administrator, or a person designated by the  
5699 chief administrator, of a county jail, municipal jail, juvenile  
5700 detention facility, or residential commitment facility shall  
5701 make a reasonable attempt to notify the alleged victim or  
5702 appropriate next of kin of the alleged victim or other  
5703 designated contact within 4 hours following the release of the  
5704 defendant on bail or, in the case of a juvenile offender, upon  
5705 the release from residential detention or commitment. If the  
5706 chief administrator, or designee, is unable to contact the  
5707 alleged victim or appropriate next of kin of the alleged victim  
5708 or other designated contact by telephone, the chief  
5709 administrator, or designee, must send to the alleged victim or



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5710 appropriate next of kin of the alleged victim or other  
5711 designated contact a written notification of the defendant's  
5712 release.

5713 4. Unless otherwise requested by the victim or the  
5714 appropriate next of kin of the victim or other designated  
5715 contact, the information contained on the victim notification  
5716 card must be sent by the chief administrator, or designee, of  
5717 the appropriate facility to the subsequent correctional or  
5718 residential commitment facility following the sentencing and  
5719 incarceration of the defendant, and unless otherwise requested  
5720 by the victim or the appropriate next of kin of the victim or  
5721 other designated contact, he or she must be notified of the  
5722 release of the defendant from incarceration as provided by law.

5723 5. If the defendant was arrested pursuant to a warrant  
5724 issued or taken into custody pursuant to s. 985.101 in a  
5725 jurisdiction other than the jurisdiction in which the defendant  
5726 is being released, and the alleged victim or appropriate next of  
5727 kin of the alleged victim or other designated contact does not  
5728 waive the option for notification of release, the chief  
5729 correctional officer or chief administrator of the facility  
5730 releasing the defendant shall make a reasonable attempt to  
5731 immediately notify the chief correctional officer of the  
5732 jurisdiction in which the warrant was issued or the juvenile was  
5733 taken into custody pursuant to s. 985.101, and the chief  
5734 correctional officer of that jurisdiction shall make a  
5735 reasonable attempt to notify the alleged victim or appropriate  
5736 next of kin of the alleged victim or other designated contact,  
5737 as provided in this paragraph, that the defendant has been or  
5738 will be released.



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5739           Section 95. For the purpose of incorporating the amendment  
5740 made by this act to section 784.048, Florida Statutes, in a  
5741 reference thereto, paragraph (b) of subsection (3) of section  
5742 985.265, Florida Statutes, is reenacted to read:

5743           985.265 Detention transfer and release; education; adult  
5744 jails.—

5745           (3)

5746           (b) When a juvenile is released from secure detention or  
5747 transferred to nonsecure detention, detention staff shall  
5748 immediately notify the appropriate law enforcement agency,  
5749 school personnel, and victim if the juvenile is charged with  
5750 committing any of the following offenses or attempting to commit  
5751 any of the following offenses:

5752           1. Murder, under s. 782.04;

5753           2. Sexual battery, under chapter 794;

5754           3. Stalking, under s. 784.048; or

5755           4. Domestic violence, as defined in s. 741.28.

5756           Section 96. For the purpose of incorporating the amendment  
5757 made by this act to section 784.048, Florida Statutes, in a  
5758 reference thereto, paragraph (e) of subsection (3) of section  
5759 1006.147, Florida Statutes, is reenacted to read:

5760           1006.147 Bullying and harassment prohibited.—

5761           (3) For purposes of this section:

5762           (e) Definitions in s. 815.03 and the definition in s.  
5763 784.048(1)(d) relating to stalking are applicable to this  
5764 section.

5765           Section 97. For the purpose of incorporating the amendment  
5766 made by this act to section 806.13, Florida Statutes, in a  
5767 reference thereto, subsection (1) of section 316.0775, Florida



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5768 Statutes, is reenacted to read:

5769       316.0775 Interference with official traffic control devices  
5770 or railroad signs or signals.—

5771       (1) A person may not, without lawful authority, attempt to  
5772 or in fact alter, deface, injure, knock down, or remove any  
5773 official traffic control device or any railroad sign or signal  
5774 or any inscription, shield, or insignia thereon, or any other  
5775 part thereof. A violation of this subsection is a criminal  
5776 violation pursuant to s. 318.17 and shall be punishable as set  
5777 forth in s. 806.13 related to criminal mischief and graffiti,  
5778 beginning on or after July 1, 2000.

5779       Section 98. For the purpose of incorporating the amendment  
5780 made by this act to section 812.014, Florida Statutes, in a  
5781 reference thereto, subsection (10) of section 95.18, Florida  
5782 Statutes, is reenacted to read:

5783       95.18 Real property actions; adverse possession without  
5784 color of title.—

5785       (10) A person who occupies or attempts to occupy a  
5786 residential structure solely by claim of adverse possession  
5787 under this section and offers the property for lease to another  
5788 commits theft under s. 812.014.

5789       Section 99. For the purpose of incorporating the amendment  
5790 made by this act to section 812.014, Florida Statutes, in a  
5791 reference thereto, paragraph (c) of subsection (3) of section  
5792 373.6055, Florida Statutes, is reenacted to read:

5793       373.6055 Criminal history checks for certain water  
5794 management district employees and others.—

5795       (3)

5796       (c) In addition to other requirements for employment or



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5797 access established by any water management district pursuant to  
5798 its water management district's security plan for buildings,  
5799 facilities, and structures, each water management district's  
5800 security plan shall provide that:

5801 1. Any person who has within the past 7 years been  
5802 convicted, regardless of whether adjudication was withheld, for  
5803 a forcible felony as defined in s. 776.08; an act of terrorism  
5804 as defined in s. 775.30; planting of a hoax bomb as provided in  
5805 s. 790.165; any violation involving the manufacture, possession,  
5806 sale, delivery, display, use, or attempted or threatened use of  
5807 a weapon of mass destruction or hoax weapon of mass destruction  
5808 as provided in s. 790.166; dealing in stolen property; any  
5809 violation of s. 893.135; any violation involving the sale,  
5810 manufacturing, delivery, or possession with intent to sell,  
5811 manufacture, or deliver a controlled substance; burglary;  
5812 robbery; any felony violation of s. 812.014; any violation of s.  
5813 790.07; any crime an element of which includes use or possession  
5814 of a firearm; any conviction for any similar offenses under the  
5815 laws of another jurisdiction; or conviction for conspiracy to  
5816 commit any of the listed offenses may not be qualified for  
5817 initial employment within or authorized regular access to  
5818 buildings, facilities, or structures defined in the water  
5819 management district's security plan as restricted access areas.

5820 2. Any person who has at any time been convicted of any of  
5821 the offenses listed in subparagraph 1. may not be qualified for  
5822 initial employment within or authorized regular access to  
5823 buildings, facilities, or structures defined in the water  
5824 management district's security plan as restricted access areas  
5825 unless, after release from incarceration and any supervision



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5826 imposed as a sentence, the person remained free from a  
5827 subsequent conviction, regardless of whether adjudication was  
5828 withheld, for any of the listed offenses for a period of at  
5829 least 7 years prior to the employment or access date under  
5830 consideration.

5831 Section 100. For the purpose of incorporating the amendment  
5832 made by this act to section 812.014, Florida Statutes, in a  
5833 reference thereto, subsection (3) of section 400.9935, Florida  
5834 Statutes, is reenacted to read:

5835 400.9935 Clinic responsibilities.—

5836 (3) A charge or reimbursement claim made by or on behalf of  
5837 a clinic that is required to be licensed under this part but  
5838 that is not so licensed, or that is otherwise operating in  
5839 violation of this part, regardless of whether a service is  
5840 rendered or whether the charge or reimbursement claim is paid,  
5841 is an unlawful charge and is noncompensable and unenforceable. A  
5842 person who knowingly makes or causes to be made an unlawful  
5843 charge commits theft within the meaning of and punishable as  
5844 provided in s. 812.014.

5845 Section 101. For the purpose of incorporating the amendment  
5846 made by this act to section 812.014, Florida Statutes, in a  
5847 reference thereto, subsection (10) of section 550.6305, Florida  
5848 Statutes, is reenacted to read:

5849 550.6305 Intertrack wagering; guest track payments;  
5850 accounting rules.—

5851 (10) All races or games conducted at a permitholder's  
5852 facility, all broadcasts of such races or games, and all  
5853 broadcast rights relating thereto are owned by the permitholder  
5854 at whose facility such races or games are conducted and



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5855 constitute the permitholder's property as defined in s.  
5856 812.012(4). Transmission, reception of a transmission,  
5857 exhibition, use, or other appropriation of such races or games,  
5858 broadcasts of such races or games, or broadcast rights relating  
5859 thereto without the written consent of the permitholder  
5860 constitutes a theft of such property under s. 812.014; and in  
5861 addition to the penal sanctions contained in s. 812.014, the  
5862 permitholder has the right to avail itself of the civil remedies  
5863 specified in ss. 772.104, 772.11, and 812.035 in addition to any  
5864 other remedies available under applicable state or federal law.

5865 Section 102. For the purpose of incorporating the amendment  
5866 made by this act to section 812.014, Florida Statutes, in a  
5867 reference thereto, subsection (2) of section 627.743, Florida  
5868 Statutes, is reenacted to read:

5869 627.743 Payment of third-party claims.—

5870 (2) When making any payment on a third party claim for  
5871 damage to an automobile for a partial loss, the insurer shall  
5872 have printed on the loss estimate, if prepared by the insurer,  
5873 the following: "Failure to use the insurance proceeds in  
5874 accordance with the security agreement, if any, could be a  
5875 violation of s. 812.014, Florida Statutes. If you have any  
5876 questions, contact your lending institution." However, this  
5877 subsection does not apply if the insurer does not prepare the  
5878 loss estimate.

5879 Section 103. For the purpose of incorporating the amendment  
5880 made by this act to section 812.014, Florida Statutes, in a  
5881 reference thereto, subsection (2) of section 634.421, Florida  
5882 Statutes, is reenacted to read:

5883 634.421 Reporting and accounting for funds.—





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5884           (2) Any sales representative who, not being entitled  
5885 thereto, diverts or appropriates funds or any portion thereof to  
5886 her or his own use commits theft as provided in s. 812.014.

5887           Section 104. For the purpose of incorporating the amendment  
5888 made by this act to section 812.014, Florida Statutes, in a  
5889 reference thereto, subsection (2) of section 642.038, Florida  
5890 Statutes, is reenacted to read:

5891           642.038 Reporting and accounting for funds.—

5892           (2) Any sales representative who, not being entitled  
5893 thereto, diverts or appropriates such funds or any portion  
5894 thereof to his or her own use commits theft as provided in s.  
5895 812.014.

5896           Section 105. For the purpose of incorporating the amendment  
5897 made by this act to section 812.014, Florida Statutes, in a  
5898 reference thereto, subsection (4) of section 705.102, Florida  
5899 Statutes, is reenacted to read:

5900           705.102 Reporting lost or abandoned property.—

5901           (4) Any person who unlawfully appropriates such lost or  
5902 abandoned property to his or her own use or refuses to deliver  
5903 such property when required commits theft as defined in s.  
5904 812.014, punishable as provided in s. 775.082, s. 775.083, or s.  
5905 775.084.

5906           Section 106. For the purpose of incorporating the amendment  
5907 made by this act to section 812.014, Florida Statutes, in a  
5908 reference thereto, subsection (7) of section 812.14, Florida  
5909 Statutes, is reenacted to read:

5910           812.14 Trespass and larceny with relation to utility  
5911 fixtures; theft of utility services.—

5912           (7) An owner, lessor, or sublessor who willfully violates



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5913 subsection (5) commits a misdemeanor of the first degree,  
5914 punishable as provided in s. 775.082 or s. 775.083. Prosecution  
5915 for a violation of subsection (5) does not preclude prosecution  
5916 for theft pursuant to subsection (8) or s. 812.014.

5917 Section 107. For the purpose of incorporating the amendment  
5918 made by this act to section 812.014, Florida Statutes, in a  
5919 reference thereto, subsection (3) of section 893.138, Florida  
5920 Statutes, is reenacted to read:

5921 893.138 Local administrative action to abate drug-related,  
5922 prostitution-related, or stolen-property-related public  
5923 nuisances and criminal gang activity.-

5924 (3) Any pain-management clinic, as described in s. 458.3265  
5925 or s. 459.0137, which has been used on more than two occasions  
5926 within a 6-month period as the site of a violation of:

5927 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,  
5928 relating to assault and battery;

5929 (b) Section 810.02, relating to burglary;

5930 (c) Section 812.014, relating to theft;

5931 (d) Section 812.131, relating to robbery by sudden  
5932 snatching; or

5933 (e) Section 893.13, relating to the unlawful distribution  
5934 of controlled substances,

5935  
5936 may be declared to be a public nuisance, and such nuisance may  
5937 be abated pursuant to the procedures provided in this section.

5938 Section 108. For the purpose of incorporating the amendment  
5939 made by this act to section 812.015, Florida Statutes, in a  
5940 reference thereto, subsection (5) of section 538.09, Florida  
5941 Statutes, is reenacted to read:



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5942           538.09 Registration.—

5943           (5) In addition to the fine provided in subsection (4),  
5944 registration under this section may be denied or any  
5945 registration granted may be revoked, restricted, or suspended by  
5946 the department if the department determines that the applicant  
5947 or registrant:

5948           (a) Has violated any provision of this chapter or any rule  
5949 or order made pursuant to this chapter;

5950           (b) Has made a material false statement in the application  
5951 for registration;

5952           (c) Has been guilty of a fraudulent act in connection with  
5953 any purchase or sale or has been or is engaged in or is about to  
5954 engage in any practice, purchase, or sale which is fraudulent or  
5955 in violation of the law;

5956           (d) Has made a misrepresentation or false statement to, or  
5957 concealed any essential or material fact from, any person in  
5958 making any purchase or sale;

5959           (e) Is making purchases or sales through any business  
5960 associate not registered in compliance with the provisions of  
5961 this chapter;

5962           (f) Has, within the preceding 10-year period for new  
5963 registrants who apply for registration on or after October 1,  
5964 2006, been convicted of, or has entered a plea of guilty or nolo  
5965 contendere to, or had adjudication withheld for, a crime against  
5966 the laws of this state or any other state or of the United  
5967 States which relates to registration as a secondhand dealer or  
5968 which involves theft, larceny, dealing in stolen property,  
5969 receiving stolen property, burglary, embezzlement, obtaining  
5970 property by false pretenses, possession of altered property, any



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5971 felony drug offense, any violation of s. 812.015, or any  
5972 fraudulent dealing;

5973 (g) Has had a final judgment entered against her or him in  
5974 a civil action upon grounds of fraud, embezzlement,  
5975 misrepresentation, or deceit; or

5976 (h) Has failed to pay any sales tax owed to the Department  
5977 of Revenue.

5978

5979 In the event the department determines to deny an application or  
5980 revoke a registration, it shall enter a final order with its  
5981 findings on the register of secondhand dealers and their  
5982 business associates, if any; and denial, suspension, or  
5983 revocation of the registration of a secondhand dealer shall also  
5984 deny, suspend, or revoke the registration of such secondhand  
5985 dealer's business associates.

5986 Section 109. For the purpose of incorporating the amendment  
5987 made by this act to section 812.015, Florida Statutes, in a  
5988 reference thereto, subsection (2) of section 538.23, Florida  
5989 Statutes, is reenacted to read:

5990 538.23 Violations and penalties.—

5991 (2) A secondary metals recycler is presumed to know upon  
5992 receipt of stolen regulated metals property in a purchase  
5993 transaction that the regulated metals property has been stolen  
5994 from another if the secondary metals recycler knowingly and  
5995 intentionally fails to maintain the information required in s.  
5996 538.19 and shall, upon conviction of a violation of s. 812.015,  
5997 be punished as provided in s. 812.014(2) or (3).

5998 Section 110. For the purpose of incorporating the amendment  
5999 made by this act to section 815.03, Florida Statutes, in a



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6000 reference thereto, paragraph (e) of subsection (3) of section  
6001 1006.147, Florida Statutes, is reenacted to read:

6002 1006.147 Bullying and harassment prohibited.—

6003 (3) For purposes of this section:

6004 (e) Definitions in s. 815.03 and the definition in s.  
6005 784.048(1)(d) relating to stalking are applicable to this  
6006 section.

6007 Section 111. For the purpose of incorporating the amendment  
6008 made by this act to section 815.06, Florida Statutes, in a  
6009 reference thereto, subsection (2) of section 316.80, Florida  
6010 Statutes, is reenacted to read:

6011 316.80 Unlawful conveyance of fuel; obtaining fuel  
6012 fraudulently.—

6013 (2) A person who violates subsection (1) commits a felony  
6014 of the second degree, punishable as provided in s. 775.082, s.  
6015 775.083, or s. 775.084, if he or she has attempted to or has  
6016 fraudulently obtained motor or diesel fuel by:

6017 (a) Presenting a credit card or a credit card account  
6018 number in violation of ss. 817.57-817.685;

6019 (b) Using unauthorized access to any computer network in  
6020 violation of s. 815.06; or

6021 (c) Using a fraudulently scanned or lost or stolen payment  
6022 access device, whether credit card or contactless device.

6023 Section 112. For the purpose of incorporating the amendment  
6024 made by this act to section 815.06, Florida Statutes, in  
6025 references thereto, subsections (1) and (2) of section 775.30,  
6026 Florida Statutes, are reenacted to read:

6027 775.30 Terrorism; defined; penalties.—

6028 (1) As used in this chapter and the Florida Criminal Code,



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6029 the terms "terrorism" or "terrorist activity" mean an activity  
6030 that:

6031 (a) Involves:

6032 1. A violent act or an act dangerous to human life which is  
6033 a violation of the criminal laws of this state or of the United  
6034 States; or

6035 2. A violation of s. 815.06; and

6036 (b) Is intended to:

6037 1. Intimidate, injure, or coerce a civilian population;

6038 2. Influence the policy of a government by intimidation or  
6039 coercion; or

6040 3. Affect the conduct of government through destruction of  
6041 property, assassination, murder, kidnapping, or aircraft piracy.

6042 (2) A person who violates s. 782.04(1)(a)1. or (2), s.  
6043 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.  
6044 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,  
6045 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.  
6046 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.  
6047 859.01, or s. 876.34, in furtherance of intimidating or coercing  
6048 the policy of a government, or in furtherance of affecting the  
6049 conduct of a government by mass destruction, assassination, or  
6050 kidnapping, commits the crime of terrorism, a felony of the  
6051 first degree, punishable as provided in s. 775.082, s. 775.083,  
6052 or s. 775.084.

6053 Section 113. For the purpose of incorporating the amendment  
6054 made by this act to section 815.06, Florida Statutes, in a  
6055 reference thereto, subsection (2) of section 775.33, Florida  
6056 Statutes, is reenacted to read:

6057 775.33 Providing material support or resources for



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6058 terrorism or to terrorist organizations.—

6059 (2) A person commits a felony of the first degree,  
6060 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
6061 if the person:

6062 (a) Provides material support or resources or conceals or  
6063 disguises the nature, location, source, or ownership of the  
6064 material support or resources, knowing or intending that the  
6065 support or resources are to be used in preparation for or in  
6066 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.  
6067 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.  
6068 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,  
6069 s. 876.34, or s. 876.36;

6070 (b) Conceals an escape from the commission of a violation  
6071 of paragraph (a); or

6072 (c) Attempts or conspires to commit a violation of  
6073 paragraph (a).

6074 Section 114. For the purpose of incorporating the amendment  
6075 made by this act to section 815.06, Florida Statutes, in a  
6076 reference thereto, subsection (5) of section 782.04, Florida  
6077 Statutes, is reenacted to read:

6078 782.04 Murder.—

6079 (5) As used in this section, the term "terrorism" means an  
6080 activity that:

6081 (a)1. Involves a violent act or an act dangerous to human  
6082 life which is a violation of the criminal laws of this state or  
6083 of the United States; or

6084 2. Involves a violation of s. 815.06; and

6085 (b) Is intended to:

6086 1. Intimidate, injure, or coerce a civilian population;



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6087           2. Influence the policy of a government by intimidation or  
6088 coercion; or

6089           3. Affect the conduct of government through destruction of  
6090 property, assassination, murder, kidnapping, or aircraft piracy.

6091           Section 115. For the purpose of incorporating the amendment  
6092 made by this act to section 815.06, Florida Statutes, in a  
6093 reference thereto, subsection (3) of section 934.07, Florida  
6094 Statutes, is reenacted to read:

6095           934.07 Authorization for interception of wire, oral, or  
6096 electronic communications.—

6097           (3) As used in this section, the term "terrorism" means an  
6098 activity that:

6099           (a)1. Involves a violent act or an act dangerous to human  
6100 life which is a violation of the criminal laws of this state or  
6101 of the United States; or

6102           2. Involves a violation of s. 815.06; and

6103           (b) Is intended to:

6104           1. Intimidate, injure, or coerce a civilian population;

6105           2. Influence the policy of a government by intimidation or  
6106 coercion; or

6107           3. Affect the conduct of government through destruction of  
6108 property, assassination, murder, kidnapping, or aircraft piracy.

6109           Section 116. For the purpose of incorporating the amendment  
6110 made by this act to section 849.01, Florida Statutes, in a  
6111 reference thereto, section 849.02, Florida Statutes, is  
6112 reenacted to read:

6113           849.02 Agents or employees of keeper of gambling house.—

6114           Whoever acts as servant, clerk, agent, or employee of any person  
6115 in the violation of s. 849.01 shall be punished in the manner





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6116 and to the extent therein mentioned.

6117 Section 117. For the purpose of incorporating the amendment  
6118 made by this act to section 893.135, Florida Statutes, in a  
6119 reference thereto, paragraph (c) of subsection (3) of section  
6120 373.6055, Florida Statutes, is reenacted to read:

6121 373.6055 Criminal history checks for certain water  
6122 management district employees and others.-

6123 (3)

6124 (c) In addition to other requirements for employment or  
6125 access established by any water management district pursuant to  
6126 its water management district's security plan for buildings,  
6127 facilities, and structures, each water management district's  
6128 security plan shall provide that:

6129 1. Any person who has within the past 7 years been  
6130 convicted, regardless of whether adjudication was withheld, for  
6131 a forcible felony as defined in s. 776.08; an act of terrorism  
6132 as defined in s. 775.30; planting of a hoax bomb as provided in  
6133 s. 790.165; any violation involving the manufacture, possession,  
6134 sale, delivery, display, use, or attempted or threatened use of  
6135 a weapon of mass destruction or hoax weapon of mass destruction  
6136 as provided in s. 790.166; dealing in stolen property; any  
6137 violation of s. 893.135; any violation involving the sale,  
6138 manufacturing, delivery, or possession with intent to sell,  
6139 manufacture, or deliver a controlled substance; burglary;  
6140 robbery; any felony violation of s. 812.014; any violation of s.  
6141 790.07; any crime an element of which includes use or possession  
6142 of a firearm; any conviction for any similar offenses under the  
6143 laws of another jurisdiction; or conviction for conspiracy to  
6144 commit any of the listed offenses may not be qualified for



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6145 initial employment within or authorized regular access to  
6146 buildings, facilities, or structures defined in the water  
6147 management district's security plan as restricted access areas.

6148 2. Any person who has at any time been convicted of any of  
6149 the offenses listed in subparagraph 1. may not be qualified for  
6150 initial employment within or authorized regular access to  
6151 buildings, facilities, or structures defined in the water  
6152 management district's security plan as restricted access areas  
6153 unless, after release from incarceration and any supervision  
6154 imposed as a sentence, the person remained free from a  
6155 subsequent conviction, regardless of whether adjudication was  
6156 withheld, for any of the listed offenses for a period of at  
6157 least 7 years prior to the employment or access date under  
6158 consideration.

6159 Section 118. For the purpose of incorporating the amendment  
6160 made by this act to section 893.135, Florida Statutes, in a  
6161 reference thereto, subsection (6) of section 397.4073, Florida  
6162 Statutes, is reenacted to read:

6163 397.4073 Background checks of service provider personnel.—

6164 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State  
6165 funds may not be disseminated to any service provider owned or  
6166 operated by an owner, director, or chief financial officer who  
6167 has been convicted of, has entered a plea of guilty or nolo  
6168 contendere to, or has had adjudication withheld for, a violation  
6169 of s. 893.135 pertaining to trafficking in controlled  
6170 substances, or a violation of the law of another state, the  
6171 District of Columbia, the United States or any possession or  
6172 territory thereof, or any foreign jurisdiction which is  
6173 substantially similar in elements and penalties to a trafficking



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6174 offense in this state, unless the owner's or director's civil  
6175 rights have been restored.

6176 Section 119. For the purpose of incorporating the amendment  
6177 made by this act to section 893.135, Florida Statutes, in a  
6178 reference thereto, subsection (1) of section 414.095, Florida  
6179 Statutes, is reenacted to read:

6180 414.095 Determining eligibility for temporary cash  
6181 assistance.—

6182 (1) ELIGIBILITY.—An applicant must meet eligibility  
6183 requirements of this section before receiving services or  
6184 temporary cash assistance under this chapter, except that an  
6185 applicant shall be required to register for work and engage in  
6186 work activities in accordance with s. 445.024, as designated by  
6187 the local workforce development board, and may receive support  
6188 services or child care assistance in conjunction with such  
6189 requirement. The department shall make a determination of  
6190 eligibility based on the criteria listed in this chapter. The  
6191 department shall monitor continued eligibility for temporary  
6192 cash assistance through periodic reviews consistent with the  
6193 food assistance eligibility process. Benefits may not be denied  
6194 to an individual solely based on a felony drug conviction,  
6195 unless the conviction is for trafficking pursuant to s. 893.135.  
6196 To be eligible under this section, an individual convicted of a  
6197 drug felony must be satisfactorily meeting the requirements of  
6198 the temporary cash assistance program, including all substance  
6199 abuse treatment requirements. Within the limits specified in  
6200 this chapter, the state opts out of the provision of Pub. L. No.  
6201 104-193, s. 115, that eliminates eligibility for temporary cash  
6202 assistance and food assistance for any individual convicted of a



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6203 controlled substance felony.

6204 Section 120. For the purpose of incorporating the amendment  
6205 made by this act to section 893.135, Florida Statutes, in a  
6206 reference thereto, subsection (2) of section 772.12, Florida  
6207 Statutes, is reenacted to read:

6208 772.12 Drug Dealer Liability Act.—

6209 (2) A person, including any governmental entity, has a  
6210 cause of action for threefold the actual damages sustained and  
6211 is entitled to minimum damages in the amount of \$1,000 and  
6212 reasonable attorney's fees and court costs in the trial and  
6213 appellate courts, if the person proves by the greater weight of  
6214 the evidence that:

6215 (a) The person was injured because of the defendant's  
6216 actions that resulted in the defendant's conviction for:

- 6217 1. A violation of s. 893.13, except for a violation of s.  
6218 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or  
6219 2. A violation of s. 893.135; and

6220 (b) The person was not injured by reason of his or her  
6221 participation in the same act or transaction that resulted in  
6222 the defendant's conviction for any offense described in  
6223 subparagraph (a)1.

6224 Section 121. For the purpose of incorporating the amendment  
6225 made by this act to section 893.135, Florida Statutes, in  
6226 references thereto, paragraph (a) of subsection (2) and  
6227 paragraph (a) of subsection (3) of section 775.087, Florida  
6228 Statutes, are reenacted to read:

6229 775.087 Possession or use of weapon; aggravated battery;  
6230 felony reclassification; minimum sentence.—

6231 (2)(a)1. Any person who is convicted of a felony or an



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6232 attempt to commit a felony, regardless of whether the use of a  
6233 weapon is an element of the felony, and the conviction was for:  
6234 a. Murder;  
6235 b. Sexual battery;  
6236 c. Robbery;  
6237 d. Burglary;  
6238 e. Arson;  
6239 f. Aggravated battery;  
6240 g. Kidnapping;  
6241 h. Escape;  
6242 i. Aircraft piracy;  
6243 j. Aggravated child abuse;  
6244 k. Aggravated abuse of an elderly person or disabled adult;  
6245 l. Unlawful throwing, placing, or discharging of a  
6246 destructive device or bomb;  
6247 m. Carjacking;  
6248 n. Home-invasion robbery;  
6249 o. Aggravated stalking;  
6250 p. Trafficking in cannabis, trafficking in cocaine, capital  
6251 importation of cocaine, trafficking in illegal drugs, capital  
6252 importation of illegal drugs, trafficking in phencyclidine,  
6253 capital importation of phencyclidine, trafficking in  
6254 methaqualone, capital importation of methaqualone, trafficking  
6255 in amphetamine, capital importation of amphetamine, trafficking  
6256 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
6257 (GHB), trafficking in 1,4-Butanediol, trafficking in  
6258 Phenethylamines, or other violation of s. 893.135(1); or  
6259 q. Possession of a firearm by a felon  
6260



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6261 and during the commission of the offense, such person actually  
6262 possessed a "firearm" or "destructive device" as those terms are  
6263 defined in s. 790.001, shall be sentenced to a minimum term of  
6264 imprisonment of 10 years, except that a person who is convicted  
6265 for possession of a firearm by a felon or burglary of a  
6266 conveyance shall be sentenced to a minimum term of imprisonment  
6267 of 3 years if such person possessed a "firearm" or "destructive  
6268 device" during the commission of the offense. However, if an  
6269 offender who is convicted of the offense of possession of a  
6270 firearm by a felon has a previous conviction of committing or  
6271 attempting to commit a felony listed in s. 775.084(1)(b)1. and  
6272 actually possessed a firearm or destructive device during the  
6273 commission of the prior felony, the offender shall be sentenced  
6274 to a minimum term of imprisonment of 10 years.

6275 2. Any person who is convicted of a felony or an attempt to  
6276 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
6277 regardless of whether the use of a weapon is an element of the  
6278 felony, and during the course of the commission of the felony  
6279 such person discharged a "firearm" or "destructive device" as  
6280 defined in s. 790.001 shall be sentenced to a minimum term of  
6281 imprisonment of 20 years.

6282 3. Any person who is convicted of a felony or an attempt to  
6283 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
6284 regardless of whether the use of a weapon is an element of the  
6285 felony, and during the course of the commission of the felony  
6286 such person discharged a "firearm" or "destructive device" as  
6287 defined in s. 790.001 and, as the result of the discharge, death  
6288 or great bodily harm was inflicted upon any person, the  
6289 convicted person shall be sentenced to a minimum term of



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6290 imprisonment of not less than 25 years and not more than a term  
6291 of imprisonment of life in prison.

6292 (3) (a) 1. Any person who is convicted of a felony or an  
6293 attempt to commit a felony, regardless of whether the use of a  
6294 firearm is an element of the felony, and the conviction was for:

- 6295 a. Murder;
- 6296 b. Sexual battery;
- 6297 c. Robbery;
- 6298 d. Burglary;
- 6299 e. Arson;
- 6300 f. Aggravated battery;
- 6301 g. Kidnapping;
- 6302 h. Escape;
- 6303 i. Sale, manufacture, delivery, or intent to sell,  
6304 manufacture, or deliver any controlled substance;
- 6305 j. Aircraft piracy;
- 6306 k. Aggravated child abuse;
- 6307 l. Aggravated abuse of an elderly person or disabled adult;
- 6308 m. Unlawful throwing, placing, or discharging of a  
6309 destructive device or bomb;
- 6310 n. Carjacking;
- 6311 o. Home-invasion robbery;
- 6312 p. Aggravated stalking; or
- 6313 q. Trafficking in cannabis, trafficking in cocaine, capital  
6314 importation of cocaine, trafficking in illegal drugs, capital  
6315 importation of illegal drugs, trafficking in phencyclidine,  
6316 capital importation of phencyclidine, trafficking in  
6317 methaqualone, capital importation of methaqualone, trafficking  
6318 in amphetamine, capital importation of amphetamine, trafficking



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6319 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
6320 (GHB), trafficking in 1,4-Butanediol, trafficking in  
6321 Phenethylamines, or other violation of s. 893.135(1);

6322  
6323 and during the commission of the offense, such person possessed  
6324 a semiautomatic firearm and its high-capacity detachable box  
6325 magazine or a machine gun as defined in s. 790.001, shall be  
6326 sentenced to a minimum term of imprisonment of 15 years.

6327         2. Any person who is convicted of a felony or an attempt to  
6328 commit a felony listed in subparagraph (a)1., regardless of  
6329 whether the use of a weapon is an element of the felony, and  
6330 during the course of the commission of the felony such person  
6331 discharged a semiautomatic firearm and its high-capacity box  
6332 magazine or a "machine gun" as defined in s. 790.001 shall be  
6333 sentenced to a minimum term of imprisonment of 20 years.

6334         3. Any person who is convicted of a felony or an attempt to  
6335 commit a felony listed in subparagraph (a)1., regardless of  
6336 whether the use of a weapon is an element of the felony, and  
6337 during the course of the commission of the felony such person  
6338 discharged a semiautomatic firearm and its high-capacity box  
6339 magazine or a "machine gun" as defined in s. 790.001 and, as the  
6340 result of the discharge, death or great bodily harm was  
6341 inflicted upon any person, the convicted person shall be  
6342 sentenced to a minimum term of imprisonment of not less than 25  
6343 years and not more than a term of imprisonment of life in  
6344 prison.

6345         Section 122. For the purpose of incorporating the amendment  
6346 made by this act to section 893.135, Florida Statutes, in  
6347 references thereto, paragraph (a) of subsection (1) and





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6348 subsections (3) and (4) of section 782.04, Florida Statutes, are  
6349 reenacted to read:

6350 782.04 Murder.—

6351 (1)(a) The unlawful killing of a human being:

6352 1. When perpetrated from a premeditated design to effect  
6353 the death of the person killed or any human being;

6354 2. When committed by a person engaged in the perpetration  
6355 of, or in the attempt to perpetrate, any:

6356 a. Trafficking offense prohibited by s. 893.135(1),

6357 b. Arson,

6358 c. Sexual battery,

6359 d. Robbery,

6360 e. Burglary,

6361 f. Kidnapping,

6362 g. Escape,

6363 h. Aggravated child abuse,

6364 i. Aggravated abuse of an elderly person or disabled adult,

6365 j. Aircraft piracy,

6366 k. Unlawful throwing, placing, or discharging of a

6367 destructive device or bomb,

6368 l. Carjacking,

6369 m. Home-invasion robbery,

6370 n. Aggravated stalking,

6371 o. Murder of another human being,

6372 p. Resisting an officer with violence to his or her person,

6373 q. Aggravated fleeing or eluding with serious bodily injury

6374 or death,

6375 r. Felony that is an act of terrorism or is in furtherance

6376 of an act of terrorism, including a felony under s. 775.30, s.



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6377 775.32, s. 775.33, s. 775.34, or s. 775.35, or  
6378 s. Human trafficking; or  
6379 3. Which resulted from the unlawful distribution by a  
6380 person 18 years of age or older of any of the following  
6381 substances, or mixture containing any of the following  
6382 substances, when such substance or mixture is proven to be the  
6383 proximate cause of the death of the user:  
6384 a. A substance controlled under s. 893.03(1);  
6385 b. Cocaine, as described in s. 893.03(2)(a)4.;  
6386 c. Opium or any synthetic or natural salt, compound,  
6387 derivative, or preparation of opium;  
6388 d. Methadone;  
6389 e. Alfentanil, as described in s. 893.03(2)(b)1.;  
6390 f. Carfentanil, as described in s. 893.03(2)(b)6.;  
6391 g. Fentanyl, as described in s. 893.03(2)(b)9.;  
6392 h. Sufentanil, as described in s. 893.03(2)(b)30.; or  
6393 i. A controlled substance analog, as described in s.  
6394 893.0356, of any substance specified in sub-subparagraphs a.-h.,  
6395  
6396 is murder in the first degree and constitutes a capital felony,  
6397 punishable as provided in s. 775.082.  
6398 (3) When a human being is killed during the perpetration  
6399 of, or during the attempt to perpetrate, any:  
6400 (a) Trafficking offense prohibited by s. 893.135(1),  
6401 (b) Arson,  
6402 (c) Sexual battery,  
6403 (d) Robbery,  
6404 (e) Burglary,  
6405 (f) Kidnapping,



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6406 (g) Escape,  
6407 (h) Aggravated child abuse,  
6408 (i) Aggravated abuse of an elderly person or disabled  
6409 adult,  
6410 (j) Aircraft piracy,  
6411 (k) Unlawful throwing, placing, or discharging of a  
6412 destructive device or bomb,  
6413 (l) Carjacking,  
6414 (m) Home-invasion robbery,  
6415 (n) Aggravated stalking,  
6416 (o) Murder of another human being,  
6417 (p) Aggravated fleeing or eluding with serious bodily  
6418 injury or death,  
6419 (q) Resisting an officer with violence to his or her  
6420 person, or  
6421 (r) Felony that is an act of terrorism or is in furtherance  
6422 of an act of terrorism, including a felony under s. 775.30, s.  
6423 775.32, s. 775.33, s. 775.34, or s. 775.35,  
6424  
6425 by a person other than the person engaged in the perpetration of  
6426 or in the attempt to perpetrate such felony, the person  
6427 perpetrating or attempting to perpetrate such felony commits  
6428 murder in the second degree, which constitutes a felony of the  
6429 first degree, punishable by imprisonment for a term of years not  
6430 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
6431 775.084.  
6432 (4) The unlawful killing of a human being, when perpetrated  
6433 without any design to effect death, by a person engaged in the  
6434 perpetration of, or in the attempt to perpetrate, any felony



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- 6435 other than any:
- 6436 (a) Trafficking offense prohibited by s. 893.135(1),
  - 6437 (b) Arson,
  - 6438 (c) Sexual battery,
  - 6439 (d) Robbery,
  - 6440 (e) Burglary,
  - 6441 (f) Kidnapping,
  - 6442 (g) Escape,
  - 6443 (h) Aggravated child abuse,
  - 6444 (i) Aggravated abuse of an elderly person or disabled
  - 6445 adult,
  - 6446 (j) Aircraft piracy,
  - 6447 (k) Unlawful throwing, placing, or discharging of a
  - 6448 destructive device or bomb,
  - 6449 (l) Unlawful distribution of any substance controlled under
  - 6450 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
  - 6451 opium or any synthetic or natural salt, compound, derivative, or
  - 6452 preparation of opium by a person 18 years of age or older, when
  - 6453 such drug is proven to be the proximate cause of the death of
  - 6454 the user,
  - 6455 (m) Carjacking,
  - 6456 (n) Home-invasion robbery,
  - 6457 (o) Aggravated stalking,
  - 6458 (p) Murder of another human being,
  - 6459 (q) Aggravated fleeing or eluding with serious bodily
  - 6460 injury or death,
  - 6461 (r) Resisting an officer with violence to his or her
  - 6462 person, or
  - 6463 (s) Felony that is an act of terrorism or is in furtherance



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6464 of an act of terrorism, including a felony under s. 775.30, s.  
6465 775.32, s. 775.33, s. 775.34, or s. 775.35,

6466  
6467 is murder in the third degree and constitutes a felony of the  
6468 second degree, punishable as provided in s. 775.082, s. 775.083,  
6469 or s. 775.084.

6470 Section 123. For the purpose of incorporating the amendment  
6471 made by this act to section 893.135, Florida Statutes, in a  
6472 reference thereto, subsection (3) of section 810.02, Florida  
6473 Statutes, is reenacted to read:

6474 810.02 Burglary.—

6475 (3) Burglary is a felony of the second degree, punishable  
6476 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
6477 course of committing the offense, the offender does not make an  
6478 assault or battery and is not and does not become armed with a  
6479 dangerous weapon or explosive, and the offender enters or  
6480 remains in a:

6481 (a) Dwelling, and there is another person in the dwelling  
6482 at the time the offender enters or remains;

6483 (b) Dwelling, and there is not another person in the  
6484 dwelling at the time the offender enters or remains;

6485 (c) Structure, and there is another person in the structure  
6486 at the time the offender enters or remains;

6487 (d) Conveyance, and there is another person in the  
6488 conveyance at the time the offender enters or remains;

6489 (e) Authorized emergency vehicle, as defined in s. 316.003;  
6490 or

6491 (f) Structure or conveyance when the offense intended to be  
6492 committed therein is theft of a controlled substance as defined



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6493 in s. 893.02. Notwithstanding any other law, separate judgments  
6494 and sentences for burglary with the intent to commit theft of a  
6495 controlled substance under this paragraph and for any applicable  
6496 possession of controlled substance offense under s. 893.13 or  
6497 trafficking in controlled substance offense under s. 893.135 may  
6498 be imposed when all such offenses involve the same amount or  
6499 amounts of a controlled substance.

6500  
6501 However, if the burglary is committed within a county that is  
6502 subject to a state of emergency declared by the Governor under  
6503 chapter 252 after the declaration of emergency is made and the  
6504 perpetration of the burglary is facilitated by conditions  
6505 arising from the emergency, the burglary is a felony of the  
6506 first degree, punishable as provided in s. 775.082, s. 775.083,  
6507 or s. 775.084. As used in this subsection, the term "conditions  
6508 arising from the emergency" means civil unrest, power outages,  
6509 curfews, voluntary or mandatory evacuations, or a reduction in  
6510 the presence of or response time for first responders or  
6511 homeland security personnel. A person arrested for committing a  
6512 burglary within a county that is subject to such a state of  
6513 emergency may not be released until the person appears before a  
6514 committing magistrate at a first appearance hearing. For  
6515 purposes of sentencing under chapter 921, a felony offense that  
6516 is reclassified under this subsection is ranked one level above  
6517 the ranking under s. 921.0022 or s. 921.0023 of the offense  
6518 committed.

6519 Section 124. For the purpose of incorporating the amendment  
6520 made by this act to section 893.135, Florida Statutes, in a  
6521 reference thereto, paragraph (d) of subsection (8) of section



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6522 893.13, Florida Statutes, is reenacted to read:

6523 893.13 Prohibited acts; penalties.—

6524 (8)

6525 (d) Notwithstanding paragraph (c), if a prescribing  
6526 practitioner has violated paragraph (a) and received \$1,000 or  
6527 more in payment for writing one or more prescriptions or, in the  
6528 case of a prescription written for a controlled substance  
6529 described in s. 893.135, has written one or more prescriptions  
6530 for a quantity of a controlled substance which, individually or  
6531 in the aggregate, meets the threshold for the offense of  
6532 trafficking in a controlled substance under s. 893.135, the  
6533 violation is reclassified as a felony of the second degree and  
6534 ranked in level 4 of the Criminal Punishment Code.

6535 Section 125. For the purpose of incorporating the amendment  
6536 made by this act to section 893.135, Florida Statutes, in  
6537 references thereto, subsections (1) and (2) of section 893.1351,  
6538 Florida Statutes, are reenacted to read:

6539 893.1351 Ownership, lease, rental, or possession for  
6540 trafficking in or manufacturing a controlled substance.—

6541 (1) A person may not own, lease, or rent any place,  
6542 structure, or part thereof, trailer, or other conveyance with  
6543 the knowledge that the place, structure, trailer, or conveyance  
6544 will be used for the purpose of trafficking in a controlled  
6545 substance, as provided in s. 893.135; for the sale of a  
6546 controlled substance, as provided in s. 893.13; or for the  
6547 manufacture of a controlled substance intended for sale or  
6548 distribution to another. A person who violates this subsection  
6549 commits a felony of the third degree, punishable as provided in  
6550 s. 775.082, s. 775.083, or s. 775.084.



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6551 (2) A person may not knowingly be in actual or constructive  
6552 possession of any place, structure, or part thereof, trailer, or  
6553 other conveyance with the knowledge that the place, structure,  
6554 or part thereof, trailer, or conveyance will be used for the  
6555 purpose of trafficking in a controlled substance, as provided in  
6556 s. 893.135; for the sale of a controlled substance, as provided  
6557 in s. 893.13; or for the manufacture of a controlled substance  
6558 intended for sale or distribution to another. A person who  
6559 violates this subsection commits a felony of the second degree,  
6560 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6561 Section 126. For the purpose of incorporating the amendment  
6562 made by this act to section 893.135, Florida Statutes, in a  
6563 reference thereto, paragraph (e) of subsection (3) of section  
6564 900.05, Florida Statutes, is reenacted to read:

6565 900.05 Criminal justice data collection.—

6566 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,  
6567 2019, an entity required to collect data in accordance with this  
6568 subsection shall collect the specified data required of the  
6569 entity on a biweekly basis. Each entity shall report the data  
6570 collected in accordance with this subsection to the Department  
6571 of Law Enforcement on a monthly basis.

6572 (e) *Department of Corrections.*—The Department of  
6573 Corrections shall collect the following data:

- 6574 1. Information related to each inmate, including:  
6575 a. Identifying information, including name, date of birth,  
6576 race or ethnicity, and identification number assigned by the  
6577 department.  
6578 b. Number of children.  
6579 c. Education level, including any vocational training.





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- 6580           d. Date the inmate was admitted to the custody of the  
6581 department.
- 6582           e. Current institution placement and the security level  
6583 assigned to the institution.
- 6584           f. Custody level assignment.
- 6585           g. Qualification for a flag designation as defined in this  
6586 section, including sexual offender flag, habitual offender flag,  
6587 gang affiliation flag, or concurrent or consecutive sentence  
6588 flag.
- 6589           h. County that committed the prisoner to the custody of the  
6590 department.
- 6591           i. Whether the reason for admission to the department is  
6592 for a new conviction or a violation of probation, community  
6593 control, or parole. For an admission for a probation, community  
6594 control, or parole violation, the department shall report  
6595 whether the violation was technical or based on a new violation  
6596 of law.
- 6597           j. Specific statutory citation for which the inmate was  
6598 committed to the department, including, for an inmate convicted  
6599 of drug trafficking under s. 893.135, the statutory citation for  
6600 each specific drug trafficked.
- 6601           k. Length of sentence or concurrent or consecutive  
6602 sentences served.
- 6603           l. Tentative release date.
- 6604           m. Gain time earned in accordance with s. 944.275.
- 6605           n. Prior incarceration within the state.
- 6606           o. Disciplinary violation and action.
- 6607           p. Participation in rehabilitative or educational programs  
6608 while in the custody of the department.



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6609           2. Information about each state correctional institution or  
6610 facility, including:

6611           a. Budget for each state correctional institution or  
6612 facility.

6613           b. Daily prison population of all inmates incarcerated in a  
6614 state correctional institution or facility.

6615           c. Daily number of correctional officers for each state  
6616 correctional institution or facility.

6617           3. Information related to persons supervised by the  
6618 department on probation or community control, including:

6619           a. Identifying information for each person supervised by  
6620 the department on probation or community control, including his  
6621 or her name, date of birth, race or ethnicity, sex, and  
6622 department-assigned case number.

6623           b. Length of probation or community control sentence  
6624 imposed and amount of time that has been served on such  
6625 sentence.

6626           c. Projected termination date for probation or community  
6627 control.

6628           d. Revocation of probation or community control due to a  
6629 violation, including whether the revocation is due to a  
6630 technical violation of the conditions of supervision or from the  
6631 commission of a new law violation.

6632           4. Per diem rates for:

6633           a. Prison bed.

6634           b. Probation.

6635           c. Community control.

6636

6637 This information only needs to be reported once annually at the



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6638 time the most recent per diem rate is published.

6639 Section 127. For the purpose of incorporating the amendment  
6640 made by this act to section 893.135, Florida Statutes, in a  
6641 reference thereto, section 903.133, Florida Statutes, is  
6642 reenacted to read:

6643 903.133 Bail on appeal; prohibited for certain felony  
6644 convictions.—Notwithstanding the provisions of s. 903.132, no  
6645 person adjudged guilty of a felony of the first degree for a  
6646 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
6647 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
6648 violation of s. 794.011(2) or (3), shall be admitted to bail  
6649 pending review either by posttrial motion or appeal.

6650 Section 128. For the purpose of incorporating the amendment  
6651 made by this act to section 893.135, Florida Statutes, in a  
6652 reference thereto, paragraph (c) of subsection (4) of section  
6653 907.041, Florida Statutes, is reenacted to read:

6654 907.041 Pretrial detention and release.—

6655 (4) PRETRIAL DETENTION.—

6656 (c) The court may order pretrial detention if it finds a  
6657 substantial probability, based on a defendant's past and present  
6658 patterns of behavior, the criteria in s. 903.046, and any other  
6659 relevant facts, that any of the following circumstances exist:

6660 1. The defendant has previously violated conditions of  
6661 release and that no further conditions of release are reasonably  
6662 likely to assure the defendant's appearance at subsequent  
6663 proceedings;

6664 2. The defendant, with the intent to obstruct the judicial  
6665 process, has threatened, intimidated, or injured any victim,  
6666 potential witness, juror, or judicial officer, or has attempted



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6667 or conspired to do so, and that no condition of release will  
6668 reasonably prevent the obstruction of the judicial process;

6669         3. The defendant is charged with trafficking in controlled  
6670 substances as defined by s. 893.135, that there is a substantial  
6671 probability that the defendant has committed the offense, and  
6672 that no conditions of release will reasonably assure the  
6673 defendant's appearance at subsequent criminal proceedings;

6674         4. The defendant is charged with DUI manslaughter, as  
6675 defined by s. 316.193, and that there is a substantial  
6676 probability that the defendant committed the crime and that the  
6677 defendant poses a threat of harm to the community; conditions  
6678 that would support a finding by the court pursuant to this  
6679 subparagraph that the defendant poses a threat of harm to the  
6680 community include, but are not limited to, any of the following:

6681             a. The defendant has previously been convicted of any crime  
6682 under s. 316.193, or of any crime in any other state or  
6683 territory of the United States that is substantially similar to  
6684 any crime under s. 316.193;

6685             b. The defendant was driving with a suspended driver  
6686 license when the charged crime was committed; or

6687             c. The defendant has previously been found guilty of, or  
6688 has had adjudication of guilt withheld for, driving while the  
6689 defendant's driver license was suspended or revoked in violation  
6690 of s. 322.34;

6691         5. The defendant poses the threat of harm to the community.  
6692 The court may so conclude, if it finds that the defendant is  
6693 presently charged with a dangerous crime, that there is a  
6694 substantial probability that the defendant committed such crime,  
6695 that the factual circumstances of the crime indicate a disregard



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6696 for the safety of the community, and that there are no  
6697 conditions of release reasonably sufficient to protect the  
6698 community from the risk of physical harm to persons;

6699 6. The defendant was on probation, parole, or other release  
6700 pending completion of sentence or on pretrial release for a  
6701 dangerous crime at the time the current offense was committed;

6702 7. The defendant has violated one or more conditions of  
6703 pretrial release or bond for the offense currently before the  
6704 court and the violation, in the discretion of the court,  
6705 supports a finding that no conditions of release can reasonably  
6706 protect the community from risk of physical harm to persons or  
6707 assure the presence of the accused at trial; or

6708 8.a. The defendant has ever been sentenced pursuant to s.  
6709 775.082(9) or s. 775.084 as a prison releasee reoffender,  
6710 habitual violent felony offender, three-time violent felony  
6711 offender, or violent career criminal, or the state attorney  
6712 files a notice seeking that the defendant be sentenced pursuant  
6713 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
6714 habitual violent felony offender, three-time violent felony  
6715 offender, or violent career criminal;

6716 b. There is a substantial probability that the defendant  
6717 committed the offense; and

6718 c. There are no conditions of release that can reasonably  
6719 protect the community from risk of physical harm or ensure the  
6720 presence of the accused at trial.

6721 Section 129. For the purpose of incorporating the amendment  
6722 made by this act to section 893.135, Florida Statutes, in a  
6723 reference thereto, subsection (9) of section 921.141, Florida  
6724 Statutes, is reenacted to read:



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6725           921.141 Sentence of death or life imprisonment for capital  
6726 felonies; further proceedings to determine sentence.—

6727           (9) APPLICABILITY.—This section does not apply to a person  
6728 convicted or adjudicated guilty of a capital drug trafficking  
6729 felony under s. 893.135.

6730           Section 130. For the purpose of incorporating the amendment  
6731 made by this act to section 893.135, Florida Statutes, in a  
6732 reference thereto, subsection (2) of section 921.142, Florida  
6733 Statutes, is reenacted to read:

6734           921.142 Sentence of death or life imprisonment for capital  
6735 drug trafficking felonies; further proceedings to determine  
6736 sentence.—

6737           (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon  
6738 conviction or adjudication of guilt of a defendant of a capital  
6739 felony under s. 893.135, the court shall conduct a separate  
6740 sentencing proceeding to determine whether the defendant should  
6741 be sentenced to death or life imprisonment as authorized by s.  
6742 775.082. The proceeding shall be conducted by the trial judge  
6743 before the trial jury as soon as practicable. If, through  
6744 impossibility or inability, the trial jury is unable to  
6745 reconvene for a hearing on the issue of penalty, having  
6746 determined the guilt of the accused, the trial judge may summon  
6747 a special juror or jurors as provided in chapter 913 to  
6748 determine the issue of the imposition of the penalty. If the  
6749 trial jury has been waived, or if the defendant pleaded guilty,  
6750 the sentencing proceeding shall be conducted before a jury  
6751 impaneled for that purpose, unless waived by the defendant. In  
6752 the proceeding, evidence may be presented as to any matter that  
6753 the court deems relevant to the nature of the crime and the



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6754 character of the defendant and shall include matters relating to  
6755 any of the aggravating factors enumerated in subsection (7) and  
6756 for which notice has been provided pursuant to s. 782.04(1)(b)  
6757 or mitigating circumstances enumerated in subsection (8). Any  
6758 such evidence that the court deems to have probative value may  
6759 be received, regardless of its admissibility under the  
6760 exclusionary rules of evidence, provided the defendant is  
6761 accorded a fair opportunity to rebut any hearsay statements.  
6762 However, this subsection shall not be construed to authorize the  
6763 introduction of any evidence secured in violation of the  
6764 Constitution of the United States or the Constitution of the  
6765 State of Florida. The state and the defendant or the defendant's  
6766 counsel shall be permitted to present argument for or against  
6767 sentence of death.

6768 Section 131. For the purpose of incorporating the amendment  
6769 made by this act to section 944.704, Florida Statutes, in a  
6770 reference thereto, paragraph (a) of subsection (3) of section  
6771 944.026, Florida Statutes, is reenacted to read:

6772 944.026 Community-based facilities and programs.—

6773 (3)(a) The department shall develop and implement  
6774 procedures to diagnose offenders prior to sentencing, for the  
6775 purpose of recommending to the sentencing court suitable  
6776 candidates for placement in a community-based residential drug  
6777 treatment facility or probation and restitution center as  
6778 provided in this section. The department shall also develop and  
6779 implement procedures to properly identify inmates prior to  
6780 release who demonstrate the need for or interest in and  
6781 suitability for placement in a community-based substance abuse  
6782 transition housing program as provided in this section and



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6783 pursuant to ss. 944.4731 and 944.704.

6784 Section 132. For the purpose of incorporating the amendment  
6785 made by this act to section 944.705, Florida Statutes, in a  
6786 reference thereto, subsection (6) of section 944.4731, Florida  
6787 Statutes, is reenacted to read:

6788 944.4731 Addiction-Recovery Supervision Program.—

6789 (6) Six months before an offender is released, the chaplain  
6790 and transition assistance specialist at the institution where  
6791 the offender is incarcerated shall initiate the prerelease  
6792 screening process in addition to the basic release orientation  
6793 required under s. 944.705.

6794 (a) The transition assistance specialist and the chaplain  
6795 shall provide a list of contracted private providers, including  
6796 faith-based providers, to the offender and facilitate the  
6797 application process. The transition assistance specialist shall  
6798 inform the offender of program availability and assess the  
6799 offender's need and suitability for substance abuse transition  
6800 housing assistance. If an offender is approved for placement,  
6801 the specialist shall assist the offender and coordinate the  
6802 release of the offender with the selected program. If an  
6803 offender requests and is approved for placement in a contracted  
6804 faith-based substance abuse transition housing program, the  
6805 specialist must consult with the chaplain prior to such  
6806 placement. A right to substance abuse program services is not  
6807 stated, intended, or otherwise implied by this section.

6808 (b) If an offender has participated in a faith-based  
6809 program while incarcerated or housed at a community correctional  
6810 center and the same or a similar faith-based provider offers a  
6811 contracted substance abuse transition housing program, the





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6812 department shall make every attempt to maintain this continuum  
6813 of care.

6814 Section 133. For the purpose of incorporating the amendment  
6815 made by this act to section 944.801, Florida Statutes, in a  
6816 reference thereto, subsection (2) of section 447.203, Florida  
6817 Statutes, is reenacted to read:

6818 447.203 Definitions.—As used in this part:

6819 (2) "Public employer" or "employer" means the state or any  
6820 county, municipality, or special district or any subdivision or  
6821 agency thereof which the commission determines has sufficient  
6822 legal distinctiveness properly to carry out the functions of a  
6823 public employer. With respect to all public employees determined  
6824 by the commission as properly belonging to a statewide  
6825 bargaining unit composed of State Career Service System  
6826 employees or Selected Professional Service employees, the  
6827 Governor shall be deemed to be the public employer; and the  
6828 Board of Governors of the State University System, or the  
6829 board's designee, shall be deemed to be the public employer with  
6830 respect to all public employees of each constituent state  
6831 university. The board of trustees of a community college shall  
6832 be deemed to be the public employer with respect to all  
6833 employees of the community college. The district school board  
6834 shall be deemed to be the public employer with respect to all  
6835 employees of the school district. The Board of Trustees of the  
6836 Florida School for the Deaf and the Blind shall be deemed to be  
6837 the public employer with respect to the academic and academic  
6838 administrative personnel of the Florida School for the Deaf and  
6839 the Blind. The Governor shall be deemed to be the public  
6840 employer with respect to all employees in the Correctional



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6841 Education Program of the Department of Corrections established  
6842 pursuant to s. 944.801.

6843 Section 134. For the purpose of incorporating the amendment  
6844 made by this act to section 948.013, Florida Statutes, in a  
6845 reference thereto, paragraph (n) of subsection (1) of section  
6846 921.187, Florida Statutes, is reenacted to read:

6847 921.187 Disposition and sentencing; alternatives;  
6848 restitution.—

6849 (1) The alternatives provided in this section for the  
6850 disposition of criminal cases shall be used in a manner that  
6851 will best serve the needs of society, punish criminal offenders,  
6852 and provide the opportunity for rehabilitation. If the offender  
6853 does not receive a state prison sentence, the court may:

6854 (n) Impose split probation whereby upon satisfactory  
6855 completion of half the term of probation, the Department of  
6856 Corrections may place the offender on administrative probation  
6857 pursuant to s. 948.013 for the remainder of the term of  
6858 supervision.

6859 Section 135. For the purpose of incorporating the amendment  
6860 made by this act to section 948.06, Florida Statutes, in a  
6861 reference thereto, paragraph (b) of subsection (2) of section  
6862 948.012, Florida Statutes, is reenacted to read:

6863 948.012 Split sentence of probation or community control  
6864 and imprisonment.—

6865 (2) The court may also impose a split sentence whereby the  
6866 defendant is sentenced to a term of probation which may be  
6867 followed by a period of incarceration or, with respect to a  
6868 felony, into community control, as follows:

6869 (b) If the offender does not meet the terms and conditions



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6870 of probation or community control, the court may revoke, modify,  
6871 or continue the probation or community control as provided in s.  
6872 948.06. If the probation or community control is revoked, the  
6873 court may impose any sentence that it could have imposed at the  
6874 time the offender was placed on probation or community control.  
6875 The court may not provide credit for time served for any portion  
6876 of a probation or community control term toward a subsequent  
6877 term of probation or community control. However, the court may  
6878 not impose a subsequent term of probation or community control  
6879 which, when combined with any amount of time served on preceding  
6880 terms of probation or community control for offenses pending  
6881 before the court for sentencing, would exceed the maximum  
6882 penalty allowable as provided in s. 775.082. Such term of  
6883 incarceration shall be served under applicable law or county  
6884 ordinance governing service of sentences in state or county  
6885 jurisdiction. This paragraph does not prohibit any other  
6886 sanction provided by law.

6887 Section 136. For the purpose of incorporating the amendment  
6888 made by this act to section 948.06, Florida Statutes, in a  
6889 reference thereto, subsection (3) of section 948.10, Florida  
6890 Statutes, is reenacted to read:

6891 948.10 Community control programs; home confinement.—

6892 (3) Procedures governing violations of community control  
6893 are the same as those described in s. 948.06 with respect to  
6894 probation.

6895 Section 137. For the purpose of incorporating the amendment  
6896 made by this act to section 948.06, Florida Statutes, in a  
6897 reference thereto, subsection (3) of section 948.20, Florida  
6898 Statutes, is reenacted to read:



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6899 948.20 Drug offender probation.—

6900 (3) Offenders placed on drug offender probation are subject  
6901 to revocation of probation as provided in s. 948.06.

6902 Section 138. For the purpose of incorporating the amendment  
6903 made by this act to section 948.06, Florida Statutes, in a  
6904 reference thereto, section 958.14, Florida Statutes, is  
6905 reenacted to read:

6906 958.14 Violation of probation or community control  
6907 program.—A violation or alleged violation of probation or the  
6908 terms of a community control program shall subject the youthful  
6909 offender to the provisions of s. 948.06. However, no youthful  
6910 offender shall be committed to the custody of the department for  
6911 a substantive violation for a period longer than the maximum  
6912 sentence for the offense for which he or she was found guilty,  
6913 with credit for time served while incarcerated, or for a  
6914 technical or nonsubstantive violation for a period longer than 6  
6915 years or for a period longer than the maximum sentence for the  
6916 offense for which he or she was found guilty, whichever is less,  
6917 with credit for time served while incarcerated.

6918 Section 139. For the purpose of incorporating the amendment  
6919 made by this act to section 948.08, Florida Statutes, in a  
6920 reference thereto, paragraph (b) of subsection (4) of section  
6921 796.07, Florida Statutes, is reenacted to read:

6922 796.07 Prohibiting prostitution and related acts.—

6923 (4)

6924 (b) A person who is charged with a third or subsequent  
6925 violation of this section, other than paragraph (2)(f), shall be  
6926 offered admission to a pretrial intervention program or a  
6927 substance abuse treatment program as provided in s. 948.08.



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6928           Section 140. For the purpose of incorporating the amendment  
6929 made by this act to section 948.08, Florida Statutes, in a  
6930 reference thereto, paragraph (b) of subsection (3) of section  
6931 944.026, Florida Statutes, is reenacted to read:

6932           944.026 Community-based facilities and programs.—

6933           (3)

6934           (b) Pretrial intervention programs in appropriate counties  
6935 to provide early counseling and supervision services to  
6936 specified offenders as provided in s. 948.08.

6937           Section 141. For the purpose of incorporating the amendment  
6938 made by this act to section 948.08, Florida Statutes, in a  
6939 reference thereto, subsection (1) of section 948.036, Florida  
6940 Statutes, is reenacted to read:

6941           948.036 Work programs as a condition of probation,  
6942 community control, or other court-ordered community  
6943 supervision.—

6944           (1) Whenever an offender is required by the court to  
6945 participate in any work program under the provisions of this  
6946 chapter, enters into the pretrial intervention program pursuant  
6947 to s. 948.08, or volunteers to work in a supervised work program  
6948 conducted by a specified state, county, municipal, or community  
6949 service organization or to work for the victim, either as an  
6950 alternative to monetary restitution or as a part of the  
6951 rehabilitative or community control program, the offender shall  
6952 be considered an employee of the state for the purposes of  
6953 chapter 440.

6954           Section 142. For the purpose of incorporating the  
6955 amendments made by this act to section 948.08. Florida Statutes,  
6956 in a reference thereto, subsection (2) of section 394.47892,



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6957 Florida Statutes, is reenacted to read:

6958 394.47892 Mental health court programs.—

6959 (2) Mental health court programs may include pretrial  
6960 intervention programs as provided in ss. 948.08, 948.16, and  
6961 985.345, postadjudicatory mental health court programs as  
6962 provided in ss. 948.01 and 948.06, and review of the status of  
6963 compliance or noncompliance of sentenced defendants through a  
6964 mental health court program.

6965 Section 143. For the purpose of incorporating the  
6966 amendments made by this act to section 948.08, Florida Statutes,  
6967 in a reference thereto, subsection (5) of section 397.334,  
6968 Florida Statutes, is reenacted to read:

6969 397.334 Treatment-based drug court programs.—

6970 (5) Treatment-based drug court programs may include  
6971 pretrial intervention programs as provided in ss. 948.08,  
6972 948.16, and 985.345, treatment-based drug court programs  
6973 authorized in chapter 39, postadjudicatory programs as provided  
6974 in ss. 948.01, 948.06, and 948.20, and review of the status of  
6975 compliance or noncompliance of sentenced offenders through a  
6976 treatment-based drug court program. While enrolled in a  
6977 treatment-based drug court program, the participant is subject  
6978 to a coordinated strategy developed by a drug court team under  
6979 subsection (4). The coordinated strategy may include a protocol  
6980 of sanctions that may be imposed upon the participant for  
6981 noncompliance with program rules. The protocol of sanctions may  
6982 include, but is not limited to, placement in a substance abuse  
6983 treatment program offered by a licensed service provider as  
6984 defined in s. 397.311 or in a jail-based treatment program or  
6985 serving a period of secure detention under chapter 985 if a



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6986 child or a period of incarceration within the time limits  
6987 established for contempt of court if an adult. The coordinated  
6988 strategy must be provided in writing to the participant before  
6989 the participant agrees to enter into a treatment-based drug  
6990 court program.

6991 Section 144. For the purpose of incorporating the  
6992 amendments made by this act to section 948.08, Florida Statutes,  
6993 in a reference thereto, paragraph (a) of subsection (5) of  
6994 section 910.035, Florida Statutes, is reenacted to read:

6995 910.035 Transfer from county for plea, sentence, or  
6996 participation in a problem-solving court.-

6997 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.-

6998 (a) For purposes of this subsection, the term "problem-  
6999 solving court" means a drug court pursuant to s. 948.01, s.  
7000 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'  
7001 and servicemembers' court pursuant to s. 394.47891, s. 948.08,  
7002 s. 948.16, or s. 948.21; a mental health court program pursuant  
7003 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;  
7004 or a delinquency pretrial intervention court program pursuant to  
7005 s. 985.345.

7006 Section 145. For the purpose of incorporating the amendment  
7007 made by this act to section 958.04, Florida Statutes, in a  
7008 reference thereto, subsection (5) of section 958.03, Florida  
7009 Statutes, is reenacted to read:

7010 958.03 Definitions.-As used in this act:

7011 (5) "Youthful offender" means any person who is sentenced  
7012 as such by the court or is classified as such by the department  
7013 pursuant to s. 958.04.

7014 Section 146. For the purpose of incorporating the amendment



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7015 made by this act to section 958.04, Florida Statutes, in a  
7016 reference thereto, paragraph (a) of subsection (8) of section  
7017 958.045, Florida Statutes, is reenacted to read:

7018 958.045 Youthful offender basic training program.—

7019 (8) (a) The Assistant Secretary for Youthful Offenders shall  
7020 continuously screen all institutions, facilities, and programs  
7021 for any inmate who meets the eligibility requirements for  
7022 youthful offender designation specified in s. 958.04, whose age  
7023 does not exceed 24 years. The department may classify and assign  
7024 as a youthful offender any inmate who meets the criteria of s.  
7025 958.04.

7026 Section 147. For the purpose of incorporating the amendment  
7027 made by this act to section 958.04, Florida Statutes, in a  
7028 reference thereto, section 958.046, Florida Statutes, is  
7029 reenacted to read:

7030 958.046 Placement in county-operated boot camp programs for  
7031 youthful offenders.—In counties where there are county-operated  
7032 youthful offender boot camp programs, other than boot camps  
7033 described in s. 958.04, the court may sentence a youthful  
7034 offender to such a boot camp. In county-operated youthful  
7035 offender boot camp programs, juvenile offenders shall not be  
7036 commingled with youthful offenders.

7037 Section 148. For the purpose of incorporating the amendment  
7038 made by this act to section 958.04, Florida Statutes, in a  
7039 reference thereto, paragraph (c) of subsection (4) of section  
7040 985.565, Florida Statutes, is reenacted to read:

7041 985.565 Sentencing powers; procedures; alternatives for  
7042 juveniles prosecuted as adults.—

7043 (4) SENTENCING ALTERNATIVES.—





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7044           (c) *Adult sanctions upon failure of juvenile sanctions.*—If  
7045 a child proves not to be suitable to a commitment program,  
7046 juvenile probation program, or treatment program under paragraph  
7047 (b), the department shall provide the sentencing court with a  
7048 written report outlining the basis for its objections to the  
7049 juvenile sanction and shall simultaneously provide a copy of the  
7050 report to the state attorney and the defense counsel. The  
7051 department shall schedule a hearing within 30 days. Upon  
7052 hearing, the court may revoke the previous adjudication, impose  
7053 an adjudication of guilt, and impose any sentence which it may  
7054 lawfully impose, giving credit for all time spent by the child  
7055 in the department. The court may also classify the child as a  
7056 youthful offender under s. 958.04, if appropriate. For purposes  
7057 of this paragraph, a child may be found not suitable to a  
7058 commitment program, community control program, or treatment  
7059 program under paragraph (b) if the child commits a new violation  
7060 of law while under juvenile sanctions, if the child commits any  
7061 other violation of the conditions of juvenile sanctions, or if  
7062 the child's actions are otherwise determined by the court to  
7063 demonstrate a failure of juvenile sanctions.

7064  
7065 It is the intent of the Legislature that the criteria and  
7066 guidelines in this subsection are mandatory and that a  
7067 determination of disposition under this subsection is subject to  
7068 the right of the child to appellate review under s. 985.534.

7069           Section 149. For the purpose of incorporating the amendment  
7070 made by this act to section 985.557, Florida Statutes, in a  
7071 reference thereto, subsection (3) of section 985.556, Florida  
7072 Statutes, is reenacted to read:



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7073 985.556 Waiver of juvenile court jurisdiction; hearing.—

7074 (3) INVOLUNTARY MANDATORY WAIVER.—

7075 (a) If the child was 14 years of age or older, and if the  
7076 child has been previously adjudicated delinquent for an act  
7077 classified as a felony, which adjudication was for the  
7078 commission of, attempt to commit, or conspiracy to commit  
7079 murder, sexual battery, armed or strong-armed robbery,  
7080 carjacking, home-invasion robbery, aggravated battery,  
7081 aggravated assault, or burglary with an assault or battery, and  
7082 the child is currently charged with a second or subsequent  
7083 violent crime against a person; or

7084 (b) If the child was 14 years of age or older at the time  
7085 of commission of a fourth or subsequent alleged felony offense  
7086 and the child was previously adjudicated delinquent or had  
7087 adjudication withheld for or was found to have committed, or to  
7088 have attempted or conspired to commit, three offenses that are  
7089 felony offenses if committed by an adult, and one or more of  
7090 such felony offenses involved the use or possession of a firearm  
7091 or violence against a person;

7092  
7093 the state attorney shall request the court to transfer and  
7094 certify the child for prosecution as an adult or shall provide  
7095 written reasons to the court for not making such request, or  
7096 proceed under s. 985.557(1). Upon the state attorney's request,  
7097 the court shall either enter an order transferring the case and  
7098 certifying the case for trial as if the child were an adult or  
7099 provide written reasons for not issuing such an order.

7100 Section 150. For the purpose of incorporating the amendment  
7101 made by this act to section 985.557, Florida Statutes, in a



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7102 reference thereto, subsection (1) of section 985.15, Florida  
7103 Statutes, is reenacted to read:

7104 985.15 Filing decisions.—

7105 (1) The state attorney may in all cases take action  
7106 independent of the action or lack of action of the juvenile  
7107 probation officer and shall determine the action that is in the  
7108 best interest of the public and the child. If the child meets  
7109 the criteria requiring prosecution as an adult under s. 985.556,  
7110 the state attorney shall request the court to transfer and  
7111 certify the child for prosecution as an adult or shall provide  
7112 written reasons to the court for not making such a request. In  
7113 all other cases, the state attorney may:

7114 (a) File a petition for dependency;

7115 (b) File a petition under chapter 984;

7116 (c) File a petition for delinquency;

7117 (d) File a petition for delinquency with a motion to  
7118 transfer and certify the child for prosecution as an adult;

7119 (e) File an information under s. 985.557;

7120 (f) Refer the case to a grand jury;

7121 (g) Refer the child to a diversionary, pretrial  
7122 intervention, arbitration, or mediation program, or to some  
7123 other treatment or care program if such program commitment is  
7124 voluntarily accepted by the child or the child's parents or  
7125 legal guardian; or

7126 (h) Decline to file.

7127 Section 151. For the purpose of incorporating the amendment  
7128 made by this act to section 985.557, Florida Statutes, in a  
7129 reference thereto, paragraph (c) of subsection (2) of section  
7130 985.26, Florida Statutes, is reenacted to read:



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7131 985.26 Length of detention.—

7132 (2)

7133 (c) A prolific juvenile offender under s. 985.255(1)(j)  
7134 shall be placed on nonsecure detention care with electronic  
7135 monitoring or in secure detention care under a special detention  
7136 order until disposition. If secure detention care is ordered by  
7137 the court, it must be authorized under this part and may not  
7138 exceed:

7139 1. Twenty-one days unless an adjudicatory hearing for the  
7140 case has been commenced in good faith by the court or the period  
7141 is extended by the court pursuant to paragraph (b); or

7142 2. Fifteen days after the entry of an order of  
7143 adjudication.

7144  
7145 As used in this paragraph, the term "disposition" means a  
7146 declination to file under s. 985.15(1)(h), the entry of nolle  
7147 prosequi for the charges, the filing of an indictment under s.  
7148 985.56 or an information under s. 985.557, a dismissal of the  
7149 case, or an order of final disposition by the court.

7150 Section 152. Criminal Punishment Code Task Force.—

7151 (1) The Task Force on the Criminal Punishment Code, a task  
7152 force as defined in s. 20.03(8), Florida Statutes, is created  
7153 adjunct to the Department of Legal Affairs. The Legislature  
7154 finds that there is a need to review sentencing for noncapital  
7155 felony offenses under the Criminal Punishment Code. Therefore,  
7156 the task force is created for the purpose of reviewing,  
7157 evaluating, and making recommendations regarding sentencing for  
7158 and ranking of noncapital felony offenses under the Criminal  
7159 Punishment Code, including, but not limited to, whether current



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7160 sentencing for noncapital felony offenses is appropriate to the  
7161 level of the crime committed, whether current enhancements for  
7162 those offenses are appropriate, and whether judicial discretion  
7163 should be allowed with regard to mandatory minimum sentences for  
7164 those offenses. The task force shall include an analysis of best  
7165 practices in its review.

7166 (2) The task force is composed of the following members:

7167 (a) The Attorney General, or a designee of the Attorney  
7168 General, who shall serve as chair of the task force.

7169 (b) The Secretary of Corrections, or a designee of the  
7170 secretary.

7171 (c) Two members appointed by the President of the Senate,  
7172 one of whom must be a public defender.

7173 (d) Two members appointed by the Speaker of the House of  
7174 Representatives, one of whom must be a state attorney.

7175 (e) Two members appointed by the Chief Justice of the  
7176 Supreme Court, one of whom must be a circuit judge currently  
7177 assigned to a felony division.

7178  
7179 Any vacancies on the task force shall be filled in the same  
7180 manner as the original appointments. Appointments to the task  
7181 force shall be made no later than July 15, 2019.

7182 (3) The task force shall endeavor to meet at least twice  
7183 monthly throughout its duration and is encouraged to take input  
7184 from all stakeholders involved in the criminal justice system.  
7185 The first meeting of the task force shall occur no later than  
7186 August 15, 2019. The Attorney General shall designate staff of  
7187 the Department of Legal Affairs to provide support to the task  
7188 force.



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7189           (4) Upon the Attorney General's request, the Department of  
7190 Corrections and the Office of the State Courts Administrator  
7191 shall provide necessary data collection and analysis, research,  
7192 and support services to the task force.

7193           (5) Members of the task force may not receive compensation  
7194 other than their usual salaries received from their employers,  
7195 but are entitled to reimbursement for per diem and travel  
7196 expenses from their employers in accordance with s. 112.061,  
7197 Florida Statutes.

7198           (6) The task force shall submit a report to the Governor,  
7199 the President of the Senate, the Speaker of the House of  
7200 Representatives, and the Chief Justice of the Supreme Court no  
7201 later than June 30, 2020, which must include, at a minimum, the  
7202 issues considered by the task force, any recommendations for  
7203 legislative changes, and an analysis of the expected impact of  
7204 such recommendations if enacted by the Legislature. The task  
7205 force is dissolved upon submission of the report.

7206           (7) This section expires July 1, 2020.

7207           Section 153. For the 2019-2020 fiscal year, the sum of  
7208 \$250,000 in nonrecurring funds is appropriated from the General  
7209 Revenue Fund to the Department of Legal Affairs for the purpose  
7210 of implementing the Criminal Punishment Code Task Force.

7211           Section 154. Except as otherwise expressly provided in this  
7212 act, and except for this section, which shall take effect upon  
7213 this act becoming a law, this act shall take effect October 1,  
7214 2019.

7215  
7216 ===== T I T L E   A M E N D M E N T =====

7217 And the title is amended as follows:



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7218 Delete everything before the enacting clause  
7219 and insert:

7220 A bill to be entitled  
7221 An act relating to public safety; amending s. 16.555,  
7222 F.S.; providing for reallocation of unencumbered funds  
7223 returned to the Crime Stoppers Trust Fund; specifying  
7224 permissible uses for funds awarded to counties from  
7225 the trust fund; creating s. 16.557, F.S.; defining  
7226 terms; providing criminal penalties for disclosure of  
7227 privileged communications or protected information or  
7228 information concerning such communications or  
7229 information; providing exceptions; creating s. 25.025,  
7230 F.S.; authorizing certain Supreme Court justices to  
7231 have an appropriate facility in their district of  
7232 residence designated as their official headquarters;  
7233 providing that an official headquarters may serve only  
7234 as a justice's private chambers; providing that such  
7235 justices are eligible for a certain subsistence  
7236 allowance and reimbursement for certain transportation  
7237 expenses; requiring that such allowance and  
7238 reimbursement be made to the extent appropriated funds  
7239 are available, as determined by the Chief Justice;  
7240 requiring the Chief Justice to coordinate with certain  
7241 persons in designating official headquarters;  
7242 providing that a county is not required to provide  
7243 space for a justice in a county courthouse;  
7244 authorizing counties to enter into agreements with the  
7245 Supreme Court for the use of county courthouse space;  
7246 prohibiting the Supreme Court from using state funds



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7247 to lease space in specified facilities to allow a  
7248 justice to establish an official headquarters;  
7249 creating s. 43.51, F.S.; requiring the Office of the  
7250 State Courts Administrator to provide an annual report  
7251 containing certain information to the Legislature;  
7252 defining the term "problem-solving court"; amending s.  
7253 57.105, F.S.; prohibiting the awarding of attorney  
7254 fees for certain proceedings for injunctions for  
7255 protection under specified provisions; providing an  
7256 exception; amending s. 61.13016, F.S.; providing that  
7257 a written agreement for payment may include a  
7258 reasonable period of payment deferral to accommodate  
7259 an obligor's good faith job-seeking efforts; amending  
7260 s. 212.15, F.S.; increasing threshold amounts for  
7261 certain theft offenses; amending s. 287.095, F.S.;  
7262 deleting a provision that provides a limitation on the  
7263 total sales by a specified corporation of certain  
7264 products offered for purchase to a state agency;  
7265 amending s. 322.01, F.S.; defining the term  
7266 "suspension or revocation equivalent status"; amending  
7267 s. 322.055, F.S.; reducing the length of driver  
7268 license revocation for possession or sale of,  
7269 trafficking in, or conspiracy to possess, sell, or  
7270 traffic in a controlled substance; deleting provisions  
7271 authorizing a driver to petition the Department of  
7272 Highway Safety and Motor Vehicles for restoration of  
7273 his or her driving privilege; amending s. 322.056,  
7274 F.S.; reducing the period for revocation or suspension  
7275 of, or delay of eligibility for, driver licenses or





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7276 driving privileges for certain persons found guilty of  
7277 certain drug offenses; deleting requirements relating  
7278 to the revocation or suspension of, or delay of  
7279 eligibility for, driver licenses or driving privileges  
7280 for certain persons found guilty of certain alcohol or  
7281 tobacco offenses; deleting provisions relating to the  
7282 suspension or revocation of certain persons' driver  
7283 licenses; repealing s. 322.057, F.S., relating to  
7284 discretionary revocation or suspension of a driver  
7285 license for certain persons who provide alcohol to  
7286 persons under a specified age; amending s. 322.34,  
7287 F.S.; revising criminal penalties for the third or  
7288 subsequent offense of driving while license suspended,  
7289 revoked, canceled, or disqualified; creating s.  
7290 322.75, F.S.; requiring each clerk of court to  
7291 establish a Driver License Reinstatement Days program  
7292 for reinstating suspended driver licenses in certain  
7293 circumstances; providing duties of the clerks of the  
7294 circuit courts and the department; authorizing such  
7295 clerks to compromise on or waive certain fees and  
7296 costs; authorizing such clerks to schedule a Driver  
7297 License Reinstatement Days event on certain days or  
7298 times; providing eligibility requirements; requiring  
7299 such clerks and the Department of Highway Safety and  
7300 Motor Vehicles to verify information necessary to  
7301 reinstate a driver license under the program;  
7302 requiring the clerks of court to collect specified  
7303 data and report such data to the Florida Clerks of  
7304 Court Operations Corporation; requiring the Florida



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7305 Clerks of Court Operations Corporation to report  
7306 specified information in a certain annual report the  
7307 annual report required by s. 28.35, F.S.; amending s.  
7308 394.917, F.S.; requiring the Department of Children  
7309 and Families to provide rehabilitation to criminal  
7310 offenders designated as sexually violent predators;  
7311 amending s. 397.334, F.S.; conforming provisions to  
7312 changes made by the act; amending s. 455.213, F.S.;  
7313 requiring certain boards and entities within the  
7314 Divisions of Certified Public Accounting, Professions,  
7315 or Real Estate of the Department of Business and  
7316 Professional Regulation to use a specified process for  
7317 the review of an applicant's criminal record to  
7318 determine the applicant's eligibility for certain  
7319 licenses; prohibiting the conviction, or any other  
7320 adjudication, of a crime before a specified date from  
7321 being grounds for the denial of certain licenses;  
7322 defining the term "conviction"; providing  
7323 construction; authorizing a person to apply for a  
7324 license before his or her lawful release from  
7325 confinement or supervision; prohibiting the department  
7326 from charging an applicant who is confined or under  
7327 supervision an additional fee; prohibiting a board  
7328 from basing a denial of a license application solely  
7329 on the applicant's current confinement or supervision;  
7330 authorizing a board to stay the issuance of an  
7331 approved license under certain circumstances;  
7332 requiring a board to verify an applicant's release  
7333 with the Department of Corrections; requiring the



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7334 applicable board or the Department of Business and  
7335 Professional Regulation to allow certain applicants to  
7336 appear by teleconference or video conference at  
7337 certain meetings; requiring the Department of  
7338 Corrections to cooperate and coordinate with the  
7339 applicable board to facilitate the appearance of  
7340 certain applicants at certain meetings in person, by  
7341 teleconference, or by video conference, as  
7342 appropriate; requiring a board or the department to  
7343 provide certain lists on the department's website  
7344 specifying how certain crimes do or do not affect an  
7345 applicant's eligibility for licensure; providing that  
7346 certain information be identified for the crimes on  
7347 such list; requiring such lists to be available to the  
7348 public upon request; amending s. 474.2165, F.S.;

7349 authorizing a veterinarian to report certain suspected  
7350 criminal violations without notice to or authorization  
7351 from a client; providing an exception; amending s.  
7352 489.126, F.S.; providing that a contractor has a just  
7353 cause defense for criminal offenses and disciplinary  
7354 violations; providing an inference; deleting an intent  
7355 requirement for contractor offenses; revising elements  
7356 of offenses; revising criminal penalties for  
7357 contractor offenses; amending s. 489.553, F.S.;

7358 prohibiting the conviction, or any other adjudication,  
7359 of a crime before a specified date from being grounds  
7360 for the denial of registration under certain  
7361 circumstances; defining the term "conviction";  
7362 providing construction; authorizing a person to apply



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7363 for registration before his or her lawful release from  
7364 confinement or supervision; prohibiting the department  
7365 or other applicable authority from charging an  
7366 applicant who is confined or under supervision an  
7367 additional fee; prohibiting the department or other  
7368 applicable authority from basing the denial of  
7369 registration solely on the applicant's current  
7370 confinement or supervision; authorizing the department  
7371 or other applicable authority to stay the issuance of  
7372 an approved registration under certain circumstances;  
7373 requiring the department or other applicable authority  
7374 to verify an applicant's release with the Department  
7375 of Corrections; requiring the Department of Business  
7376 and Professional Regulation or other applicable  
7377 authority to allow certain applicants to appear by  
7378 teleconference or video conference at certain  
7379 meetings; requiring the Department of Corrections to  
7380 cooperate and coordinate with the department or  
7381 applicable authority to facilitate the appearance of  
7382 certain applicants at certain meetings in person, by  
7383 teleconference, or by video conference, as  
7384 appropriate; requiring the department or other  
7385 applicable authority to provide certain lists on its  
7386 website specifying how certain crimes do or do not  
7387 affect an applicant's eligibility for registration;  
7388 providing that certain information be identified for  
7389 each crime on such lists; requiring such lists to be  
7390 available to the public upon request; amending s.  
7391 500.451, F.S.; abolishing mandatory minimum sentence



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7392 for the sale of horse meat for human consumption;  
7393 amending s. 509.151, F.S.; increasing threshold  
7394 amounts for certain theft offenses; amending s.  
7395 562.11, F.S.; deleting provisions relating to  
7396 withholding, suspending, or revoking the driving  
7397 privilege of a person who provides alcoholic beverages  
7398 to a person under 21 years of age; amending s.  
7399 562.111, F.S.; deleting provisions relating to  
7400 withholding, suspending, or revoking the driving  
7401 privilege of a person under 21 years of age who  
7402 possesses alcoholic beverages; amending s. 562.27,  
7403 F.S.; reducing the offense severity of certain crimes  
7404 related to the possession of a still or related  
7405 apparatus; amending s. 562.451, F.S.; reducing the  
7406 offense severity for possession of one or more gallons  
7407 of certain liquors; amending s. 569.11, F.S.;  
7408 conforming provisions to changes made by the act;  
7409 revising penalties; amending s. 713.69, F.S.;  
7410 increasing threshold amounts for certain theft  
7411 offenses; amending s. 741.30, F.S.; conforming a  
7412 provision to changes made by the act; amending s.  
7413 775.082, F.S.; revising legislative intent that  
7414 certain offenders released from incarceration from  
7415 county detention facilities qualify as prison releasee  
7416 reoffenders; amending s. 784.048, F.S.; revising the  
7417 definition of the term "cyberstalk"; providing  
7418 criminal penalties; amending s. 790.052, F.S.;  
7419 specifying that certain law enforcement and  
7420 correctional officers meet the definition of



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7421 "qualified law enforcement officer" for the purposes  
7422 of qualifying for certain rights during off-duty  
7423 hours; specifying that certain persons meet the  
7424 definition of "qualified retired law enforcement  
7425 officer" for the purposes of qualifying for certain  
7426 rights during off-duty hours; amending s. 790.22,  
7427 F.S.; authorizing, rather than requiring, a court to  
7428 withhold issuance of or suspend a person's driver  
7429 license or driving privilege for a minor who possesses  
7430 or uses a firearm in certain circumstances; amending  
7431 s. 800.09, F.S.; revising the definitions of the terms  
7432 "employee" and "facility"; prohibiting certain lewd or  
7433 lascivious acts in the presence of county correctional  
7434 personnel; providing criminal penalties; amending s.  
7435 806.13, F.S.; authorizing, rather than requiring, a  
7436 court to withhold issuance of or suspend a person's  
7437 driver license or driving privilege for committing  
7438 criminal mischief by a minor; amending s. 812.014,  
7439 F.S.; increasing the threshold amount for certain  
7440 theft offenses; revising the list of items the theft  
7441 of which constitutes a felony of the third degree;  
7442 requiring the Office of Program Policy Analysis and  
7443 Government Accountability (OPPAGA) to perform a study  
7444 about certain threshold amounts on a specified  
7445 schedule; providing study requirements; requiring  
7446 OPPAGA to consult with the Office of Economic and  
7447 Demographic Research and other interested entities;  
7448 requiring OPPAGA to submit a report to the Governor  
7449 and the Legislature by a certain date and on a



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7450 specified basis; amending s. 812.015, F.S.; revising  
7451 the circumstances under which an offense of retail  
7452 theft constitutes a felony of the second or third  
7453 degree; authorizing the aggregation of retail thefts  
7454 that occur in more than one judicial circuit within a  
7455 30-day period into one total value and requiring  
7456 prosecution of such thefts by the Office of the  
7457 Statewide Prosecutor in accordance with s. 16.56,  
7458 F.S.; requiring OPPAGA to perform a study about  
7459 certain threshold amounts on a specified schedule;  
7460 providing study requirements; requiring OPPAGA to  
7461 consult with the Office of Economic and Demographic  
7462 Research and other interested entities; requiring  
7463 OPPAGA to submit a report to the Governor and the  
7464 Legislature by a certain date and on a specified  
7465 basis; amending s. 812.0155, F.S.; removing a court's  
7466 authority to suspend a driver license for a  
7467 misdemeanor theft adjudication of guilt for a person  
7468 18 years of age or older; allowing a court to suspend  
7469 a driver license for a person 18 years of age or  
7470 younger as an alternative to other possible sentences;  
7471 amending s. 815.03, F.S.; revising the definition of  
7472 the term "access" for purposes of provisions relating  
7473 to computer crimes; amending s. 815.06, F.S.; revising  
7474 conduct constituting an offense against users of  
7475 computers, computer systems, computer networks, or  
7476 electronic devices; providing criminal penalties;  
7477 amending s. 817.413, F.S.; increasing threshold  
7478 amounts for certain theft offenses; amending s.



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7479 831.28, F.S.; criminalizing possession of a  
7480 counterfeit instrument with intent to defraud;  
7481 amending s. 849.01, F.S.; reducing the offense  
7482 severity of certain crimes relating to keeping a  
7483 gambling house or possessing certain gambling  
7484 apparatuses; amending s. 877.112, F.S.; removing  
7485 driver license revocation or suspension as a penalty  
7486 for certain offenses involving nicotine products;  
7487 amending s. 893.135, F.S.; revising threshold amounts  
7488 for trafficking in specified substances ; amending s.  
7489 900.05, F.S.; revising and providing definitions;  
7490 revising and providing data required to be collected  
7491 and reported to the Department of Law Enforcement by  
7492 specified entities; requiring the department to  
7493 publish data received from reporting agencies by a  
7494 specified date; imposing penalties on reporting  
7495 agencies for noncompliance with data reporting  
7496 requirements; declaring information that is  
7497 confidential and exempt upon collection by a reporting  
7498 agency remains confidential and exempt when reported  
7499 to the department; creating s. 943.0578, F.S. ;  
7500 establishing eligibility criteria for expunction of a  
7501 criminal history record by a person found to have  
7502 acted in lawful self-defense; requiring the department  
7503 to issue a certificate of eligibility for expunction  
7504 if specified criteria are fulfilled; specifying  
7505 requirements for a petition to expunge; creating a  
7506 penalty for providing false information on such  
7507 petition; requiring the department to adopt rules





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7508 relating to a certificate of expunction for lawful  
7509 self-defense; amending s. 943.0581, F.S.; clarifying  
7510 that administrative expunction applies to criminal  
7511 history records resulting from an arrest made contrary  
7512 to law or by mistake; creating s. 943.0584, F.S.;  
7513 providing a definition; specifying criminal history  
7514 records that are ineligible for court-ordered  
7515 expunction or court-ordered sealing; amending s.  
7516 943.0585, F.S.; providing eligibility criteria for  
7517 court-ordered expunction of a criminal history record;  
7518 requiring the department to issue a certificate of  
7519 eligibility to petitioners meeting eligibility  
7520 criteria; specifying requirements for a petition for  
7521 court-ordered expunction; specifying a court's  
7522 authority to expunge criminal history records;  
7523 specifying the process for a petition to expunge a  
7524 criminal history record; specifying the process  
7525 following the issuance of an order to expunge a  
7526 criminal history record; specifying the effect of an  
7527 order to expunge a criminal history record; amending  
7528 s. 943.059, F.S.; providing eligibility criteria for  
7529 court-ordered sealing of a criminal history record;  
7530 requiring the department to issue a certificate of  
7531 eligibility to petitioners meeting eligibility  
7532 criteria; specifying requirements for a petition for  
7533 court-ordered sealing; specifying a court's authority  
7534 to seal criminal history records; specifying the  
7535 process for a petition to seal a criminal history  
7536 record; specifying the effect of an order to seal a



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7537 criminal history record; creating s. 943.0595, F.S.;

7538 requiring the department to adopt rules to implement

7539 administrative sealing of specified criminal history

7540 records; providing eligibility criteria for

7541 administrative sealing of criminal history records;

7542 specifying ineligible criminal history records;

7543 providing that there is no limitation on the number of

7544 times a person with an eligible criminal history

7545 record may obtain an automatic administrative sealing;

7546 requiring the clerk of court to transmit a certified

7547 copy of an eligible criminal history record to the

7548 department upon the resolution of a criminal case;

7549 specifying that the effect of automatic sealing is the

7550 same as court-ordered sealing; amending s. 943.6871,

7551 F.S.; declaring information received by the department

7552 from a reporting agency that is confidential and

7553 exempt upon collection remains confidential and

7554 exempt; requiring the Criminal and Juvenile Justice

7555 Information Systems Council to develop specifications

7556 for a uniform arrest affidavit; providing requirements

7557 for such affidavits; requiring the council to develop

7558 specifications for a uniform criminal charge and

7559 disposition statute crosswalk table and uniform

7560 criminal disposition and sentencing crosswalk table;

7561 requiring the department to procure the affidavit and

7562 statute crosswalk tables by a certain date; requiring

7563 the department to provide training on the use of the

7564 affidavit and crosswalk tables; requiring law

7565 enforcement agencies to use the uniform arrest



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7566 affidavit and other agencies to use the statute  
7567 crosswalk tables by a certain date; amending s.  
7568 944.40, F.S.; including escape while on furlough in  
7569 the offense of escape; providing criminal penalties;  
7570 amending s. 944.47, F.S.; providing enhanced penalties  
7571 for offenses involving introduction of contraband in  
7572 correctional facilities when committed by correctional  
7573 facility employees; amending s. 944.704, F.S.;  
7574 authorizing the department to increase the number of  
7575 employees serving as transition specialists and  
7576 employment specialists; requiring transition  
7577 assistance staff to provide job assignment  
7578 credentialing and industry certification information  
7579 to inmates before their release; amending s. 944.705,  
7580 F.S.; requiring the department to establish a  
7581 telephone hotline for released offenders; requiring  
7582 that the department provide an inmate with a  
7583 comprehensive community reentry resource directory  
7584 organized by county before the inmate's release;  
7585 requiring the department to use certain programming  
7586 data to notify inmates about reentry resources before  
7587 release; authorizing a nonprofit faith-based or  
7588 professional business or a civic or community  
7589 organization to apply for registration with the  
7590 department to provide inmate reentry services;  
7591 requiring the department to adopt certain policies and  
7592 procedures; authorizing the department to deny  
7593 approval and registration of an organization or  
7594 representative of an organization under certain



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7595 circumstances; authorizing the department to contract  
7596 with a public or private educational institution's  
7597 veteran advocacy clinic or veteran legal clinic for  
7598 certain purposes; authorizing the department to  
7599 contract with public or private organizations to  
7600 establish transitional employment programs that  
7601 provide employment opportunities to recently released  
7602 inmates; requiring the department to adopt certain  
7603 rules; amending s. 944.801, F.S.; authorizing the  
7604 Correctional Education Program to establish a Prison  
7605 Entrepreneurship Program and adopt procedures for  
7606 admitting student inmates; providing requirements for  
7607 the program; authorizing transitional and postrelease  
7608 continuing educational services to be offered under  
7609 certain circumstances; requiring the department to  
7610 enter into certain agreements to implement the  
7611 program; requiring that the program be funded with  
7612 existing resources; authorizing the Department of  
7613 Corrections to develop a program, in cooperation with  
7614 the Department of Agriculture and Consumer Service,  
7615 the Florida Forestry Division, and the Florida  
7616 Department of Financial Services, Division of State  
7617 Fire Marshall, to train and certify inmates to become  
7618 firefighters; amending s. 948.001, F.S.; redefining  
7619 the term "administrative probation"; amending s.  
7620 948.013, F.S.; authorizing the department to transfer  
7621 an offender to administrative probation under certain  
7622 circumstances; amending s. 948.04, F.S.; requiring a  
7623 court to early terminate a term of probation or



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7624 convert the term to administrative probation under  
7625 certain circumstances; authorizing a court to continue  
7626 reporting probation upon making written findings;  
7627 amending s. 948.05, F.S.; requiring the department to  
7628 implement a graduated incentives program for  
7629 probationers and offenders on community control;  
7630 authorizing the department to issue certain incentives  
7631 without leave of court; amending s. 948.06, F.S.;  
7632 requiring a probation officer to determine whether a  
7633 probationer or offender on community control who  
7634 commits a technical violation is eligible for a  
7635 certain alternative sanctioning program; authorizing  
7636 the probation officer to take certain actions if such  
7637 probationer or offender is eligible; defining the term  
7638 "technical violation"; requiring a court to modify or  
7639 continue a probationary term under certain  
7640 circumstances; requiring that judicial circuits  
7641 establish an alternative sanctioning program;  
7642 authorizing the chief judge of each judicial circuit  
7643 to issue specified administrative orders; requiring a  
7644 probation officer to submit to the court for approval  
7645 any recommended sanctions against a probationer or  
7646 offender determined to be eligible for the program;  
7647 defining the terms "low-risk violation" and "moderate-  
7648 risk violation"; specifying circumstances under which  
7649 a probationer or offender on community control is not  
7650 eligible for an alternative sanction; authorizing a  
7651 probation officer to offer an eligible probationer one  
7652 or more specified alternative sanctions for a first or



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7653 second low-risk violation; authorizing a probation  
7654 officer, under certain circumstances, to offer an  
7655 eligible probationer or offender on community control  
7656 one or more specified alternative sanctions for a  
7657 first moderate-risk violation; providing that the  
7658 participation of a probationer or offender on  
7659 community control in the alternative sanctioning  
7660 program is voluntary, subject to certain requirements;  
7661 specifying actions that a probationer or offender on  
7662 community control may take if he or she is eligible  
7663 for an alternative sanctioning program; requiring that  
7664 a probation officer, under certain circumstances,  
7665 submit a recommended sanction to the court;  
7666 authorizing the court to impose the recommended  
7667 sanction or direct the department to submit a  
7668 violation report, affidavit, and warrant to the court;  
7669 authorizing a probation officer to submit a violation  
7670 report, affidavit, and warrant to the court under  
7671 certain circumstances; prohibiting certain evidence in  
7672 subsequent proceedings; amending s. 948.08, F.S.;  
7673 expanding eligibility criteria for pretrial substance  
7674 abuse education programs to include a person with two  
7675 or fewer convictions for nonviolent felonies; creating  
7676 s. 948.081, F.S.; authorizing community court  
7677 programs; providing program requirements; amending s.  
7678 951.22, F.S.; providing an exception to a prohibition  
7679 on contraband for certain legal documents; prohibiting  
7680 introduction into or possession of certain cellular  
7681 telephones or other portable communication devices on



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7682 the grounds of any county detention facility;  
7683 providing criminal penalties; amending s. 958.04,  
7684 F.S.; revising the criteria authorizing a court to  
7685 sentence as a youthful offender a person who is found  
7686 guilty of, or who pled nolo contendere or guilty to,  
7687 committing a felony before the person turned 21 years  
7688 of age; amending s. 960.07, F.S.; increasing the  
7689 timeframe for filing a crime victim compensation  
7690 claim; providing an extension for good cause for a  
7691 specified period; increasing the timeframe to file a  
7692 claim for a victim or intervenor who was under a  
7693 certain age at the time of the crime; providing an  
7694 extension of a certain timeframe for good cause;  
7695 increasing the timeframe a victim of a sexually  
7696 violent offense may file a claim for victim  
7697 compensation; amending s. 960.13, F.S.; increasing the  
7698 timeframe for prompt reporting of a crime to be  
7699 eligible for a victim compensation award; amending s.  
7700 960.195, F.S.; increasing the timeframe for reporting  
7701 a criminal or delinquent act resulting in property  
7702 loss of an elderly person or disabled adult; amending  
7703 s. 960.196, F.S.; increasing the timeframe to report  
7704 certain human trafficking offenses to be eligible for  
7705 a victim relocation assistance award; providing an  
7706 extension for good cause; amending s. 960.28, F.S.,  
7707 increasing the maximum monetary reimbursement amount  
7708 to certain medical providers for an initial forensic  
7709 physical examination of certain victims; amending s.  
7710 985.12, F.S.; providing that locally authorized



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7711 entities may continue to operate an independent civil  
7712 citation or similar prearrest diversion program that  
7713 is in operation as of October 1, 2018; requiring each  
7714 civil citation or similar diversion program to enter  
7715 appropriate youth data into the Juvenile Justice  
7716 Information System Prevention Web within a specified  
7717 period after the admission of the youth into the  
7718 program; amending s. 985.126, F.S.; removing the  
7719 requirement for law enforcement officers to submit a  
7720 copy of specified documentation to the Department of  
7721 Juvenile Justice; requiring certain information be  
7722 entered into the Juvenile Justice Information System  
7723 Prevention Web within a specified timeframe; amending  
7724 s. 985.145, F.S.; deleting the requirement that the  
7725 department must enter certain information into the  
7726 Juvenile Justice Information System Prevention Web in  
7727 specified instances; amending s. 985.557, F.S.;

7728 deleting provisions requiring the mandatory direct  
7729 filing of charges in adult court against juveniles  
7730 under certain circumstances; amending ss. 776.09,  
7731 943.053, and 943.0582, F.S.; conforming cross-  
7732 references; amending s. 985.565, F.S.; conforming  
7733 provisions to changes made by the act; amending s.  
7734 921.0022, F.S.; listing on levels 3 and 4 certain  
7735 felonies on the offense severity ranking chart of the  
7736 Criminal Punishment Code; conforming provisions to  
7737 changes made by the act; reenacting s. 322.05(11),  
7738 F.S., relating to prohibiting the issuance of a driver  
7739 license to certain persons, to incorporate the





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7740 amendment made to s. 322.056, F.S., in a reference  
7741 thereto; reenacting s. 316.027(2)(c) and  
7742 907.041(4)(c), F.S., relating to a crash involving  
7743 death or personal injuries and pretrial detention and  
7744 release, respectively, to incorporate the amendment  
7745 made to s. 322.34, F.S., in references thereto;  
7746 reenacting s. 509.161, F.S., relating to rules of  
7747 evidence in certain prosecutions, to incorporate the  
7748 amendment made to s. 509.151, F.S., in a reference  
7749 thereto; reenacting ss. 790.065(2)(c), 794.056(1),  
7750 847.0141(4), 901.41(5), 938.08, 938.085,  
7751 943.325(2)(g), 948.06(8)(c), 948.062(1),  
7752 960.001(1)(b), 985.265(3)(b), and 1006.147(3)(e),  
7753 F.S., relating to the sale and delivery of firearms,  
7754 the Rape Crisis Program Trust Fund, sexting, prearrest  
7755 diversion programs, additional costs to fund programs  
7756 in domestic violence and rape crisis centers, the DNA  
7757 database, the definition of the term "qualifying  
7758 offense" as it relates to the violation of probation  
7759 or community control and failure to pay restitution or  
7760 cost of supervision, reviewing and reporting serious  
7761 offenses committed by offenders placed on probation or  
7762 community control, guidelines for fair treatment of  
7763 victims and witnesses in the criminal justice and  
7764 juvenile justice systems, detention transfer and  
7765 release, education, and adult jails, and the  
7766 prohibition of bullying and harassment, respectively,  
7767 to incorporate the amendment made to s. 784.048, F.S.,  
7768 in references thereto; reenacting s. 316.0775(1),



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7769 F.S., relating to interference with official traffic  
7770 control devices or railroad signs or signals, to  
7771 incorporate the amendment made to s. 806.13, F.S., in  
7772 a reference thereto; reenacting ss. 95.18(10),  
7773 373.6055(3)(c), 400.9935(3), 550.6305(10), 627.743(2),  
7774 634.421(2), 642.038(2), 705.102(4), 812.14(7), and  
7775 893.138(3), F.S., relating to real property actions  
7776 and adverse possession without color of title,  
7777 criminal history checks for certain water management  
7778 district employees and others, clinic  
7779 responsibilities, intertrack wagering, guest track  
7780 payments, and accounting rules, the payment of third-  
7781 party claims, reporting and accounting for funds,  
7782 reporting lost or abandoned property, trespass and  
7783 larceny with relation to utility fixtures and the  
7784 theft of utility services, and local administrative  
7785 action to abate drug-related, prostitution-related, or  
7786 stolen-property-related public nuisances and criminal  
7787 gang activity, respectively, to incorporate the  
7788 amendment made to s. 812.014, F.S., in references  
7789 thereto; reenacting ss. 538.09(5) and 538.23(2), F.S.,  
7790 relating to the registration of and violations and  
7791 penalties for secondhand dealers, respectively, to  
7792 incorporate the amendment made to s. 812.015, F.S., in  
7793 references thereto; reenacting s. 1006.147(3)(e),  
7794 F.S., relating to the prohibition of bullying and  
7795 harassment, to incorporate the amendment made to s.  
7796 815.03, F.S., in a reference thereto; reenacting ss.  
7797 316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5),



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7798 and 934.07(3), F.S., relating to the unlawful  
7799 conveyance of fuel and obtaining fuel fraudulently,  
7800 terrorism, providing material support or resources for  
7801 terrorism or to terrorist organizations, the  
7802 definition of the term "terrorism" as it relates to  
7803 murder, and the authorization for interception of  
7804 wire, oral, or electronic communications,  
7805 respectively, to incorporate the amendment made to s.  
7806 815.06, F.S., in references thereto; reenacting s.  
7807 849.02, F.S., relating to agents or employees of  
7808 keepers of gambling houses, to incorporate the  
7809 amendment made to s. 849.01, F.S., in a reference  
7810 thereto; reenacting ss. 373.6055(3)(c), 397.4073(6),  
7811 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a),  
7812 782.04(1)(a), (3), and (4), 810.02(3), 893.13(8)(d),  
7813 893.1351(1) and (2), 900.05(3)(e), 903.133,  
7814 907.041(4)(c), 921.141(9), and 921.142(2), F.S.,  
7815 relating to criminal history checks for certain water  
7816 management district employees and others, background  
7817 checks of service provider personnel, determining  
7818 eligibility for temporary cash assistance, the Drug  
7819 Dealer Liability Act, possession or use of a weapon,  
7820 aggravated battery, felony reclassifications, and  
7821 minimum sentencing, murder, burglary, prohibited acts  
7822 and penalties relating to controlled substances, the  
7823 ownership, lease, rental, or possession for  
7824 trafficking in or manufacturing a controlled  
7825 substance, criminal justice data collection, the  
7826 prohibition of bail on appeal for certain felony



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7827 convictions, pretrial detention and release, the  
7828 sentence of death or life imprisonment for capital  
7829 felonies and further proceedings to determine  
7830 sentences, and the sentence of death or life  
7831 imprisonment for capital drug trafficking felonies and  
7832 further proceedings to determine sentences,  
7833 respectively, to incorporate the amendment made to s.  
7834 893.135, F.S., in references thereto; reenacting s.  
7835 944.026(3)(a), F.S., relating to community-based  
7836 facilities and programs, to incorporate the amendment  
7837 made to s. 944.704, F.S., in a reference thereto;  
7838 reenacting s. 944.4731(6), F.S., relating to the  
7839 Addiction-Recovery Supervision Program, to incorporate  
7840 the amendment made to s. 944.705, F.S., in a reference  
7841 thereto; reenacting s. 447.203(2), F.S., relating to  
7842 the definition of the terms "public employer" or  
7843 "employer," to incorporate the amendment made to s.  
7844 944.801, F.S., in a reference thereto; reenacting s.  
7845 921.187(1)(n), F.S., relating to disposition and  
7846 sentencing alternatives, to incorporate the amendment  
7847 made to s. 948.013, F.S., in a reference thereto;  
7848 reenacting ss. 948.012(2)(b), 948.10(3), 948.20(3),  
7849 and 958.14, F.S., relating to split sentencing of  
7850 probation or community control and imprisonment,  
7851 procedures governing violations of community control,  
7852 revocation of drug offender probation, and violations  
7853 of probation or community control programs,  
7854 respectively, to incorporate the amendment made to s.  
7855 948.06, F.S., in references thereto; reenacting ss.



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7856 796.07(4)(b), 944.026(3)(b), and 948.036(1), F.S.,  
7857 relating to charges of prostitution and related acts,  
7858 certain pretrial intervention programs, and work  
7859 programs, respectively, to incorporate the amendment  
7860 made to s. 948.08, F.S., in references thereto;  
7861 reenacting ss. 394.47892(2), 397.334(5), and  
7862 910.035(5)(a), F.S., relating to mental health court  
7863 programs, treatment-based drug court programs, and  
7864 transfer for participation in a problem-solving court,  
7865 respectively, to incorporate the amendments made to  
7866 ss. 948.08 and 948.16, F.S., in references thereto;  
7867 reenacting ss. 958.03(5), 958.045(8)(a), 958.046, and  
7868 985.565(4)(c), F.S., relating to the definition of the  
7869 term "youthful offender," the youthful offender basic  
7870 training program, county-operated youthful offender  
7871 boot camp programs, and adult sanctions upon failure  
7872 of juvenile sanctions, to incorporate the amendment  
7873 made to s. 958.04, F.S., in references thereto;  
7874 reenacting s. 985.556(3), F.S., relating to  
7875 involuntary mandatory waiver, to incorporate the  
7876 amendment made to s. 985.557, F.S., in a reference  
7877 thereto; reenacting ss. 985.15(1), and 985.26(2)(c),  
7878 F.S., relating to filing decisions of state attorneys  
7879 in the prosecution of a child, and length of detention  
7880 for prolific juvenile offenders, respectively, to  
7881 incorporate the amendment made to s. 985.557, F.S., in  
7882 references thereto; creating the Task Force on the  
7883 Criminal Punishment Code adjunct to the Department of  
7884 Legal Affairs; providing a legislative finding;



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7885 specifying the task force's purpose; requiring that  
7886 the task force analyze best practices; providing for  
7887 membership of the task force and the filling of any  
7888 vacancies; providing meeting requirements; providing  
7889 for staff support; requiring specified governmental  
7890 entities to provide certain information and support  
7891 services upon request of the Attorney General;  
7892 providing for reimbursement of per diem and travel  
7893 expenses; prescribing reporting requirements;  
7894 providing for dissolution of the task force; providing  
7895 an appropriation; providing effective dates.