

1 A bill to be entitled
2 An act relating to public safety; amending s. 16.555,
3 F.S.; providing for reallocation of unencumbered funds
4 returned to the Crime Stoppers Trust Fund; specifying
5 permissible uses for funds awarded to counties from
6 the trust fund; creating s. 16.557, F.S.; providing
7 definitions; providing criminal penalties for
8 disclosure of privileged communications or protected
9 information or information concerning such
10 communications or information; providing exceptions;
11 amending s. 212.15, F.S.; increasing threshold amounts
12 for certain theft offenses; amending s. 322.01, F.S.;
13 providing a definition; amending s. 322.055, F.S.;
14 reducing the length of driver license revocation for
15 possession or sale of, trafficking in, or conspiracy
16 to possess, sell, or traffic in a controlled
17 substance; deleting provisions authorizing a driver to
18 petition the Department of Highway Safety and Motor
19 Vehicles for restoration of his or her driving
20 privilege; amending s. 322.056, F.S.; reducing the
21 period for revocation or suspension of, or delay of
22 eligibility for, driver licenses or driving privileges
23 for certain persons found guilty of certain drug
24 offenses; deleting requirements relating to the
25 revocation or suspension of, or delay of eligibility

26 | for, driver licenses or driving privileges for certain
27 | persons found guilty of certain alcohol or tobacco
28 | offenses; deleting provisions authorizing a driver to
29 | petition the Department of Highway Safety and Motor
30 | Vehicles for restoration of his or her driving
31 | privilege; repealing s. 322.057, F.S., relating to
32 | discretionary revocation or suspension of a driver
33 | license for certain persons who provide alcohol to
34 | persons under a specified age; amending s. 322.24,
35 | F.S.; extending penalties to a person who was never
36 | issued a driver license; creating s. 322.75, F.S.;
37 | requiring each clerk of court to establish a Driver
38 | License Reinstatement Days program for reinstating
39 | suspended driver licenses in certain circumstances;
40 | providing duties of the clerks of the circuit courts
41 | and the Department of Highway Safety and Motor
42 | Vehicles; authorizing such clerks to compromise on or
43 | waive certain fees and costs; providing eligibility
44 | requirements; amending s. 394.47891, F.S.; revising
45 | the list of individuals who, if charged or convicted
46 | of certain criminal offenses, may participate in a
47 | Military Veterans and Servicemembers Court Program
48 | under certain circumstances; amending s. 394.917,
49 | F.S.; revising the duties of the Department of
50 | Children and Families concerning criminal offenders

51 designated as sexually violent predators; amending s.
52 397.334, F.S.; conforming provisions to changes made
53 in the act; amending s. 455.213, F.S.; conforming a
54 cross-reference; requiring the Department of Business
55 and Professional Regulation or the applicable board to
56 use a specified process for the review of an
57 applicant's criminal record to determine the
58 applicant's eligibility for certain licenses;
59 prohibiting the conviction of a crime before a
60 specified date from being grounds for denial of
61 certain licenses; defining the term "conviction";
62 authorizing a person to apply for a license before his
63 or her lawful release from confinement or supervision;
64 prohibiting additional fees for an applicant confined
65 or under supervision; prohibiting the department or
66 applicable board from basing a denial of a license
67 application solely on the applicant's current
68 confinement or supervision; authorizing the department
69 or applicable board to stay the issuance of an
70 approved license under certain circumstances;
71 requiring the department or applicable board to verify
72 an applicant's release with the Department of
73 Corrections or other applicable authority; providing
74 requirements for the appearance of certain applicants
75 at certain meetings; requiring the department or

76 applicable board to provide an annually updated list
77 on its website specifying how certain crimes affect an
78 applicant's eligibility for licensure; providing that
79 certain information be identified for each crime on
80 the list; requiring such list be available to the
81 public upon request; amending s. 474.2165, F.S.;
82 authorizing a veterinarian to report certain suspected
83 criminal violations without notice to or authorization
84 from a client; providing an exception; amending s.
85 489.126, F.S.; providing a just cause defense for
86 criminal offenses and disciplinary violations;
87 providing an inference; deleting an intent requirement
88 for contractor offenses; revising elements of
89 offenses; revising criminal penalties for contractor
90 offenses; amending s. 489.553, F.S.; prohibiting the
91 conviction of a crime from being grounds for the
92 denial of registration after a specified time has
93 passed under certain circumstances; defining the term
94 "conviction"; authorizing a person to apply for
95 registration before his or her lawful release from
96 confinement or supervision; prohibiting the Department
97 of Business and Professional Regulation from charging
98 an applicant who is confined or under supervision
99 additional fees; prohibiting the applicable board from
100 basing the denial of registration solely on the

101 applicant's current confinement or supervision;
102 authorizing the board to stay the issuance of an
103 approved registration under certain circumstances;
104 requiring the board to verify an applicant's release
105 with the Department of Corrections or other applicable
106 authority; providing requirements for the appearance
107 of certain applicants at certain meetings; requiring
108 the applicable board to provide a quarterly updated
109 list on its website specifying how certain crimes may
110 affect an applicant's eligibility for registration;
111 providing that certain information be identified for
112 each crime on the list; requiring such list be
113 available to the public upon request; amending s.
114 500.451, F.S.; abolishing mandatory minimum sentence
115 for the sale of horse meat for human consumption;
116 amending s. 509.151, F.S.; increasing threshold
117 amounts for certain theft offenses; amending s.
118 562.11, F.S.; deleting provisions relating to
119 withholding issuance of, or suspending or revoking, a
120 driver license or driving privilege for possession of
121 alcoholic beverages by persons under a specified age;
122 amending s. 562.111, F.S.; removing the mandatory
123 driver license suspension requirement for conviction
124 of possession of alcohol by a person younger than 21
125 years of age; amending s. 562.27, F.S.; reducing the

126 offense severity of certain crimes related to the
127 possession of a still or related apparatus; amending
128 s. 562.451, F.S.; reducing the offense severity for
129 possession of one or more gallons of certain liquors;
130 amending s. 569.11, F.S.; revising penalties for
131 persons under a specified age who knowingly possess,
132 misrepresent their age or military service to
133 purchase, or purchase or attempt to purchase tobacco
134 products; authorizing, rather than requiring, a court
135 to direct the Department of Highway Safety and Motor
136 Vehicles to withhold issuance of or suspend a person's
137 driver license or driving privilege for certain
138 violations; amending s. 713.69, F.S.; increasing
139 thresholds for certain theft offenses; amending s.
140 775.082, F.S.; specifying that certain offenders
141 released from incarceration from county detention
142 facilities qualify as prison releasee reoffenders;
143 amending s. 784.046, F.S.; prohibiting attorney fees
144 in cases seeking an injunction for protection against
145 repeat, dating, or sexual violence; amending s.
146 784.048, F.S.; revising the definition of the term
147 "cyberstalk"; providing criminal penalties; amending
148 s. 784.0485, F.S.; prohibiting attorney fees in cases
149 seeking an injunction for protection against stalking;
150 amending s. 784.049, F.S.; revising legislative

151 findings; revising definitions; providing that sexual
152 cyberharassment includes dissemination of an image
153 through electronic means other than publication on a
154 website; requiring that a person have a reasonable
155 expectation of privacy in an image for the publication
156 or dissemination of the image to qualify as sexual
157 cyberharassment; providing that certain actions do not
158 eliminate such an expectation of privacy; amending s.
159 790.052, F.S.; specifying that certain law enforcement
160 and correctional officers meet the definition of
161 "qualified law enforcement officer" for the purposes
162 of qualifying for certain rights during off-duty
163 hours; specifying that certain persons meet the
164 definition of "qualified retired law enforcement
165 officer" for the purposes of qualifying for certain
166 rights during off-duty hours; amending s. 790.22,
167 F.S.; authorizing, rather than requiring, a court to
168 withhold issuance of or suspend a person's driver
169 license or driving privilege for a minor who possesses
170 or uses a firearm in certain circumstances; amending
171 s. 800.09, F.S.; revising the definition of the term
172 "employee"; prohibiting certain lewd or lascivious
173 acts in the presence of county correctional personnel;
174 providing criminal penalties; amending s. 806.13,
175 F.S.; authorizing, rather than requiring, a court to

176 withhold issuance of or suspend a person's driver
177 license or driving privilege for committing criminal
178 mischief by a minor; amending s. 812.014, F.S.;
179 increasing threshold amounts for certain theft
180 offenses; adding utility services to the list of items
181 the theft of which constitutes a felony of the third
182 degree; amending s. 812.015, F.S.; increasing
183 threshold amounts for certain theft offenses; revising
184 requirements for aggregation of retail thefts;
185 amending s. 812.0155, F.S.; removing a court's
186 authority to suspend a driver license for a
187 misdemeanor theft adjudication of guilt for a person
188 18 years of age or older; allowing a court to suspend
189 a driver license for a person 18 years of age or
190 younger as an alternative to other possible sentences;
191 amending s. 815.03, F.S.; revising the definition of
192 the term "access" for purposes of provisions relating
193 to computer crimes; amending s. 815.06, F.S.; revising
194 conduct constituting an offense against users of
195 computers, computer systems, computer networks, or
196 electronic devices; providing criminal penalties;
197 amending s. 817.413, F.S.; increasing threshold
198 amounts for certain theft offenses; amending s.
199 831.28, F.S.; criminalizing possession of a
200 counterfeit instrument with intent to defraud;

201 amending s. 847.011, F.S.; prohibiting a person from
202 knowingly selling, lending, giving away, distributing,
203 transmitting, showing, or transmuting; offering to
204 commit such actions, having in his or her possession,
205 custody, or control with the intent to commit such
206 actions or advertising in any manner an obscene,
207 child-like sex doll; providing criminal penalties;
208 prohibiting a person from knowingly having in his or
209 her possession, custody, or control an obscene, child-
210 like sex doll; providing criminal penalties; amending
211 s. 849.01, F.S.; reducing the offense severity of
212 certain crimes relating to keeping a gambling house or
213 possessing certain gambling apparatuses; amending s.
214 877.112, F.S.; removing driver license revocation or
215 suspension as a penalty for certain offenses involving
216 nicotine products; amending s. 893.135, F.S.; revising
217 threshold amounts for trafficking in hydrocodone;
218 amending s. 900.05, F.S.; revising and providing
219 definitions; revising and providing data required to
220 be collected and reported to the Department of Law
221 Enforcement by specified entities; requiring the
222 Department of Law Enforcement to publish data received
223 from reporting agencies by a specified date; imposing
224 penalties on reporting agencies for noncompliance with
225 data reporting requirements; declaring information

226 that is confidential and exempt upon collection by a
227 reporting agency remains confidential and exempt when
228 reported to the department; amending s. 921.0022,
229 F.S.; conforming provisions of the offense severity
230 ranking chart of the Criminal Punishment Code to
231 changes made by the act; ranking introduction, or
232 possession of, a cellular telephone or other portable
233 communication device on county detention facility
234 grounds; creating s. 943.0578, F.S.; establishing
235 eligibility criteria for expunction of a criminal
236 history record by a person found to have acted in
237 lawful self-defense; requiring the Department of Law
238 Enforcement to issue a certificate of eligibility for
239 expunction if specified criteria are fulfilled;
240 specifying requirements for a petition to expunge;
241 creating a penalty for providing false information on
242 such petition; requiring the department to adopt rules
243 relating to a certificate of expunction for lawful
244 self-defense; amending s. 943.0581, F.S.; clarifying
245 administrative expunction applies to criminal history
246 records resulting from an arrest made contrary to law
247 or by mistake; creating s. 943.0584, F.S.; providing a
248 definition; specifying criminal history records which
249 are ineligible for court-ordered expunction or court-
250 ordered sealing; amending s. 943.0585, F.S.; providing

251 eligibility criteria for court-ordered expunction of a
252 criminal history record; requiring the Department of
253 Law Enforcement to issue a certificate of eligibility
254 to petitioners meeting eligibility criteria;
255 specifying requirements for a petition for court-
256 ordered expunction; specifying a court's authority to
257 expunge criminal history records; specifying the
258 process for a petition to expunge a criminal history
259 record; specifying the process following the issuance
260 of an order to expunge a criminal history record;
261 specifying the effect of an order to expunge a
262 criminal history record; amending s. 943.059, F.S.;
263 providing eligibility criteria for court-ordered
264 sealing of a criminal history record; requiring the
265 department to issue a certificate of eligibility to
266 petitioners meeting eligibility criteria; specifying
267 requirements for a petition for court-ordered sealing;
268 specifying a court's authority to seal criminal
269 history records; specifying the process for a petition
270 to seal a criminal history record; specifying the
271 effect of an order to seal a criminal history record;
272 creating s. 943.0595, F.S.; requiring the Department
273 of Law Enforcement to adopt rules to implement
274 administrative sealing of specified criminal history
275 records; providing eligibility criteria for

276 administrative sealing of criminal history records;
277 specifying ineligible criminal history records;
278 providing for an unlimited number of times a person
279 with an eligible criminal history record may receive
280 administrative sealing; requiring the clerk of court
281 to transmit a certified copy of an eligible criminal
282 history record to the department upon the resolution
283 of a criminal case; specifying that the effect of
284 automatic sealing is the same as court-ordered
285 sealing; amending s. 943.325, F.S.; revising
286 legislative findings relating to the use of the DNA
287 database; amending s. 943.6871, F.S.; declaring
288 information received by the Department of Law
289 Enforcement from a reporting agency that is
290 confidential and exempt upon collection remains
291 confidential and exempt; requiring the Criminal and
292 Juvenile Justice Information Systems Council to
293 develop specifications for a uniform arrest affidavit;
294 providing requirements for the specifications;
295 requiring the council to develop specifications for a
296 uniform criminal charge and disposition statute
297 crosswalk table and uniform criminal disposition and
298 sentencing crosswalk table; requiring the department
299 to procure the affidavit and statute crosswalk tables
300 by a certain date; requiring law enforcement agencies

301 to use the uniform arrest affidavit and other agencies
302 to use the statute crosswalk tables by a certain date;
303 amending s. 944.40, F.S.; including escape while on
304 furlough in the offense of escape; providing criminal
305 penalties; amending s. 944.47, F.S.; providing
306 enhanced penalties for offenses involving introduction
307 of contraband in correctional facilities when
308 committed by correctional facility employees; amending
309 s. 944.704, F.S.; requiring transition assistance
310 staff to provide job assignment credentialing and
311 industry certification information to inmates prior to
312 release; authorizing the Department of Corrections to
313 increase the number of employees serving as a
314 transition specialist and employment specialist;
315 amending s. 944.705, F.S.; requiring the department to
316 establish a telephone hotline for released offenders;
317 requiring the department to provide a comprehensive
318 community reentry resource directory to each inmate
319 before release; requiring the department to use
320 certain programming data to notify inmates about
321 reentry resources before release; requiring the
322 department to allow nonprofit faith-based, business
323 and professional, civic, and community organizations
324 to apply to be registered to provide inmate reentry
325 services; requiring the department to adopt policies

326 for screening, approving, and registering
327 organizations that apply; authorizing the department
328 to contract with public or private educational
329 institutions to assist veteran inmates in applying for
330 certain benefits; authorizing the department to
331 contract with public or private organizations to
332 establish transitional employment programs that
333 provide employment opportunities to recently released
334 inmates; requiring the department to adopt rules;
335 amending s. 944.801, F.S.; authorizing the department
336 to expand the use of job assignment credentialing and
337 industry certifications; requiring the department to
338 develop a Prison Entrepreneurship Program and adopt
339 procedures for inmate admission; specifying program
340 requirements; requiring the department to enter into
341 agreements with certain entities to carry out duties
342 associated with the program; amending s. 948.001,
343 F.S.; revising the definition of administrative
344 probation; authorizing a court to order an offender
345 into administrative probation; amending s. 948.013,
346 F.S.; specifying when the Department of Corrections
347 may transfer an offender to administrative probation;
348 amending s. 948.04, F.S.; requiring a court to early
349 terminate a term of probation or convert the term to
350 administrative probation under certain circumstances;

351 allowing a court to continue reporting probation upon
352 making written findings; amending s. 948.05, F.S.;
353 requiring the Department of Corrections to implement a
354 graduated incentives program for probationers and
355 offenders on community control; authorizing the
356 department to issue certain incentives without leave
357 of court; amending s. 948.06, F.S.; requiring a court
358 to modify or continue a probationary term under
359 certain circumstances; requiring each judicial circuit
360 to establish an alternative sanctioning program;
361 defining low- and moderate-risk level technical
362 violations of probation; establishing permissible
363 sanctions for low- and moderate-risk violations of
364 probation under the program; establishing eligibility
365 criteria; authorizing a probationer who allegedly
366 committed a technical violation to waive participation
367 in or elect to participate in the program, admit to
368 the violation, agree to comply with the recommended
369 sanction, and agree to waive certain rights; requiring
370 a probation officer to submit the recommended sanction
371 and certain documentation to the court if the
372 probationer admits to committing the violation;
373 authorizing the court to impose the recommended
374 sanction or direct the department to submit a
375 violation report, affidavit, and warrant to the court;

376 authorizing a probation officer to submit a violation
377 report, affidavit, and warrant to the court in certain
378 circumstances; amending s. 948.08, F.S.; expanding
379 eligibility criteria for pretrial substance abuse
380 education programs to include a person with two or
381 fewer convictions for nonviolent felonies; revising
382 the list of individuals who, if charged with certain
383 felonies, are eligible for voluntary admission into a
384 pretrial veterans' treatment intervention program
385 under certain circumstances; creating s. 948.081,
386 F.S.; authorizing community court programs; amending
387 s. 948.16, F.S.; revising the list of individuals who,
388 if charged with certain misdemeanors, are eligible for
389 voluntary admission into a misdemeanor pretrial
390 veterans' treatment intervention program under certain
391 circumstances; amending s. 948.21, F.S.; revising the
392 list of individuals who, if probationers or community
393 controlees, may be required to participate in a
394 certain treatment program under certain circumstances;
395 providing program criteria; amending s. 951.22, F.S.;
396 providing an exception to a prohibition on contraband
397 for certain legal documents; prohibiting introduction
398 into or possession of certain cellular telephones or
399 other portable communication devices on the grounds of
400 any county detention facility; providing criminal

401 penalties; amending s. 958.04, F.S.; revising the
402 criteria authorizing a court to sentence as a youthful
403 offender a person who is found guilty of, or who pled
404 nolo contendere or guilty to, committing a felony
405 before the person turned 21 years of age; amending s.
406 960.07, F.S.; increasing the timeframe for filing a
407 crime victim compensation claim; providing an
408 extension for good cause for a specified period;
409 increasing the timeframe for a victim or intervenor
410 who was under the age of 18 at the time of the crime
411 to file a claim; provides an extension for good cause
412 of 2 additional years; increasing the timeframe for
413 filing a claim for victim compensation for a victim of
414 a sexually violent offense; amending s. 960.13, F.S.;
415 increasing the timeframe for prompt reporting of a
416 crime to be eligible for a victim compensation award;
417 amending s. 960.195, F.S.; increasing the timeframe
418 for reporting a criminal or delinquent act resulting
419 in property loss of an elderly person or disabled
420 adult; amending s. 960.196, F.S.; increasing the
421 timeframe to report certain human trafficking offenses
422 to be eligible for a victim relocation assistance
423 award; providing an extension for good cause; amending
424 s. 985.557, F.S.; repealing provisions requiring the
425 mandatory direct filing of charges in adult court

426 against juveniles in certain circumstances; amending
427 s. 985.565, F.S.; conforming provisions to changes
428 made by the act; providing effective dates.

429
430 Be It Enacted by the Legislature of the State of Florida:

431
432 Section 1. Effective July 1, 2019, paragraph (c) is added
433 to subsection (4) and paragraph (e) is added to subsection (5)
434 of section 16.555, Florida Statutes, to read:

435 16.555 Crime Stoppers Trust Fund; rulemaking.—

436 (4)

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

446 (5)

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

450 1. An arrest.

- 451 2. Recovery of stolen property.
- 452 3. Recovery of illegal narcotics.
- 453 4. Recovery of the body of a homicide victim.
- 454 5. Recovery of a human trafficking victim or a missing
 455 person connected to criminal activity.
- 456 6. Recovery of an illegal firearm or an illegal weapon on
 457 a K-12 school campus.
- 458 7. Prevention of a terrorist act.
- 459 8. Solving and closing a homicide or other violent felony
 460 offense that remains unsolved for 1 year or more after being
 461 reported to a law enforcement agency and that has no viable and
 462 unexplored investigatory leads.

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

465 16.557 Crime stoppers organizations; disclosure of
 466 privileged communications or protected information.-

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

468 (a) "Crime stoppers organization" means a private not-for-
 469 profit organization that collects and expends donations for
 470 rewards to persons who report to the organization information
 471 concerning criminal activity and forwards that information to
 472 appropriate law enforcement agencies.

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

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

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

490 (b) This subsection does not apply to:

491 1. The person who provides the privileged communication or
492 protected information; or

493 2. A law enforcement officer or an employee of a law
494 enforcement agency or the Department of Legal Affairs when
495 acting within the scope of his or her official duties.

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

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

500 212.15 Taxes declared state funds; penalties for failure

501 to remit taxes; due and delinquent dates; judicial review.—

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

506 (a) If the total amount of stolen revenue is less than
507 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,
508 punishable as provided in s. 775.082 or s. 775.083. Upon a
509 second conviction, the offender commits is ~~guilty of~~ a
510 misdemeanor of the first degree, punishable as provided in s.
511 775.082 or s. 775.083. Upon a third or subsequent conviction,
512 the offender commits is ~~guilty of~~ a felony of the third degree,
513 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

525 Section 4. Subsections (41) through (46) of section

526 | 322.01, Florida Statutes, are renumbered as subsections (42)
 527 | through (47), respectively, and a new subsection (41) is added
 528 | to that section, to read:

529 | 322.01 Definitions.—As used in this chapter:

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

538 | Section 5. Subsections (1) through (4) of section 322.055,
 539 | Florida Statutes, are amended to read:

540 | 322.055 Revocation or suspension of, or delay of
 541 | eligibility for, driver license for persons 18 years of age or
 542 | older convicted of certain drug offenses.—

543 | (1) Notwithstanding s. 322.28, upon the conviction of a
 544 | person 18 years of age or older for possession or sale of,
 545 | trafficking in, or conspiracy to possess, sell, or traffic in a
 546 | controlled substance, the court shall direct the department to
 547 | suspend ~~revoke~~ the person's driver license or driving privilege
 548 | ~~of the person~~. The suspension ~~period of such revocation~~ shall be
 549 | 6 months ~~1 year~~ or until the person is evaluated for and, if
 550 | deemed necessary by the evaluating agency, completes a drug

551 treatment and rehabilitation program approved or regulated by
552 the Department of Children and Families. However, the court may,
553 upon finding a compelling circumstance to warrant an exception
554 ~~in its sound discretion~~, direct the department to issue a
555 license for driving privilege restricted to business or
556 employment purposes only, as defined by s. 322.271, if the
557 person is otherwise qualified for such a license. ~~A driver whose~~
558 ~~license or driving privilege has been suspended or revoked under~~
559 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~
560 ~~petition the department for restoration of the driving privilege~~
561 ~~on a restricted or unrestricted basis depending on length of~~
562 ~~suspension or revocation. In no case shall a restricted license~~
563 ~~be available until 6 months of the suspension or revocation~~
564 ~~period has expired.~~

565 (2) If a person 18 years of age or older is convicted for
566 the possession or sale of, trafficking in, or conspiracy to
567 possess, sell, or traffic in a controlled substance and such
568 person is eligible by reason of age for a driver license or
569 privilege, the court shall direct the department to withhold
570 issuance of such person's driver license or driving privilege
571 for a period of 6 months ~~1 year~~ after the date the person was
572 convicted or until the person is evaluated for and, if deemed
573 necessary by the evaluating agency, completes a drug treatment
574 and rehabilitation program approved or regulated by the
575 Department of Children and Families. However, the court may,

576 upon finding a compelling circumstance to warrant an exception
577 ~~in its sound discretion~~, direct the department to issue a
578 license for driving privilege restricted to business or
579 employment purposes only, as defined by s. 322.271, if the
580 person is otherwise qualified for such a license. ~~A driver whose~~
581 ~~license or driving privilege has been suspended or revoked under~~
582 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~
583 ~~petition the department for restoration of the driving privilege~~
584 ~~on a restricted or unrestricted basis depending on the length of~~
585 ~~suspension or revocation. In no case shall a restricted license~~
586 ~~be available until 6 months of the suspension or revocation~~
587 ~~period has expired.~~

588 (3) If a person 18 years of age or older is convicted for
589 the possession or sale of, trafficking in, or conspiracy to
590 possess, sell, or traffic in a controlled substance and such
591 person's driver license or driving privilege is already under
592 suspension or revocation for any reason, the court shall direct
593 the department to extend the period of such suspension or
594 revocation by an additional period of 6 months ~~1 year~~ or until
595 the person is evaluated for and, if deemed necessary by the
596 evaluating agency, completes a drug treatment and rehabilitation
597 program approved or regulated by the Department of Children and
598 Families. However, the court may, upon finding a compelling
599 circumstance to warrant an exception ~~in its sound discretion~~,
600 direct the department to issue a license for driving privilege

601 restricted to business or employment purposes only, as defined
602 by s. 322.271, if the person is otherwise qualified for such a
603 license. ~~A driver whose license or driving privilege has been~~
604 ~~suspended or revoked under this section or s. 322.056 may, upon~~
605 ~~the expiration of 6 months, petition the department for~~
606 ~~restoration of the driving privilege on a restricted or~~
607 ~~unrestricted basis depending on the length of suspension or~~
608 ~~revocation. In no case shall a restricted license be available~~
609 ~~until 6 months of the suspension or revocation period has~~
610 ~~expired.~~

611 (4) If a person 18 years of age or older is convicted for
612 the possession or sale of, trafficking in, or conspiracy to
613 possess, sell, or traffic in a controlled substance and such
614 person is ineligible by reason of age for a driver license or
615 driving privilege, the court shall direct the department to
616 withhold issuance of such person's driver license or driving
617 privilege for a period of 6 months ~~1 year~~ after the date that he
618 or she would otherwise have become eligible or until he or she
619 becomes eligible by reason of age for a driver license and is
620 evaluated for and, if deemed necessary by the evaluating agency,
621 completes a drug treatment and rehabilitation program approved
622 or regulated by the Department of Children and Families.
623 However, the court may, upon finding a compelling circumstance
624 to warrant an exception in its sound discretion, direct the
625 department to issue a license for driving privilege restricted

626 to business or employment purposes only, as defined by s.
627 322.271, if the person is otherwise qualified for such a
628 license. ~~A driver whose license or driving privilege has been~~
629 ~~suspended or revoked under this section or s. 322.056 may, upon~~
630 ~~the expiration of 6 months, petition the department for~~
631 ~~restoration of the driving privilege on a restricted or~~
632 ~~unrestricted basis depending on the length of suspension or~~
633 ~~revocation. In no case shall a restricted license be available~~
634 ~~until 6 months of the suspension or revocation period has~~
635 ~~expired.~~

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

638 322.056 Mandatory revocation or suspension of, or delay of
639 eligibility for, driver license for persons under age 18 found
640 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
641 prohibition.-

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

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

650 ~~1. Not less than 6 months and not more than 1 year for the~~

651 ~~first violation.~~

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

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

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

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

660 (c) The person is ineligible by reason of age for a driver
 661 license or driving privilege, the court shall direct the
 662 department to withhold issuance of his or her driver license or
 663 driving privilege for a period of÷

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

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

669
 670 However, the court may, upon finding a compelling circumstance
 671 to warrant an exception in its sound discretion, direct the
 672 department to issue a license for driving privileges restricted
 673 to business or employment purposes only, as defined in s.
 674 322.271, if the person is otherwise qualified for such a
 675 license.

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

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

- 687 ~~1. For the first violation, for 30 days.~~
688 ~~2. For the second violation within 12 weeks of the first~~
689 ~~violation, for 45 days.~~

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

- 694 ~~1. For the first violation, for 30 days.~~
695 ~~2. For the second violation within 12 weeks of the first~~
696 ~~violation, for 45 days.~~

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

701 ~~1. For the first violation, for 30 days.~~

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

704
705 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
706 ~~within the 12-week period after the first violation will be~~
707 ~~treated as a first violation and in the same manner as provided~~
708 ~~in this subsection.~~

709 ~~(3) If a person under 18 years of age is found by the~~
710 ~~court to have committed a third violation of s. 569.11 or s.~~
711 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
712 ~~court must direct the Department of Highway Safety and Motor~~
713 ~~Vehicles to suspend or withhold issuance of his or her driver~~
714 ~~license or driving privilege for 60 consecutive days. Any third~~
715 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
716 ~~12-week period after the first violation will be treated as a~~
717 ~~first violation and in the same manner as provided in subsection~~
718 ~~(2).~~

719 (2)~~(4)~~ A penalty imposed under this section shall be in
720 addition to any other penalty imposed by law.

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

726 ~~the person's driving record.~~

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

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

730 322.34 Driving while license suspended, revoked, canceled,
731 or disqualified.—

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

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

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

750 322.75 Driver License Reinstatement Days.—

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

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

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

768 (4) (a) A person is eligible for reinstatement under the
769 program if his or her license was suspended due to:
770 1. Driving without a valid driver license;
771 2. Driving with a suspended driver license;
772 3. Failing to make a payment on penalties in collection;
773 4. Failing to appear in court for a traffic violation; or
774 5. Failing to comply with any provision of chapter 318 or
775 this chapter.

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

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

784 (a) Failure to fulfill a court-ordered child support
785 obligation;

786 (b) A violation of s. 316.193;

787 (c) Failure to complete a driver training program, driver
788 improvement course, or alcohol or substance abuse education or
789 evaluation program required under s. 316.192, s. 316.193, s.
790 322.2616, s. 322.271, or s. 322.264;

791 (d) A traffic-related felony; or

792 (e) The person being a habitual traffic offender under s.
793 322.264.

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

797 (7) The clerk of court must collect and report to the
798 Florida Clerks of the Court Operations Corporation:

799 (a) The number of cases paid in full.

800 (b) The number of cases put on a payment plan.

801 (c) The number of driver license reinstatements.

802 (d) The number of driver licenses made eligible for
803 reinstatement.

804 (e) The amount of fees and costs collected, reported by
805 the entity receiving the funds. The Florida Clerks of the Court
806 Operations Corporation must report the aggregate funds received
807 by the clerks of court, the local governmental entities, and
808 state entities, including general revenue.

809 (f) The personnel, operating, security, and other
810 expenditures incurred by the clerk of court.

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

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

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

818 394.47891 Military veterans, ~~and~~ servicemembers, and other
819 court programs.—The chief judge of each judicial circuit may
820 establish a Military Veterans and Servicemembers Court Program
821 under which veterans, as defined in s. 1.01, including veterans
822 who were discharged or released under a general discharge, and
823 servicemembers, as defined in s. 250.01; individuals who are
824 current or former United States Department of Defense
825 contractors, provided any separation was not due to the former

826 contractor's bad conduct; and individuals who are current or
827 former military members of a foreign allied country, provided
828 any discharge was the equivalent of an honorable or general
829 discharge, who are charged or convicted of a criminal offense
830 and who suffer from a military-related mental illness, traumatic
831 brain injury, substance abuse disorder, or psychological problem
832 can be sentenced in accordance with chapter 921 in a manner that
833 appropriately addresses the severity of the mental illness,
834 traumatic brain injury, substance abuse disorder, or
835 psychological problem through services tailored to the
836 individual needs of the participant. Entry into any Military
837 Veterans and Servicemembers Court Program must be based upon the
838 sentencing court's assessment of the defendant's criminal
839 history, military service, substance abuse treatment needs,
840 mental health treatment needs, amenability to the services of
841 the program, the recommendation of the state attorney and the
842 victim, if any, and the defendant's agreement to enter the
843 program.

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

846 394.917 Determination; commitment procedure; mistrials;
847 housing; counsel and costs in indigent appellate cases.—

848 (2) If the court or jury determines that the person is a
849 sexually violent predator, upon the expiration of the
850 incarcerative portion of all criminal sentences and disposition

851 of any detainers, the person shall be committed to the custody
852 of the Department of Children and Families for control, care,
853 and treatment, and rehabilitation of criminal offenders, until
854 such time as the person's mental abnormality or personality
855 disorder has so changed that it is safe for the person to be at
856 large. At all times, persons who are detained or committed under
857 this part shall be kept in a secure facility segregated from
858 patients of the department who are not detained or committed
859 under this part.

860 Section 12. Subsection (2) of section 397.334, Florida
861 Statutes, is amended to read:

862 397.334 Treatment-based drug court programs.—

863 (2) Entry into any pretrial treatment-based drug court
864 program shall be voluntary. When neither s. 948.08(6)(c)1. ~~s.~~
865 ~~948.08(6)(a)1.~~ nor 2. applies, the court may order an eligible
866 individual to enter into a pretrial treatment-based drug court
867 program only upon written agreement by the individual, which
868 shall include a statement that the individual understands the
869 requirements of the program and the potential sanctions for
870 noncompliance.

871 Section 13. Subsections (3) through (12) of section
872 455.213, Florida Statutes, are renumbered as subsections (4)
873 through (13), respectively, present subsection (2) is amended,
874 and a new subsection (3) is added to that section, to read:

875 455.213 General licensing provisions.—

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

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

895 (b) A conviction, or any other adjudication, for a crime
896 more than 5 years before the date the application is received by
897 the applicable board may not be grounds for denial of a license.
898 For purposes of this paragraph, the term "conviction" means a
899 determination of guilt that is the result of a plea or trial,
900 regardless of whether adjudication is withheld. This paragraph

901 does not limit the department or applicable board from
902 considering an applicant's criminal history that includes a
903 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time only
904 if such criminal history has been found to relate to the
905 practice of the applicable profession, or any crime if it has
906 been found to relate to good moral character if the applicable
907 practice act requires such a standard.

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

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

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

926 concerning his or her application.

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

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

944 1. Date of conviction or sentencing date, whichever is
945 later.

946 2. Date adjudication was entered.

947 (e) The department and each applicable board shall compile
948 a list of crimes that have been used as a basis for denial of a
949 license in the past 2 years, which shall be made available on
950 the department's website. Beginning October 1, 2019, and updated

951 quarterly thereafter, the applicable board shall compile a list
952 indicating each crime used as a basis for denial. For each crime
953 listed, the applicable board must identify the:

954 1. Date of conviction or sentencing date, whichever is
955 later.

956 2. Date adjudication was entered.

957

958 Such denials shall be available to the public upon request.

959 Section 14. Subsection (4) of section 474.2165, Florida
960 Statutes, is amended to read:

961 474.2165 Ownership and control of veterinary medical
962 patient records; report or copies of records to be furnished.—

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

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

974 (b) In any civil or criminal action, unless otherwise
975 prohibited by law, upon the issuance of a subpoena from a court

976 of competent jurisdiction and proper notice to the client or the
977 client's legal representative by the party seeking such records.

978 (c) For statistical and scientific research, provided the
979 information is abstracted in such a way as to protect the
980 identity of the patient and the client, or provided written
981 permission is received from the client or the client's legal
982 representative.

983 (d) In any criminal action or situation where a
984 veterinarian suspects a criminal violation. If a criminal
985 violation is suspected, a veterinarian may, without notice to or
986 authorization from the client, report the violation to a law
987 enforcement officer, an animal control officer who is certified
988 pursuant to s. 828.27(4)(a), or an agent appointed under s.
989 828.03. However, if a suspected violation occurs at a commercial
990 food-producing animal operation on land classified as
991 agricultural under s. 193.461, the veterinarian must provide
992 notice to the client or the client's legal representative before
993 reporting the suspected violation to an officer or agent under
994 this paragraph. The report may not include written medical
995 records except upon the issuance of an order from a court of
996 competent jurisdiction.

997 Section 15. Subsections (2) and (3) and present subsection
998 (4) of section 489.126, Florida Statutes, are amended, and new
999 subsections (4), (5), and (6) are added to that section to read:
1000 489.126 Moneys received by contractors.—

1001 (2) (a) A contractor who receives, as initial payment,
1002 money totaling more than 10 percent of the contract price for
1003 repair, restoration, improvement, or construction to residential
1004 real property must:

1005 ~~1.(a)~~ Apply for permits necessary to do work within 30
1006 days after the date payment is made, except where the work does
1007 not require a permit under the applicable codes and ordinances,
1008 and

1009 ~~2.(b)~~ Start the work within 90 days after the date all
1010 necessary permits for work, if any, are issued,

1011
1012 unless the contractor has just cause for failing to apply for
1013 the necessary permits, starting the work, or refunding the
1014 payment, or unless the person who made the payment agreed, in
1015 writing, to a longer period to apply for the necessary permits
1016 or start the work or to longer periods for both.

1017 (b)1. It may be inferred that a contractor does not have
1018 just cause if the contractor fails to apply for the necessary
1019 permits, start the work, or refund payments, within 30 days of
1020 receiving written demand to apply for the necessary permits,
1021 start the work, or refund the payment, from the person who made
1022 the payment.

1023 2. Written demand must be made to the contractor in the
1024 form of a letter that includes a demand to apply for the
1025 necessary permits, start the work, or refund the payment sent

1026 via certified mail, return receipt requested, mailed to the
1027 address listed in the contracting agreement. If there is no
1028 address for the contractor listed in the contracting agreement,
1029 or no written agreement exists, the letter must be mailed to the
1030 address listed with the Department of Business and Professional
1031 Regulation for licensing purposes or the local construction
1032 industry licensing board, if applicable.

1033 (3) (a) A contractor who receives money for repair,
1034 restoration, addition, improvement, or construction of
1035 residential real property in excess of the value of the work
1036 performed shall not, ~~with intent to defraud the owner,~~ fail or
1037 refuse to perform any work for any 90-day period.

1038 (b) 1. It is prima facie evidence ~~Proof~~ that a contractor
1039 received money for the repair, restoration, addition,
1040 improvement, or construction of residential real property and
1041 that the amount received exceeds the value of the work performed
1042 by the contractor when ~~and that:~~

1043 ~~a.1.~~ The contractor failed to perform any of the work for
1044 which he or she contracted during any 90-day ~~60-day~~ period;

1045 ~~b.2.~~ The failure to perform any such work during the 90-
1046 day ~~60-day~~ period was not related to the owner's termination of
1047 the contract or a material breach of the contract by the owner;
1048 and

1049 ~~c.3.~~ The contractor failed to perform for 90 days without
1050 just cause or terminated the contract without proper

1051 notification to the owner.

1052 2. Proper notification of termination for purposes of this
1053 paragraph must be made by the contractor in the form of a letter
1054 that includes the reason for termination of the contract or the
1055 reason for failure to perform sent via certified mail, return
1056 receipt requested, mailed to the last address of the owner in
1057 the written contracting agreement. If there is no address for
1058 the owner listed in the contracting agreement, or no written
1059 agreement exists, the letter must be mailed to the address where
1060 the work was to be performed or the address listed on the
1061 permit, if applicable.

1062 (c)1. It may be inferred that a contractor does not have
1063 just cause if the contractor fails to perform work, or refund
1064 the money received in excess of the value of the work performed,
1065 within 30 days of receiving a written demand to perform the
1066 work, or refund the money received in excess of the value of the
1067 work performed, from the person who made the payment.

1068 2. Written demand must be made to the contractor in the
1069 form of a letter that includes a demand to perform work, or
1070 refund the money received in excess of the value of the work
1071 performed, sent via certified mail, return receipt requested,
1072 mailed to the address listed in the contracting agreement. If
1073 there is no address for the contractor listed in the contracting
1074 agreement, or no written agreement exists, the letter must be
1075 mailed to the address listed with the Department of Business and

1076 Professional Regulation for licensing purposes or the local
1077 construction industry licensing board, if applicable ~~,for an~~
1078 ~~additional 30-day period after the date of mailing of~~
1079 ~~notification as specified in paragraph (c), to perform any work~~
1080 ~~for which he or she contracted,~~
1081
1082 ~~gives rise to an inference that the money in excess of the value~~
1083 ~~of the work performed was taken with the intent to defraud.~~
1084 ~~(c) Notification as contemplated in paragraph (b) consists~~
1085 ~~of a certified letter, return receipt requested, mailed to the~~
1086 ~~address of the contractor as listed in the written contracting~~
1087 ~~agreement. The letter must indicate that the contractor has~~
1088 ~~failed to perform any work for a 60-day period, that the failure~~
1089 ~~to perform the work was not the result of the owner's~~
1090 ~~termination of the contract or a material breach of the contract~~
1091 ~~by the owner, and that the contractor must recommence~~
1092 ~~construction within 30 days after the date of mailing of the~~
1093 ~~letter. If there is no address for the contractor listed in the~~
1094 ~~written contracting agreement, or no written agreement exists,~~
1095 ~~the letter must be mailed to the address of the contractor~~
1096 ~~listed in the building permit application.~~
1097 (4) Any criminal violation of subsection (2) or subsection
1098 (3) shall be prosecuted in accordance with s. 812.014(1), the
1099 thresholds established in this section, and the following:
1100 (a) The required intent to prove a criminal violation may

1101 be shown to exist at the time that the contractor appropriated
1102 the money to his or her own use and is not required to be proven
1103 to exist at the time of the taking of the money from the owner
1104 or at the time the owner makes a payment to the contractor.

1105 (b) It may be inferred that a contractor intended to
1106 deprive the owner of the right to the money owed, or deprive the
1107 owner of the benefit from it, and inferred that the contractor
1108 appropriated the money for his or her own use, or to a person
1109 not entitled to the use of the money, if the contractor fails to
1110 refund any portion of the money owed within 30 days after
1111 receiving a written demand for such money from the owner.

1112 (c) In a prosecution for a violation of this section, the
1113 fact that the person so charged intended to return the money
1114 owed is not a defense.

1115 (5) A violation of subsection (2) is a:

1116 (a) Misdemeanor of the first degree, punishable as
1117 provided in s. 775.082 or s. 775.083, if the total money
1118 received is less than \$1,000.

1119 (b) Felony of the third degree, punishable as provided in
1120 s. 775.082, s. 775.083, or s. 775.084, if the total money
1121 received is \$1,000 or more but less than \$20,000.

1122 (c) Felony of the second degree, punishable as provided in
1123 s. 775.082, s. 775.083, or s. 775.084, if the total money
1124 received is \$20,000 or more but less than \$200,000.

1125 (d) Felony of the first degree, punishable as provided in

1126 s. 775.082, s. 775.083, or s. 775.084, if the total money
1127 received is \$200,000 or more.

1128 (6) A violation of subsection (3) is a:

1129 (a) Misdemeanor of the first degree, punishable as
1130 provided in s. 775.082 or s. 775.083, if the total money
1131 received exceeding the value of the work performed is less than
1132 \$1,000.

1133 (b) Felony of the third degree, punishable as provided in
1134 s. 775.082, s. 775.083, or s. 775.084, if the total money
1135 received exceeding the value of the work performed is \$1,000 or
1136 more but less than \$20,000.

1137 (c) Felony of the second degree, punishable as provided in
1138 s. 775.082, s. 775.083, or s. 775.084, if the total money
1139 received exceeding the value of the work performed is \$20,000 or
1140 more but less than \$200,000.

1141 (d) Felony of the first degree, punishable as provided in
1142 s. 775.082, s. 775.083, or s. 775.084, if the total money
1143 received exceeding the value of the work performed is \$200,000
1144 or more.

1145 ~~(4) Any person who violates any provision of this section~~
1146 ~~is guilty of theft and shall be prosecuted and punished under s.~~
1147 ~~812.014.~~

1148 Section 16. Present subsection (6) of section 489.553,
1149 Florida Statutes, is renumbered as subsection (10) and
1150 subsections (6) through (9) are added to that section to read:

1151 489.553 Administration of part; registration
1152 qualifications; examination.—

1153 (6) Notwithstanding any other provision of law, a
1154 conviction, or any other adjudication, for a crime more than 5
1155 years before the date the application is received by the
1156 department may not be grounds for denial of registration. For
1157 purposes of this subsection, the term "conviction" means a
1158 determination of guilt that is the result of a plea or trial,
1159 regardless of whether adjudication is withheld. This subsection
1160 does not limit a board from considering an applicant's criminal
1161 history that includes any crime listed in s. 775.21(4)(a)1. or
1162 s. 776.08 at any time only if such criminal history has been
1163 found to relate to the practice of the applicable profession, or
1164 any crime if it has been found to relate to good moral
1165 character.

1166 (7) (a) A person may apply to be registered before his or
1167 her lawful release from confinement or supervision. The
1168 department may not charge an applicant an additional fee for
1169 being confined or under supervision. The department may not deny
1170 an application for registration solely on the basis of the
1171 applicant's current confinement or supervision.

1172 (b) After a registration application is approved, the
1173 department may stay the issuance of registration until the
1174 applicant is lawfully released from confinement or supervision
1175 and the applicant notifies the board of such release. The

1176 department must verify the applicant's release with the
1177 Department of Corrections, or other applicable authority, before
1178 it registers such applicant.

1179 (c) If an applicant is unable to appear in person due to
1180 his or her confinement or supervision, the department must
1181 permit the applicant to appear by teleconference or video
1182 conference, as appropriate, at any meeting or hearing by the
1183 department concerning his or her application.

1184 (d) If an applicant is confined or under supervision, the
1185 Department of Corrections, or other applicable authority, and
1186 the department shall cooperate and coordinate to facilitate the
1187 appearance of the applicant at a meeting or hearing in person,
1188 by teleconference, or by video conference, as appropriate.

1189 (8) The department shall compile a list of crimes that, if
1190 committed and regardless of adjudication, do not relate to the
1191 practice of the profession or the ability to practice the
1192 profession and do not constitute grounds for denial of
1193 registration. This list shall be made available on the
1194 department's website and be updated annually. Beginning October
1195 1, 2019, and updated quarterly thereafter, the department shall
1196 add to this list such crimes that although reported by an
1197 applicant for registration, were not used as a basis for denial
1198 in the past 2 years. The list must identify the crime reported
1199 for each registration application and the:

1200 (a) Date of conviction or sentencing, whichever is later.

1201 (b) Adjudication entered.
 1202 (9) The department shall compile a list of crimes that
 1203 have been used as a basis for denial of registration in the past
 1204 2 years, which shall be made available on the department's
 1205 website. Beginning October 1, 2019, and updated quarterly
 1206 thereafter, the department shall add to this list each crime
 1207 used as a basis for denial. For each crime listed, the
 1208 department must identify the:
 1209 (a) Date of conviction or sentencing, whichever is later.
 1210 (b) Adjudication entered.

1211
 1212 Such denials shall be available to the public upon request.

1213 Section 17. Subsection (2) of section 500.451, Florida
 1214 Statutes, is amended to read:

1215 500.451 Horse meat; offenses.—

1216 (2) A person that violates this section commits a felony
 1217 of the third degree, punishable as provided in s. 775.082, s.
 1218 775.083, or s. 775.084, except that any person who commits a
 1219 violation of this section shall be sentenced to a minimum
 1220 mandatory fine of \$3,500 ~~and a minimum mandatory period of~~
 1221 ~~incarceration of 1 year.~~

1222 Section 18. Subsection (1) of section 509.151, Florida
 1223 Statutes, is amended to read:

1224 509.151 Obtaining food or lodging with intent to defraud;
 1225 penalty.—

1226 (1) Any person who obtains food, lodging, or other
1227 accommodations having a value of less than \$1,000 ~~\$300~~ at any
1228 public food service establishment, or at any transient
1229 establishment, with intent to defraud the operator thereof,
1230 commits ~~is guilty of~~ a misdemeanor of the second degree,
1231 punishable as provided in s. 775.082 or s. 775.083; if such
1232 food, lodging, or other accommodations have a value of \$1,000
1233 ~~\$300~~ or more, such person commits ~~is guilty of~~ a felony of the
1234 third degree, punishable as provided in s. 775.082, s. 775.083,
1235 or s. 775.084.

1236 Section 19. Paragraph (a) of subsection (1) and paragraph
1237 (c) of subsection (2) of section 562.11, Florida Statutes, are
1238 amended to read:

1239 562.11 Selling, giving, or serving alcoholic beverages to
1240 person under age 21; providing a proper name; misrepresenting or
1241 misstating age or age of another to induce licensee to serve
1242 alcoholic beverages to person under 21; penalties.—

1243 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to
1244 be served alcoholic beverages to a person under 21 years of age
1245 or permit a person under 21 years of age to consume such
1246 beverages on the licensed premises. A person who violates this
1247 paragraph ~~subparagraph~~ commits a misdemeanor of the second
1248 degree, punishable as provided in s. 775.082 or s. 775.083. A
1249 person who violates this paragraph ~~subparagraph~~ a second or
1250 subsequent time within 1 year after a prior conviction commits a

1251 misdemeanor of the first degree, punishable as provided in s.
1252 775.082 or s. 775.083.

1253 ~~2. In addition to any other penalty imposed for a~~
1254 ~~violation of subparagraph 1., the court may order the Department~~
1255 ~~of Highway Safety and Motor Vehicles to withhold the issuance~~
1256 ~~of, or suspend or revoke, the driver license or driving~~
1257 ~~privilege, as provided in s. 322.057, of any person who violates~~
1258 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
1259 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
1260 ~~acting within the scope of his or her license or an employee or~~
1261 ~~agent of a licensee, as defined in s. 561.01, who violates~~
1262 ~~subparagraph 1. while engaged within the scope of his or her~~
1263 ~~employment or agency.~~

1264 ~~3. A court that withholds the issuance of, or suspends or~~
1265 ~~revokes, the driver license or driving privilege of a person~~
1266 ~~pursuant to subparagraph 2. may direct the Department of Highway~~
1267 ~~Safety and Motor Vehicles to issue the person a license for~~
1268 ~~driving privilege restricted to business purposes only, as~~
1269 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1270 (2) It is unlawful for any person to misrepresent or
1271 misstate his or her age or the age of any other person for the
1272 purpose of inducing any licensee or his or her agents or
1273 employees to sell, give, serve, or deliver any alcoholic
1274 beverages to a person under 21 years of age, or for any person
1275 under 21 years of age to purchase or attempt to purchase

1276 alcoholic beverages.

1277 (c) In addition to any other penalty imposed for a
1278 violation of this subsection, if a person uses a driver license
1279 or identification card issued by the Department of Highway
1280 Safety and Motor Vehicles in violation of this subsection, the
1281 court~~+~~

1282 ~~1.~~ may order the person to participate in public service
1283 or a community work project for a period not to exceed 40
1284 hours.~~;~~ and

1285 ~~2. Shall direct the Department of Highway Safety and Motor~~
1286 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
1287 ~~person's driver license or driving privilege, as provided in s.~~
1288 ~~322.056.~~

1289 Section 20. Subsection (3) of section 562.111, Florida
1290 Statutes, is amended to read:

1291 562.111 Possession of alcoholic beverages by persons under
1292 age 21 prohibited.—

1293 ~~(3) In addition to any other penalty imposed for a~~
1294 ~~violation of subsection (1), the court shall direct the~~
1295 ~~Department of Highway Safety and Motor Vehicles to withhold~~
1296 ~~issuance of, or suspend or revoke, the violator's driver license~~
1297 ~~or driving privilege, as provided in s. 322.056.~~

1298 Section 21. Subsection (8) of section 562.27, Florida
1299 Statutes, is amended and subsections (1) through (7) of that
1300 section are republished, to read:

1301 562.27 Seizure and forfeiture.—

1302 (1) It is unlawful for any person to have in her or his
1303 possession, custody, or control, or to own, make, construct, or
1304 repair, any still, still piping, still apparatus, or still worm,
1305 or any piece or part thereof, designed or adapted for the
1306 manufacture of an alcoholic beverage, or to have in her or his
1307 possession, custody or control any receptacle or container
1308 containing any mash, wort, or wash, or other fermented liquids
1309 whatever capable of being distilled or manufactured into an
1310 alcoholic beverage, unless such possession, custody, control,
1311 ownership, manufacture, construction, or repairing be by or for
1312 a person authorized by law to manufacture such alcoholic
1313 beverage.

1314 (2) It is unlawful for any person to have in her or his
1315 possession, custody, or control any raw materials or substance
1316 intended to be used in the distillation or manufacturing of an
1317 alcoholic beverage unless the person holds a license from the
1318 state authorizing the manufacture of the alcoholic beverage.

1319 (3) The terms "raw material" or "substance" for the
1320 purpose of this chapter shall mean and include, but not be
1321 limited to, any of the following: Any grade or type of sugar,
1322 syrup, or molasses derived from sugarcane, sugar beets, corn,
1323 sorghum, or any other source; starch; potatoes; grain or
1324 cornmeal, corn chops, cracked corn, rye chops, middlings,
1325 shorts, bran, or any other grain derivative; malt; malt sugar or

1326 malt syrup; oak chips, charred or not charred; yeast; cider;
1327 honey; fruit; grapes; berries; fruit, grape or berry juices or
1328 concentrates; wine; caramel; burnt sugar; gin flavor; Chinese
1329 bean cake or Chinese wine cake; urea; ammonium phosphate,
1330 ammonium carbonate, ammonium sulphate, or any other yeast food;
1331 ethyl acetate or any other ethyl ester; any other material of
1332 the character used in the manufacture of distilled spirits or
1333 any chemical or other material suitable for promoting or
1334 accelerating fermentation; any chemical or material of the
1335 character used in the production of distilled spirits by
1336 chemical reaction; or any combination of such materials or
1337 chemicals.

1338 (4) Any such raw materials, substance, or any still, still
1339 piping, still apparatus, or still worm, or any piece or part
1340 thereof, or any mash, wort, or wash, or other fermented liquid
1341 and the receptacle or container thereof, and any alcoholic
1342 beverage, together with all personal property used to facilitate
1343 the manufacture or production of the alcoholic beverage or to
1344 facilitate the violation of the alcoholic beverage control laws
1345 of this state or the United States, may be seized by the
1346 division or by any sheriff or deputy sheriff and shall be
1347 forfeited to the state.

1348 (5) It shall be unlawful for any person to sell or
1349 otherwise dispose of raw materials or other substances knowing
1350 same are to be used in the distillation or manufacture of an

1351 alcoholic beverage unless such person receiving same, by
 1352 purchase or otherwise, holds a license from the state
 1353 authorizing the manufacture of such alcoholic beverage.

1354 (6) Any vehicle, vessel, or aircraft used in the
 1355 transportation or removal of or for the deposit or concealment
 1356 of any illicit liquor still or stilling apparatus; any mash,
 1357 wort, wash, or other fermented liquids capable of being
 1358 distilled or manufactured into an alcoholic beverage; or any
 1359 alcoholic beverage commonly known and referred to as "moonshine
 1360 whiskey" shall be seized and may be forfeited as provided by the
 1361 Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff,
 1362 employee of the division, or police officer may seize any of the
 1363 vehicles, vessels, or conveyances, and the same may be forfeited
 1364 as provided by law.

1365 (7) The finding of any still, still piping, still
 1366 apparatus, or still worm, or any piece or part thereof, or any
 1367 mash, wort, or wash or other fermented liquids in the dwelling
 1368 house or place of business, or so near thereto as to lead to the
 1369 reasonable belief that they are within the possession, custody,
 1370 or control of the occupants of the dwelling house or place of
 1371 business, shall be prima facie evidence of a violation of this
 1372 section by the occupants of the dwelling house or place of
 1373 business.

1374 (8) Any person violating any provisions of this section of
 1375 the law commits ~~shall be guilty of a~~ misdemeanor ~~felony~~ of the

1376 | second ~~third~~ degree, punishable as provided in s. 775.082 or s.
 1377 | 775.083, ~~or s. 775.084.~~

1378 | Section 22. Subsections (1) and (2) of section 562.451,
 1379 | Florida Statutes, are amended to read:

1380 | 562.451 Moonshine whiskey; ownership, possession, or
 1381 | control prohibited; penalties; rule of evidence.—

1382 | (1) Any person who owns or has in her or his possession or
 1383 | under her or his control less than 1 gallon of liquor, as
 1384 | defined in the Beverage Law, which was not made or manufactured
 1385 | in accordance with the laws in effect at the time when and place
 1386 | where the same was made or manufactured commits ~~shall be guilty~~
 1387 | ~~of~~ a misdemeanor of the second degree, punishable as provided in
 1388 | s. 775.082 or s. 775.083.

1389 | (2) Any person who owns or has in her or his possession or
 1390 | under her or his control 1 gallon or more of liquor, as defined
 1391 | in the Beverage Law, which was not made or manufactured in
 1392 | accordance with the laws in effect at the time when and place
 1393 | where the same was made or manufactured commits ~~shall be guilty~~
 1394 | ~~of~~ a misdemeanor ~~felony~~ of the first ~~third~~ degree, punishable as
 1395 | provided in s. 775.082 or s. 775.083, ~~or s. 775.084.~~

1396 | Section 23. Subsections (1), (2), and (5) of section
 1397 | 569.11, Florida Statutes, are amended to read:

1398 | 569.11 Possession, misrepresenting age or military service
 1399 | to purchase, and purchase of tobacco products by persons under
 1400 | 18 years of age prohibited; penalties; jurisdiction; disposition

1401 of fines.—

1402 (1) It is unlawful for any person under 18 years of age to
 1403 knowingly possess any tobacco product. Any person under 18 years
 1404 of age who violates ~~the provisions of~~ this subsection commits a
 1405 noncriminal violation as provided in s. 775.08(3), punishable
 1406 by:

1407 (a) For a first violation, 16 hours of community service
 1408 or, instead of community service, a \$25 fine. In addition, the
 1409 person must attend a school-approved anti-tobacco program, if
 1410 locally available; or

1411 (b) For a second or subsequent violation within 12 weeks
 1412 of the first violation, a \$25 fine; ~~or~~

1413 ~~(c) For a third or subsequent violation within 12 weeks of~~
 1414 ~~the first violation, the court must direct the Department of~~
 1415 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 1416 ~~suspend or revoke the person's driver license or driving~~
 1417 ~~privilege, as provided in s. 322.056.~~

1418
 1419 Any second or subsequent violation not within the 12-week time
 1420 period after the first violation is punishable as provided for a
 1421 first violation.

1422 (2) It is unlawful for any person under 18 years of age to
 1423 misrepresent his or her age or military service for the purpose
 1424 of inducing a dealer or an agent or employee of the dealer to
 1425 sell, give, barter, furnish, or deliver any tobacco product, or

1426 to purchase, or attempt to purchase, any tobacco product from a
1427 person or a vending machine. Any person under 18 years of age
1428 who violates ~~a provision of~~ this subsection commits a
1429 noncriminal violation as provided in s. 775.08(3), punishable
1430 by:

1431 (a) For a first violation, 16 hours of community service
1432 or, instead of community service, a \$25 fine and, in addition,
1433 the person must attend a school-approved anti-tobacco program,
1434 if available; or

1435 (b) For a second or subsequent violation within 12 weeks
1436 of the first violation, a \$25 fine; ~~or~~

1437 ~~(c) For a third or subsequent violation within 12 weeks of~~
1438 ~~the first violation, the court must direct the Department of~~
1439 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
1440 ~~suspend or revoke the person's driver license or driving~~
1441 ~~privilege, as provided in s. 322.056.~~

1442
1443 Any second or subsequent violation not within the 12-week time
1444 period after the first violation is punishable as provided for a
1445 first violation.

1446 (5) (a) If a person under 18 years of age is found by the
1447 court to have committed a noncriminal violation under this
1448 section and that person has failed to complete community
1449 service, pay the fine as required by paragraph (1) (a) or
1450 paragraph (2) (a), or attend a school-approved anti-tobacco

1451 program, if locally available, the court may ~~must~~ direct the
 1452 Department of Highway Safety and Motor Vehicles to withhold
 1453 issuance of or suspend the driver license or driving privilege
 1454 of that person for a period of 30 consecutive days.

1455 (b) If a person under 18 years of age is found by the
 1456 court to have committed a noncriminal violation under this
 1457 section and that person has failed to pay the applicable fine as
 1458 required by paragraph (1) (b) or paragraph (2) (b), the court may
 1459 ~~must~~ direct the Department of Highway Safety and Motor Vehicles
 1460 to withhold issuance of or suspend the driver license or driving
 1461 privilege of that person for a period of 45 consecutive days.

1462 Section 24. Section 713.69, Florida Statutes, is amended
 1463 to read:

1464 713.69 Unlawful to remove property upon which lien has
 1465 accrued.—It is unlawful for any person to remove any property
 1466 upon which a lien has accrued under the provisions of s. 713.68
 1467 from any hotel, apartment house, roominghouse, lodginghouse,
 1468 boardinghouse or tenement house without first making full
 1469 payment to the person operating or conducting the same of all
 1470 sums due and payable for such occupancy or without first having
 1471 the written consent of such person so conducting or operating
 1472 such place to so remove such property. Any person violating the
 1473 provisions of this section ~~shall~~, if the property removed in
 1474 violation hereof be of the value of less than \$1,000 ~~\$50 or~~
 1475 ~~less~~, commits ~~be guilty of~~ a misdemeanor of the second degree,

1476 punishable as provided in s. 775.082 or s. 775.083; and if the
 1477 property so removed should be valued at ~~of greater value than~~
 1478 \$1,000 or more ~~\$50~~ then such person commits ~~shall be guilty of~~ a
 1479 felony of the third degree, punishable as provided in s.
 1480 775.082, s. 775.083, or s. 775.084.

1481 Section 25. Paragraphs (a) and (d) of subsection (9) of
 1482 section 775.082, Florida Statutes, are amended to read:

1483 775.082 Penalties; applicability of sentencing structures;
 1484 mandatory minimum sentences for certain reoffenders previously
 1485 released from prison.—

1486 (9) (a) 1. "Prison releasee reoffender" means any defendant
 1487 who commits, or attempts to commit:

- 1488 a. Treason;
- 1489 b. Murder;
- 1490 c. Manslaughter;
- 1491 d. Sexual battery;
- 1492 e. Carjacking;
- 1493 f. Home-invasion robbery;
- 1494 g. Robbery;
- 1495 h. Arson;
- 1496 i. Kidnapping;
- 1497 j. Aggravated assault with a deadly weapon;
- 1498 k. Aggravated battery;
- 1499 l. Aggravated stalking;
- 1500 m. Aircraft piracy;

1501 n. Unlawful throwing, placing, or discharging of a
 1502 destructive device or bomb;

1503 o. Any felony that involves the use or threat of physical
 1504 force or violence against an individual;

1505 p. Armed burglary;

1506 q. Burglary of a dwelling or burglary of an occupied
 1507 structure; or

1508 r. Any felony violation of s. 790.07, s. 800.04, s.
 1509 827.03, s. 827.071, or s. 847.0135(5);

1510

1511 within 3 years after being released from a state correctional
 1512 facility operated by the Department of Corrections or a private
 1513 vendor, a county detention facility following incarceration for
 1514 an offense for which the sentence pronounced was a prison
 1515 sentence, or ~~within 3 years after being released from a~~
 1516 correctional institution of another state, the District of
 1517 Columbia, the United States, any possession or territory of the
 1518 United States, or any foreign jurisdiction, following
 1519 incarceration for an offense for which the sentence is
 1520 punishable by more than 1 year in this state.

1521 2. "Prison releasee reoffender" also means any defendant
 1522 who commits or attempts to commit any offense listed in sub-
 1523 subparagraphs (a)1.a.-r. while the defendant was serving a
 1524 prison sentence or on escape status from a state correctional
 1525 facility operated by the Department of Corrections or a private

1526 vendor or while the defendant was on escape status from a
1527 correctional institution of another state, the District of
1528 Columbia, the United States, any possession or territory of the
1529 United States, or any foreign jurisdiction, following
1530 incarceration for an offense for which the sentence is
1531 punishable by more than 1 year in this state.

1532 3. If the state attorney determines that a defendant is a
1533 prison releasee reoffender as defined in subparagraph 1., the
1534 state attorney may seek to have the court sentence the defendant
1535 as a prison releasee reoffender. Upon proof from the state
1536 attorney that establishes by a preponderance of the evidence
1537 that a defendant is a prison releasee reoffender as defined in
1538 this section, such defendant is not eligible for sentencing
1539 under the sentencing guidelines and must be sentenced as
1540 follows:

1541 a. For a felony punishable by life, by a term of
1542 imprisonment for life;

1543 b. For a felony of the first degree, by a term of
1544 imprisonment of 30 years;

1545 c. For a felony of the second degree, by a term of
1546 imprisonment of 15 years; and

1547 d. For a felony of the third degree, by a term of
1548 imprisonment of 5 years.

1549 (d)1. It is the intent of the Legislature that offenders
1550 previously released from prison or a county detention facility

1551 following incarceration for an offense for which the sentence
1552 pronounced was a prison sentence who meet the criteria in
1553 paragraph (a) be punished to the fullest extent of the law and
1554 as provided in this subsection, unless the state attorney
1555 determines that extenuating circumstances exist which preclude
1556 the just prosecution of the offender, including whether the
1557 victim recommends that the offender not be sentenced as provided
1558 in this subsection.

1559 2. For every case in which the offender meets the criteria
1560 in paragraph (a) and does not receive the mandatory minimum
1561 prison sentence, the state attorney must explain the sentencing
1562 deviation in writing and place such explanation in the case file
1563 maintained by the state attorney.

1564 Section 26. Paragraph (f) is added to subsection (2) of
1565 section 784.046, Florida Statutes, to read:

1566 784.046 Action by victim of repeat violence, sexual
1567 violence, or dating violence for protective injunction; dating
1568 violence investigations, notice to victims, and reporting;
1569 pretrial release violations; public records exemption.—

1570 (2) There is created a cause of action for an injunction
1571 for protection in cases of repeat violence, there is created a
1572 separate cause of action for an injunction for protection in
1573 cases of dating violence, and there is created a separate cause
1574 of action for an injunction for protection in cases of sexual
1575 violence.

1576 (f) Notwithstanding any other law, attorney fees may not
 1577 be awarded in any proceeding under this section.

1578 Section 27. Paragraph (d) of subsection (1) of section
 1579 784.048, Florida Statutes, is amended, and subsections (2), (3),
 1580 (4), (5), and (7) of that section are republished, to read:

1581 784.048 Stalking; definitions; penalties.—

1582 (1) As used in this section, the term:

1583 (d) "Cyberstalk" means:

1584 1. To engage in a course of conduct to communicate, or to
 1585 cause to be communicated, words, images, or language by or
 1586 through the use of electronic mail or electronic communication,
 1587 directed at a specific person; or

1588 2. To access, or attempt to access the online accounts or
 1589 Internet-connected home electronic systems of another person
 1590 without that person's permission,

1591
 1592 causing substantial emotional distress to that person and
 1593 serving no legitimate purpose.

1594 (2) A person who willfully, maliciously, and repeatedly
 1595 follows, harasses, or cyberstalks another person commits the
 1596 offense of stalking, a misdemeanor of the first degree,
 1597 punishable as provided in s. 775.082 or s. 775.083.

1598 (3) A person who willfully, maliciously, and repeatedly
 1599 follows, harasses, or cyberstalks another person and makes a
 1600 credible threat to that person commits the offense of aggravated

1601 stalking, a felony of the third degree, punishable as provided
1602 in s. 775.082, s. 775.083, or s. 775.084.

1603 (4) A person who, after an injunction for protection
1604 against repeat violence, sexual violence, or dating violence
1605 pursuant to s. 784.046, or an injunction for protection against
1606 domestic violence pursuant to s. 741.30, or after any other
1607 court-imposed prohibition of conduct toward the subject person
1608 or that person's property, knowingly, willfully, maliciously,
1609 and repeatedly follows, harasses, or cyberstalks another person
1610 commits the offense of aggravated stalking, a felony of the
1611 third degree, punishable as provided in s. 775.082, s. 775.083,
1612 or s. 775.084.

1613 (5) A person who willfully, maliciously, and repeatedly
1614 follows, harasses, or cyberstalks a child under 16 years of age
1615 commits the offense of aggravated stalking, a felony of the
1616 third degree, punishable as provided in s. 775.082, s. 775.083,
1617 or s. 775.084.

1618 (7) A person who, after having been sentenced for a
1619 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and
1620 prohibited from contacting the victim of the offense under s.
1621 921.244, willfully, maliciously, and repeatedly follows,
1622 harasses, or cyberstalks the victim commits the offense of
1623 aggravated stalking, a felony of the third degree, punishable as
1624 provided in s. 775.082, s. 775.083, or s. 775.084.

1625 Section 28. Paragraph (d) is added to subsection (2) of

1626 section 784.0485, Florida Statutes, to read:

1627 784.0485 Stalking; injunction; powers and duties of court
1628 and clerk; petition; notice and hearing; temporary injunction;
1629 issuance of injunction; statewide verification system;
1630 enforcement.—

1631 (2)

1632 (d) Notwithstanding any other law, attorney fees may not
1633 be awarded in any proceeding under this section.

1634 Section 29. Section 784.049, Florida Statutes, is amended
1635 to read:

1636 784.049 Sexual cyberharassment.—

1637 (1) The Legislature finds that:

1638 (a) A person depicted in a sexually explicit image taken
1639 with the person's consent may retain ~~has~~ a reasonable
1640 expectation that the image will remain private despite sharing
1641 the image with another person, such as an intimate partner.

1642 (b) It is becoming a common practice for persons to
1643 publish a sexually explicit image of another to Internet
1644 websites or to disseminate such an image through electronic
1645 means without the depicted person's consent, contrary to the
1646 depicted person's reasonable expectation of privacy, for no
1647 legitimate purpose, with the intent of causing substantial
1648 emotional distress to the depicted person.

1649 (c) When such images are published on Internet websites,
1650 the images ~~they~~ are able to be viewed indefinitely by persons

1651 worldwide and are able to be easily reproduced and shared.

1652 (d) The publication or dissemination of such images
1653 through the use of ~~an~~ Internet websites or electronic means
1654 creates a permanent record of the depicted person's private
1655 nudity or private sexually explicit conduct.

1656 (e) The existence of such images on Internet websites or
1657 the dissemination of such images without the consent of all
1658 parties depicted in the images causes those depicted in such
1659 images significant psychological harm.

1660 (f) Safeguarding the psychological well-being and privacy
1661 interests of persons depicted in such images is compelling.

1662 (2) As used in this section, the term:

1663 (a) "Image" includes, but is not limited to, any
1664 photograph, picture, motion picture, film, video, or
1665 representation.

1666 (b) "Personal identification information" means any
1667 information that identifies the individual, and includes, but is
1668 not limited to, any name, postal or electronic email address,
1669 telephone number, social security number, date of birth, or any
1670 unique physical representation ~~has the same meaning as provided~~
1671 ~~in s. 817.568.~~

1672 (c) "Sexually cyberharass" means to publish to an Internet
1673 website or disseminate through electronic means to another
1674 person a sexually explicit image of a person that contains or
1675 conveys the personal identification information of the depicted

1676 | person ~~to an Internet website~~ without the depicted person's
1677 | consent, contrary to the depicted person's reasonable
1678 | expectation that the image would remain private, for no
1679 | legitimate purpose, with the intent of causing substantial
1680 | emotional distress to the depicted person. Evidence that the
1681 | depicted person sent a sexually explicit image to another person
1682 | does not, on its own, eliminate his or her reasonable
1683 | expectation of privacy for that image.

1684 | (d) "Sexually explicit image" means any image depicting
1685 | nudity, as defined in s. 847.001, or depicting a person engaging
1686 | in sexual conduct, as defined in s. 847.001.

1687 | (3) (a) Except as provided in paragraph (b), a person who
1688 | willfully and maliciously sexually cyberharasses another person
1689 | commits a misdemeanor of the first degree, punishable as
1690 | provided in s. 775.082 or s. 775.083.

1691 | (b) A person who has one prior conviction for sexual
1692 | cyberharassment and who commits a second or subsequent sexual
1693 | cyberharassment commits a felony of the third degree, punishable
1694 | as provided in s. 775.082, s. 775.083, or s. 775.084.

1695 | (4) (a) A law enforcement officer may arrest, without a
1696 | warrant, any person that he or she has probable cause to believe
1697 | has violated this section.

1698 | (b) Upon proper affidavits being made, a search warrant
1699 | may be issued to further investigate violations of this section,
1700 | including warrants issued to search a private dwelling.

1701 (5) An aggrieved person may initiate a civil action
 1702 against a person who violates this section to obtain all
 1703 appropriate relief in order to prevent or remedy a violation of
 1704 this section, including the following:

1705 (a) Injunctive relief.

1706 (b) Monetary damages to include \$5,000 or actual damages
 1707 incurred as a result of a violation of this section, whichever
 1708 is greater.

1709 (c) Reasonable attorney fees and costs.

1710 (6) The criminal and civil penalties of this section do
 1711 not apply to:

1712 (a) A provider of an interactive computer service as
 1713 defined in 47 U.S.C. s. 230(f), information service as defined
 1714 in 47 U.S.C. s. 153, or communications service as defined in s.
 1715 202.11, that provides the transmission, storage, or caching of
 1716 electronic communications or messages of others; other related
 1717 telecommunications or commercial mobile radio service; or
 1718 content provided by another person; or

1719 (b) A law enforcement officer, as defined in s. 943.10, or
 1720 any local, state, federal, or military law enforcement agency,
 1721 that publishes a sexually explicit image in connection with the
 1722 performance of his or her duties as a law enforcement officer,
 1723 or law enforcement agency.

1724 (7) A violation of this section is committed within this
 1725 state if any conduct that is an element of the offense, or any

1726 harm to the depicted person resulting from the offense, occurs
1727 within this state.

1728 Section 30. Subsection (1) of section 790.052, Florida
1729 Statutes, is amended to read:

1730 790.052 Carrying concealed firearms; off-duty law
1731 enforcement officers.-

1732 (1) (a) All persons holding active certifications from the
1733 Criminal Justice Standards and Training Commission as law
1734 enforcement officers or correctional officers as defined in s.
1735 943.10(1), (2), (6), (7), (8), or (9) shall have the right to
1736 carry, on or about their persons, concealed firearms, during
1737 off-duty hours, at the discretion of their superior officers,
1738 and may perform those law enforcement functions that they
1739 normally perform during duty hours, utilizing their weapons in a
1740 manner which is reasonably expected of on-duty officers in
1741 similar situations.

1742 (b) All persons holding active certifications from the
1743 Criminal Justice Standards and Training Commission as law
1744 enforcement officers or correctional officers as defined in s.
1745 943.10(1), (2), (6), (7), (8), or (9), meet the definition of
1746 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

1747 (c) All persons who held active certifications from the
1748 Criminal Justice Standards and Training Commission as law
1749 enforcement officers or correctional officers as defined in s.
1750 943.10(1), (2), (6), (7), (8), or (9) while working for an

1751 employing agency, as defined in s. 943.10(4), but have separated
1752 from service under the conditions set forth in 18 U.S.C. s.
1753 926C(c), meet the definition of "qualified retired law
1754 enforcement officer." ~~However,~~

1755 (d) Nothing in This section does not ~~subsection shall be~~
1756 ~~construed to~~ limit the right of a law enforcement officer,
1757 correctional officer, or correctional probation officer to carry
1758 a concealed firearm off duty as a private citizen under the
1759 exemption provided in s. 790.06 that allows a law enforcement
1760 officer, correctional officer, or correctional probation officer
1761 as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) to
1762 carry a concealed firearm without a concealed weapon or firearm
1763 license. The appointing or employing agency or department of an
1764 officer carrying a concealed firearm as a private citizen under
1765 s. 790.06 shall not be liable for the use of the firearm in such
1766 capacity. Nothing herein limits the authority of the appointing
1767 or employing agency or department from establishing policies
1768 limiting law enforcement officers or correctional officers from
1769 carrying concealed firearms during off-duty hours in their
1770 capacity as appointees or employees of the agency or department.

1771 Section 31. Subsections (5) and (10) of section 790.22,
1772 Florida Statutes, are amended to read:

1773 790.22 Use of BB guns, air or gas-operated guns, or
1774 electric weapons or devices by minor under 16; limitation;
1775 possession of firearms by minor under 18 prohibited; penalties.-

1776 (5) (a) A minor who violates subsection (3) commits a
 1777 misdemeanor of the first degree; for a first offense, may serve
 1778 a period of detention of up to 3 days in a secure detention
 1779 facility; and, in addition to any other penalty provided by law,
 1780 shall be required to perform 100 hours of community service;
 1781 and:

1782 1. If the minor is eligible by reason of age for a driver
 1783 license or driving privilege, the court may ~~shall~~ direct the
 1784 Department of Highway Safety and Motor Vehicles to revoke or to
 1785 withhold issuance of the minor's driver license or driving
 1786 privilege for up to 1 year.

1787 2. If the minor's driver license or driving privilege is
 1788 under suspension or revocation for any reason, the court may
 1789 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
 1790 to extend the period of suspension or revocation by an
 1791 additional period of up to 1 year.

1792 3. If the minor is ineligible by reason of age for a
 1793 driver license or driving privilege, the court may ~~shall~~ direct
 1794 the Department of Highway Safety and Motor Vehicles to withhold
 1795 issuance of the minor's driver license or driving privilege for
 1796 up to 1 year after the date on which the minor would otherwise
 1797 have become eligible.

1798 (b) For a second or subsequent offense, a minor who
 1799 violates subsection (3) commits a felony of the third degree and
 1800 shall serve a period of detention of up to 15 days in a secure

1801 detention facility and shall be required to perform not less
1802 than 100 nor more than 250 hours of community service, and:

1803 1. If the minor is eligible by reason of age for a driver
1804 license or driving privilege, the court may ~~shall~~ direct the
1805 Department of Highway Safety and Motor Vehicles to revoke or to
1806 withhold issuance of the minor's driver license or driving
1807 privilege for up to 2 years.

1808 2. If the minor's driver license or driving privilege is
1809 under suspension or revocation for any reason, the court may
1810 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1811 to extend the period of suspension or revocation by an
1812 additional period of up to 2 years.

1813 3. If the minor is ineligible by reason of age for a
1814 driver license or driving privilege, the court may ~~shall~~ direct
1815 the Department of Highway Safety and Motor Vehicles to withhold
1816 issuance of the minor's driver license or driving privilege for
1817 up to 2 years after the date on which the minor would otherwise
1818 have become eligible.

1819
1820 For the purposes of this subsection, community service shall be
1821 performed, if possible, in a manner involving a hospital
1822 emergency room or other medical environment that deals on a
1823 regular basis with trauma patients and gunshot wounds.

1824 (10) If a minor is found to have committed an offense
1825 under subsection (9), the court shall impose the following

1826 penalties in addition to any penalty imposed under paragraph
 1827 (9) (a) or paragraph (9) (b):

1828 (a) For a first offense:

1829 1. If the minor is eligible by reason of age for a driver
 1830 license or driving privilege, the court may ~~shall~~ direct the
 1831 Department of Highway Safety and Motor Vehicles to revoke or to
 1832 withhold issuance of the minor's driver license or driving
 1833 privilege for up to 1 year.

1834 2. If the minor's driver license or driving privilege is
 1835 under suspension or revocation for any reason, the court may
 1836 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
 1837 to extend the period of suspension or revocation by an
 1838 additional period for up to 1 year.

1839 3. If the minor is ineligible by reason of age for a
 1840 driver license or driving privilege, the court may ~~shall~~ direct
 1841 the Department of Highway Safety and Motor Vehicles to withhold
 1842 issuance of the minor's driver license or driving privilege for
 1843 up to 1 year after the date on which the minor would otherwise
 1844 have become eligible.

1845 (b) For a second or subsequent offense:

1846 1. If the minor is eligible by reason of age for a driver
 1847 license or driving privilege, the court may ~~shall~~ direct the
 1848 Department of Highway Safety and Motor Vehicles to revoke or to
 1849 withhold issuance of the minor's driver license or driving
 1850 privilege for up to 2 years.

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1851 2. If the minor's driver license or driving privilege is
1852 under suspension or revocation for any reason, the court may
1853 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1854 to extend the period of suspension or revocation by an
1855 additional period for up to 2 years.

1856 3. If the minor is ineligible by reason of age for a
1857 driver license or driving privilege, the court may ~~shall~~ direct
1858 the Department of Highway Safety and Motor Vehicles to withhold
1859 issuance of the minor's driver license or driving privilege for
1860 up to 2 years after the date on which the minor would otherwise
1861 have become eligible.

1862 Section 32. Section 800.09, Florida Statutes, is amended
1863 to read:

1864 800.09 Lewd or lascivious exhibition in the presence of an
1865 employee.—

1866 (1) As used in this section, the term:

1867 (a) "Employee" means:

1868 1. Any person employed by or performing contractual
1869 services for a public or private entity operating a state
1870 correctional institution or private correctional facility; ~~or~~

1871 2. Any person employed by or performing contractual
1872 services for the corporation operating the prison industry
1873 enhancement programs or the correctional work programs under
1874 part II of chapter 946; ~~The term also includes~~

1875 3. Any person who is a parole examiner with the Florida

1876 Commission on Offender Review; or
 1877 4. Any person employed at or performing contractual
 1878 services for a county detention facility.
 1879 (b) "Facility" means a state correctional institution as
 1880 defined in s. 944.02, ~~or~~ a private correctional facility as
 1881 defined in s. 944.710, or a county detention facility as defined
 1882 in s. 951.23.
 1883 (2) (a) A person who is detained in a facility may not:
 1884 1. Intentionally masturbate;
 1885 2. Intentionally expose the genitals in a lewd or
 1886 lascivious manner; or
 1887 3. Intentionally commit any other sexual act that does not
 1888 involve actual physical or sexual contact with the victim,
 1889 including, but not limited to, sadomasochistic abuse, sexual
 1890 bestiality, or the simulation of any act involving sexual
 1891 activity,
 1892
 1893 in the presence of a person he or she knows or reasonably should
 1894 know is an employee.
 1895 (b) A person who violates paragraph (a) commits lewd or
 1896 lascivious exhibition in the presence of an employee, a felony
 1897 of the third degree, punishable as provided in s. 775.082, s.
 1898 775.083, or s. 775.084.
 1899 Section 33. Subsection (7) of section 806.13, Florida
 1900 Statutes, is amended, and subsection (8) of that section is

1901 republished, to read:

1902 806.13 Criminal mischief; penalties; penalty for minor.—

1903 (7) In addition to any other penalty provided by law, if a
 1904 minor is found to have committed a delinquent act under this
 1905 section for placing graffiti on any public property or private
 1906 property, and:

1907 (a) The minor is eligible by reason of age for a driver
 1908 license or driving privilege, the court may ~~shall~~ direct the
 1909 Department of Highway Safety and Motor Vehicles to revoke or
 1910 withhold issuance of the minor's driver license or driving
 1911 privilege for not more than 1 year.

1912 (b) The minor's driver license or driving privilege is
 1913 under suspension or revocation for any reason, the court may
 1914 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
 1915 to extend the period of suspension or revocation by an
 1916 additional period of not more than 1 year.

1917 (c) The minor is ineligible by reason of age for a driver
 1918 license or driving privilege, the court may ~~shall~~ direct the
 1919 Department of Highway Safety and Motor Vehicles to withhold
 1920 issuance of the minor's driver license or driving privilege for
 1921 not more than 1 year after the date on which he or she would
 1922 otherwise have become eligible.

1923 (8) A minor whose driver license or driving privilege is
 1924 revoked, suspended, or withheld under subsection (7) may elect
 1925 to reduce the period of revocation, suspension, or withholding

1926 | by performing community service at the rate of 1 day for each
 1927 | hour of community service performed. In addition, if the court
 1928 | determines that due to a family hardship, the minor's driver
 1929 | license or driving privilege is necessary for employment or
 1930 | medical purposes of the minor or a member of the minor's family,
 1931 | the court shall order the minor to perform community service and
 1932 | reduce the period of revocation, suspension, or withholding at
 1933 | the rate of 1 day for each hour of community service performed.
 1934 | As used in this subsection, the term "community service" means
 1935 | cleaning graffiti from public property.

1936 | Section 34. Paragraphs (c), (d), and (e) of subsection (2)
 1937 | and paragraphs (a), (b), and (c) of subsection (3) of section
 1938 | 812.014, Florida Statutes, are amended to read:

1939 | 812.014 Theft.—

1940 | (2)

1941 | (c) It is grand theft of the third degree and a felony of
 1942 | the third degree, punishable as provided in s. 775.082, s.
 1943 | 775.083, or s. 775.084, if the property stolen is:

- 1944 | 1. Valued at \$1,000 ~~\$300~~ or more, but less than \$5,000.
- 1945 | 2. Valued at \$5,000 or more, but less than \$10,000.
- 1946 | 3. Valued at \$10,000 or more, but less than \$20,000.
- 1947 | 4. A will, codicil, or other testamentary instrument.
- 1948 | 5. A firearm.
- 1949 | 6. A motor vehicle, except as provided in paragraph (a).
- 1950 | 7. Any commercially farmed animal, including any animal of

1951 the equine, avian, bovine, or swine class or other grazing
 1952 animal; a bee colony of a registered beekeeper; and aquaculture
 1953 species raised at a certified aquaculture facility. If the
 1954 property stolen is a commercially farmed animal, including an
 1955 animal of the equine, avian, bovine, or swine class or other
 1956 grazing animal; a bee colony of a registered beekeeper; or an
 1957 aquaculture species raised at a certified aquaculture facility,
 1958 a \$10,000 fine shall be imposed.

1959 8. Any fire extinguisher.

1960 9. Any amount of citrus fruit consisting of 2,000 or more
 1961 individual pieces of fruit.

1962 10. Taken from a designated construction site identified
 1963 by the posting of a sign as provided for in s. 810.09(2)(d).

1964 11. Any stop sign.

1965 12. Anhydrous ammonia.

1966 13. Any amount of a controlled substance as defined in s.
 1967 893.02. Notwithstanding any other law, separate judgments and
 1968 sentences for theft of a controlled substance under this
 1969 subparagraph and for any applicable possession of controlled
 1970 substance offense under s. 893.13 or trafficking in controlled
 1971 substance offense under s. 893.135 may be imposed when all such
 1972 offenses involve the same amount or amounts of a controlled
 1973 substance.

1974 14. A utility service under s. 812.14.

1975

1976 | However, if the property is stolen within a county that is
 1977 | subject to a state of emergency declared by the Governor under
 1978 | chapter 252, the property is stolen after the declaration of
 1979 | emergency is made, and the perpetration of the theft is
 1980 | facilitated by conditions arising from the emergency, the
 1981 | offender commits a felony of the second degree, punishable as
 1982 | provided in s. 775.082, s. 775.083, or s. 775.084, if the
 1983 | property is valued at \$5,000 or more, but less than \$10,000, as
 1984 | provided under subparagraph 2., or if the property is valued at
 1985 | \$10,000 or more, but less than \$20,000, as provided under
 1986 | subparagraph 3. As used in this paragraph, the term "conditions
 1987 | arising from the emergency" means civil unrest, power outages,
 1988 | curfews, voluntary or mandatory evacuations, or a reduction in
 1989 | the presence of or the response time for first responders or
 1990 | homeland security personnel. For purposes of sentencing under
 1991 | chapter 921, a felony offense that is reclassified under this
 1992 | paragraph is ranked one level above the ranking under s.
 1993 | 921.0022 or s. 921.0023 of the offense committed.

1994 | (d) It is grand theft of the third degree and a felony of
 1995 | the third degree, punishable as provided in s. 775.082, s.
 1996 | 775.083, or s. 775.084, if the property stolen is valued at
 1997 | \$1,000 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken
 1998 | from a dwelling as defined in s. 810.011(2) or from the
 1999 | unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

2000 | (e) Except as provided in paragraph (d), if the property

2001 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,000
 2002 ~~\$300~~, the offender commits petit theft of the first degree,
 2003 punishable as a misdemeanor of the first degree, as provided in
 2004 s. 775.082 or s. 775.083.

2005 (3) (a) Theft of any property not specified in subsection
 2006 (2) is petit theft of the second degree and a misdemeanor of the
 2007 second degree, punishable as provided in s. 775.082 or s.
 2008 775.083, and as provided in subsection (5), as applicable.

2009 (b) A person who commits petit theft and who has
 2010 previously been convicted of any theft commits a misdemeanor of
 2011 the first degree, punishable as provided in s. 775.082 or s.
 2012 775.083.

2013 (c) A person who commits petit theft and who has
 2014 previously been convicted two or more times of any theft commits
 2015 a felony of the third degree, punishable as provided in s.
 2016 775.082 or s. 775.083.

2017 Section 35. Subsection (8) of section 812.015, Florida
 2018 Statutes, is amended to read:

2019 812.015 Retail and farm theft; transit fare evasion;
 2020 mandatory fine; alternative punishment; detention and arrest;
 2021 exemption from liability for false arrest; resisting arrest;
 2022 penalties.—

2023 (8) Except as provided in subsection (9), a person who
 2024 commits retail theft commits a felony of the third degree,
 2025 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,

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2026 if the property stolen is valued at \$1,000 ~~\$300~~ or more, and the
2027 person:

2028 (a) Individually, or in concert with one or more other
2029 persons, coordinates the activities of one or more individuals
2030 in committing the offense, in which case the amount of each
2031 individual theft is aggregated to determine the value of the
2032 property stolen;

2033 (b) Individually, or in concert with one or more persons,
2034 commits theft of any merchandise from one or more locations over
2035 a 30-day period the aggregate value of which exceeds \$1,000
2036 ~~Commits theft from more than one location within a 48-hour~~
2037 ~~period, in which case the amount of each individual theft is~~
2038 ~~aggregated to determine the value of the property stolen;~~

2039 (c) Acts in concert with one or more other individuals
2040 within one or more establishments to distract the merchant,
2041 merchant's employee, or law enforcement officer in order to
2042 carry out the offense, or acts in other ways to coordinate
2043 efforts to carry out the offense; or

2044 (d) Commits the offense through the purchase of
2045 merchandise in a package or box that contains merchandise other
2046 than, or in addition to, the merchandise purported to be
2047 contained in the package or box.

2048 Section 36. Section 812.0155, Florida Statutes, is amended
2049 to read:

2050 812.0155 Driver license suspension as an alternative

2051 sentence for a person under 18 years of age ~~Suspension of driver~~
 2052 ~~license following an adjudication of guilt for theft.-~~

2053 ~~(1) Except as provided in subsections (2) and (3), the~~
 2054 ~~court may order the suspension of the driver license of each~~
 2055 ~~person adjudicated guilty of any misdemeanor violation of s.~~
 2056 ~~812.014 or s. 812.015, regardless of the value of the property~~
 2057 ~~stolen. Upon ordering the suspension of the driver license of~~
 2058 ~~the person adjudicated guilty, the court shall forward the~~
 2059 ~~driver license of the person adjudicated guilty to the~~
 2060 ~~Department of Highway Safety and Motor Vehicles in accordance~~
 2061 ~~with s. 322.25.~~

2062 ~~(a) The first suspension of a driver license under this~~
 2063 ~~subsection shall be for a period of up to 6 months.~~

2064 ~~(b) A second or subsequent suspension of a driver license~~
 2065 ~~under this subsection shall be for 1 year.~~

2066 (1)~~(2)~~ The court may revoke, suspend, or withhold issuance
 2067 of a driver license of a person less than 18 years of age who
 2068 violates s. 812.014 or s. 812.015 as an alternative to
 2069 sentencing the person to:

2070 (a) Probation as defined in s. 985.03 or commitment to the
 2071 Department of Juvenile Justice, if the person is adjudicated
 2072 delinquent for such violation and has not previously been
 2073 convicted of or adjudicated delinquent for any criminal offense,
 2074 regardless of whether adjudication was withheld.

2075 (b) Probation as defined in s. 985.03, commitment to the

2076 Department of Juvenile Justice, probation as defined in chapter
 2077 948, community control, or incarceration, if the person is
 2078 convicted as an adult of such violation and has not previously
 2079 been convicted of or adjudicated delinquent for any criminal
 2080 offense, regardless of whether adjudication was withheld.

2081 (2)~~(3)~~ As used in this subsection, the term "department"
 2082 means the Department of Highway Safety and Motor Vehicles. A
 2083 court that revokes, suspends, or withholds issuance of a driver
 2084 license under subsection (1)~~(2)~~ shall:

2085 (a) If the person is eligible by reason of age for a
 2086 driver license or driving privilege, direct the department to
 2087 revoke or withhold issuance of the person's driver license or
 2088 driving privilege for not less than 6 months and not more than 1
 2089 year;

2090 (b) If the person's driver license is under suspension or
 2091 revocation for any reason, direct the department to extend the
 2092 period of suspension or revocation by not less than 6 months and
 2093 not more than 1 year; or

2094 (c) If the person is ineligible by reason of age for a
 2095 driver license or driving privilege, direct the department to
 2096 withhold issuance of the person's driver license or driving
 2097 privilege for not less than 6 months and not more than 1 year
 2098 after the date on which the person would otherwise become
 2099 eligible.

2100 (3)~~(4)~~ This section does ~~Subsections (2) and (3) do not~~

2101 preclude the court from imposing any other sanction ~~specified or~~
 2102 ~~not specified in subsection (2) or subsection (3).~~

2103 ~~(5) A court that suspends the driver license of a person~~
 2104 ~~pursuant to subsection (1) may direct the Department of Highway~~
 2105 ~~Safety and Motor Vehicles to issue the person a license for~~
 2106 ~~driving privilege restricted to business purposes only, as~~
 2107 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

2108 Section 37. Subsection (1) of section 815.03, Florida
 2109 Statutes, is amended to read:

2110 815.03 Definitions.—As used in this chapter, unless the
 2111 context clearly indicates otherwise:

2112 (1) "Access" means to approach, instruct, communicate
 2113 with, store data in, retrieve data from, or otherwise make use
 2114 of any resources of a computer, computer system, ~~or~~ computer
 2115 network, or electronic device.

2116 Section 38. Subsection (2) of section 815.06, Florida
 2117 Statutes, is amended, and subsection (3) of that section is
 2118 republished, to read:

2119 815.06 Offenses against users of computers, computer
 2120 systems, computer networks, and electronic devices.—

2121 (2) A person commits an offense against users of
 2122 computers, computer systems, computer networks, or electronic
 2123 devices if he or she willfully, knowingly, and without
 2124 authorization or exceeding authorization:

2125 (a) Accesses or causes to be accessed any computer,

2126 computer system, computer network, or electronic device with
2127 knowledge that such access is unauthorized or the manner of use
2128 exceeds authorization;

2129 (b) Disrupts or denies or causes the denial of the ability
2130 to transmit data to or from an authorized user of a computer,
2131 computer system, computer network, or electronic device, which,
2132 in whole or in part, is owned by, under contract to, or operated
2133 for, on behalf of, or in conjunction with another;

2134 (c) Destroys, takes, injures, or damages equipment or
2135 supplies used or intended to be used in a computer, computer
2136 system, computer network, or electronic device;

2137 (d) Destroys, injures, or damages any computer, computer
2138 system, computer network, or electronic device;

2139 (e) Introduces any computer contaminant into any computer,
2140 computer system, computer network, or electronic device; or

2141 (f) Engages in audio or video surveillance of an
2142 individual by accessing any inherent feature or component of a
2143 computer, computer system, computer network, or electronic
2144 device, including accessing the data or information of a
2145 computer, computer system, computer network, or electronic
2146 device that is stored by a third party.

2147 (3) (a) Except as provided in paragraphs (b) and (c), a
2148 person who violates subsection (2) commits a felony of the third
2149 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2150 775.084.

2151 (b) A person commits a felony of the second degree,
 2152 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 2153 if he or she violates subsection (2) and:

2154 1. Damages a computer, computer equipment or supplies, a
 2155 computer system, or a computer network and the damage or loss is
 2156 at least \$5,000;

2157 2. Commits the offense for the purpose of devising or
 2158 executing any scheme or artifice to defraud or obtain property;

2159 3. Interrupts or impairs a governmental operation or
 2160 public communication, transportation, or supply of water, gas,
 2161 or other public service; or

2162 4. Intentionally interrupts the transmittal of data to or
 2163 from, or gains unauthorized access to, a computer, computer
 2164 system, computer network, or electronic device belonging to any
 2165 mode of public or private transit, as defined in s. 341.031.

2166 (c) A person who violates subsection (2) commits a felony
 2167 of the first degree, punishable as provided in s. 775.082, s.
 2168 775.083, or s. 775.084, if the violation:

2169 1. Endangers human life; or

2170 2. Disrupts a computer, computer system, computer network,
 2171 or electronic device that affects medical equipment used in the
 2172 direct administration of medical care or treatment to a person.

2173 Section 39. Section 817.413, Florida Statutes, is amended
 2174 to read:

2175 817.413 Sale of used motor vehicle goods as new; penalty.—

2176 (1) With respect to a transaction for which any charges
 2177 will be paid from the proceeds of a motor vehicle insurance
 2178 policy, ~~and in which the purchase price of motor vehicle goods~~
 2179 ~~exceeds \$100,~~ it is unlawful for the seller to knowingly
 2180 misrepresent orally, in writing, or by failure to speak, that
 2181 the goods are new or original when they are used or repossessed
 2182 or have been used for sales demonstration.

2183 (2) A person who violates the provisions of this section,
 2184 if the purchase price of the motor vehicle goods is \$1,000 or
 2185 more, commits a felony of the third degree, punishable as
 2186 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 2187 purchase price of the motor vehicle goods is less than \$1,000,
 2188 the person commits a misdemeanor of the first degree, punishable
 2189 as provided in s. 775.082 or s. 775.083.

2190 Section 40. Paragraph (a) of subsection (2) of section
 2191 831.28, Florida Statutes, is amended to read:

2192 831.28 Counterfeiting a payment instrument; possessing a
 2193 counterfeit payment instrument; penalties.—

2194 (2) (a) It is unlawful to counterfeit a payment instrument
 2195 with the intent to defraud a financial institution, account
 2196 holder, or any other person or organization or for a person to
 2197 have any counterfeit payment instrument in such person's
 2198 possession with the intent to defraud a financial institution,
 2199 account holder, or any other person or organization. Any person
 2200 who violates this subsection commits a felony of the third

2201 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2202 775.084.

2203 Section 41. Subsections (5) through (10) of section
2204 847.011, Florida Statutes, are renumbered as subsections (6)
2205 through (11), respectively, and a new subsection (5) is added to
2206 that section, to read:

2207 847.011 Prohibition of certain acts in connection with
2208 obscene, lewd, etc., materials; penalty.—

2209 (5) (a) 1. A person may not knowingly sell, lend, give away,
2210 distribute, transmit, show, or transmute; offer to sell, lend,
2211 give away, distribute, transmit, show, or transmute; have in his
2212 or her possession, custody, or control with the intent to sell,
2213 lend, give away, distribute, transmit, show, or transmute; or
2214 advertise in any manner an obscene, child-like sex doll.

2215 2.a. Except as provided in sub-subparagraph b., a person
2216 who violates this paragraph commits a felony of the third
2217 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2218 775.084.

2219 b. A person who is convicted of violating this paragraph a
2220 second or subsequent time commits a felony of the second degree,
2221 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2222 (b) 1. A person who knowingly has in his or her possession,
2223 custody, or control an obscene, child-like sex doll commits a
2224 misdemeanor of the first degree, punishable as provided in s.
2225 775.082 or s. 775.083.

2226 2. A person who is convicted of violating this paragraph a
 2227 second or subsequent time commits a felony of the third degree,
 2228 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2229 Section 42. Section 849.01, Florida Statutes, is amended
 2230 to read:

2231 849.01 Keeping gambling houses, etc.—Whoever by herself or
 2232 himself, her or his servant, clerk or agent, or in any other
 2233 manner has, keeps, exercises or maintains a gaming table or
 2234 room, or gaming implements or apparatus, or house, booth, tent,
 2235 shelter or other place for the purpose of gaming or gambling or
 2236 in any place of which she or he may directly or indirectly have
 2237 charge, control or management, either exclusively or with
 2238 others, procures, suffers or permits any person to play for
 2239 money or other valuable thing at any game whatever, whether
 2240 heretofore prohibited or not, commits ~~shall be guilty of a~~
 2241 misdemeanor ~~felony~~ of the second ~~third~~ degree, punishable as
 2242 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

2243 Section 43. Subsections (6) and (7) and paragraphs (c) and
 2244 (d) of subsection (8) of section 877.112, Florida Statutes, are
 2245 amended to read:

2246 877.112 Nicotine products and nicotine dispensing devices;
 2247 prohibitions for minors; penalties; civil fines; signage
 2248 requirements; preemption.—

2249 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
 2250 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any

2251 person under 18 years of age to knowingly possess any nicotine
2252 product or a nicotine dispensing device. Any person under 18
2253 years of age who violates this subsection commits a noncriminal
2254 violation as defined in s. 775.08(3), punishable by:

2255 (a) For a first violation, 16 hours of community service
2256 or, instead of community service, a \$25 fine. In addition, the
2257 person must attend a school-approved anti-tobacco and nicotine
2258 program, if locally available; or

2259 (b) For a second or subsequent violation within 12 weeks
2260 after ~~of~~ the first violation, a \$25 fine. ~~or~~

2261 ~~(c) For a third or subsequent violation within 12 weeks of~~
2262 ~~the first violation, the court must direct the Department of~~
2263 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
2264 ~~suspend or revoke the person's driver license or driving~~
2265 ~~privilege, as provided in s. 322.056.~~

2266

2267 Any second or subsequent violation not within the 12-week time
2268 period after the first violation is punishable as provided for a
2269 first violation.

2270 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
2271 any person under 18 years of age to misrepresent his or her age
2272 or military service for the purpose of inducing a retailer of
2273 nicotine products or nicotine dispensing devices or an agent or
2274 employee of such retailer to sell, give, barter, furnish, or
2275 deliver any nicotine product or nicotine dispensing device, or

2276 to purchase, or attempt to purchase, any nicotine product or
 2277 nicotine dispensing device from a person or a vending machine.
 2278 Any person under 18 years of age who violates this subsection
 2279 commits a noncriminal violation as defined in s. 775.08(3),
 2280 punishable by:

2281 (a) For a first violation, 16 hours of community service
 2282 or, instead of community service, a \$25 fine and, in addition,
 2283 the person must attend a school-approved anti-tobacco and
 2284 nicotine program, if available; or

2285 (b) For a second violation within 12 weeks of the first
 2286 violation, a \$25 fine. ~~or~~

2287 ~~(c) For a third or subsequent violation within 12 weeks of~~
 2288 ~~the first violation, the court must direct the Department of~~
 2289 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 2290 ~~suspend or revoke the person's driver license or driving~~
 2291 ~~privilege, as provided in s. 322.056.~~

2292
 2293 Any second or subsequent violation not within the 12-week time
 2294 period after the first violation is punishable as provided for a
 2295 first violation.

2296 (8) PENALTIES FOR MINORS.—

2297 (c) If a person under 18 years of age is found by the
 2298 court to have committed a noncriminal violation under this
 2299 section and that person has failed to complete community
 2300 service, pay the fine as required by paragraph (6) (a) or

2301 paragraph (7) (a), or attend a school-approved anti-tobacco and
 2302 nicotine program, if locally available, the court may ~~must~~
 2303 direct the Department of Highway Safety and Motor Vehicles to
 2304 withhold issuance of or suspend the driver license or driving
 2305 privilege of that person for 30 consecutive days.

2306 (d) If a person under 18 years of age is found by the
 2307 court to have committed a noncriminal violation under this
 2308 section and that person has failed to pay the applicable fine as
 2309 required by paragraph (6) (b) or paragraph (7) (b), the court may
 2310 ~~must~~ direct the Department of Highway Safety and Motor Vehicles
 2311 to withhold issuance of or suspend the driver license or driving
 2312 privilege of that person for 45 consecutive days.

2313 Section 44. Paragraph (c) of subsection (1) of section
 2314 893.135, Florida Statutes, is amended to read:

2315 893.135 Trafficking; mandatory sentences; suspension or
 2316 reduction of sentences; conspiracy to engage in trafficking.—

2317 (1) Except as authorized in this chapter or in chapter 499
 2318 and notwithstanding the provisions of s. 893.13:

2319 (c)1. A person who knowingly sells, purchases,
 2320 manufactures, delivers, or brings into this state, or who is
 2321 knowingly in actual or constructive possession of, 4 grams or
 2322 more of any morphine, opium, hydromorphone, or any salt,
 2323 derivative, isomer, or salt of an isomer thereof, including
 2324 heroin, as described in s. 893.03(1) (b), (2) (a), (3) (c)3., or
 2325 (3) (c)4., or 4 grams or more of any mixture containing any such

2326 substance, but less than 30 kilograms of such substance or
 2327 mixture, commits a felony of the first degree, which felony
 2328 shall be known as "trafficking in illegal drugs," punishable as
 2329 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 2330 quantity involved:

2331 a. Is 4 grams or more, but less than 14 grams, such person
 2332 shall be sentenced to a mandatory minimum term of imprisonment
 2333 of 3 years and shall be ordered to pay a fine of \$50,000.

2334 b. Is 14 grams or more, but less than 28 grams, such
 2335 person shall be sentenced to a mandatory minimum term of
 2336 imprisonment of 15 years and shall be ordered to pay a fine of
 2337 \$100,000.

2338 c. Is 28 grams or more, but less than 30 kilograms, such
 2339 person shall be sentenced to a mandatory minimum term of
 2340 imprisonment of 25 years and shall be ordered to pay a fine of
 2341 \$500,000.

2342 2. A person who knowingly sells, purchases, manufactures,
 2343 delivers, or brings into this state, or who is knowingly in
 2344 actual or constructive possession of, 28 ~~14~~ grams or more of
 2345 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
 2346 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 ~~14~~
 2347 grams or more of any mixture containing any such substance,
 2348 commits a felony of the first degree, which felony shall be
 2349 known as "trafficking in hydrocodone," punishable as provided in
 2350 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

2351 a. Is 28 ~~14~~ grams or more, but less than 50 ~~28~~ grams, such
 2352 person shall be sentenced to a mandatory minimum term of
 2353 imprisonment of 3 years and shall be ordered to pay a fine of
 2354 \$50,000.

2355 b. Is 50 ~~28~~ grams or more, but less than 100 ~~50~~ grams,
 2356 such person shall be sentenced to a mandatory minimum term of
 2357 imprisonment of 7 years and shall be ordered to pay a fine of
 2358 \$100,000.

2359 c. Is 100 ~~50~~ grams or more, but less than 300 ~~200~~ grams,
 2360 such person shall be sentenced to a mandatory minimum term of
 2361 imprisonment of 15 years and shall be ordered to pay a fine of
 2362 \$500,000.

2363 d. Is 300 ~~200~~ grams or more, but less than 30 kilograms,
 2364 such person shall be sentenced to a mandatory minimum term of
 2365 imprisonment of 25 years and shall be ordered to pay a fine of
 2366 \$750,000.

2367 3. A person who knowingly sells, purchases, manufactures,
 2368 delivers, or brings into this state, or who is knowingly in
 2369 actual or constructive possession of, 7 grams or more of
 2370 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
 2371 thereof, or 7 grams or more of any mixture containing any such
 2372 substance, commits a felony of the first degree, which felony
 2373 shall be known as "trafficking in oxycodone," punishable as
 2374 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 2375 quantity involved:

2376 a. Is 7 grams or more, but less than 14 grams, such person
 2377 shall be sentenced to a mandatory minimum term of imprisonment
 2378 of 3 years and shall be ordered to pay a fine of \$50,000.

2379 b. Is 14 grams or more, but less than 25 grams, such
 2380 person shall be sentenced to a mandatory minimum term of
 2381 imprisonment of 7 years and shall be ordered to pay a fine of
 2382 \$100,000.

2383 c. Is 25 grams or more, but less than 100 grams, such
 2384 person shall be sentenced to a mandatory minimum term of
 2385 imprisonment of 15 years and shall be ordered to pay a fine of
 2386 \$500,000.

2387 d. Is 100 grams or more, but less than 30 kilograms, such
 2388 person shall be sentenced to a mandatory minimum term of
 2389 imprisonment of 25 years and shall be ordered to pay a fine of
 2390 \$750,000.

2391 4.a. A person who knowingly sells, purchases,
 2392 manufactures, delivers, or brings into this state, or who is
 2393 knowingly in actual or constructive possession of, 4 grams or
 2394 more of:

2395 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2396 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2397 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2398 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

2399 (V) A fentanyl derivative, as described in s.

2400 893.03(1)(a)62.;

2401 (VI) A controlled substance analog, as described in s.
 2402 893.0356, of any substance described in sub-sub-subparagraphs
 2403 (I)-(V); or
 2404 (VII) A mixture containing any substance described in sub-
 2405 sub-subparagraphs (I)-(VI),
 2406
 2407 commits a felony of the first degree, which felony shall be
 2408 known as "trafficking in fentanyl," punishable as provided in s.
 2409 775.082, s. 775.083, or s. 775.084.
 2410 b. If the quantity involved under sub-subparagraph a.:
 2411 (I) Is 4 grams or more, but less than 14 grams, such
 2412 person shall be sentenced to a mandatory minimum term of
 2413 imprisonment of 3 years, and shall be ordered to pay a fine of
 2414 \$50,000.
 2415 (II) Is 14 grams or more, but less than 28 grams, such
 2416 person shall be sentenced to a mandatory minimum term of
 2417 imprisonment of 15 years, and shall be ordered to pay a fine of
 2418 \$100,000.
 2419 (III) Is 28 grams or more, such person shall be sentenced
 2420 to a mandatory minimum term of imprisonment of 25 years, and
 2421 shall be ordered to pay a fine of \$500,000.
 2422 5. A person who knowingly sells, purchases, manufactures,
 2423 delivers, or brings into this state, or who is knowingly in
 2424 actual or constructive possession of, 30 kilograms or more of
 2425 any morphine, opium, oxycodone, hydrocodone, codeine,

2426 hydromorphone, or any salt, derivative, isomer, or salt of an
 2427 isomer thereof, including heroin, as described in s.
 2428 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 2429 more of any mixture containing any such substance, commits the
 2430 first degree felony of trafficking in illegal drugs. A person
 2431 who has been convicted of the first degree felony of trafficking
 2432 in illegal drugs under this subparagraph shall be punished by
 2433 life imprisonment and is ineligible for any form of
 2434 discretionary early release except pardon or executive clemency
 2435 or conditional medical release under s. 947.149. However, if the
 2436 court determines that, in addition to committing any act
 2437 specified in this paragraph:

2438 a. The person intentionally killed an individual or
 2439 counseled, commanded, induced, procured, or caused the
 2440 intentional killing of an individual and such killing was the
 2441 result; or

2442 b. The person's conduct in committing that act led to a
 2443 natural, though not inevitable, lethal result,
 2444
 2445 such person commits the capital felony of trafficking in illegal
 2446 drugs, punishable as provided in ss. 775.082 and 921.142. A
 2447 person sentenced for a capital felony under this paragraph shall
 2448 also be sentenced to pay the maximum fine provided under
 2449 subparagraph 1.

2450 6. A person who knowingly brings into this state 60

2451 kilograms or more of any morphine, opium, oxycodone,
 2452 hydrocodone, codeine, hydromorphone, or any salt, derivative,
 2453 isomer, or salt of an isomer thereof, including heroin, as
 2454 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
 2455 60 kilograms or more of any mixture containing any such
 2456 substance, and who knows that the probable result of such
 2457 importation would be the death of a person, commits capital
 2458 importation of illegal drugs, a capital felony punishable as
 2459 provided in ss. 775.082 and 921.142. A person sentenced for a
 2460 capital felony under this paragraph shall also be sentenced to
 2461 pay the maximum fine provided under subparagraph 1.

2462 Section 45. Effective upon becoming a law, section 900.05,
 2463 Florida Statutes, is amended to read:

2464 900.05 Criminal justice data collection.—

2465 (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of
 2466 the Legislature to create a model of uniform criminal justice
 2467 data collection by requiring local and state criminal justice
 2468 agencies to report complete, accurate, and timely data, and
 2469 making such data available to the public. The Legislature finds
 2470 that it is an important state interest to implement a uniform
 2471 data collection process and promote criminal justice data
 2472 transparency.

2473 (2) DEFINITIONS.—As used in this section, the term:

2474 (a) "Annual felony caseload" means the yearly caseload of
 2475 each full-time state attorney and assistant state attorney, ~~or~~

2476 public defender and assistant public defender, or conflict
2477 regional counsel and assistant conflict regional counsel for
2478 cases assigned to the circuit criminal division, based on the
2479 number of felony cases reported to the Supreme Court under s.
2480 25.075. The term does not include the appellate caseload of a
2481 public defender, ~~or~~ assistant public defender, conflict regional
2482 counsel, or assistant conflict regional counsel. Cases reported
2483 pursuant to this term must be associated with a case number, and
2484 each case number must only be reported once regardless of the
2485 number of attorney assignments that occur during the course of
2486 litigation. The caseload shall be calculated on June 30th and
2487 reported once at the beginning of the reporting agency's fiscal
2488 year.

2489 (b) "Annual felony conflict caseload" means the total
2490 number of felony cases the public defender or office of criminal
2491 conflict regional counsel has withdrawn from in the previous
2492 calendar year. The caseload shall be calculated on June 30th and
2493 reported once at the beginning of reporting agency's fiscal
2494 year.

2495 (c) ~~(b)~~ "Annual misdemeanor caseload" means the yearly
2496 caseload of each full-time state attorney and assistant state
2497 attorney, ~~or~~ public defender and assistant public defender, or
2498 conflict regional counsel and assistant conflict regional
2499 counsel for cases assigned to the county criminal division,
2500 based on the number of misdemeanor cases reported to the Supreme

2501 Court under s. 25.075. The term does not include the appellate
2502 caseload of a public defender, ~~or~~ assistant public defender,
2503 conflict regional counsel, or assistant conflict regional
2504 counsel. Cases reported pursuant to this term must be associated
2505 with a case number, and each case number must only be reported
2506 once regardless of the number of attorney assignments that occur
2507 during the course of litigation. The caseload shall be
2508 calculated on June 30th and reported once at the beginning of
2509 the reporting agency's fiscal year.

2510 (d) "Annual misdemeanor conflict caseload" means the total
2511 number of misdemeanor cases the public defender or office of
2512 criminal conflict regional counsel has withdrawn from in the
2513 previous calendar year. The caseload shall be calculated on June
2514 30th and reported once at the beginning of the reporting
2515 agency's fiscal year.

2516 (e) ~~(e)~~ "Attorney assignment date" means the date a court-
2517 appointed attorney is assigned to the case or, if privately
2518 retained, the date an attorney files a notice of appearance with
2519 the clerk of court.

2520 (f) ~~(d)~~ "Attorney withdrawal date" means the date the court
2521 removes court-appointed counsel from a case or, for a privately
2522 retained attorney, the date a motion to withdraw is granted by
2523 the court.

2524 (g) ~~(e)~~ "Case number" means the uniform case identification
2525 number assigned by the clerk of court to a criminal case.

2526 (h)~~(f)~~ "Case status" means whether a case is open, active,
2527 inactive, closed, reclosed, or reopened due to a violation of
2528 probation or community control.

2529 (i)~~(g)~~ "Charge description" means the statement of the
2530 conduct that is alleged to have been violated, the associated
2531 statutory section establishing such conduct as criminal, and the
2532 misdemeanor or felony classification that is provided for in the
2533 statutory section alleged to have been violated.

2534 (j) "Charge disposition" means the final adjudication for
2535 each charged crime, including, but not limited to, dismissal by
2536 state attorney, dismissal by judge, acquittal, no contest plea,
2537 guilty plea, or guilty finding at trial.

2538 (k)~~(h)~~ "Charge modifier" means an aggravating circumstance
2539 of an alleged crime that enhances or reclassifies a charge to a
2540 more serious misdemeanor or felony offense level.

2541 (l)~~(i)~~ "Concurrent or consecutive sentence flag" means an
2542 indication that a defendant is serving another sentence
2543 concurrently or consecutively in addition to the sentence for
2544 which data is being reported.

2545 (m)~~(j)~~ "Daily number of correctional officers" means the
2546 number of full-time, part-time, and auxiliary correctional
2547 officers who are actively providing supervision, protection,
2548 care, custody, and control of inmates in a county detention
2549 facility or state correctional institution or facility each day.

2550 (n)~~(k)~~ "Defense attorney type" means whether the attorney

2551 is a public defender, regional conflict counsel, or other
2552 counsel court-appointed for the defendant; the attorney is
2553 privately retained by the defendant; or the defendant is
2554 represented pro se.

2555 (o)~~(l)~~ "Deferred prosecution or pretrial diversion
2556 agreement date" means the date an agreement ~~a contract~~ is signed
2557 by the parties regarding a defendant's admission into a deferred
2558 prosecution or pretrial diversion program.

2559 (p)~~(m)~~ "Deferred prosecution or pretrial diversion hearing
2560 date" means each date that a hearing, including a status
2561 hearing, is held on a case that is in a deferred prosecution or
2562 pretrial diversion program, if applicable.

2563 (q)~~(n)~~ "Disciplinary violation and action" means any
2564 conduct performed by an inmate in violation of the rules of a
2565 county detention facility or state correctional institution or
2566 facility that results in the initiation of disciplinary
2567 proceedings by the custodial entity and the consequences of such
2568 disciplinary proceedings.

2569 (r)~~(o)~~ "Disposition date" means the date of final
2570 judgment, adjudication, adjudication withheld, dismissal, or
2571 nolle prosequi for the case and if different dates apply, the
2572 disposition dates of each charge.

2573 (s) "Disposition type" means the manner in which the
2574 charge was closed, including final judgment, adjudication,
2575 adjudications withheld, dismissal, or nolle prosequi.

2576 (t)~~(p)~~ "Domestic violence flag" means an indication that a
 2577 filed charge involves domestic violence as defined in s. 741.28.

2578 (u)~~(q)~~ "Gang affiliation flag" means an indication that a
 2579 defendant is involved in or associated with a criminal gang as
 2580 defined in s. 874.03 at the time of the current offense.

2581 (v)~~(r)~~ "Gain-time credit earned" means a credit of time
 2582 awarded to an inmate in a county detention facility in
 2583 accordance with s. 951.21 ~~s. 951.22~~ or a state correctional
 2584 institution or facility in accordance with s. 944.275.

2585 (w)~~(s)~~ "Habitual offender flag" means an indication that a
 2586 defendant is a habitual felony offender as defined in s. 775.084
 2587 or a habitual misdemeanor offender as defined in s. 775.0837.

2588 (x) "Habitual violent felony offender flag" means an
 2589 indication that a defendant is a habitual violent felony
 2590 offender as defined in s. 775.084.

2591 ~~(t) "Judicial transfer date" means a date on which a~~
 2592 ~~defendant's case is transferred to another court or presiding~~
 2593 ~~judge.~~

2594 (y)~~(u)~~ "Number of contract attorneys representing indigent
 2595 defendants for the office of the public defender" means the
 2596 number of attorneys hired on a temporary basis, by contract, to
 2597 represent indigent clients who were appointed a public defender,
 2598 whereby the public defender withdraws from the case due to a
 2599 conflict of interest.

2600 (z)~~(v)~~ "Pretrial release violation flag" means an

2601 indication that the defendant has violated the terms of his or
2602 her pretrial release.

2603 (aa) ~~(w)~~ "Prior incarceration within the state" means any
2604 prior history of a defendant's incarceration ~~defendant being~~
2605 ~~incarcerated in a county detention facility or Florida~~ state
2606 correctional institution or facility.

2607 (bb) "Prison releasee reoffender flag" means an indication
2608 that the defendant is a prison releasee reoffender as defined in
2609 s. 775.082 or any other statute.

2610 (cc) ~~(y)~~ "Sexual offender flag" means an indication that a
2611 defendant was ~~is~~ required to register as a sexual predator as
2612 defined in s. 775.21 or as a sexual offender as defined in s.
2613 943.0435.

2614 (dd) ~~(*)~~ "Tentative release date" means the anticipated
2615 date that an inmate will be released from incarceration after
2616 the application of adjustments for any gain-time earned or
2617 credit for time served.

2618 (ee) "Three-time violent felony offender flag" means an
2619 indication that the defendant is a three-time violent felony
2620 offender as defined in s. 775.084 or any other statute.

2621 (ff) "Violent career criminal flag" means an indication
2622 that the defendant is a violent career criminal as defined in s.
2623 775.084 or any other statute.

2624 (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~
2625 ~~2019,~~ An entity required to collect data in accordance with this

2626 subsection shall collect the specified data and ~~required of the~~
 2627 ~~entity on a biweekly basis. Each entity shall report it the data~~
 2628 ~~collected~~ in accordance with this subsection to the Department
 2629 of Law Enforcement on a monthly basis.

2630 (a) Clerk of the court.—Each clerk of court shall collect
 2631 the following data for each criminal case:

2632 1. Case number.

2633 2. Date that the alleged offense occurred.

2634 ~~3. County in which the offense is alleged to have~~
 2635 ~~occurred.~~

2636 3.4. Date the defendant is taken into physical custody by
 2637 a law enforcement agency or is issued a notice to appear on a
 2638 criminal charge, ~~if such date is different from the date the~~
 2639 ~~offense is alleged to have occurred.~~

2640 4. Whether the case originated by a notice to appear.

2641 5. Date that the criminal prosecution of a defendant is
 2642 formally initiated ~~through the filing, with the clerk of the~~
 2643 ~~court, of an information by the state attorney or an indictment~~
 2644 ~~issued by a grand jury.~~

2645 6. Arraignment date.

2646 7. Attorney appointment ~~assignment~~ date.

2647 8. Attorney withdrawal date.

2648 9. Case status.

2649 10. Charge disposition.

2650 ~~11.10.~~ Disposition date and disposition type.

- 2651 ~~12.11.~~ Information related to each defendant, including:
- 2652 a. Identifying information, including name, known aliases,
- 2653 date of birth, ~~age,~~ race, ~~or~~ ethnicity, and gender.
- 2654 b. Zip code of last known address ~~primary residence.~~
- 2655 c. Primary language.
- 2656 d. Citizenship.
- 2657 e. Immigration status, if applicable.
- 2658 f. Whether the defendant has been found ~~by a court~~ to be
- 2659 indigent under ~~pursuant to~~ s. 27.52.
- 2660 ~~13.12.~~ Information related to the ~~formal~~ charges filed
- 2661 against the defendant, including:
- 2662 a. Charge description.
- 2663 b. Charge modifier description and statute, if applicable.
- 2664 c. Drug type for each drug charge, if known.
- 2665 d. Qualification for a flag designation as defined in this
- 2666 section, including a domestic violence flag, gang affiliation
- 2667 flag, sexual offender flag, habitual offender flag, habitual
- 2668 violent felony offender flag, ~~or~~ pretrial release violation
- 2669 flag, prison releasee reoffender flag, three-time violent felony
- 2670 offender flag, or violent career criminal flag.
- 2671 ~~14.13.~~ Information related to bail or bond and pretrial
- 2672 release determinations, including the dates of any such
- 2673 determinations:
- 2674 a. Pretrial release determination made at a first
- 2675 appearance hearing that occurs within 24 hours of arrest,

2676 including any ~~all~~ monetary and nonmonetary ~~conditions of~~
 2677 release.

2678 b. Modification of bail or bond conditions made by a court
 2679 having jurisdiction to try the defendant or, in the absence of
 2680 the judge of the trial court, by the circuit court, including
 2681 modifications to any monetary and nonmonetary ~~conditions of~~
 2682 release.

2683 c. Cash bail or bond payment, including whether the
 2684 defendant utilized a bond agent to post a surety bond.

2685 d. Date defendant is released on bail, bond, or pretrial
 2686 release for the current case.

2687 e. Bail or bond revocation due to a new offense, a failure
 2688 to appear, or a violation of the terms of bail or bond, if
 2689 applicable.

2690 ~~15.14.~~ Information related to court dates and dates of
 2691 motions and appearances, including:

2692 a. Date of any court appearance and the type of proceeding
 2693 scheduled for each date reported.

2694 b. Date of any failure to appear in court, if applicable.

2695 c. Deferred prosecution or pretrial diversion hearing, if
 2696 applicable.

2697 ~~e. Judicial transfer date, if applicable.~~

2698 d. Each scheduled trial date.

2699 e. Date that a defendant files a notice to participate in
 2700 discovery.

2701 f. Speedy trial motion date and each hearing date ~~dates~~,
 2702 if applicable.

2703 g. Dismissal motion date and each hearing date ~~dates~~, if
 2704 applicable.

2705 ~~16.15.~~ Defense attorney type.

2706 ~~17.16.~~ Information related to sentencing, including:

2707 a. Date that a court enters a sentence against a
 2708 defendant.

2709 b. Charge sentenced to, including charge sequence number
 2710 ~~and~~, charge description, ~~statute, type, and charge class~~
 2711 ~~severity~~.

2712 c. Sentence type and length imposed by the court in the
 2713 current case, reported in years, months, and days, including,
 2714 but not limited to, the total duration of incarceration
 2715 ~~imprisonment~~ in a county detention facility or state
 2716 correctional institution or facility, and conditions of
 2717 probation or community control supervision.

2718 d. Amount of time served in custody by the defendant
 2719 related to each charge ~~the reported criminal case~~ that is
 2720 credited at the time of disposition of the charge ~~case~~ to reduce
 2721 the imposed ~~actual~~ length of time the defendant will serve on
 2722 the term of incarceration ~~imprisonment~~ that is ordered by the
 2723 court at disposition.

2724 e. Total amount of court costs ~~fees~~ imposed by the court
 2725 at ~~the disposition of the case~~ disposition.

2726 ~~f. Outstanding balance of the defendant's court fees~~
 2727 ~~imposed by the court at disposition of the case.~~

2728 ~~f.g.~~ Total amount of fines imposed by the court at ~~the~~
 2729 ~~disposition of the case~~ disposition.

2730 ~~h. Outstanding balance of the defendant's fines imposed by~~
 2731 ~~the court at disposition of the case.~~

2732 ~~g.i.~~ Restitution amount ordered at sentencing, including
 2733 ~~the amount collected by the court and the amount paid to the~~
 2734 ~~victim, if applicable.~~

2735 ~~j. Digitized sentencing scoresheet prepared in accordance~~
 2736 ~~with s. 921.0024.~~

2737 ~~18.17.~~ The sentencing judge number of judges or magistrate
 2738 magistrates, or the equivalent ~~their equivalents,~~ hearing
 2739 ~~eases in circuit or county criminal divisions of the~~
 2740 ~~circuit court. Judges or magistrates, or their equivalents,~~
 2741 ~~who solely hear appellate cases from the county criminal~~
 2742 ~~division are not to be reported under this subparagraph.~~

2743 (b) State attorney.—Each state attorney shall collect the
 2744 following data:

2745 1. Information related to a human victim of a criminal
 2746 offense, including:

2747 a. Identifying information of the victim, including race,
 2748 ~~or~~ ethnicity, gender, and age at the time of the offense.

2749 b. Relationship to the offender, if any.

2750 2. Number of full-time prosecutors.

- 2751 3. Number of part-time prosecutors.
- 2752 4. Annual felony caseload.
- 2753 5. Annual misdemeanor caseload.
- 2754 6. Disposition of each referred charge, such as filed,
- 2755 declined, or diverted ~~Any charge referred to the state attorney~~
- 2756 ~~by a law enforcement agency related to an episode of criminal~~
- 2757 ~~activity.~~
- 2758 7. Number of cases in which a no-information was filed.
- 2759 8. Information related to each defendant, including:
- 2760 a. Each charge referred to the state attorney by a law
- 2761 enforcement agency or sworn complainant related to an episode of
- 2762 criminal activity.
- 2763 b. Case number, name, and date of birth.
- 2764 ~~c.~~ b. Drug type for each drug charge, if applicable.
- 2765 d. Deferred prosecution or pretrial diversion agreement
- 2766 date, if applicable.
- 2767 (c) Public defender.—Each public defender shall collect
- 2768 the following data ~~for each criminal case:~~
- 2769 1. Number of full-time public defenders.
- 2770 2. Number of part-time public defenders.
- 2771 3. Number of contract attorneys representing indigent
- 2772 defendants for the office of the public defender.
- 2773 4. Annual felony caseload.
- 2774 5. Annual felony conflict caseload.
- 2775 ~~6.5.~~ Annual misdemeanor caseload.

2776 7. Annual misdemeanor conflict caseload.

2777 (d) County detention facility.—The administrator of each

2778 county detention facility shall collect the following data:

2779 1. Maximum capacity for the county detention facility.

2780 2. Weekly admissions to the county detention facility for

2781 a revocation of probation or community control.

2782 3. Weekly admissions to the county detention facility for

2783 a revocation of pretrial release.

2784 ~~4.3.~~ Daily population of the county detention facility,

2785 including the specific number of inmates in the custody of the

2786 county that:

2787 a. Are awaiting case disposition.

2788 b. Have been sentenced by a court to a term of

2789 incarceration ~~imprisonment~~ in the county detention facility.

2790 c. Have been sentenced by a court to a term of

2791 imprisonment with the Department of Corrections and who are

2792 awaiting transportation to the department.

2793 d. Have a federal detainer, ~~or~~ are awaiting disposition of

2794 a case in federal court, or are awaiting other federal court

2795 disposition.

2796 ~~5.4.~~ Information related to each inmate, including:

2797 a. Identifying information, including name, date of birth,

2798 race, ethnicity, gender, case number, and identification number

2799 assigned by the county detention facility.

2800 ~~b.a.~~ Date when an inmate ~~a defendant~~ is processed and

2801 booked into the county detention facility subsequent to an
2802 arrest for a new violation of law or for a violation of
2803 probation, ~~or~~ pretrial release, or community control.

2804 ~~c.b.~~ Reason why an inmate ~~a defendant~~ is processed and
2805 booked into the county detention facility, including if it is
2806 ~~for~~ a new law violation, or a violation of probation, ~~or~~
2807 pretrial release, or community control.

2808 ~~d.e.~~ Qualification for a flag designation as defined in
2809 this section, including domestic violence flag, gang affiliation
2810 flag, habitual offender flag, habitual violent felony offender
2811 flag, pretrial release violation flag, ~~or~~ sexual offender flag,
2812 prison releasee reoffender flag, three-time violent felony
2813 offender flag, or violent career criminal flag.

2814 ~~6.5.~~ Total population of the county detention facility at
2815 year-end. This data must include the same specified
2816 classifications as subparagraph ~~4.3.~~

2817 ~~7.6.~~ Per diem rate for a county detention facility bed.

2818 ~~8.7.~~ Daily number of correctional officers for the county
2819 detention facility.

2820 ~~9.8.~~ Annual county detention facility budget. This
2821 information only needs to be reported once annually at the
2822 beginning of the county's fiscal year.

2823 ~~10.9.~~ Annual revenue generated for the county from the
2824 temporary incarceration of federal defendants or inmates.

2825 (e) Department of Corrections.—The Department of

2826 Corrections shall collect the following data:

2827 1. Information related to each inmate, including:

2828 a. Identifying information, including name, date of birth,

2829 race, ~~or~~ ethnicity, gender, case number, and identification

2830 number assigned by the department.

2831 ~~b. Number of children.~~

2832 b.e. Highest education level, ~~including any vocational~~

2833 ~~training.~~

2834 ~~c.d.~~ Date the inmate was admitted to the custody of the

2835 department for his or her current incarceration.

2836 ~~d.e.~~ Current institution placement and the security level

2837 assigned to the institution.

2838 ~~e.f.~~ Custody level assignment.

2839 ~~f.g.~~ Qualification for a flag designation as defined in

2840 this section, including sexual offender flag, habitual offender

2841 flag, habitual violent felony offender flag, prison releasee

2842 reoffender flag, three-time violent felony offender flag,

2843 violent career criminal flag, gang affiliation flag, or

2844 concurrent or consecutive sentence flag.

2845 ~~g.h.~~ County that committed the prisoner to the custody of

2846 the department.

2847 ~~h.i.~~ Whether the reason for admission to the department is

2848 for a new conviction or a violation of probation, community

2849 control, or parole. For an admission for a probation, community

2850 control, or parole violation, the department shall report

2851 whether the violation was technical or based on a new violation
 2852 of law.

2853 i.j. Specific statutory citation for which the inmate was
 2854 committed to the department, including, for an inmate convicted
 2855 of drug trafficking under s. 893.135, the statutory citation for
 2856 each specific drug trafficked.

2857 j.k. Length of sentence ~~or concurrent or consecutive~~
 2858 ~~sentences~~ served.

2859 k. Length of concurrent or consecutive sentences served.

2860 l. Tentative release date.

2861 m. Gain time earned under ~~in accordance with~~ s. 944.275.

2862 n. Prior incarceration within the state.

2863 o. Disciplinary violation and action.

2864 p. Participation in rehabilitative or educational programs
 2865 while in the custody of the department.

2866 q. Digitized sentencing scoresheet prepared in accordance
 2867 with s. 921.0024.

2868 2. Information about each state correctional institution
 2869 or facility, including:

2870 a. Budget for each state correctional institution or
 2871 facility.

2872 b. Daily prison population of all inmates incarcerated in
 2873 a state correctional institution or facility.

2874 c. Daily number of correctional officers for each state
 2875 correctional institution or facility.

2876 3. Information related to persons supervised by the
 2877 department on probation or community control, including:
 2878 a. Identifying information for each person supervised by
 2879 the department on probation or community control, including ~~his~~
 2880 ~~or her~~ name, date of birth, race, ~~or~~ ethnicity, gender sex, case
 2881 number, and department-assigned case number.
 2882 b. Length of probation or community control sentence
 2883 imposed and amount of time that has been served on such
 2884 sentence.
 2885 c. Projected termination date for probation or community
 2886 control.
 2887 d. Revocation of probation or community control due to a
 2888 violation, including whether the revocation is due to a
 2889 technical violation of the conditions of supervision or ~~from the~~
 2890 commission of a new law violation.
 2891 4. Per diem rates for:
 2892 a. Prison bed.
 2893 b. Probation.
 2894 c. Community control.
 2895
 2896 This information only needs to be reported once annually at the
 2897 time the most recent per diem rate is published.
 2898 (f) Justice Administrative Commission.—The Justice
 2899 Administrative Commission shall collect the following data:
 2900 1. Number of private registry attorneys representing

2901 indigent adult defendants.

2902 2. Annual felony caseload assigned to private registry

2903 contract attorneys.

2904 3. Annual misdemeanor caseload assigned to private

2905 registry contract attorneys.

2906 (g) Criminal conflict regional counsel.—Each office of

2907 criminal conflict regional counsel shall report the following

2908 data:

2909 1. Number of full-time assistant conflict regional counsel

2910 handling criminal cases.

2911 2. Number of part-time assistant conflict regional counsel

2912 handling criminal cases.

2913 3. Number of contract attorneys representing indigent

2914 adult defendants.

2915 4. Annual felony caseload assigned to contract attorneys.

2916 5. Annual misdemeanor caseload assigned to contract

2917 attorneys.

2918 6. Annual felony conflict caseload.

2919 7. Annual misdemeanor conflict caseload.

2920 8. Annual felony caseload declined or not accepted by

2921 criminal conflict regional counsel due to lack of qualified

2922 assistant regional counsel or due to excessive caseload.

2923 9. Annual misdemeanor caseload declined or not accepted by

2924 criminal conflict regional counsel due to lack of qualified

2925 assistant conflict regional counsel or due to excessive

2926 caseload.

2927 (4) DATA PUBLICLY AVAILABLE. ~~Beginning January 1, 2019,~~
 2928 The Department of Law Enforcement shall publish datasets in its
 2929 possession in a modern, open, electronic format that is machine-
 2930 readable and readily accessible by the public on the
 2931 department's website. The published data must be searchable, at
 2932 a minimum, by ~~each~~ data elements, county, circuit, and unique
 2933 identifier. Beginning March 1, 2019, the department shall
 2934 publish any ~~begin publishing the~~ data received under subsection
 2935 (3) ~~(2)~~ in the same modern, open, electronic format that is
 2936 machine-readable and readily accessible to the public on the
 2937 department's website. The department shall publish all data
 2938 received under subsection (3) ~~(2)~~ no later than January 1, 2020,
 2939 and monthly thereafter ~~July 1, 2019.~~

2940 (5) NONCOMPLIANCE.—Notwithstanding any other provision of
 2941 law, an entity required to collect and transmit data under
 2942 subsection (3) ~~paragraph (3)(a) or paragraph (3)(d)~~ which does
 2943 not comply with the requirements of this section is ineligible
 2944 to receive funding from the General Appropriations Act, any
 2945 state grant program administered by the Department of Law
 2946 Enforcement, or any other state agency for 5 years after the
 2947 date of noncompliance.

2948 (6) CONFIDENTIALITY.—Information collected by a reporting
 2949 agency which is exempt and confidential upon collection remains
 2950 exempt and confidential when reported to the Department of Law

2951 Enforcement under this section.

2952 Section 46. Subsection (3) of section 921.0022, Florida
 2953 Statutes, is amended to read:

2954 921.0022 Criminal Punishment Code; offense severity
 2955 ranking chart.—

2956 (3) OFFENSE SEVERITY RANKING CHART

2957 (a) LEVEL 1

2958

Florida	Felony	
Statute	Degree	Description

2959

24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
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2960

212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
-----------------	-----	--

2961

212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than <u>\$1,000</u> \$300 but less than \$20,000.
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2962

316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
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2963

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2964	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2965	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
2966	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
2967	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
2968	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
2969	322.212 (5) (a)	3rd	False application for driver license or identification card.
	414.39 (3) (a)	3rd	Fraudulent misappropriation of

			public assistance funds by employee/official, value more than \$200.
2970	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
2971	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than <u>\$1,000</u> \$300 .
2972	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2973	562.27 (1)	3rd	Possess still or still apparatus.
2974	713.69	3rd	Tenant removes property upon which lien has accrued, value more than <u>\$1,000</u> \$50 .
2975	812.014 (3) (c)	3rd	Petit theft (3rd conviction);

2976			theft of any property not specified in subsection (2).
	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2977			
	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
2978			
	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
2979			
	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
2980			
	826.01	3rd	Bigamy.
2981			
	828.122 (3)	3rd	Fighting or baiting animals.
2982			
	831.04 (1)	3rd	Any erasure, alteration, etc.,

2983			of any replacement deed, map, plat, or other document listed in s. 92.28.
2984	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2985	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
2986	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.
2987	838.15(2)	3rd	Commercial bribe receiving.
2988	838.16	3rd	Commercial bribery.
2989	843.18	3rd	Fleeing by boat to elude a law enforcement officer.

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2990	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
2991	849.01	3rd	Keeping gambling house.
2992	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.
2993	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
2994	849.25 (2)	3rd	Engaging in bookmaking.
2995	860.08	3rd	Interfere with a railroad signal.
2996	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
	893.13 (2) (a) 2.	3rd	Purchase of cannabis.

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2997	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
2998	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
2999			
3000	(b) LEVEL 2		
3001			
	Florida	Felony	
	Statute	Degree	Description
3002	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
3003	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
3004	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic

			feet in volume or any quantity for commercial purposes, or hazardous waste.
3005	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
3006	590.28 (1)	3rd	Intentional burning of lands.
3007	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
3008	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
3009	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
3010	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling;

3011	810.09(2)(e)	3rd	facilitating or furthering burglary.
3012	812.014(2)(c)1.	3rd	Trespassing on posted commercial horticulture property.
3013	812.014(2)(d)	3rd	Grand theft, 3rd degree; <u>\$1,000</u> \$300 or more but less than \$5,000.
3014	812.015(7)	3rd	Grand theft, 3rd degree; <u>\$1,000</u> \$100 or more but less than <u>\$5,000</u> \$300 , taken from unenclosed curtilage of dwelling.
3015	817.234(1)(a)2.	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
3016			False statement in support of insurance claim.

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3017	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
3018	817.52 (3)	3rd	Failure to redeliver hired vehicle.
3019	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
3020	817.60 (5)	3rd	Dealing in credit cards of another.
3021	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
3022	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

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3023	831.01	3rd	Forgery.
3024	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
3025	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
3026	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
3027	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
3028	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
3029	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
3030			

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3031	843.08	3rd	False personation.
	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.
3032	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
3033			
3034	(c) LEVEL 3		
3035			
	Florida	Felony	
	Statute	Degree	Description
3036	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
3037	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
3038	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.

3039	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
3040	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
3041	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
3042	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
3043	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
3044	327.35(2)(b)	3rd	Felony BUI.
3045	328.05(2)	3rd	Possess, sell, or counterfeit

3046	328.07(4)	3rd	fictitious, stolen, or fraudulent titles or bills of sale of vessels.
3047	376.302(5)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
3048	379.2431 (1)(e)5.	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
3049	379.2431 (1)(e)6.	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.
			Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any

			marine turtle species described in the Marine Turtle Protection Act.
3050	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
3051	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
3052	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
3053	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
3054	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using

			materially false/misleading information.
3055	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
3056	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
3057	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
3058	697.08	3rd	Equity skimming.
3059	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
3060	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
3061	806.10 (2)	3rd	Interferes with or assaults

3062			firefighter in performance of duty.
	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
3063			
	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
3064			
	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
3065			
	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
3066			
	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
3067			
	817.233	3rd	Burning to defraud insurer.
3068			

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3069	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
3070	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.
3071	817.236	3rd	Filing a false motor vehicle insurance application.
3072	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
3073	817.413 (2)	3rd	Sale of used goods as new.
3074	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>
	831.29	2nd	Possession of instruments for counterfeiting driver licenses

3075	838.021 (3) (b)	3rd	or identification cards. Threatens unlawful harm to public servant.
3076	843.19	3rd	Injure, disable, or kill police dog or horse.
3077	860.15 (3)	3rd	Overcharging for repairs and parts.
3078	870.01 (2)	3rd	Riot; inciting or encouraging.
3079	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).
3080	893.13 (1) (d) 2.	2nd	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

3081	893.13(1)(f)2.	2nd	within 1,000 feet of university.
3082	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.
3083	893.13(6)(a)	3rd	Use or hire of minor; deliver to minor other controlled substances.
3084	893.13(7)(a)8.	3rd	Possession of any controlled substance other than felony possession of cannabis.
3085	893.13(7)(a)9.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
			Obtain or attempt to obtain

3086	893.13(7)(a)10.	3rd	controlled substance by fraud, forgery, misrepresentation, etc.
3087	893.13(7)(a)11.	3rd	Affix false or forged label to package of controlled substance.
3088	893.13(8)(a)1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
3089	893.13(8)(a)2.	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.
			Employ a trick or scheme in the practitioner's practice to assist a patient, other person,

3090	893.13(8)(a)3.	3rd	or owner of an animal in obtaining a controlled substance.
3091	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
3092	918.13(1)(a)	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.
3093	944.47 (1)(a)1. & 2.	3rd	Alter, destroy, or conceal investigation evidence.
3094	944.47(1)(c)	2nd	Introduce contraband to correctional facility.
			Possess contraband while upon the grounds of a correctional institution.

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3095	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
3096			
3097	(d) LEVEL 4		
3098			
	Florida	Felony	
	Statute	Degree	Description
3099			
	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.
3100			
	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
3101			
	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell,

			contraband prescription drugs.
3102	517.07(1)	3rd	Failure to register securities.
3103	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
3104	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
3105	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
3106	784.075	3rd	Battery on detention or commitment facility staff.
3107	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
3108	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
3109	784.081(3)	3rd	Battery on specified official

			or employee.
3110	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
3111	784.083 (3)	3rd	Battery on code inspector.
3112	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
3113	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
3114	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
3115	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering

			to designated person.
3116	787.07	3rd	Human smuggling.
3117	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
3118	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
3119	790.115(2)(c)	3rd	Possessing firearm on school property.
3120	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
3121	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
3122	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied

			conveyance; unarmed; no assault or battery.
3123	810.06	3rd	Burglary; possession of tools.
3124	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
3125	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
3126	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , a will, firearm, motor vehicle, livestock, etc.
3127	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
3128	817.505 (4) (a)	3rd	Patient brokering.
3129	817.563 (1)	3rd	Sell or deliver substance other than controlled substance

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			agreed upon, excluding s. 893.03(5) drugs.
3130	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
3131	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
3132	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
3133	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
3134	837.02 (1)	3rd	Perjury in official proceedings.
3135	837.021 (1)	3rd	Make contradictory statements in official proceedings.
3136	838.022	3rd	Official misconduct.

3137	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
3138	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
3139	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
3140	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
3141	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
3142	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.

3143	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
3144	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).
3145	914.14 (2)	3rd	Witnesses accepting bribes.
3146	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
3147	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
3148	918.12	3rd	Tampering with jurors.
3149	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
3150			

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3151	<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>
3152	<u>951.22(1)(h), (j), & (k)</u>	<u>3rd</u>	<u>Intoxicating drug, cellular telephone, or instrumentality to aid escape introduced into county detention facility.</u>
3153	(e) LEVEL 5		
3154	Florida Statute	Felony Degree	Description
3155	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
3156	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
3157	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
3158			

3159	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
3160	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful 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

3161			suspended or revoked.
3162	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
3163	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
3164	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3165	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
3166	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3167	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

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3168	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3169	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
3170	790.01 (2)	3rd	Carrying a concealed firearm.
3171	790.162	2nd	Threat to throw or discharge destructive device.
3172	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3173	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
3174	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.

3175	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
3176	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3177	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3178	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
3179	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3180	812.015 (8)	3rd	Retail theft; property stolen is valued at <u>\$1,000</u> \$300 or more and one or more specified acts.

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3181	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
3182	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3183	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
3184	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3185	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3186	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.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services

3187	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.
3188	817.625 (2) (b)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3189	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
3190	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
3191			Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

3192	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
3193	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
3194	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.
3195	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
3196	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.

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3197	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
3198	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
3199	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
3200	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
3201	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. drugs).
	893.13 (1) (c) 2.	2nd	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.

3202

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.

3203

893.13 (1) (e) 2. 2nd Sell, manufacture, or deliver
 cannabis or other drug
 prohibited 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

3204			religious services or a specified business site.
	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.
3205			
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
3206			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
3207			
3208	(f) LEVEL 6		
3209			
	Florida	Felony	
	Statute	Degree	Description
3210			
	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily

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3211			injury.
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
3212			
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3213			
	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
3214			
	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
3215			
	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3216			
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3217			

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3218	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3219	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3220	784.041	3rd	Felony battery; domestic battery by strangulation.
3221	784.048 (3)	3rd	Aggravated stalking; credible threat.
3222	784.048 (5)	3rd	Aggravated stalking of person under 16.
3223	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3224	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3225	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.

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3226	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3227	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3228	784.083 (2)	2nd	Aggravated assault on code inspector.
3229	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3230	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3231	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or

			violence to state property, or use of firearms in violent manner.
3232	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
3233	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
3234	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
3235	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
3236	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3237	806.031 (2)	2nd	Arson resulting in great bodily

			harm to firefighter or any other person.
3238	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3239	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3240	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3241	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
3242	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$1,000</u> \$300 or more; second or subsequent conviction.
3243	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.

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3244	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3245	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
3246	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
3247	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3248	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
3249	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3250	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3251			

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3252	827.03 (2) (c)	3rd	Abuse of a child.
3253	827.03 (2) (d)	3rd	Neglect of a child.
3254	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3255	836.05	2nd	Threats; extortion.
3256	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
3257	843.12	3rd	Aids or assists person to escape.
3258	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
	847.012	3rd	Knowingly using a minor in the production of materials harmful

			to minors.
3259	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
3260	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3261	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
3262	944.40	2nd	Escapes.
3263	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
3264	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

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3273	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
3274	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
3275	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
3276	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
3277	456.065 (2)	3rd	Practicing a health care profession without a license.
3278	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
	458.327 (1)	3rd	Practicing medicine without a

			license.
3279	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
3280	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
3281	461.012 (1)	3rd	Practicing podiatric medicine without a license.
3282	462.17	3rd	Practicing naturopathy without a license.
3283	463.015 (1)	3rd	Practicing optometry without a license.
3284	464.016 (1)	3rd	Practicing nursing without a license.
3285	465.015 (2)	3rd	Practicing pharmacy without a license.
3286	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.

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3287	467.201	3rd	Practicing midwifery without a license.
3288	468.366	3rd	Delivering respiratory care services without a license.
3289	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
3290	483.901 (7)	3rd	Practicing medical physics without a license.
3291	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
3292	484.053	3rd	Dispensing hearing aids without a license.
3293	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.
3294	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.
3295	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
3296	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
3297	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
3298	775.21 (10) (b)	3rd	Sexual predator working where

3299			children regularly congregate.
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
3300			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
3301			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
3302			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
3303			
	782.072	2nd	Killing of a human being by the

			operation of a vessel in a reckless manner (vessel homicide).
3304	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
3305	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
3306	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
3307	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
3308	784.048 (7)	3rd	Aggravated stalking; violation of court order.
3309	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
3310	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility

3311			staff.
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
3312			
	784.081 (1)	1st	Aggravated battery on specified official or employee.
3313			
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
3314			
	784.083 (1)	1st	Aggravated battery on code inspector.
3315			
	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
3316			
	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.
3317			

3318	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
3319	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
3320	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
3321	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
3322	790.166(3)	2nd	Possessing, selling, 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.

3323	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
3324	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.
3325	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
3326	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
3327	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
3328	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.
3329	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.
3330	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
3331	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
3332	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
3333	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.

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3334	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
3335	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.
3336	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
3337	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3338	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
3339	812.0145 (2) (a)	1st	Theft from person 65 years of

			age or older; \$50,000 or more.
3340	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
3341	812.131 (2) (a)	2nd	Robbery by sudden snatching.
3342	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
3343	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
3344	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
3345	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
3346	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.

3347	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.
3348	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
3349	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
3350	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
3351	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.

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3352	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
3353	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
3354	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
3355	838.015	2nd	Bribery.
3356	838.016	2nd	Unlawful compensation or reward for official behavior.
3357	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
3358	838.22	2nd	Bid tampering.
3359	843.0855 (2)	3rd	Impersonation of a public officer or employee.

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3360	843.0855 (3)	3rd	Unlawful simulation of legal process.
3361	843.0855 (4)	3rd	Intimidation of a public officer or employee.
3362	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
3363	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
3364	872.06	2nd	Abuse of a dead human body.
3365	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
3366	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

3367

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.

3368

893.13(1)(e)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 property used for religious services or a specified business site.

3369

893.13(4)(a) 1st Use or hire of minor; deliver to minor other controlled substance.

3370	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
3371	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
3372	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
3373	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, <u>28</u> 14 grams or more, less than <u>50</u> 28 grams.
3374	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, <u>50</u> 28 grams or more, less than <u>100</u> 50 grams.
3375	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
3376			

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3377	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
3378	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
3379	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
3380	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
3381	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
3382	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-

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3383	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.a.		1 kilogram or more, less than 5 kilograms.
3384			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.a.		10 grams or more, less than 200 grams.
3385			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams or more, less than 500 grams.
3386			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
3387			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams or more, less than 100 grams.
3388			
	893.1351(2)	2nd	Possession of place for

			trafficking in or manufacturing of controlled substance.
3389	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
3390	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
3391	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
3392	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
3393	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting

			requirements.
3394	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3395	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
3396	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
3397	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
3398	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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3399	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
3400	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
3401	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3402	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
3403			
3404	(h) LEVEL 8		
3405			
	Florida	Felony	Description

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	Statute	Degree	
3406	316.193 (3) (c) 3. a.	2nd	DUI manslaughter.
3407	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
3408	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
3409	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
3410	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
3411	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.
3412	560.125 (5) (b)	2nd	Money transmitter business by

3413	655.50 (10) (b) 2.	2nd	<p>unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p> <p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
3414	777.03 (2) (a)	1st	<p>Accessory after the fact, capital felony.</p>
3415	782.04 (4)	2nd	<p>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 unlawfully discharging bomb.</p>
3416	782.051 (2)	1st	<p>Attempted felony murder while</p>

			perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
3417	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
3418	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
3419	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.
3420	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
3421	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
3422	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or

3423	787.06(3)(f)2.	1st	transport of a child from outside Florida to within the state.
3424	790.161(3)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
3425	794.011(5)(a)	1st	Discharging a destructive device which results in bodily harm or property damage.
3426	794.011(5)(b)	2nd	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
			Sexual battery; victim and offender 18 years of age or older; offender does not use

3427	794.011 (5) (c)	2nd	physical force likely to cause serious injury.
3428	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
3429	794.08 (3)	2nd	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.
3430	800.04 (4) (b)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
3431	800.04 (4) (c)	1st	Lewd or lascivious battery.
			Lewd or lascivious battery; offender 18 years of age or

			older; prior conviction for specified sex offense.
3432	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3433	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
3434	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3435	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3436	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
3437	812.13(2)(b)	1st	Robbery with a weapon.
3438	812.135(2)(c)	1st	Home-invasion robbery, no

			firearm, deadly weapon, or other weapon.
3439	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
3440	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
3441	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
3442	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
3443	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.

3444	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
3445	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
3446	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3447	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
3448	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
3449	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3450			

3451	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
3452	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
3453	860.16	1st	Aircraft piracy.
3454	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) .
3455	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .
3456	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .

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3457	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
3458	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
3459	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3460	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, <u>100</u> 50 grams or more, less than <u>300</u> 200 grams.
3461	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
3462	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
	893.135	1st	Trafficking in phencyclidine,

3463	(1) (d) 1.b.	1st	200 grams or more, less than 400 grams.
3464	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
3465	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
3466	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
3467	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
3468	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
	893.135	1st	Trafficking in Phenethylamines,

3469	(1) (k) 2.b.		200 grams or more, less than 400 grams.
	893.135	1st	Trafficking in synthetic (1) (m) 2.c. cannabinoids, 1,000 grams or more, less than 30 kilograms.
3470			
	893.135	1st	Trafficking in n-benzyl (1) (n) 2.b. phenethylamines, 100 grams or more, less than 200 grams.
3471			
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
3472			
	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
3473			
	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
3474			

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3475	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
3476	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
3477	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
3478	(i) LEVEL 9		
3479	Florida	Felony	
3480	Statute	Degree	Description
3481	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
	327.35	1st	BUI manslaughter; failing to

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3482	(3) (c) 3.b.		render aid or give information.
	409.920	1st	Medicaid provider fraud;
3483	(2) (b) 1.c.		\$50,000 or more.
	499.0051 (8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
3484			
	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
3485			
	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
3486			
	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
3487			
	775.0844	1st	Aggravated white collar crime.

3488	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
3489	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 specified felonies.
3490	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
3491	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
3492	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
3493			

3494	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
3495	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
3496	787.02 (3) (a)	1st, PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
3497	787.06 (3) (c) 1.	1st	Human trafficking for labor and services of an unauthorized alien child.
	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.

3498	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.
3499	790.161	1st	Attempted capital destructive device offense.
3500	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
3501	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
3502	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
3503	794.011(4)(a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years

3504	794.011(4)(b)	1st	of age or older but younger than 18 years; offender 18 years or older.
3505	794.011(4)(c)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
3506	794.011(4)(d)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
3507	794.011(8)(b)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
3508	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.

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3509	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
3510	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
3511	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
3512	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
3513	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
3514	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document;

3515	817.535 (5) (b)	1st	defendant is incarcerated or under supervision.
3516	817.568 (7)	2nd, PBL	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.
3517	827.03 (2) (a)	1st	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
3518	847.0145 (1)	1st	Aggravated child abuse.
3519	847.0145 (2)	1st	Selling, or otherwise transferring custody or control, of a minor.
			Purchasing, or otherwise obtaining custody or control,

			of a minor.
3520	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.
3521	893.135	1st	Attempted capital trafficking offense.
3522	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
3523	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
3524	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
3525	893.135	1st	Trafficking in hydrocodone, <u>300</u>

3526	(1) (c) 2.d.		200 grams or more, less than 30 kilograms.
	893.135	1st	Trafficking in oxycodone, 100
	(1) (c) 3.d.		grams or more, less than 30 kilograms.
3527			
	893.135	1st	Trafficking in fentanyl, 28
			grams or more.
	(1) (c) 4.b. (III)		
3528			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.c.		400 grams or more.
3529			
	893.135	1st	Trafficking in methaqualone, 25
	(1) (e) 1.c.		kilograms or more.
3530			
	893.135	1st	Trafficking in amphetamine, 200
	(1) (f) 1.c.		grams or more.
3531			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.c.		hydroxybutyric acid (GHB), 10
			kilograms or more.
3532			
	893.135	1st	Trafficking in 1,4-Butanediol,

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3533	(1) (j) 1.c.		10 kilograms or more.
	893.135	1st	Trafficking in Phenethylamines,
3534	(1) (k) 2.c.		400 grams or more.
	893.135	1st	Trafficking in synthetic
3535	(1) (m) 2.d.		cannabinoids, 30 kilograms or more.
	893.135	1st	Trafficking in n-benzyl
3536	(1) (n) 2.c.		phenethylamines, 200 grams or more.
	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
3537			
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
3538			
3539	(j) LEVEL 10		
3540			

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	Florida Statute	Felony Degree	Description
3541	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
3542	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
3543	782.07 (3)	1st	Aggravated manslaughter of a child.
3544	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
3545	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.
3546	787.06 (3) (g)	Life	Human trafficking for commercial sexual activity of a

3547 child under the age of 18 or
mentally defective or
incapacitated person.

3548 787.06(4) (a) Life Selling or buying of minors
into human trafficking.

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.

3549 812.135(2) (a) 1st, PBL Home-invasion robbery with
firearm or other deadly weapon.

3550 876.32 1st Treason against the state.

3551

3552 Section 47. Section 943.0578, Florida Statutes, is created
3553 to read:

3554 943.0578 Lawful Self-Defense Expunction.—

3555 (1) Notwithstanding the eligibility requirements defined
3556 in s. 943.0585(1) and (2), the department shall issue a
3557 certificate of eligibility for expunction under this section to
3558 a person who is the subject of a criminal history record if that

3559 person has obtained, and submitted to the department, on a form
3560 provided by the department, a written, certified statement from
3561 the appropriate state attorney or statewide prosecutor which
3562 states whether an information, indictment, or other charging
3563 document was not filed or was dismissed by the state attorney,
3564 or dismissed by the court, because it was found that the person
3565 acted in lawful self-defense pursuant to chapter 776.

3566 (2) Each petition to expunge a criminal history record
3567 pursuant to this section must be accompanied by:

3568 (a) A valid certificate of eligibility for expunction
3569 issued by the department pursuant to this section.

3570 (b) The petitioner's sworn statement attesting that the
3571 petitioner is eligible for such an expunction to the best of his
3572 or her knowledge or belief.

3573

3574 Any person who knowingly provides false information on such
3575 sworn statement to the court commits a felony of the third
3576 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3577 775.084.

3578 (3) This section does not confer any right to the
3579 expunction of a criminal history record, and any request for
3580 expunction of a criminal history record may be denied at the
3581 discretion of the court.

3582 (4) Section 943.0585(5) and (6) shall apply to expunction
3583 ordered under this section.

3584 (5) The department shall adopt rules to establish
 3585 procedures for applying for and issuing a certificate of
 3586 eligibility for expunction under this section.

3587 Section 48. The catchline of section 943.0581, Florida
 3588 Statutes, is amended, and the section is republished, to read:

3589 943.0581 Administrative expunction for arrests made
 3590 contrary to law or by mistake.—

3591 (1) Notwithstanding any law dealing generally with the
 3592 preservation and destruction of public records, the department
 3593 may adopt a rule pursuant to chapter 120 for the administrative
 3594 expunction of any nonjudicial record of an arrest of a minor or
 3595 an adult made contrary to law or by mistake.

3596 (2) A law enforcement agency shall apply to the department
 3597 in the manner prescribed by rule for the administrative
 3598 expunction of any nonjudicial record of any arrest of a minor or
 3599 an adult who is subsequently determined by the agency, at its
 3600 discretion, or by the final order of a court of competent
 3601 jurisdiction, to have been arrested contrary to law or by
 3602 mistake.

3603 (3) An adult or, in the case of a minor child, the parent
 3604 or legal guardian of the minor child, may apply to the
 3605 department in the manner prescribed by rule for the
 3606 administrative expunction of any nonjudicial record of an arrest
 3607 alleged to have been made contrary to law or by mistake,
 3608 provided that the application is supported by the endorsement of

3609 the head of the arresting agency or his or her designee or the
3610 state attorney of the judicial circuit in which the arrest
3611 occurred or his or her designee.

3612 (4) An application for administrative expunction shall
3613 include the date and time of the arrest, the name of the person
3614 arrested, the offender-based tracking system (OBTS) number, and
3615 the crime or crimes charged. The application shall be on the
3616 submitting agency's letterhead and shall be signed by the head
3617 of the submitting agency or his or her designee.

3618 (5) If the person was arrested on a warrant, capias, or
3619 pickup order, a request for an administrative expunction may be
3620 made by the sheriff of the county in which the warrant, capias,
3621 or pickup order was issued or his or her designee or by the
3622 state attorney of the judicial circuit in which the warrant,
3623 capias, or pickup order was issued or his or her designee.

3624 (6) An application or endorsement under this section is
3625 not admissible as evidence in any judicial or administrative
3626 proceeding and may not be construed in any way as an admission
3627 of liability in connection with an arrest.

3628 Section 49. Section 943.0584, Florida Statutes, is created
3629 to read:

3630 943.0584 Criminal history records ineligible for court-
3631 ordered expunction or court-ordered sealing.-

3632 (1) As used in this section, the term "conviction" means a
3633 determination of guilt which is the result of a trial or the

3634 entry of a plea of guilty or nolo contendere, regardless of
3635 whether adjudication is withheld, or if the defendant was a
3636 minor, a finding that the defendant committed or pled guilty or
3637 nolo contendere to committing a delinquent act, regardless of
3638 whether adjudication of delinquency is withheld.

3639 (2) A criminal history record is ineligible for a
3640 certificate of eligibility for expunction or a court-ordered
3641 expunction pursuant to s. 943.0585 or a certificate of
3642 eligibility for sealing or a court-ordered sealing pursuant to
3643 s. 943.059 if the record is a conviction, information,
3644 indictment, notice to appear, or arrest for any of the following
3645 offenses:

3646 (a) Sexual misconduct, as defined in s. 393.135, s.
3647 394.4593, or s. 916.1075;

3648 (b) Illegal use of explosives, as defined in chapter 552;

3649 (c) Terrorism, as defined in s. 775.30;

3650 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
3651 782.09;

3652 (e) Manslaughter or homicide, as defined in s. 782.07, s.
3653 782.071, or s. 782.072;

3654 (f) Assault, or battery as defined in ss. 784.011 and
3655 784.03, respectively, of one family or household member by
3656 another family or household member, as defined in s. 741.28(3);

3657 (g) Aggravated assault, as defined in s. 784.021;

3658 (h) Felony battery, domestic battery by strangulation or

3659 aggravated battery, as defined in s. 784.03, s. 784.041, or s.
 3660 784.045;
 3661 (i) Stalking or aggravated stalking, as defined in s.
 3662 784.048;
 3663 (j) Luring or enticing a child, as defined in s. 787.025;
 3664 (k) Human trafficking, as defined in s. 787.06;
 3665 (l) Kidnapping or false imprisonment, as defined in s.
 3666 787.01 or s. 787.02;
 3667 (m) Any offense defined in chapter 794;
 3668 (n) Procuring a person under the age of 18 for
 3669 prostitution, as defined in former s. 796.03;
 3670 (o) Lewd or lascivious offenses committed upon or in the
 3671 presence of persons less than 16 years of age, as defined in s.
 3672 800.04;
 3673 (p) Arson, as defined in s. 806.01;
 3674 (q) Burglary of a dwelling, as defined in s. 810.02;
 3675 (r) Voyeurism or video voyeurism, as defined in s. 810.14
 3676 or s. 810.145;
 3677 (s) Robbery or robbery by sudden snatching, as defined in
 3678 s. 812.13 or s. 812.131;
 3679 (t) Carjacking, as defined in s. 812.133;
 3680 (u) Home invasion robbery, as defined in s. 812.135;
 3681 (v) A violation of the Florida Communications Fraud Act,
 3682 s. 817.034;
 3683 (w) Abuse of an elderly person or disabled adult, or

3684 aggravated abuse of an elderly person or disabled adult, as
 3685 defined in s. 825.102;
 3686 (x) Lewd or lascivious offenses committed upon or in the
 3687 presence of an elderly person or disabled person, as defined in
 3688 s. 825.1025;
 3689 (y) Child abuse or aggravated child abuse, as defined in
 3690 s. 827.03;
 3691 (z) Sexual performance by a child, as defined in s.
 3692 827.071;
 3693 (aa) Any offense defined in chapter 839;
 3694 (bb) Certain acts in connection with obscenity, as defined
 3695 in s. 847.0133;
 3696 (cc) Any offense defined in s. 847.0135;
 3697 (dd) Selling or buying of minors, as defined in s.
 3698 847.0145;
 3699 (ee) Aircraft piracy, as defined in s. 860.16;
 3700 (ff) Manufacturing a controlled substance in violation of
 3701 chapter 893;
 3702 (gg) Drug trafficking, as defined in s. 893.135;
 3703 (hh) Any violation specified as a predicate offense for
 3704 registration as a sexual predator pursuant to s. 775.21, or
 3705 sexual offender pursuant to s. 943.0435, without regard to
 3706 whether that offense alone is sufficient to require such
 3707 registration.
 3708 Section 50. Section 943.0585, Florida Statutes, is amended

3709 to read:

3710 (Substantial rewording of section. See s. 943.0585, F.S.,
3711 for present text.)

3712 943.0585 Court-ordered expunction of criminal history
3713 records.—

3714 (1) ELIGIBILITY.—A person is eligible to petition a court
3715 to expunge a criminal history record when:

3716 (a) An indictment, information, or other charging document
3717 was not filed or issued in the case giving rise to the criminal
3718 history record.

3719 (b) If an indictment, information, or other charging
3720 document was filed or issued in the case giving rise to the
3721 criminal history record, it was dismissed or nolle prosequi by
3722 the state attorney or statewide prosecutor, or was dismissed by
3723 a court of competent jurisdiction, or a judgment of acquittal
3724 was rendered by a judge, or a verdict of not guilty was rendered
3725 by a judge or jury.

3726 (c) The person is not seeking to expunge a criminal
3727 history record that is ineligible for court-ordered expunction
3728 pursuant to s. 943.0584.

3729 (d) The person has never, as of the date the application
3730 for a certificate of expunction is filed, been adjudicated
3731 guilty in this state of a criminal offense or been adjudicated
3732 delinquent in this state for committing any felony or any of the
3733 following misdemeanors, unless the record of such adjudication

3734 | of delinquency has been expunged pursuant to s. 943.0515:
 3735 | 1. Assault, as defined in s. 784.011;
 3736 | 2. Battery, as defined in s. 784.03;
 3737 | 3. Assault on a law enforcement officer, a firefighter, or
 3738 | other specified officers, as defined in s. 784.07(2)(a);
 3739 | 4. Carrying a concealed weapon, as defined in s.
 3740 | 790.01(1);
 3741 | 5. Open carrying of a weapon, as defined in s. 790.053;
 3742 | 6. Unlawful possession or discharge of a weapon or firearm
 3743 | at a school-sponsored event or on school property, as defined in
 3744 | s. 790.115;
 3745 | 7. Unlawful use of destructive devices or bombs, as
 3746 | defined in s. 790.1615(1);
 3747 | 8. Unlawful possession of a firearm, as defined in s.
 3748 | 790.22(5);
 3749 | 9. Exposure of sexual organs, as defined in s. 800.03;
 3750 | 10. Arson, as defined in s. 806.031(1);
 3751 | 11. Petit theft, as defined in s. 812.014(3);
 3752 | 12. Neglect of a child, as defined in s. 827.03(1)(e); or
 3753 | 13. Cruelty to animals, as defined in s. 828.12(1).
 3754 | (e) The person has not been adjudicated guilty of, or
 3755 | adjudicated delinquent for committing, any of the acts stemming
 3756 | from the arrest or alleged criminal activity to which the
 3757 | petition pertains.
 3758 | (f) The person is no longer under court supervision

3759 applicable to the disposition of arrest or alleged criminal
3760 activity to which the petition to expunge pertains.

3761 (g) The person has never secured a prior sealing or
3762 expunction of a criminal history record under this section, s.
3763 943.0459, former s. 893.14, former s. 901.33, or former s.
3764 943.058, unless expunction is sought of a criminal history
3765 record previously sealed for 10 years pursuant to paragraph (h)
3766 and the record is otherwise eligible for expunction.

3767 (h) The person has previously obtained a court order
3768 sealing the criminal history record under this section, former
3769 s. 893.14, former s. 901.33, or former s. 943.058 for a minimum
3770 of 10 years because adjudication was withheld or because all
3771 charges related to the arrest or alleged criminal activity to
3772 which the petition to expunge pertains were not dismissed before
3773 trial, without regard to whether the outcome of the trial was
3774 other than an adjudication of guilt. The requirement for the
3775 record to have previously been sealed for a minimum of 10 years
3776 does not apply when a plea was not entered or all charges
3777 related to the arrest or alleged criminal activity to which the
3778 petition to expunge pertains were dismissed before trial or a
3779 judgment of acquittal was rendered by a judge or a verdict of
3780 not guilty was rendered by a judge or jury.

3781 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
3782 to expunge a criminal history record, a person seeking to
3783 expunge a criminal history record shall apply to the department

3784 for a certificate of eligibility for expunction. The department
3785 shall adopt rules to establish procedures for applying for and
3786 issuing a certificate of eligibility for expunction.

3787 (a) The department shall issue a certificate of
3788 eligibility for expunction to a person who is the subject of a
3789 criminal history record if that person:

3790 1. Satisfies the eligibility criteria in paragraphs
3791 (1) (a)-(h) and is not ineligible under s. 943.0584.

3792 2. Has submitted to the department a written certified
3793 statement from the appropriate state attorney or statewide
3794 prosecutor which confirms the criminal history record complies
3795 with the criteria in paragraph (1) (a) or paragraph (1) (b) and
3796 (c).

3797 3. Has submitted to the department a certified copy of the
3798 disposition of the charge to which the petition to expunge
3799 pertains.

3800 4. Remits a \$75 processing fee to the department for
3801 placement in the Department of Law Enforcement Operating Trust
3802 Fund, unless the executive director waives such fee.

3803 (b) A certificate of eligibility for expunction is valid
3804 for 12 months after the date stamped on the certificate when
3805 issued by the department. After that time, the petitioner must
3806 reapply to the department for a new certificate of eligibility.
3807 The petitioner's status and the law in effect at the time of the
3808 renewal application determines the petitioner's eligibility.

3809 (3) PETITION.—Each petition to expunge a criminal history
3810 record must be accompanied by:

3811 (a) A valid certificate of eligibility issued by the
3812 department.

3813 (b) The petitioner's sworn statement that he or she:

3814 1. Satisfies the eligibility requirements for expunction
3815 in subsection (1).

3816 2. Is eligible for expunction to the best of his or her
3817 knowledge and does not have any other petition to seal or
3818 expunge a criminal history record pending before any court.

3819

3820 A person who knowingly provides false information on such sworn
3821 statement commits a felony of the third degree, punishable as
3822 provided in s. 775.082, s. 775.083, or s. 775.084.

3823 (4) COURT AUTHORITY.—

3824 (a) The courts of this state have jurisdiction over their
3825 own procedures, including the maintenance, expunction, and
3826 correction of judicial records containing criminal history
3827 information to the extent that such procedures are not
3828 inconsistent with the conditions, responsibilities, and duties
3829 established by this section.

3830 (b) A court of competent jurisdiction may order a criminal
3831 justice agency to expunge the criminal history record of a minor
3832 or an adult who complies with the requirements of this section.
3833 The court shall not order a criminal justice agency to expunge a

3834 criminal history record until the person seeking to expunge a
3835 criminal history record has applied for and received a
3836 certificate of eligibility under subsection (2).

3837 (c) The court may only order expunction of a criminal
3838 history record pertaining to one arrest or one incident of
3839 alleged criminal activity, except that the court may order the
3840 expunction of a criminal history record pertaining to more than
3841 one arrest if the additional arrests directly relate to the
3842 original arrest. If the court intends to order the expunction of
3843 records pertaining to such additional arrests, such intent must
3844 be specified in the order. A criminal justice agency may not
3845 expunge any record pertaining to such additional arrests if the
3846 order to expunge does not articulate the intention of the court
3847 to expunge a record pertaining to more than one arrest. This
3848 section does not prevent the court from ordering the expunction
3849 of only a portion of a criminal history record pertaining to one
3850 arrest or one incident of alleged criminal activity.

3851 (d) Notwithstanding any law to the contrary, a criminal
3852 justice agency may comply with laws, court orders, and official
3853 requests of other jurisdictions relating to expunction,
3854 correction, or confidential handling of criminal history records
3855 or information derived therefrom.

3856 (e) This section does not confer any right to expunction
3857 of any criminal history record, and any request for expunction
3858 of a criminal history record may be denied at the sole

3859 discretion of the court.

3860 (5) PROCESSING OF A PETITION OR AN ORDER.—

3861 (a) In judicial proceedings under this section, a copy of
3862 the completed petition to expunge shall be served upon the
3863 appropriate state attorney or the statewide prosecutor and upon
3864 the arresting agency; however, it is not necessary to make any
3865 agency other than the state a party. The appropriate state
3866 attorney or the statewide prosecutor and the arresting agency
3867 may respond to the court regarding the completed petition to
3868 expunge.

3869 (b) If relief is granted by the court, the clerk of the
3870 court shall certify copies of the order to the appropriate state
3871 attorney or the statewide prosecutor and the arresting agency.
3872 The arresting agency shall forward the order to any other agency
3873 to which the arresting agency disseminated the criminal history
3874 record information to which the order pertains. The department
3875 shall forward the order to expunge to the Federal Bureau of
3876 Investigation. The clerk of the court shall certify a copy of
3877 the order to any other agency which the records of the court
3878 reflect has received the criminal history record from the court.

3879 (c) The department or any other criminal justice agency is
3880 not required to act on an order to expunge entered by a court
3881 when such order does not comply with the requirements of this
3882 section. Upon receipt of such an order, the department must
3883 notify the issuing court, the appropriate state attorney or

3884 statewide prosecutor, the petitioner or the petitioner's
3885 attorney, and the arresting agency of the reason for
3886 noncompliance. The appropriate state attorney or statewide
3887 prosecutor shall take action within 60 days to correct the
3888 record and petition the court to void the order. No cause of
3889 action, including contempt of court, shall arise against any
3890 criminal justice agency for failure to comply with an order to
3891 expunge when the petitioner for such order failed to obtain the
3892 certificate of eligibility as required by this section or such
3893 order does not otherwise comply with the requirements of this
3894 section.

3895 (6) EFFECT OF EXPUNCTION ORDER.—

3896 (a) Any criminal history record of a minor or an adult
3897 which is ordered expunged by a court of competent jurisdiction
3898 pursuant to this section must be physically destroyed or
3899 obliterated by any criminal justice agency having custody of
3900 such record; except that any criminal history record in the
3901 custody of the department must be retained in all cases. A
3902 criminal history record ordered expunged that is retained by the
3903 department is confidential and exempt from the provisions of s.
3904 119.07(1) and s. 24(a), Art. I of the State Constitution and not
3905 available to any person or entity except upon order of a court
3906 of competent jurisdiction. A criminal justice agency may retain
3907 a notation indicating compliance with an order to expunge.

3908 (b) The person who is the subject of a criminal history

3909 record that is expunged under this section or under other
3910 provisions of law, including former s. 893.14, former s. 901.33,
3911 and former s. 943.058, may lawfully deny or fail to acknowledge
3912 the arrests covered by the expunged record, except when the
3913 subject of the record:

3914 1. Is a candidate for employment with a criminal justice
3915 agency;

3916 2. Is a defendant in a criminal prosecution;

3917 3. Concurrently or subsequently petitions for relief under
3918 this section, s. 943.0583, or s. 943.059;

3919 4. Is a candidate for admission to The Florida Bar;

3920 5. Is seeking to be employed or licensed by or to contract
3921 with the Department of Children and Families, the Division of
3922 Vocational Rehabilitation within the Department of Education,
3923 the Agency for Health Care Administration, the Agency for
3924 Persons with Disabilities, the Department of Health, the
3925 Department of Elderly Affairs, or the Department of Juvenile
3926 Justice or to be employed or used by such contractor or licensee
3927 in a sensitive position having direct contact with children, the
3928 disabled, or the elderly;

3929 6. Is seeking to be employed or licensed by the Department
3930 of Education, any district school board, any university
3931 laboratory school, any charter school, any private or parochial
3932 school, or any local governmental entity that licenses child
3933 care facilities;

3934 7. Is seeking to be licensed by the Division of Insurance
3935 Agent and Agency Services within the Department of Financial
3936 Services; or

3937 8. Is seeking to be appointed as a guardian pursuant to s.
3938 744.3125.

3939 (c) Subject to the exceptions in paragraph (b), a person
3940 who has been granted an expunction under this section, former s.
3941 893.14, former s. 901.33, or former s. 943.058 may not be held
3942 under any provision of law of this state to commit perjury or to
3943 be otherwise liable for giving a false statement by reason of
3944 such person's failure to recite or acknowledge an expunged
3945 criminal history record.

3946 (d) Information relating to the existence of an expunged
3947 criminal history record which is provided in accordance with
3948 paragraph (a) is confidential and exempt from the provisions of
3949 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
3950 except that the department shall disclose the existence of a
3951 criminal history record ordered expunged to the entities set
3952 forth in subparagraphs (b)1., 4., 5., 6., 7., and 8. for their
3953 respective licensing, access authorization, and employment
3954 purposes, and to criminal justice agencies for their respective
3955 criminal justice purposes. It is unlawful for any employee of an
3956 entity set forth in subparagraph (b)1., 4., 5., 6., 7., or 8. to
3957 disclose information relating to the existence of an expunged
3958 criminal history record of a person seeking employment, access

3959 authorization, or licensure with such entity or contractor,
3960 except to the person to whom the criminal history record relates
3961 or to persons having direct responsibility for employment,
3962 access authorization, or licensure decisions. Any person who
3963 violates this paragraph commits a misdemeanor of the first
3964 degree, punishable as provided in s. 775.082 or s. 775.083.

3965 Section 51. Section 943.059, Florida Statutes, is amended
3966 to read:

3967 (Substantial rewording of section. See s. 943.059, F.S.,
3968 for present text.)

3969 943.059 Court-ordered sealing of criminal history
3970 records.—

3971 (1) ELIGIBILITY.—A person is eligible to petition a court
3972 to seal a criminal history record when:

3973 (a) The criminal history record is not ineligible for
3974 court-ordered sealing under s. 943.0584;

3975 (b) The person has never, before the date the application
3976 for a certificate of eligibility is filed, been adjudicated
3977 guilty in this state of a criminal offense, or been adjudicated
3978 delinquent in this state for committing any felony or any of the
3979 following misdemeanor offenses, unless the record of such
3980 adjudication of delinquency has been expunged pursuant to s.
3981 943.0515:

3982 1. Assault, as defined in s. 784.011;

3983 2. Battery, as defined in s. 784.03;

- 3984 3. Assault on a law enforcement officer, a firefighter, or
 3985 other specified officers, as defined in s. 784.07(2)(a);
 3986 4. Carrying a concealed weapon, as defined in s.
 3987 790.01(1);
 3988 5. Open carrying of a weapon, as defined in s. 790.053;
 3989 6. Unlawful possession or discharge of a weapon or firearm
 3990 at a school-sponsored event or on school property, as defined in
 3991 s. 790.115;
 3992 7. Unlawful use of destructive devices or bombs, as
 3993 defined in s. 790.1615(1);
 3994 8. Unlawful possession of a firearm by a minor, as defined
 3995 in s. 790.22(5);
 3996 9. Exposure of sexual organs, as defined in s. 800.03;
 3997 10. Arson, as defined in s. 806.031(1);
 3998 11. Petit theft, as defined in s. 812.014(3);
 3999 12. Neglect of a child, as defined in s. 827.03(1)(e); or
 4000 13. Cruelty to animals, as defined in s. 828.12(10).
 4001 (c) The person has not been adjudicated guilty of, or
 4002 adjudicated delinquent for committing, any of the acts stemming
 4003 from the arrest or alleged criminal activity to which the
 4004 petition to seal pertains.
 4005 (d) The person is no longer under court supervision
 4006 applicable to the disposition of arrest or alleged criminal
 4007 activity to which the petition to seal pertains.
 4008 (e) The person has never secured a prior sealing or

4009 expunction of a criminal history record under this section, s.
4010 943.0585, former s. 893.14, former s. 901.33, or former s.
4011 943.058.

4012 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the
4013 court to seal a criminal history record, a person seeking to
4014 seal a criminal history record shall apply to the department for
4015 a certificate of eligibility for sealing. The department shall
4016 adopt rules relating to the application for and issuance of
4017 certificates of eligibility for sealing.

4018 (a) The department shall issue a certificate of
4019 eligibility for sealing to a person who is the subject of a
4020 criminal history record if that person:

4021 1. Satisfies the eligibility criteria in paragraphs
4022 (1) (a)-(e) and is not ineligible for court-ordered sealing under
4023 s. 943.0584.

4024 2. Has submitted to the department a certified copy of the
4025 disposition of charge to which the petition pertains.

4026 3. Remits a \$75 processing fee to the department for
4027 placement in the Department of Law Enforcement Operating Trust
4028 Fund, unless the executive directors waives such fee.

4029 (b) A certificate of eligibility for sealing is valid for
4030 12 months after the date stamped on the certificate when issued
4031 by the department. After that time, the petitioner must reapply
4032 to the department for a new certificate of eligibility. The
4033 status of the applicant and the law in effect at the time of the

4034 renewal application determines the petitioner's eligibility.
 4035 (3) PETITION.—Each petition to a court to seal a criminal
 4036 history record is complete only when accompanied by:
 4037 (a) A valid certificate of eligibility issued by the
 4038 department pursuant to this section.
 4039 (b) The petitioner's sworn statement that the petitioner:
 4040 1. Satisfies the eligibility requirements for sealing in
 4041 subsection (1).
 4042 2. Is eligible for sealing to the best of his or her
 4043 knowledge and does not have any other petition to seal or
 4044 expunge a criminal history record pending before any court.
 4045
 4046 Any person who knowingly provides false information on such
 4047 sworn statement to the court commits a felony of the third
 4048 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 4049 775.084.
 4050 (4) COURT AUTHORITY.—
 4051 (a) The courts of this state have jurisdiction over their
 4052 own procedures, including the maintenance, sealing, and
 4053 correction of judicial records containing criminal history
 4054 information to the extent that such procedures are not
 4055 inconsistent with the conditions, responsibilities, and duties
 4056 established by this section.
 4057 (b) Any court of competent jurisdiction may order a
 4058 criminal justice agency to seal the criminal history record of a

4059 minor or an adult who complies with the requirements of this
4060 section. The court shall not order a criminal justice agency to
4061 seal a criminal history record until the person seeking to seal
4062 a criminal history record has applied for and received a
4063 certificate of eligibility pursuant to subsection (2).

4064 (c) The court may only order the sealing of a criminal
4065 history record pertaining to one arrest or one incident of
4066 alleged criminal activity, except the court may order the
4067 sealing of a criminal history record pertaining to more than one
4068 arrest if the additional arrests directly relate to the original
4069 arrest. If the court intends to order the sealing of records
4070 pertaining to such additional arrests, such intent must be
4071 specified in the order. A criminal justice agency may not seal
4072 any record pertaining to such additional arrests if the order to
4073 seal does not articulate the intention of the court to seal a
4074 record pertaining to more than one arrest. This section does not
4075 prevent the court from ordering the sealing of only a portion of
4076 a criminal history record pertaining to one arrest or one
4077 incident of alleged criminal activity.

4078 (d) Notwithstanding any law to the contrary, a criminal
4079 justice agency may comply with laws, court orders, and official
4080 requests of other jurisdictions relating to sealing, correction,
4081 or confidential handling of criminal history records or
4082 information derived therefrom.

4083 (e) This section does not confer any right to the sealing

4084 of any criminal history record, and any request for sealing of a
4085 criminal history record may be denied at the sole discretion of
4086 the court.

4087 (5) PROCESSING OF A PETITION OR ORDER.—

4088 (a) In judicial proceedings under this section, a copy of
4089 the completed petition to seal shall be served upon the
4090 appropriate state attorney or the statewide prosecutor and upon
4091 the arresting agency; however, it is not necessary to make any
4092 agency other than the state a party. The appropriate state
4093 attorney or the statewide prosecutor and the arresting agency
4094 may respond to the court regarding the completed petition to
4095 seal.

4096 (b) If relief is granted by the court, the clerk of the
4097 court shall certify copies of the order to the appropriate state
4098 attorney or the statewide prosecutor and the arresting agency.
4099 The arresting agency is responsible for forwarding the order to
4100 any other agency to which the arresting agency disseminated the
4101 criminal history record information to which the order pertains.
4102 The department shall forward the order to seal to the Federal
4103 Bureau of Investigation. The clerk of the court shall certify a
4104 copy of the order to any other agency which the records of the
4105 court reflect has received the criminal history record from the
4106 court.

4107 (c) The department or any other criminal justice agency is
4108 not required to act on an order to seal entered by a court when

4109 such order does not comply with the requirements of this
4110 section. Upon receipt of such an order, the department must
4111 notify the issuing court, the appropriate state attorney or
4112 statewide prosecutor, the petitioner or the petitioner's
4113 attorney, and the arresting agency of the reason for
4114 noncompliance. The appropriate state attorney or statewide
4115 prosecutor shall take action within 60 days to correct the
4116 record and petition the court to void the order. No cause of
4117 action, including contempt of court, shall arise against any
4118 criminal justice agency for failure to comply with an order to
4119 seal when the petitioner for such order failed to obtain the
4120 certificate of eligibility as required by this section or such
4121 order does not otherwise comply with the requirements of this
4122 section.

4123 (6) EFFECT OF ORDER.—

4124 (a) A criminal history record of a minor or an adult which
4125 is ordered sealed by a court pursuant to this section is
4126 confidential and exempt from the provisions of s. 119.07(1) and
4127 s. 24(a), Art. I of the State Constitution and is available only
4128 to the following persons:

- 4129 1. The subject of the record;
- 4130 2. The subject's attorney;
- 4131 3. Criminal justice agencies for their respective criminal
4132 justice purposes, which include conducting a criminal history
4133 background check for approval of firearms purchases or transfers

4134 as authorized by state or federal law;
 4135 4. Judges in the state courts system for the purpose of
 4136 assisting them in their case-related decision making
 4137 responsibilities, as set forth in s. 943.053(5); or
 4138 5. To those entities set forth in subparagraphs (b)1., 4.,
 4139 5., 6., 8., 9., and 10. for their respective licensing access
 4140 authorization and employment purposes.
 4141 (b) The subject of the criminal history record sealed
 4142 under this section or under other provisions of law, including
 4143 former s. 893.14, former s. 901.33, and former s. 943.058, may
 4144 lawfully deny or fail to acknowledge the arrests covered by the
 4145 sealed record, except when the subject of the record:
 4146 1. Is a candidate for employment with a criminal justice
 4147 agency;
 4148 2. Is a defendant in a criminal prosecution;
 4149 3. Concurrently or subsequently petitions for relief under
 4150 this section, s. 943.0583 or s. 943.0585;
 4151 4. Is a candidate for admission to the Florida Bar;
 4152 5. Is seeking to be employed or licensed by or to contract
 4153 with the Department of Children and Families, the Division of
 4154 Vocational Rehabilitation within the Department of Education,
 4155 the Agency for Health Care Administration, the Agency for
 4156 Persons with Disabilities, the Department of Health, the
 4157 Department of Elderly Affairs, or the Department of Juvenile
 4158 Justice or to be employed or used by such contractor or licensee

4159 in a sensitive position having direct contact with children, the
4160 disabled, or the elderly;

4161 6. Is seeking to be employed or licensed by the Department
4162 of Education, a district school board, a university laboratory
4163 school, a charter school, a private or parochial school, or a
4164 local governmental entity that licenses child care facilities;

4165 7. Is attempting to purchase a firearm from a licensed
4166 importer, licensed manufacturer, or licensed dealer and is
4167 subject to a criminal history check under state or federal law;

4168 8. Is seeking to be licensed by the Division of Insurance
4169 Agent and Agency Services within the Department of Financial
4170 Services;

4171 9. Is seeking to be appointed as a guardian pursuant to s.
4172 744.3125; or

4173 10. Is seeking to be licensed by the Bureau of License
4174 Issuance of the Division of Licensing within the Department of
4175 Agriculture and Consumer Services to carry a concealed weapon or
4176 concealed firearm. This subparagraph applies only in the
4177 determination of an applicant's eligibility under s. 790.06.

4178 (c) Subject to the exceptions in paragraph (b), a person
4179 who has been granted a sealing under this section, former s.
4180 893.14, former s. 901.33, or former s. 943.058 may not be held
4181 under any provision of law of this state to commit perjury or to
4182 be otherwise liable for giving a false statement by reason of
4183 such person's failure to recite or acknowledge a sealed criminal

4184 history record.

4185 (d) Information relating to the existence of a sealed
4186 criminal record provided in accordance with paragraph (b) is
4187 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4188 of the State Constitution, except that the department shall
4189 disclose the sealed criminal history record to the entities set
4190 forth in subparagraphs (b)1., 4., 5., 6., 8., 9., and 10., for
4191 their respective licensing, access authorization, and employment
4192 purposes. An employee of an entity set forth in subparagraph
4193 (b)1., 4., 5., 6., 8., 9., or 10. may not disclose information
4194 relating to the existence of a sealed criminal history record of
4195 a person seeking employment, access authorization, or licensure
4196 with such entity or contractor, except to the person to whom the
4197 criminal history record relates or to persons having direct
4198 responsibility for employment, access authorization, or
4199 licensure decisions. A person who violates this paragraph
4200 commits a misdemeanor of the first degree, punishable as
4201 provided in s. 775.082 or s. 775.083.

4202 Section 52. Section 943.0595, Florida Statutes, is created
4203 to read:

4204 943.0595 AUTOMATIC SEALING OF CRIMINAL HISTORY RECORDS.—

4205 (1) RULEMAKING.—Notwithstanding any law dealing generally
4206 with the preservation and destruction of public records, the
4207 department shall adopt rules addressing the automatic sealing of
4208 any criminal history record of a minor or adult described in

4209 this section.

4210 (2) ELIGIBILITY.—

4211 (a) The department shall automatically seal a criminal
4212 history record that does not result from an indictment,
4213 information, or other charging document for a forcible felony
4214 defined in s. 776.08, when:

4215 1. An indictment, information, or other charging document
4216 was not filed or issued in the case giving rise to the criminal
4217 history record.

4218 2. An indictment, information, or other charging document
4219 was filed in the case giving rise to the criminal history
4220 record, but was dismissed or nolle prosequi by the state
4221 attorney or statewide prosecutor, or was dismissed by a court of
4222 competent jurisdiction. However, a person is not eligible for
4223 automatic sealing under this section if the dismissal was
4224 pursuant to s. 916.145 or s. 985.19.

4225 3. A not guilty verdict was rendered by a judge or jury.
4226 However, a person is not eligible for automatic sealing under
4227 this section if the defendant was found not guilty by reason of
4228 insanity.

4229 4. A judgment of acquittal was rendered by a judge.

4230 (b) There is no limitation on the number of times a person
4231 may obtain an automatic sealing for a criminal history record
4232 described in paragraph (a).

4233 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

4234 (a) Upon the disposition of a criminal case resulting in a
4235 criminal history record eligible for automatic sealing under
4236 paragraph (2) (a), the clerk of the court shall transmit a
4237 certified copy of the disposition of the criminal history record
4238 to the department, which shall seal the criminal history record
4239 upon receipt of the certified copy.

4240 (b) Automatic sealing of a criminal history record does
4241 not require sealing by the court or other criminal justice
4242 agencies, or that such record be surrendered to the court, and
4243 such record shall continue to be maintained by the department
4244 and other criminal justice agencies.

4245 (c) Except as provided in this section, automatic sealing
4246 of a criminal history record shall have the same effect, and the
4247 department may disclose such a record in the same manner, as a
4248 record sealed under s. 943.059.

4249 Section 53. Paragraph (b) of subsection (1) of section
4250 943.325, Florida Statutes, is amended to read:

4251 943.325 DNA database.—

4252 (1) LEGISLATIVE INTENT.—

4253 (b) The Legislature also finds that upon establishment of
4254 the Florida DNA database, a match between casework evidence DNA
4255 samples from a criminal investigation and DNA samples from a
4256 state or federal DNA database of certain offenders may be used
4257 to find probable cause for the issuance of a warrant for arrest
4258 or to obtain the DNA sample from an offender.

4259 Section 54. Effective upon this act becoming a law,
 4260 subsections (9) and (10) are added to section 943.6871, Florida
 4261 Statutes, to read:

4262 943.6871 Criminal justice data transparency.—In order to
 4263 facilitate the availability of comparable and uniform criminal
 4264 justice data, the department shall:

4265 (9) Keep all information received by the department under
 4266 s. 900.05, that is exempt and confidential when collected by the
 4267 reporting agency, exempt and confidential for purposes of this
 4268 section and s. 900.05.

4269 (10) (a) By October 1, 2019, assist the Criminal and
 4270 Juvenile Justice Information Systems Council to develop
 4271 specifications for a uniform arrest affidavit to be used by each
 4272 state, county, and municipal law enforcement agency to
 4273 facilitate complete, accurate, and timely collection and
 4274 reporting of data from each criminal offense arrest. The uniform
 4275 arrest affidavit shall include, at a minimum:

- 4276 1. Identification of the arrestee.
- 4277 2. Details of the arrest, including each charge.
- 4278 3. Details of each vehicle and item seized at the time of
 4279 arrest.
- 4280 4. Juvenile arrestee information.
- 4281 5. Release information.

4282
 4283 The uniform arrest affidavit specifications shall also include

4284 guidelines for developing a uniform criminal charge and
 4285 disposition statute crosswalk table to be used by each law
 4286 enforcement agency, state attorney, and jail administrator; and
 4287 guidelines for developing a uniform criminal disposition and
 4288 sentencing statute crosswalk table to be used by each clerk of
 4289 court.

4290 (b) By January 1, 2020, subject to appropriation, the
 4291 department shall procure a uniform arrest affidavit, a uniform
 4292 criminal charge and disposition statute crosswalk table, and a
 4293 uniform criminal disposition and sentencing statute crosswalk
 4294 table following the specifications developed under paragraph
 4295 (a). The department shall provide training on use of the
 4296 affidavit and crosswalk tables to each state, county, and
 4297 municipal law enforcement agency, clerk of court, state
 4298 attorney, and jail administrator, as appropriate.

4299 (c) By July 1, 2020, each state, county, and municipal law
 4300 enforcement agency must use the uniform arrest affidavit; each
 4301 state attorney and jail administrator must use the uniform
 4302 criminal charge and statute crosswalk table; and each clerk of
 4303 court must use the uniform criminal disposition and sentencing
 4304 statute crosswalk table.

4305 Section 55. Section 944.40, Florida Statutes, is amended
 4306 to read:

4307 944.40 Escapes; penalty.—Any prisoner confined in, or
 4308 released on furlough from, any prison, jail, private

4309 | correctional facility, road camp, or other penal institution,
 4310 | whether operated by the state, a county, or a municipality, or
 4311 | operated under a contract with the state, a county, or a
 4312 | municipality, working upon the public roads, or being
 4313 | transported to or from a place of confinement who escapes or
 4314 | attempts to escape from such confinement commits a felony of the
 4315 | second degree, punishable as provided in s. 775.082, s. 775.083,
 4316 | or s. 775.084. The punishment of imprisonment imposed under this
 4317 | section shall run consecutive to any former sentence imposed
 4318 | upon any prisoner.

4319 | Section 56. Subsection (2) of section 944.47, Florida
 4320 | Statutes, is amended to read:

4321 | 944.47 Introduction, removal, or possession of contraband
 4322 | ~~certain articles unlawful~~; penalty.—

4323 | (2) (a) A person who violates ~~any provision of~~ this section
 4324 | as it pertains to an article of contraband described in
 4325 | subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph
 4326 | (1)(a)6. commits a felony of the third degree, punishable as
 4327 | provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In~~
 4328 | ~~all other cases~~, a violation of ~~a provision of~~ this section is
 4329 | ~~constitutes~~ a felony of the second degree, punishable as
 4330 | provided in s. 775.082, s. 775.083, or s. 775.084.

4331 | (b) A violation of this section by an employee, as defined
 4332 | in s. 944.115(2)(b), who uses or attempts to use the powers,
 4333 | rights, privileges, duties, or position of his or her employment

4334 in the commission of the violation is ranked one level above the
4335 ranking specified in s. 921.0022 or s. 921.0023 for the offense
4336 committed.

4337 Section 57. Section 944.704, Florida Statutes, is amended
4338 to read:

4339 944.704 Staff who provide transition assistance; duties.-

4340 (1) The department shall provide a transition assistance
4341 specialist at each of the major institutions.

4342 (2) The department may increase the number of transition
4343 assistance specialists in proportion to the number of inmates
4344 served at each of the major institutions and may increase the
4345 number of employment specialists per judicial circuit based on
4346 the number of released inmates served under community
4347 supervision in that circuit, subject to appropriations.

4348 (3) The transition assistance specialists' ~~whose~~ duties
4349 include, but are not limited to:

4350 (a) ~~(1)~~ Coordinating delivery of transition assistance
4351 program services at the institution and at the community
4352 correctional centers authorized pursuant to s. 945.091(1)(b).

4353 (b) ~~(2)~~ Assisting in the development of each inmate's
4354 postrelease plan.

4355 (c) ~~(3)~~ Obtaining job placement information. Such
4356 information must include identifying any job assignment
4357 credentialing or industry certifications for which the inmate is
4358 eligible.

4359 ~~(d)(4)~~ Providing a written medical discharge plan and
4360 referral to a county health department.

4361 ~~(e)(5)~~ For an inmate who is known to be HIV positive,
4362 providing a 30-day supply of all HIV/AIDS-related medication
4363 that the inmate is taking before ~~prior to~~ release, if required
4364 under protocols of the Department of Corrections and treatment
4365 guidelines of the United States Department of Health and Human
4366 Services.

4367 ~~(f)(6)~~ Facilitating placement in a private transition
4368 housing program, if requested by any eligible inmate. If an
4369 inmate who is nearing his or her date of release requests
4370 placement in a contracted substance abuse transition housing
4371 program, the transition assistance specialist shall inform the
4372 inmate of program availability and assess the inmate's need and
4373 suitability for transition housing assistance. If an inmate is
4374 approved for placement, the specialist shall assist the inmate
4375 and coordinate the release of the inmate with the selected
4376 program. If an inmate requests and is approved for placement in
4377 a contracted faith-based substance abuse transition housing
4378 program, the specialist must consult with the chaplain before
4379 ~~prior to~~ such placement. In selecting inmates who are nearing
4380 their date of release for placement in a faith-based program,
4381 the department shall ensure that an inmate's faith orientation,
4382 or lack thereof, will not be considered in determining admission
4383 to the program and that the program does not attempt to convert

4384 an inmate toward a particular faith or religious preference.

4385 (g)~~(7)~~ Providing a photo identification card to all
4386 inmates prior to their release.

4387 (4) ~~The~~ transition assistance specialist may not be a
4388 correctional officer or correctional probation officer as
4389 defined in s. 943.10.

4390 Section 58. Section 944.705, Florida Statutes, is amended
4391 to read:

4392 944.705 Release orientation program.—

4393 (1) The department shall provide participation in a
4394 standardized release orientation program to every eligible
4395 inmate.

4396 (2) The release orientation program instruction must
4397 include, but is not limited to:

4398 (a) Employment skills.

4399 (b) Money management skills.

4400 (c) Personal development and planning.

4401 (d) Special needs.

4402 (e) Community reentry concerns.

4403 (f) Community reentry support.

4404 (g) Any other appropriate instruction to ensure the
4405 inmate's successful reentry into the community.

4406 (3) (a) The department shall establish a toll-free hotline
4407 for the benefit of released inmates. The hotline shall provide
4408 information to released inmates seeking to obtain post-release

4409 referrals for community based reentry services.

4410 (b) Before an inmate's release, the department shall
4411 provide the inmate with a comprehensive community reentry
4412 resource directory, which must be organized by county and
4413 include the name, address, telephone number, and a description
4414 of the services offered by each reentry service provider. The
4415 directory must also include the name, address, and telephone
4416 number of existing portals of entry and the toll-free hotline
4417 number required by paragraph (a).

4418 (c) The department shall expand the use of a department-
4419 approved risk and needs assessment system to provide inmates and
4420 offenders with community-specific reentry service provider
4421 referrals.

4422 (4)-(3) Any inmate who claims to be a victim of domestic
4423 violence as defined in s. 741.28 shall receive, as part of the
4424 release orientation program, referral to the nearest domestic
4425 violence center certified under chapter 39.

4426 (5)-(4) The department shall conduct a needs assessment of
4427 every inmate to determine which, if any, basic support services
4428 the inmate needs after release.

4429 (6)-(5) The department may contract with public or private
4430 entities, including faith-based service groups, for the
4431 provision of all or part of the services pursuant to this
4432 section.

4433 (7)-(6)(a) The department shall notify every inmate, in no

4434 less than 18-point type in the inmate's release documents, that
4435 the inmate may be sentenced pursuant to s. 775.082(9) if the
4436 inmate commits any felony offense described in s. 775.082(9)
4437 within 3 years after the inmate's release. This notice must be
4438 prefaced by the word "WARNING" in boldfaced type.

4439 (b) Nothing in this section precludes the sentencing of a
4440 person pursuant to s. 775.082(9), nor shall evidence that the
4441 department failed to provide this notice prohibit a person from
4442 being sentenced pursuant to s. 775.082(9). The state shall not
4443 be required to demonstrate that a person received any notice
4444 from the department in order for the court to impose a sentence
4445 pursuant to s. 775.082(9).

4446 (8) A nonprofit faith-based, business, professional,
4447 civic, or community organization may to apply for registration
4448 with the department to provide inmate reentry services. Reentry
4449 services include, but are not limited to, counseling; providing
4450 information on housing and job placement; money management
4451 assistance; and programs addressing substance abuse, mental
4452 health, or co-occurring conditions.

4453 (9) The department shall adopt policies and procedures for
4454 screening, approving, and registering an organization that
4455 applies under subsection (8). The department may deny approval
4456 and registration of an organization or a representative from an
4457 organization if it determines that the organization or
4458 representative does not meet the department's policies and

4459 procedures.

4460 (10) The department may contract with a public or private
4461 educational institution's Veteran Advocacy Clinic or Veteran
4462 Legal Clinic to assist qualified veteran inmates in applying for
4463 veteran's benefits upon release.

4464 (11) The department may contract with public or private
4465 organizations to establish transitional employment programs that
4466 provide employment opportunities for released inmates.

4467 (12) The department shall adopt rules to implement this
4468 section.

4469 Section 59. Subsections (4) through (6) of section
4470 944.801, Florida Statutes, are renumbered as subsections (6)
4471 through (8), respectively, and new subsections (4) and (5) are
4472 added to that section, to read:

4473 944.801 Education for state prisoners.—

4474 (4) The department may expand the use of job assignment
4475 credentialing and industry certifications.

4476 (5) The Correctional Education Program may establish a
4477 Prison Entrepreneurship Program and adopt procedures for
4478 admitting student inmates. If the department elects to develop
4479 the program, it must include at least 180 days of in-prison
4480 education. Program curriculum must include a component on
4481 developing a business plan, procedures for graduation and
4482 certification of successful student inmates, and at least 90
4483 days of transitional and postrelease continuing education

4484 services. Transitional and postrelease continuing education
4485 services may be offered to program graduates on a voluntary
4486 basis and must not be a requirement for completion of the
4487 program. The department shall enter into agreements with public
4488 or private colleges, universities, or other non-profit entities
4489 to implement the program. The program must be funded within
4490 existing resources.

4491 Section 60. Subsection (1) of section 948.001, Florida
4492 Statutes, is amended to read:

4493 948.001 Definitions.—As used in this chapter, the term:

4494 (1) "Administrative probation" means a form of no contact,
4495 nonreporting supervision. A court may order administrative
4496 probation, or the Department of Corrections may transfer an
4497 offender to administrative probation, ~~in which an offender who~~
4498 ~~presents a low risk of harm to the community may, upon~~
4499 ~~satisfactory completion of half the term of probation, be~~
4500 ~~transferred by the Department of Corrections to this type of~~
4501 ~~reduced level of supervision,~~ as provided in s. 948.013.

4502 Section 61. Subsection (1) of section 948.013, Florida
4503 Statutes, is amended to read:

4504 948.013 Administrative probation.—

4505 (1) The Department of Corrections may transfer an offender
4506 to administrative probation if he or she presents a low risk of
4507 harm to the community and has satisfactorily completed at least
4508 half of the probation term. The department ~~of Corrections~~ may

4509 establish procedures for transferring an offender to
4510 administrative probation. The department may collect an initial
4511 processing fee of up to \$50 for each probationer transferred to
4512 administrative probation. The offender is exempt from further
4513 payment for the cost of supervision as required in s. 948.09.

4514 Section 62. Subsections (4) through (6) are added to
4515 section 948.04, Florida Statutes, to read:

4516 948.04 Period of probation; duty of probationer; early
4517 termination.—

4518 (4) For offenders sentenced to probation on or after
4519 October 1, 2019, except as provided in subsection (5), the
4520 court, upon motion by the probationer or probation officer,
4521 shall either early terminate the probationer's supervision or
4522 convert the supervisory term to administrative probation if:

4523 (a) The probationer has completed at least half of the
4524 term of probation to which he or she was sentenced.

4525 (b) The probationer has successfully completed all other
4526 conditions of probation.

4527 (c) The court has not found the probationer in violation
4528 of probation pursuant to a filed affidavit of violation of
4529 probation at any point during the current supervisory term.

4530 (d) The parties did not specifically exclude the
4531 possibility of early termination or conversion to administrative
4532 probation as part of a negotiated sentence.

4533 (e) The probationer does not qualify as a violent felony

4534 offender of special concern under s. 948.06(8)(b).

4535 (5) Upon making written findings that continued reporting
4536 probation is necessary to protect the community or the interests
4537 of justice, the court may decline to early terminate the
4538 probationary term or convert the term to administrative
4539 probation for a probationer who is otherwise eligible under
4540 subsection (4).

4541 (6) Subsections (4) and (5) do not apply to an offender on
4542 community control. If an offender on community control is
4543 subsequently placed on probation, he or she must complete half
4544 of the probationary term to which he or she was sentenced,
4545 without receiving credit for time served on community control,
4546 before being eligible for mandatory early termination or
4547 conversion to administrative probation under this section.

4548 Section 63. Section 948.05, Florida Statutes, is amended
4549 to read:

4550 948.05 Court to admonish or commend probationer or offender
4551 in community control; graduated incentives.—

4552 (1) A court may at any time cause a probationer or
4553 offender in community control to appear before it to be
4554 admonished or commended, and, when satisfied that its action
4555 will be for the best interests of justice and the welfare of
4556 society, it may discharge the probationer or offender in
4557 community control from further supervision.

4558 (2) The department shall implement a system of graduated

4559 incentives to promote compliance with the terms of supervision
4560 and prioritize the highest levels of supervision for
4561 probationers or offenders presenting the greatest risk of
4562 recidivism.

4563 (a) As part of the graduated incentives system, the
4564 department may, without leave of court, offer the following
4565 incentives to a compliant probationer or offender:

4566 1. Up to 25 percent reduction of required community
4567 service hours;

4568 2. Waiver of supervision fees;

4569 3. Reduction in frequency of reporting;

4570 4. Permission to report by mail or phone; or

4571 5. Transfer of an eligible offender to administrative
4572 probation as permitted under s. 948.013.

4573 (b) The department may also incentivize positive behavior
4574 and compliance with recommendations to the court to modify the
4575 terms of supervision, including recommending:

4576 1. Permission to travel;

4577 2. Reduction of supervision type;

4578 3. Modification or cessation of curfew;

4579 4. Reduction or cessation of substance abuse testing; or

4580 5. Early termination of supervision.

4581 (c) A probationer or an offender who commits a subsequent
4582 violation of probation may forfeit any previously earned
4583 probation incentive, as determined appropriate by his or her

4584 probation officer.

4585 Section 64. Paragraphs (c) through (g) of subsection (1)
4586 of section 948.06, Florida Statutes, are redesignated as
4587 paragraphs (d) through (h) respectively, present paragraph (h)
4588 of subsection (1) and subsection (2) are amended, and a new
4589 paragraph (c) of subsection (1) and subsection (9) are added to
4590 that section, to read:

4591 948.06 Violation of probation or community control;
4592 revocation; modification; continuance; failure to pay
4593 restitution or cost of supervision.—

4594 (1)

4595 (c) If a probationer or offender on community control
4596 commits a technical violation, the probation officer shall
4597 determine whether he or she is eligible for the alternative
4598 sanctioning program under subsection (9). If the probationer or
4599 offender on community control is eligible, the probation officer
4600 may proceed with the alternative sanctioning program in lieu of
4601 filing an affidavit of violation with the court. For purposes of
4602 this section, the term "technical violation" means an alleged
4603 violation of supervision that is not a new felony offense,
4604 misdemeanor offense, or criminal traffic offense.

4605 ~~(h)1. The chief judge of each judicial circuit, in~~
4606 ~~consultation with the state attorney, the public defender, and~~
4607 ~~the department, may establish an alternative sanctioning program~~
4608 ~~in which the department, after receiving court approval, may~~

4609 ~~enforce specified sanctions for certain technical violations of~~
4610 ~~supervision. For purposes of this paragraph, the term "technical~~
4611 ~~violation" means any alleged violation of supervision that is~~
4612 ~~not a new felony offense, misdemeanor offense, or criminal~~
4613 ~~traffic offense.~~

4614 ~~2. To establish an alternative sanctioning program, the~~
4615 ~~chief judge must issue an administrative order specifying:~~

4616 ~~a. Eligibility criteria.~~

4617 ~~b. The technical violations that are eligible for the~~
4618 ~~program.~~

4619 ~~c. The sanctions that may be recommended by a probation~~
4620 ~~officer for each technical violation.~~

4621 ~~d. The process for reporting technical violations through~~
4622 ~~the alternative sanctioning program, including approved forms.~~

4623 ~~3. If an offender is alleged to have committed a technical~~
4624 ~~violation of supervision that is eligible for the program, the~~
4625 ~~offender may:~~

4626 ~~a. Waive participation in the alternative sanctioning~~
4627 ~~program, in which case the probation officer may submit a~~
4628 ~~violation report, affidavit, and warrant to the court in~~
4629 ~~accordance with this section; or~~

4630 ~~b. Elect to participate in the alternative sanctioning~~
4631 ~~program after receiving written notice of an alleged technical~~
4632 ~~violation and a disclosure of the evidence against the offender,~~
4633 ~~admit to the technical violation, agree to comply with the~~

4634 ~~probation officer's recommended sanction if subsequently ordered~~
4635 ~~by the court, and agree to waive the right to:~~

4636 ~~(I) Be represented by legal counsel.~~

4637 ~~(II) Require the state to prove his or her guilt before a~~
4638 ~~neutral and detached hearing body.~~

4639 ~~(III) Subpoena witnesses and present to a judge evidence~~
4640 ~~in his or her defense.~~

4641 ~~(IV) Confront and cross-examine adverse witnesses.~~

4642 ~~(V) Receive a written statement from a factfinder as to~~
4643 ~~the evidence relied on and the reasons for the sanction imposed.~~

4644 ~~4. If the offender admits to committing the technical~~
4645 ~~violation and agrees with the probation officer's recommended~~
4646 ~~sanction, the probation officer must, before imposing the~~
4647 ~~sanction, submit the recommended sanction to the court as well~~
4648 ~~as documentation reflecting the offender's admission to the~~
4649 ~~technical violation and agreement with the recommended sanction.~~

4650 ~~5. The court may impose the recommended sanction or may~~
4651 ~~direct the department to submit a violation report, affidavit,~~
4652 ~~and warrant to the court in accordance with this section.~~

4653 ~~6. An offender's participation in an alternative~~
4654 ~~sanctioning program is voluntary. The offender may elect to~~
4655 ~~waive or discontinue participation in an alternative sanctioning~~
4656 ~~program at any time before the issuance of a court order~~
4657 ~~imposing the recommended sanction.~~

4658 ~~7. If an offender waives or discontinues participation in~~

4659 ~~an alternative sanctioning program, the probation officer may~~
4660 ~~submit a violation report, affidavit, and warrant to the court~~
4661 ~~in accordance with this section. The offender's prior admission~~
4662 ~~to the technical violation may not be used as evidence in~~
4663 ~~subsequent proceedings.~~

4664 (2) (a) The court, upon the probationer or offender being
4665 brought before it, shall advise him or her of such charge of
4666 violation and, if such charge is admitted to be true, may
4667 forthwith revoke, modify, or continue the probation or community
4668 control or place the probationer into a community control
4669 program.

4670 (b) If probation or community control is revoked, the
4671 court shall adjudge the probationer or offender guilty of the
4672 offense charged and proven or admitted, unless he or she has
4673 previously been adjudged guilty, and impose any sentence which
4674 it might have originally imposed before placing the probationer
4675 on probation or the offender into community control.

4676 (c) If such violation of probation or community control is
4677 not admitted by the probationer or offender, the court may
4678 commit him or her or release him or her with or without bail to
4679 await further hearing, or it may dismiss the charge of probation
4680 or community control violation.

4681 (d) If such charge is not at that time admitted by the
4682 probationer or offender and if it is not dismissed, the court,
4683 as soon as may be practicable, shall give the probationer or

4684 offender an opportunity to be fully heard on his or her behalf
4685 in person or by counsel.

4686 (e) After such hearing, the court may revoke, modify, or
4687 continue the probation or community control or place the
4688 probationer into community control. If such probation or
4689 community control is revoked, the court shall adjudge the
4690 probationer or offender guilty of the offense charged and proven
4691 or admitted, unless he or she has previously been adjudged
4692 guilty, and impose any sentence which it might have originally
4693 imposed before placing the probationer or offender on probation
4694 or into community control.

4695 (f) 1. Except as provided in subparagraph 3. or upon waiver
4696 by the offender, the court shall modify or continue a
4697 probationary term upon finding a probationer in violation under
4698 the following circumstances:

4699 a. The term of supervision is probation.

4700 b. The probationer does not qualify as a violent felony
4701 offender of special concern, as defined in paragraph (8) (b).

4702 c. The violation is a low-risk technical violation, as
4703 defined in paragraph (9) (b).

4704 d. The court has not previously found the probationer in
4705 violation of his or her probation pursuant to a filed violation
4706 of probation affidavit during the current term of supervision. A
4707 probationer who has successfully completed sanctions through the
4708 alternative sanctioning program is eligible for mandatory

4709 modification or continuation of his or her probation.

4710 2. Upon modifying probation under subparagraph 1., the
4711 court may include in the sentence a maximum of 90 days in county
4712 jail as a special condition of probation.

4713 3. Notwithstanding s. 921.0024, if a probationer has less
4714 than 90 days of supervision remaining on his or her term of
4715 probation and meets the criteria for mandatory modification or
4716 continuation in subparagraph 1., the court may revoke probation
4717 and sentence the probationer to a maximum of 90 days in county
4718 jail.

4719 4. For purposes of imposing a jail sentence under this
4720 paragraph only, the court may grant credit only for time served
4721 in the county jail since the probationer's most recent arrest
4722 for the violation. However, the court may not order the
4723 probationer to a total term of incarceration greater than the
4724 maximum provided by s. 775.082.

4725 (g) Notwithstanding s. 775.082, when a period of probation
4726 or community control has been tolled, upon revocation or
4727 modification of the probation or community control, the court
4728 may impose a sanction with a term that when combined with the
4729 amount of supervision served and tolled, exceeds the term
4730 permissible pursuant to s. 775.082 for a term up to the amount
4731 of the tolled period of supervision.

4732 (h) ~~(g)~~ If the court dismisses an affidavit alleging a
4733 violation of probation or community control, the offender's

4734 probation or community control shall continue as previously
4735 imposed, and the offender shall receive credit for all tolled
4736 time against his or her term of probation or community control.

4737 (i)~~(h)~~1. For each case in which the offender admits to
4738 committing a violation or is found to have committed a
4739 violation, the department shall provide the court with a
4740 recommendation as to disposition by the court. The department
4741 shall provide the reasons for its recommendation and include an
4742 evaluation of:

4743 a. The appropriateness or inappropriateness of community
4744 facilities, programs, or services for treating or supervising
4745 the offender;

4746 b. The ability or inability of the department to provide
4747 an adequate level of supervision of the offender in the
4748 community and a statement of what constitutes an adequate level
4749 of supervision; and

4750 c. The existence of treatment modalities that the offender
4751 could use but that do not currently exist in the community.

4752 2. The report must also include a summary of the
4753 offender's prior supervision history, including the offender's
4754 prior participation in treatment, educational, and vocational
4755 programs, and any other actions by or circumstances concerning
4756 the offender which are relevant.

4757 3. The court may specify whether the recommendation or
4758 report must be oral or written and may waive the requirement for

4759 a report in an individual case or a class of cases. This
4760 paragraph does not prohibit the department from making any other
4761 report or recommendation that is provided for by law or
4762 requested by the court.

4763 (j)~~(i)~~1. Notwithstanding s. 921.0024 and effective for
4764 offenses committed on or after July 1, 2009, the court may order
4765 the defendant to successfully complete a postadjudicatory
4766 treatment-based drug court program if:

4767 a. The court finds or the offender admits that the
4768 offender has violated his or her community control or probation;

4769 b. The offender's Criminal Punishment Code scoresheet
4770 total sentence points under s. 921.0024 are 60 points or fewer
4771 after including points for the violation;

4772 c. The underlying offense is a nonviolent felony. As used
4773 in this subsection, the term "nonviolent felony" means a third
4774 degree felony violation under chapter 810 or any other felony
4775 offense that is not a forcible felony as defined in s. 776.08;

4776 d. The court determines that the offender is amenable to
4777 the services of a postadjudicatory treatment-based drug court
4778 program;

4779 e. The court has explained the purpose of the program to
4780 the offender and the offender has agreed to participate; and

4781 f. The offender is otherwise qualified to participate in
4782 the program under the provisions of s. 397.334(3).

4783 2. After the court orders the modification of community

4784 control or probation, the original sentencing court shall
4785 relinquish jurisdiction of the offender's case to the
4786 postadjudicatory treatment-based drug court program until the
4787 offender is no longer active in the program, the case is
4788 returned to the sentencing court due to the offender's
4789 termination from the program for failure to comply with the
4790 terms thereof, or the offender's sentence is completed.

4791 (k)~~(j)~~1. Notwithstanding s. 921.0024 and effective for
4792 offenses committed on or after July 1, 2016, the court may order
4793 the offender to successfully complete a postadjudicatory mental
4794 health court program under s. 394.47892 or a military veterans
4795 and servicemembers court program under s. 394.47891 if:

4796 a. The court finds or the offender admits that the
4797 offender has violated his or her community control or probation;

4798 b. The underlying offense is a nonviolent felony. As used
4799 in this subsection, the term "nonviolent felony" means a third
4800 degree felony violation under chapter 810 or any other felony
4801 offense that is not a forcible felony as defined in s. 776.08.
4802 Offenders charged with resisting an officer with violence under
4803 s. 843.01, battery on a law enforcement officer under s. 784.07,
4804 or aggravated assault may participate in the mental health court
4805 program if the court so orders after the victim is given his or
4806 her right to provide testimony or written statement to the court
4807 as provided in s. 921.143;

4808 c. The court determines that the offender is amenable to

4809 the services of a postadjudicatory mental health court program,
4810 including taking prescribed medications, or a military veterans
4811 and servicemembers court program;

4812 d. The court explains the purpose of the program to the
4813 offender and the offender agrees to participate; and

4814 e. The offender is otherwise qualified to participate in a
4815 postadjudicatory mental health court program under s.
4816 394.47892(4) or a military veterans and servicemembers court
4817 program under s. 394.47891.

4818 2. After the court orders the modification of community
4819 control or probation, the original sentencing court shall
4820 relinquish jurisdiction of the offender's case to the
4821 postadjudicatory mental health court program until the offender
4822 is no longer active in the program, the case is returned to the
4823 sentencing court due to the offender's termination from the
4824 program for failure to comply with the terms thereof, or the
4825 offender's sentence is completed.

4826 (9) (a) For a first or second low-risk violation, as
4827 defined in paragraph (b), within the current term of
4828 supervision, a probation officer may offer an eligible
4829 probationer one or more of the following as an alternative
4830 sanction:

4831 1. Up to 5 days in the county jail.

4832 2. Up to 50 additional community service hours.

4833 3. Counseling or treatment.

- 4834 4. Support group attendance.
- 4835 5. Drug testing.
- 4836 6. Loss of travel or other privileges.
- 4837 7. Curfew for up to 30 days.
- 4838 8. House arrest for up to 30 days.
- 4839 9. Any other sanction specified by administrative order of
 4840 the chief judge of the circuit. However, in no circumstance
 4841 shall participation in an alternative sanctioning program
 4842 convert a withheld adjudication to an adjudication of guilt.
- 4843 (b) When committed by a probationer, a low-risk violation
 4844 includes:
- 4845 1. Positive drug or alcohol test result.
- 4846 2. Failure to report to the probation office.
- 4847 3. Failure to report a change in address or other required
 4848 information.
- 4849 4. Failure to attend a required class, treatment or
 4850 counseling session, or meeting.
- 4851 5. Failure to submit to a drug or alcohol test.
- 4852 6. Curfew violation.
- 4853 7. Failure to meet a monthly quota on any required
 4854 probation condition, including, but not limited to, making
 4855 restitution payments, payment of court costs, and completing
 4856 community service hours.
- 4857 8. Leaving the county without permission.
- 4858 9. Failure to report a change in employment.

- 4859 10. Associating with a person engaged in criminal
4860 activity.
- 4861 11. Any other violation specified by administrative order
4862 of the chief judge of the circuit.
- 4863 (c) For a first time moderate-risk violation, as defined
4864 in paragraph (d), within the current term of supervision, a
4865 probation officer, with supervisor approval, may offer an
4866 eligible probationer or offender on community control one or
4867 more of the following as an alternative sanction:
- 4868 1. Up to 21 days in the county jail.
4869 2. Curfew for up to 90 days.
4870 3. House arrest for up to 90 days.
4871 4. Electronic monitoring for up to 90 days.
4872 5. Residential treatment for up to 90 days.
4873 6. Any other sanction available for a low-risk violation.
4874 7. Any other sanction specified by administrative order of
4875 the chief judge of the circuit.
- 4876 (d) A moderate-risk violation includes:
- 4877 1. A violation listed under paragraph (b) when committed
4878 by an offender on community control;
- 4879 2. Failure to remain at an approved residence by an
4880 offender on community control;
- 4881 3. A third violation listed under paragraph (b) by a
4882 probationer within the current term of supervision; or
- 4883 4. Any other violation specified by administrative order

4884 of the chief judge of the circuit. However, in no circumstance
4885 shall participation in an alternative sanctioning program
4886 convert a withheld adjudication to an adjudication of guilt.

4887 (e) A probationer or offender on community control is not
4888 eligible for an alternative sanction if:

4889 1. He or she is a violent felony offender of special
4890 concern, as defined in paragraph (8) (b).

4891 2. The violation is a felony, misdemeanor, or criminal
4892 traffic offense.

4893 3. The violation is absconding.

4894 4. The violation is for a failure to comply with a no-
4895 contact or stay-away order.

4896 5. The violation is not identified as low-risk or
4897 moderate-risk under this paragraph or by administrative order.

4898 6. He or she has a prior moderate-risk level violation
4899 during the current term of supervision.

4900 7. He or she has three or more prior low-risk level
4901 violations during the current term of supervision.

4902 8. The term of supervision is scheduled to terminate in
4903 less than 90 days.

4904 9. The terms of the sentence prohibit alternative
4905 sanctioning.

4906 (f) If a probationer or offender on community control is
4907 eligible for the alternative sanctioning program, he or she may:

4908 1. Waive participation in the program, in which case the

4909 probation officer may submit a violation report, affidavit, and
4910 warrant to the court; or

4911 2. Elect to participate in the program after receiving
4912 written notice of an alleged technical violation and disclosure
4913 of the evidence against him or her, admit to the technical
4914 violation, agree to comply with the probation officer's
4915 recommended sanction if subsequently ordered by the court, and
4916 agree to waive the right to:

4917 a. Be represented by legal counsel.

4918 b. Require the state to prove his or her guilt before a
4919 neutral and detached hearing body.

4920 c. Subpoena witnesses and present to a judge evidence in
4921 his or her defense.

4922 d. Confront and cross-examine adverse witnesses.

4923 e. Receive a written statement from a judge as to the
4924 evidence relied on and the reasons for the sanction imposed.

4925 (g) If the probationer or offender on community control
4926 admits to committing the technical violation and agrees with the
4927 probation officer's recommended sanction, the probation officer
4928 shall, before imposing the sanction, submit the recommended
4929 sanction to the court with documentation reflecting the
4930 probationer's admission to the technical violation and agreement
4931 with the recommended sanction.

4932 (h) The court may impose the recommended sanction or
4933 direct the department to submit a violation report, affidavit,

4934 and warrant to the court.

4935 (i) An offender's participation in the alternative
4936 sanctioning program is voluntary. The probationer or offender on
4937 community control may waive or discontinue participation in the
4938 program at any time before the court imposes a recommended
4939 sanction.

4940 (j) If a probationer or offender on community control
4941 waives or discontinues participation in the alternative
4942 sanctioning program or fails to successfully complete all
4943 alternative sanctions within 90 days of imposition or within the
4944 timeframe specified in the agreed upon sanction, the probation
4945 officer may submit a violation report, affidavit, and warrant to
4946 the court. A prior admission by the probationer or offender on
4947 community control to a technical violation may not be used as
4948 evidence in subsequent proceedings.

4949 (k) Each judicial circuit shall establish an alternative
4950 sanctioning program as provided in this subsection. The chief
4951 judge of each judicial circuit may, by administrative order,
4952 define additional sanctions or eligibility criteria and specify
4953 the process for reporting technical violations through the
4954 alternative sanctioning program.

4955 Section 65. Subsection (6) and paragraph (a) and
4956 subsection (7) of section 948.08, Florida Statutes, are amended
4957 to read:

4958 948.08 Pretrial intervention program.—

4959 (6) (a) For purposes of this subsection, the term
4960 "nonviolent felony" means a third degree felony violation of
4961 chapter 810 or any other felony offense that is not a forcible
4962 felony as defined in s. 776.08.

4963 (b) Notwithstanding any provision of this section, a
4964 ~~person who is charged with a nonviolent felony and is identified~~
4965 ~~as having a substance abuse problem or is charged with a felony~~
4966 ~~of the second or third degree for purchase or possession of a~~
4967 ~~controlled substance under chapter 893, prostitution, tampering~~
4968 ~~with evidence, solicitation for purchase of a controlled~~
4969 ~~substance, or obtaining a prescription by fraud; who has not~~
4970 ~~been charged with a crime involving violence, including, but not~~
4971 ~~limited to, murder, sexual battery, robbery, carjacking, home-~~
4972 ~~invasion robbery, or any other crime involving violence; and who~~
4973 ~~has not previously been convicted of a felony~~ is eligible for
4974 voluntary admission into a pretrial substance abuse education
4975 and treatment intervention program, including a treatment-based
4976 drug court program established pursuant to s. 397.334, approved
4977 by the chief judge of the circuit, for a period of not less than
4978 1 year in duration, if he or she:

4979 1. Is identified as having a substance abuse problem and
4980 is amenable to treatment.

4981 2. Is charged with a nonviolent felony.

4982 3. Has never been charged with a crime involving violence
4983 including, but not limited to, murder, sexual battery, robbery,

4984 carjacking, home-invasion robbery, or any other crime involving
4985 violence.

4986 4. Has two or fewer felony convictions, provided that the
4987 prior convictions are for nonviolent felonies only.

4988 (c) Upon motion of either party or the court's own motion,
4989 and with the agreement of the defendant, the court shall admit
4990 an eligible person into a pretrial substance abuse education and
4991 treatment intervention program, except:

4992 1. If a defendant was previously offered admission to a
4993 pretrial substance abuse education and treatment intervention
4994 program at any time prior to trial and the defendant rejected
4995 that offer on the record, then the court or the state attorney
4996 may deny the defendant's admission to such a program.

4997 2. If the state attorney believes that the facts and
4998 circumstances of the case suggest the defendant's involvement in
4999 the dealing and selling of controlled substances, the court
5000 shall hold a preadmission hearing. If the state attorney
5001 establishes, by a preponderance of the evidence at such hearing,
5002 that the defendant was involved in the dealing or selling of
5003 controlled substances, the court shall deny the defendant's
5004 admission into a pretrial intervention program.

5005 3. If the defendant has two or fewer prior felony
5006 convictions as provided in subparagraph (b)4., the court may
5007 deny admission to such a program in its discretion.

5008 (d) ~~(b)~~ While enrolled in a pretrial intervention program

5009 authorized by this subsection, the participant is subject to a
5010 coordinated strategy developed by a drug court team under s.
5011 397.334(4). The coordinated strategy may include a protocol of
5012 sanctions that may be imposed upon the participant for
5013 noncompliance with program rules. The protocol of sanctions may
5014 include, but is not limited to, placement in a substance abuse
5015 treatment program offered by a licensed service provider as
5016 defined in s. 397.311 or in a jail-based treatment program or
5017 serving a period of incarceration within the time limits
5018 established for contempt of court. The coordinated strategy must
5019 be provided in writing to the participant before the participant
5020 agrees to enter into a pretrial treatment-based drug court
5021 program or other pretrial intervention program. Any person whose
5022 charges are dismissed after successful completion of the
5023 treatment-based drug court program, if otherwise eligible, may
5024 have his or her arrest record and plea of nolo contendere to the
5025 dismissed charges expunged under s. 943.0585.

5026 (e)~~(e)~~ At the end of the pretrial intervention period, the
5027 court shall consider the recommendation of the administrator
5028 pursuant to subsection (5) and the recommendation of the state
5029 attorney as to disposition of the pending charges. The court
5030 shall determine, by written finding, whether the defendant has
5031 successfully completed the pretrial intervention program.
5032 Notwithstanding the coordinated strategy developed by a drug
5033 court team pursuant to s. 397.334(4), if the court finds that

5034 the defendant has not successfully completed the pretrial
5035 intervention program, the court may order the person to continue
5036 in education and treatment, which may include substance abuse
5037 treatment programs offered by licensed service providers as
5038 defined in s. 397.311 or jail-based treatment programs, or order
5039 that the charges revert to normal channels for prosecution. The
5040 court shall dismiss the charges upon a finding that the
5041 defendant has successfully completed the pretrial intervention
5042 program.

5043 (f)~~(d)~~ Any entity, whether public or private, providing a
5044 pretrial substance abuse education and treatment intervention
5045 program under this subsection must contract with the county or
5046 appropriate governmental entity, and the terms of the contract
5047 must include, but need not be limited to, the requirements
5048 established for private entities under s. 948.15(3).

5049 (7) (a) Notwithstanding any provision of this section, a
5050 person who is charged with a felony, other than a felony listed
5051 in s. 948.06(8)(c), and identified as a veteran, as defined in
5052 s. 1.01, including a veteran who is discharged or released under
5053 a general discharge, or servicemember, as defined in s. 250.01;
5054 an individual who is a current or former United States
5055 Department of Defense contractor, provided any separation was
5056 not due to the former contractor's bad conduct; or an individual
5057 who is a current or former military member of a foreign allied
5058 country, provided any discharge was the equivalent of an

5059 honorable or general discharge, who suffers from a military
5060 service-related mental illness, traumatic brain injury,
5061 substance abuse disorder, or psychological problem, is eligible
5062 for voluntary admission into a pretrial veterans' treatment
5063 intervention program approved by the chief judge of the circuit,
5064 upon motion of either party or the court's own motion, except:

5065 1. If a defendant was previously offered admission to a
5066 pretrial veterans' treatment intervention program at any time
5067 before trial and the defendant rejected that offer on the
5068 record, the court may deny the defendant's admission to such a
5069 program.

5070 2. If a defendant previously entered a court-ordered
5071 veterans' treatment program, the court may deny the defendant's
5072 admission into the pretrial veterans' treatment program.

5073 Section 66. Section 948.081, Florida Statutes, is created
5074 to read:

5075 948.081 Community court programs.—

5076 (1) Each judicial circuit may establish a community court
5077 program for defendants charged with certain misdemeanor
5078 offenses. Each community court shall, at a minimum:

5079 (a) Adopt a nonadversarial approach.

5080 (b) Establish an advisory committee to recommend solutions
5081 and sanctions in each case.

5082 (c) Provide for judicial leadership and interaction.

5083 (d) In each particular case, consider the needs of the

5084 victim, consider individualized treatment services for the
5085 defendant, and monitor the defendant's compliance.

5086 (2) The chief judge of the judicial circuit shall, by
5087 administrative order, specify each misdemeanor offense eligible
5088 for the community court program. In making such determination,
5089 the chief judge shall consider the particular needs and concerns
5090 of the communities within the judicial circuit.

5091 (3) A defendant's entry into any community court program
5092 shall be voluntary.

5093 (4) The chief judge shall appoint a community court
5094 resource coordinator, who shall:

5095 (a) Coordinate the responsibilities of the participating
5096 agencies and service providers.

5097 (b) Provide case management services.

5098 (c) Monitor compliance by defendants with court
5099 requirements.

5100 (d) Manage the collection of data for program evaluation
5101 and accountability.

5102 (5) The chief judge of the judicial circuit shall appoint
5103 members to an advisory committee for each community court. The
5104 members of the advisory committee must include, at a minimum:

5105 (a) The chief judge or a community court judge designated
5106 by the chief judge, who shall serve as chair.

5107 (b) The state attorney or his or her designee.

5108 (c) The public defender or his or her designee.

5109 | (d) The community court resource coordinator.
5110 |
5111 | The committee may also include community stakeholders, treatment
5112 | representatives, and other persons the chair deems appropriate.
5113 | (6) The advisory committee shall review each defendant's
5114 | case. Each committee member may make recommendations to the
5115 | judge, including appropriate sanctions and treatment solutions
5116 | for the defendant. The judge shall consider such recommendations
5117 | and make the final decision concerning sanctions and treatment
5118 | with respect to each defendant.
5119 | (7) Each judicial circuit shall report client-level and
5120 | programmatic data to the Office of State Courts Administrator
5121 | annually for program evaluation. Client-level data include
5122 | primary offenses resulting in the community court referral or
5123 | sentence, treatment compliance, completion status, reasons for
5124 | failing to complete the program, offenses committed during
5125 | treatment and sanctions imposed, frequency of court appearances,
5126 | and units of service. Programmatic data include referral and
5127 | screening procedures, eligibility criteria, type and duration of
5128 | treatment offered, and residential treatment resources.
5129 | (8) The Department of Corrections, Department of Juvenile
5130 | Justice, Department of Health, Department of Law Enforcement,
5131 | Department of Education, law enforcement agencies, and other
5132 | government entities involved in the criminal justice system
5133 | shall support such community court programs.

5134 (9) Community court program funding must be secured from
5135 sources other than the state for costs not assumed by the state
5136 under s. 29.004. However, this subsection does not preclude the
5137 use of funds provided for treatment and other services through
5138 state executive branch agencies.

5139 Section 67. Paragraph (a) of subsection (2) of section
5140 948.16, Florida Statutes, is amended to read:

5141 948.16 Misdemeanor pretrial substance abuse education and
5142 treatment intervention program; misdemeanor pretrial veterans'
5143 treatment intervention program; misdemeanor pretrial mental
5144 health court program.-

5145 (2) (a) A veteran, as defined in s. 1.01, including a
5146 veteran who is discharged or released under a general discharge,
5147 or servicemember, as defined in s. 250.01; an individual who is
5148 a current or former United States Department of Defense
5149 contractor, provided any separation was not due to the former
5150 contractor's bad conduct; or an individual who is a current or
5151 former military member of a foreign allied country, provided any
5152 discharge was the equivalent of an honorable or general
5153 discharge, who suffers from a military service-related mental
5154 illness, traumatic brain injury, substance abuse disorder, or
5155 psychological problem, and who is charged with a misdemeanor is
5156 eligible for voluntary admission into a misdemeanor pretrial
5157 veterans' treatment intervention program approved by the chief
5158 judge of the circuit, for a period based on the program's

5159 requirements and the treatment plan for the offender, upon
5160 motion of either party or the court's own motion. However, the
5161 court may deny the defendant admission into a misdemeanor
5162 pretrial veterans' treatment intervention program if the
5163 defendant has previously entered a court-ordered veterans'
5164 treatment program.

5165 Section 68. Subsection (2) of section 948.21, Florida
5166 Statutes, is amended to read:

5167 948.21 Condition of probation or community control;
5168 military servicemembers, ~~and~~ veterans, and others.—

5169 (2) Effective for a probationer or community controllee
5170 whose crime is committed on or after July 1, 2016, and who is a
5171 veteran, as defined in s. 1.01, including a veteran who is
5172 discharged or released under a general discharge, or
5173 servicemember, as defined in s. 250.01; an individual who is a
5174 current or former United States Department of Defense
5175 contractor, provided any separation was not due to the former
5176 contractor's bad conduct; or an individual who is a current or
5177 former military member of a foreign allied country, provided any
5178 discharge was the equivalent of an honorable or general
5179 discharge, who suffers from a military service-related mental
5180 illness, traumatic brain injury, substance abuse disorder, or
5181 psychological problem, the court may, in addition to any other
5182 conditions imposed, impose a condition requiring the probationer
5183 or community controllee to participate in a treatment program

5184 | capable of treating the probationer or community controllee's
 5185 | mental illness, traumatic brain injury, substance abuse
 5186 | disorder, or psychological problem.

5187 | Section 69. Section 951.22, Florida Statutes, is amended
 5188 | to read:

5189 | 951.22 County detention facilities; contraband articles.-

5190 | (1) It is unlawful, except through regular channels as
 5191 | duly authorized by the sheriff or officer in charge, to
 5192 | introduce into or possess upon the grounds of any county
 5193 | detention facility as defined in s. 951.23 or to give to or
 5194 | receive from any inmate of any such facility wherever said
 5195 | inmate is located at the time or to take or to attempt to take
 5196 | or send therefrom any of the following articles, which are
 5197 | ~~hereby declared to be~~ contraband:

5198 | ~~(a) for the purposes of this act, to wit:~~ Any written or
 5199 | recorded communication. This paragraph does not apply to any
 5200 | document or correspondence exchanged between a lawyer,
 5201 | paralegal, or other legal staff, and an inmate at a detention
 5202 | facility if such document or correspondence is otherwise
 5203 | lawfully possessed and disseminated and relates to the legal
 5204 | representation of the inmate.†

5205 | (b) Any currency or coin.†

5206 | (c) Any article of food or clothing.†

5207 | (d) Any tobacco products as defined in s. 210.25(12).†

5208 | (e) Any cigarette as defined in s. 210.01(1).†

5209 (f) Any cigar.~~†~~
5210 (g) Any intoxicating beverage or beverage that ~~which~~ causes
5211 or may cause an intoxicating effect.~~†~~
5212 (h) Any narcotic, hypnotic, or excitative drug or drug of
5213 any kind or nature, including nasal inhalators, sleeping pills,
5214 barbiturates, and controlled substances as defined in s.
5215 893.02(4).~~†~~
5216 (i) Any firearm or any instrumentality customarily used or
5217 which is intended to be used as a dangerous weapon.~~†~~ ~~and~~
5218 (j) Any instrumentality of any nature which ~~that~~ may be or
5219 is intended to be used as an aid in effecting or attempting to
5220 effect an escape from a county facility.
5221 (k) Any cellular telephone or other portable communication
5222 device as described in s. 944.47(1)(a)6. The term does not
5223 include any device that has communication capabilities which has
5224 been approved or issued by the sheriff or officer in charge for
5225 investigative or institutional security purposes or for
5226 conducting other official business.
5227 (2) A person who ~~Whoever~~ violates paragraph (1)(a),
5228 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph
5229 (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a
5230 misdemeanor of the first degree, punishable as provided in s.
5231 775.082 or s. 775.083. A person who violates paragraph (1)(h),
5232 paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits
5233 subsection (1) shall be guilty of a felony of the third degree,

5234 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5235 Section 70. Subsection (1) of section 958.04, Florida
 5236 Statutes, is amended to read:

5237 958.04 Judicial disposition of youthful offenders.—

5238 (1) The court may sentence as a youthful offender any
 5239 person:

5240 (a) Who is at least 18 years of age or who has been
 5241 transferred for prosecution to the criminal division of the
 5242 circuit court pursuant to chapter 985;

5243 (b) Who is found guilty of or who has tendered, and the
 5244 court has accepted, a plea of nolo contendere or guilty to a
 5245 crime that is, under the laws of this state, a felony if such
 5246 crime was committed before the defendant turned 21 years of age
 5247 ~~the offender is younger than 21 years of age at the time~~
 5248 ~~sentence is imposed;~~ and

5249 (c) Who has not previously been classified as a youthful
 5250 offender under the provisions of this act; however, a person who
 5251 has been found guilty of a capital or life felony may not be
 5252 sentenced as a youthful offender under this act.

5253 Section 71. Section 960.07, Florida Statutes, are amended
 5254 to read:

5255 960.07 Filing of claims for compensation.—

5256 (1) A claim for compensation may be filed by a person
 5257 eligible for compensation as provided in s. 960.065 or, if such
 5258 person is a minor, by his or her parent or guardian or, if the

5259 person entitled to make a claim is mentally incompetent, by the
5260 person's guardian or such other individual authorized to
5261 administer his or her estate.

5262 (2) Except as provided in subsections ~~subsection~~ (3) and
5263 (4), a claim must be filed in accordance with this subsection.
5264 ~~not later than 1 year after:~~

5265 (a)1. A claim arising from a crime occurring before
5266 October 1, 2019, must be filed within 1 year of:

5267 a. The occurrence of the crime upon which the claim is
5268 based.

5269 b.~~(b)~~ The death of the victim or intervenor.

5270 c.~~(c)~~ The death of the victim or intervenor is determined
5271 to be the result of a crime, and the crime occurred after June
5272 30, 1994.

5273

5274 2. ~~However,~~ For good cause the department may extend the
5275 time for filing a claim under subparagraph 1. for a period not
5276 exceeding 2 years after such occurrence.

5277 (b)1. A claim arising from a crime occurring on or after
5278 October 1, 2019, must be filed within 3 years after the later
5279 of:

5280 a. The occurrence of the crime upon which the claim is
5281 based.

5282 b. The death of the victim or intervenor.

5283 c. The death of the victim or intervenor is determined to

5284 be the result of the crime.

5285 2. For good cause the department may extend the time for
5286 filing a claim under subparagraph 1. for a period not to exceed
5287 5 years after such occurrence.

5288 (3) Notwithstanding the provisions of subsection (2) ~~and~~
5289 ~~regardless of when the crime occurred~~, if the victim or
5290 intervenor was under the age of 18 at the time the crime upon
5291 which the claim is based occurred, a claim may be filed in
5292 accordance with this subsection.

5293 (a) The victim's or intervenor's parent or guardian may
5294 file a claim on behalf of the victim or intervenor while the
5295 victim or intervenor is less than 18 years of age; ~~or~~

5296 (b) For a claim arising from a crime that occurred before
5297 October 1, 2019, when a victim or intervenor who was under the
5298 age of 18 at the time the crime occurred reaches the age of 18,
5299 the victim or intervenor has 1 year ~~within which~~ to file a
5300 claim; or

5301 (c) For a claim arising from a crime occurring on or after
5302 October 1, 2019, when a victim or intervenor who was under the
5303 age of 18 at the time the crime occurred reaches the age of 18,
5304 the victim or intervenor has 3 years to file a claim.

5305
5306 For good cause, the department may extend the time period
5307 allowed for filing a claim under paragraph (b) for an additional
5308 period not to exceed 1 year or under paragraph (c) for an

5309 additional period not to exceed 2 years.

5310 (4) The provisions of subsection (2) notwithstanding, ~~and~~
 5311 ~~regardless of when the crime occurred,~~ a victim of a sexually
 5312 violent offense as defined in s. 394.912, may file a claim for
 5313 compensation for counseling or other mental health services
 5314 within:

5315 (a) One ± year after the filing of a petition under s.
 5316 394.914, to involuntarily civilly commit the individual who
 5317 perpetrated the sexually violent offense, if the claim arises
 5318 from a crime committed before October 1, 2019; or

5319 (b) Three years after the filing of petition under s.
 5320 394.914, to involuntarily civilly commit the individual who
 5321 perpetrated the sexually violent offense, if the claim arises
 5322 from a crime committed on or after October 1, 2019.

5323 Section 72. Paragraph (b) of subsection (1) of section
 5324 960.13, Florida Statutes, is amended to read:

5325 960.13 Awards.—

5326 (1)

5327 (b) In no case may an award be made when the record shows
 5328 that such report was made more than:

5329 1. Seventy-two ~~72~~ hours after the occurrence of such
 5330 crime, if the crime occurred before October 1, 2019; or

5331 2. Five days after the occurrence of such crime, if the
 5332 crime occurred on or after October 1, 2019,
 5333

5334 unless the department, for good cause shown, finds the delay to
 5335 have been justified. The department, upon finding that any
 5336 claimant or award recipient has not duly cooperated with the
 5337 state attorney, all law enforcement agencies, and the
 5338 department, may deny, reduce, or withdraw any award, as the case
 5339 may be.

5340 Section 73. Paragraph (b) of subsection (1) of section
 5341 960.195, Florida Statutes, is amended to read:

5342 960.195 Awards to elderly persons or disabled adults for
 5343 property loss.—

5344 (1) Notwithstanding the criteria in s. 960.13, for crime
 5345 victim compensation awards, the department may award a maximum
 5346 of \$500 on any one claim and a lifetime maximum of \$1,000 on all
 5347 claims to elderly persons or disabled adults who suffer a
 5348 property loss that causes a substantial diminution in their
 5349 quality of life when:

5350 (b) The criminal or delinquent act is reported to law
 5351 enforcement authorities within:

5352 1. Seventy-two ~~72~~ hours, if such crime or act occurred
 5353 before October 1, 2019; or

5354 2. Five days, if such crime or act occurred on or after
 5355 October 1, 2019,

5356
 5357 unless the department, for good cause shown, finds the delay to
 5358 have been justified;

5359 Section 74. Section 960.196, Florida Statutes, is amended
 5360 to read:

5361 960.196 Relocation assistance for victims of human
 5362 trafficking.—

5363 (1) Notwithstanding the criteria specified in ss.
 5364 960.07(2) and 960.13 for crime victim compensation awards, the
 5365 department may award a one-time payment of up to \$1,500 for any
 5366 one claim and a lifetime maximum of \$3,000 to a victim of human
 5367 trafficking who needs urgent assistance to escape from an unsafe
 5368 environment directly related to the human trafficking offense.

5369 (2) In order for an award to be granted to a victim for
 5370 relocation assistance:

5371 (a) There must be proof that a human trafficking offense,
 5372 as described in s. 787.06(3)(b), (d), (f), or (g), was
 5373 committed.

5374 (b)1. For a crime occurring before October 1, 2019, the
 5375 crime must be reported to the proper authorities and the claim
 5376 must be filed within 1 year, or 2 years with good cause, after
 5377 the date of the last human trafficking offense, as described in
 5378 s. 787.06(3)(b), (d), (f), or (g).

5379 2. For a crime occurring on or after October 1, 2019, the
 5380 crime must be reported to the proper authorities and the claim
 5381 must be filed within 3 years, or 5 years with good cause, after
 5382 the date of the last human trafficking offense, as described in
 5383 s. 787.06(3)(b), (d), (f), or (g).

5384 3. In a case that exceeds the reporting and filing ~~2-year~~
5385 requirement due to an active and ongoing investigation, a state
5386 attorney, statewide prosecutor, or federal prosecutor may
5387 certify in writing a human trafficking victim's need to relocate
5388 from an unsafe environment due to the threat of future violence
5389 which is directly related to the human trafficking offense.

5390 (c) The victim's need must be certified by a certified
5391 domestic violence or rape crisis center in this state, except as
5392 provided in paragraph (b). The center's certification must
5393 assert that the victim is cooperating with the proper
5394 authorities and must include documentation that the victim has
5395 developed a safety plan.

5396 (3) Relocation payments for a human trafficking claim
5397 shall be denied if the department has previously approved or
5398 paid out a domestic violence or sexual battery relocation claim
5399 under s. 960.198 or s. 960.199 to the same victim regarding the
5400 same incident.

5401 Section 75. Subsection (2) of section 985.557, Florida
5402 Statutes, is amended to read:

5403 985.557 Direct filing of an information; discretionary ~~and~~
5404 ~~mandatory~~ criteria.—

5405 ~~(2) MANDATORY DIRECT FILE.—~~

5406 ~~(a) With respect to any child who was 16 or 17 years of~~
5407 ~~age at the time the alleged offense was committed, the state~~
5408 ~~attorney shall file an information if the child has been~~

5409 ~~previously adjudicated delinquent for an act classified as a~~
5410 ~~felony, which adjudication was for the commission of, attempt to~~
5411 ~~commit, or conspiracy to commit murder, sexual battery, armed or~~
5412 ~~strong-armed robbery, carjacking, home-invasion robbery,~~
5413 ~~aggravated battery, or aggravated assault, and the child is~~
5414 ~~currently charged with a second or subsequent violent crime~~
5415 ~~against a person.~~

5416 ~~(b) With respect to any child 16 or 17 years of age at the~~
5417 ~~time an offense classified as a forcible felony, as defined in~~
5418 ~~s. 776.08, was committed, the state attorney shall file an~~
5419 ~~information if the child has previously been adjudicated~~
5420 ~~delinquent or had adjudication withheld for three acts~~
5421 ~~classified as felonies each of which occurred at least 45 days~~
5422 ~~apart from each other. This paragraph does not apply when the~~
5423 ~~state attorney has good cause to believe that exceptional~~
5424 ~~circumstances exist which preclude the just prosecution of the~~
5425 ~~juvenile in adult court.~~

5426 ~~(c) The state attorney must file an information if a~~
5427 ~~child, regardless of the child's age at the time the alleged~~
5428 ~~offense was committed, is alleged to have committed an act that~~
5429 ~~would be a violation of law if the child were an adult, that~~
5430 ~~involves stealing a motor vehicle, including, but not limited~~
5431 ~~to, a violation of s. 812.133, relating to carjacking, or s.~~
5432 ~~812.014(2)(c)6., relating to grand theft of a motor vehicle, and~~
5433 ~~while the child was in possession of the stolen motor vehicle~~

5434 ~~the child caused serious bodily injury to or the death of a~~
5435 ~~person who was not involved in the underlying offense. For~~
5436 ~~purposes of this section, the driver and all willing passengers~~
5437 ~~in the stolen motor vehicle at the time such serious bodily~~
5438 ~~injury or death is inflicted shall also be subject to mandatory~~
5439 ~~transfer to adult court. "Stolen motor vehicle," for the~~
5440 ~~purposes of this section, means a motor vehicle that has been~~
5441 ~~the subject of any criminal wrongful taking. For purposes of~~
5442 ~~this section, "willing passengers" means all willing passengers~~
5443 ~~who have participated in the underlying offense.~~

5444 ~~(d)1. With respect to any child who was 16 or 17 years of~~
5445 ~~age at the time the alleged offense was committed, the state~~
5446 ~~attorney shall file an information if the child has been charged~~
5447 ~~with committing or attempting to commit an offense listed in s.~~
5448 ~~775.087(2) (a)1.a. p., and, during the commission of or attempt~~
5449 ~~to commit the offense, the child:~~

5450 ~~a. Actually possessed a firearm or destructive device, as~~
5451 ~~those terms are defined in s. 790.001.~~

5452 ~~b. Discharged a firearm or destructive device, as~~
5453 ~~described in s. 775.087(2) (a)2.~~

5454 ~~e. Discharged a firearm or destructive device, as~~
5455 ~~described in s. 775.087(2) (a)3., and, as a result of the~~
5456 ~~discharge, death or great bodily harm was inflicted upon any~~
5457 ~~person.~~

5458 ~~2. Upon transfer, any child who is:~~

5459 ~~a. Charged under sub-subparagraph 1.a. and who has been~~
5460 ~~previously adjudicated or had adjudication withheld for a~~
5461 ~~forcible felony offense or any offense involving a firearm, or~~
5462 ~~who has been previously placed in a residential commitment~~
5463 ~~program, shall be subject to sentencing under s. 775.087(2)(a),~~
5464 ~~notwithstanding s. 985.565.~~

5465 ~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~
5466 ~~1.c., shall be subject to sentencing under s. 775.087(2)(a),~~
5467 ~~notwithstanding s. 985.565.~~

5468 ~~3. Upon transfer, any child who is charged under this~~
5469 ~~paragraph, but who does not meet the requirements specified in~~
5470 ~~subparagraph 2., shall be sentenced under s. 985.565; however,~~
5471 ~~if the court imposes a juvenile sanction, the court must commit~~
5472 ~~the child to a high-risk or maximum-risk juvenile facility.~~

5473 ~~4. This paragraph shall not apply if the state attorney~~
5474 ~~has good cause to believe that exceptional circumstances exist~~
5475 ~~that preclude the just prosecution of the child in adult court.~~

5476 ~~5. The Department of Corrections shall make every~~
5477 ~~reasonable effort to ensure that any child 16 or 17 years of age~~
5478 ~~who is convicted and sentenced under this paragraph be~~
5479 ~~completely separated such that there is no physical contact with~~
5480 ~~adult offenders in the facility, to the extent that it is~~
5481 ~~consistent with chapter 958.~~

5482 Section 76. Paragraphs (a) and (b) of subsection (4) of
5483 section 985.565, Florida Statutes, are amended to read:

5484 985.565 Sentencing powers; procedures; alternatives for
 5485 juveniles prosecuted as adults.—
 5486 (4) SENTENCING ALTERNATIVES.—
 5487 (a) Adult sanctions.—
 5488 1. Cases prosecuted on indictment.—If the child is found
 5489 to have committed the offense punishable by death or life
 5490 imprisonment, the child shall be sentenced as an adult. If the
 5491 juvenile is not found to have committed the indictable offense
 5492 but is found to have committed a lesser included offense or any
 5493 other offense for which he or she was indicted as a part of the
 5494 criminal episode, the court may sentence as follows:
 5495 a. As an adult;
 5496 b. Under chapter 958; or
 5497 c. As a juvenile under this section.
 5498 2. Other cases.—If a child who has been transferred for
 5499 criminal prosecution pursuant to information or waiver of
 5500 juvenile court jurisdiction is found to have committed a
 5501 violation of state law or a lesser included offense for which he
 5502 or she was charged as a part of the criminal episode, the court
 5503 may sentence as follows:
 5504 a. As an adult;
 5505 b. Under chapter 958; or
 5506 c. As a juvenile under this section.
 5507 3. Notwithstanding any other provision to the contrary, if
 5508 the state attorney is required to file a motion to transfer and

5509 certify the juvenile for prosecution as an adult under s.
5510 985.556(3) and that motion is granted, ~~or if the state attorney~~
5511 ~~is required to file an information under s. 985.557(2)(a) or~~
5512 ~~(b)~~, the court must impose adult sanctions.

5513 4. Any sentence imposing adult sanctions is presumed
5514 appropriate, and the court is not required to set forth specific
5515 findings or enumerate the criteria in this subsection as any
5516 basis for its decision to impose adult sanctions.

5517 5. When a child has been transferred for criminal
5518 prosecution as an adult and has been found to have committed a
5519 violation of state law, the disposition of the case may include
5520 the enforcement of any restitution ordered in any juvenile
5521 proceeding.

5522 (b) Juvenile sanctions.—For juveniles transferred to adult
5523 court but who do not qualify for such transfer under s.
5524 985.556(3) ~~or s. 985.557(2)(a) or (b)~~, the court may impose
5525 juvenile sanctions under this paragraph. If juvenile sentences
5526 are imposed, the court shall, under this paragraph, adjudge the
5527 child to have committed a delinquent act. Adjudication of
5528 delinquency shall not be deemed a conviction, nor shall it
5529 operate to impose any of the civil disabilities ordinarily
5530 resulting from a conviction. The court shall impose an adult
5531 sanction or a juvenile sanction and may not sentence the child
5532 to a combination of adult and juvenile punishments. An adult
5533 sanction or a juvenile sanction may include enforcement of an

5534 order of restitution or probation previously ordered in any
5535 juvenile proceeding. However, if the court imposes a juvenile
5536 sanction and the department determines that the sanction is
5537 unsuitable for the child, the department shall return custody of
5538 the child to the sentencing court for further proceedings,
5539 including the imposition of adult sanctions. Upon adjudicating a
5540 child delinquent under subsection (1), the court may:

5541 1. Place the child in a probation program under the
5542 supervision of the department for an indeterminate period of
5543 time until the child reaches the age of 19 years or sooner if
5544 discharged by order of the court.

5545 2. Commit the child to the department for treatment in an
5546 appropriate program for children for an indeterminate period of
5547 time until the child is 21 or sooner if discharged by the
5548 department. The department shall notify the court of its intent
5549 to discharge no later than 14 days prior to discharge. Failure
5550 of the court to timely respond to the department's notice shall
5551 be considered approval for discharge.

5552 3. Order disposition under ss. 985.435, 985.437, 985.439,
5553 985.441, 985.45, and 985.455 as an alternative to youthful
5554 offender or adult sentencing if the court determines not to
5555 impose youthful offender or adult sanctions.

5556

5557 It is the intent of the Legislature that the criteria and
5558 guidelines in this subsection are mandatory and that a

5559 | determination of disposition under this subsection is subject to
5560 | the right of the child to appellate review under s. 985.534.

5561 | Section 77. Except as otherwise expressly provided in this
5562 | act and except for this section, which shall take effect upon
5563 | this act becoming a law, this act shall take effect October 1,
5564 | 2019.