



# Journal of the Senate

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## CALL TO ORDER

The Senate was called to order by President Galvano at 10:00 a.m. A quorum present—33:

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Benacquisto	Gibson	Rodriguez
Berman	Gruters	Rouson
Bracy	Harrell	Simmons
Brandes	Hooper	Stargel
Braynon	Mayfield	Stewart
Broxson	Montford	Taddeo
Cruz	Passidomo	Thurston
Diaz	Perry	Torres

Excused: Senator Book after 2:00 p.m.

## PRAYER

The following prayer was offered by Justin Wester, Associate Pastor, Canopy Roads Baptist Church, Tallahassee:

Almighty God, we come to you and pause this morning to remind ourselves and one another of our dependence upon you. You are the author of all life, including our own, the sustainer of all things big and small, and the giver of every good and perfect gift. So this morning, we thank you for the simple things—the beating of our hearts, the breath in our lungs, and the capacity to enjoy life even today. We also thank you for granting this Senate body another opportunity to gather together in service to this state and country.

Your word says that “Supplications, prayers, intercessions, and thanksgivings be made for all people, for kings and all who are in high positions,” (1 Tim. 2:1-2) so I ask for a special blessing this morning upon our Senators and Representatives, as well as their families and staff. You have appointed them for service, and oftentimes, that service comes with personal sacrifices that can go unnoticed and unappreciated. So we thank you for the many sacrifices that are made on behalf of our state’s well-being and ask that you would offer them your abundant grace as they seek to fulfill their responsibilities with integrity and honor.

You have also said that “If any of you lacks wisdom, let him ask God, who gives generously to all without reproach, and it will be given him,” (James 1:5) so we ask for wisdom during the time of deliberation and for guidance in making decisions based not on self-interest but instead on the best interest of others.

And as the Senate approaches the end of their session, I ask that you would physically strengthen their bodies and minds, encourage their spirits, and deepen their resolve to finish well. Now to him who is able to do far more abundantly than all we ask or think, according to the power at work within us, to him be glory forevermore. Amen.

## PLEDGE

Senate Pages, Harley Ramba of Tallahassee; Joe Perry of Moore Haven; and David Perry of Moore Haven, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Brence A. Sell of Tallahassee, sponsored by Senator Montford, as the doctor of the day. Dr. Sell specializes in anesthesiology.

## ADOPTION OF RESOLUTIONS

At the request of Senator Harrell—

By Senators Harrell, Mayfield, and Albritton—

**SR 1854**—A resolution commending Indian River State College on receiving the 2019 Aspen Prize for Community College Excellence, the nation’s top honor recognizing the best community colleges in America.

WHEREAS, the Aspen Institute, an educational and policy studies organization based in Washington, D.C., has awarded its highest honor, the Aspen Prize for Community College Excellence, to Indian River State College, and

WHEREAS, Indian River State College was selected for the award from among more than 1,000 state and community colleges that the Aspen Institute reviewed according to a rigorous evaluation of data, strategies, and outcomes relating to student learning and achievement, and

WHEREAS, according to the institute, Indian River State College stands out as one of the nation’s top community colleges for many reasons, including the college’s 56 percent university transfer rate, compared to the national average of 32 percent, and

WHEREAS, 94 percent of Indian River State College graduates find employment or continue their education, with 52 percent of the students going on to attain a bachelor’s degree, compared to the national average of 42 percent, and

WHEREAS, in another gauge of student success, Indian River State College’s 2017-2018 graduating class, totaling 3,951 students, was the largest in the college’s 58-year history, and

WHEREAS, the Aspen Institute also recognized Indian River State College for its exceptional access for minority students and low-income students, and the college is designated as the third most affordable college in the United States by the Department of Education, with no tuition increase in the past 6 years, and

WHEREAS, the Aspen Prize for Community College Excellence is awarded every 2 years and is generously funded by major foundation partners, and Indian River State College has been selected as a Top 10 finalist for the award in each of the past 3 program cycles, advancing in 2017 to the Aspen Prize Top 3 as a Finalist with Distinction, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Senate commends Indian River State College on receiving the 2019 Aspen Prize for Community College Excellence, the nation's top honor recognizing the best community colleges in America.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Indian River State College President Dr. Edwin Massey as a tangible token of the sentiments of the Florida Senate.

—was introduced, read, and adopted by publication.

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At the request of Senator Braynon—

By Senator Braynon—

**SR 1868**—A resolution commending the leadership, faculty, staff, and students of Miami Dade College for their long-standing commitment to excellence and for receiving the 2019 Aspen Prize for Community College Excellence.

WHEREAS, the Aspen Prize for Community College Excellence is the nation's signature recognition of high achievement and performance among state community colleges and is awarded every 2 years to colleges chosen from a field of more than 1,000 institutions nationwide, and

WHEREAS, Miami Dade College was 1 of 3 Florida College System institutions selected from among the 10 finalists for the 2019 prize, demonstrating that Miami Dade College is acknowledged as a national leader in higher education excellence, and

WHEREAS, the Aspen Institute recognized Miami Dade College's Student Achievement Initiative and Guided Pathways programs to align institutional practices and policies to student success, which have led to an overall graduation/transfer rate above the national average, with no attainment gap for students of color, who make up the majority of the student body, and

WHEREAS, over the past 50 years, Miami Dade College has admitted more than 2 million South Florida residents and ranks first nationally in the total number of degrees awarded and in the number of degrees awarded to minority students, and

WHEREAS, through innovative and trendsetting programs and academic pathways, Miami Dade College is preparing a skilled workforce ready to tackle in-demand jobs for the 21st century economy, and

WHEREAS, recent economic impact studies show that Miami Dade College, its employees, and its alumni contribute more than \$6 billion annually to the South Florida economy, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the leadership, faculty, staff, and students of Miami Dade College are commended for their long-standing commitment to excellence and for receiving the 2019 Aspen Prize for Community College Excellence.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Eduardo J. Padrón, president of Miami Dade College, as a tangible token of the sentiments of the Florida Senate.

—was introduced, read, and adopted by publication.

By direction of the President, the rules were waived and the Senate proceeded to—

## SPECIAL ORDER CALENDAR

**CS for CS for SB 34**—A bill to be entitled An act for the relief of Robert Alan Smith by Orange County; providing for an appropriation to compensate Mr. Smith for injuries and damages he sustained as a result of the negligence of an employee of Orange County; providing legislative intent regarding certain lien interests held by the state; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 34**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6517** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Torres—

**CS for HB 6517**—A bill to be entitled An act for the relief of Robert Allan Smith by Orange County; providing for an appropriation to compensate Mr. Smith for injuries and damages he sustained as a result of the negligence of an employee of Orange County; providing legislative intent regarding lien interests held by the state; providing a limitation on the payment of fees and costs; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 34** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 6517** was placed on the calendar of Bills on Third Reading.

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## SENATOR SIMMONS PRESIDING

Consideration of **SB 72** was deferred.

On motion by Senator Baxley—

**CS for SB 256**—A bill to be entitled An act relating to child protection teams; amending s. 768.28, F.S.; revising the definition of the term “officer, employee, or agent,” as it applies to immunity from personal liability in certain actions, to include any member of a child protection team established by the Department of Health in certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 256** was placed on the calendar of Bills on Third Reading.

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**CS for SB 548**—A bill to be entitled An act relating to electronic legal documents; providing directives to the Division of Law Revision; amending s. 117.01, F.S.; revising provisions relating to use of the office of notary public; amending s. 117.021, F.S.; requiring electronic signatures to include access protection; prohibiting a person from requiring a notary public to perform a notarial act with certain technology; requiring the Department of State, in collaboration with the Agency for State Technology, to adopt rules for certain purposes; amending s. 117.05, F.S.; revising limitations on notary fees to conform to changes made by the act; providing for inclusion of certain information in a jurat or notarial certificate; providing for compliance with online notarization requirements; providing for notarial certification of a printed electronic record; revising statutory forms for jurats and notarial certificates; amending s. 117.107, F.S.; providing applicability; revising prohibited acts; creating s. 117.201, F.S.; providing definitions; creating s. 117.209, F.S.; authorizing online notarizations; providing an exception; creating s. 117.215, F.S.; specifying the application of other laws in relation to online notarizations; creating s. 117.225, F.S.; specifying registration and qualification requirements for online notaries public; creating s. 117.235, F.S.; authorizing the performance of certain notarial acts; creating s. 117.245, F.S.; requiring an online notary public to keep electronic journals of online notarizations and certain audio-video

communication recordings; specifying the information that must be included for each online notarization; requiring that an online notary public retain a copy of the recording of an audio-video communication; specifying requirements for the recording; requiring an online notary public to take certain steps regarding the maintenance and security of the electronic journal; specifying that the Department of State maintains jurisdiction for a specified period of time for purposes of investigating notarial misconduct; authorizing the use of specified information for evidentiary purposes; creating s. 117.255, F.S.; specifying requirements for the use of electronic journals, signatures, and seals; requiring an online notary public to provide notification of the theft, vandalism, or loss of an electronic journal, signature, or seal; authorizing an online notary public to make copies of electronic journal entries and to provide access to related recordings under certain circumstances; authorizing an online notary public to charge a fee for making and delivering such copies; providing an exception; creating s. 117.265, F.S.; prescribing online notarization procedures; specifying the manner by which an online notary public must verify the identity of a principal or a witness; requiring an online notary public to take certain measures as to the security of technology used; specifying that an electronic notarial certificate must identify the performance of an online notarization; specifying that noncompliance does not impair the validity of a notarial act or the notarized electronic record; authorizing the use of specified information for evidentiary purposes; providing for construction; creating s. 117.275, F.S.; providing fees for online notarizations; creating s. 117.285, F.S.; specifying the manner by which an online notary public may supervise the witnessing of electronic records of online notarizations; specifying circumstances under which an instrument is voidable; specifying duties of remote online notarization service providers and online notaries public; specifying applicable law and jurisdiction regarding witnessing; creating s. 117.295, F.S.; authorizing the department to adopt rules and standards for online notarizations; providing minimum standards for online notarizations until such rules are adopted; creating s. 117.305, F.S.; superseding certain provisions of federal law regulating electronic signatures; amending s. 28.222, F.S.; requiring the clerk of the circuit court to record certain instruments; amending s. 92.50, F.S.; revising requirements for oaths, affidavits, and acknowledgments; amending s. 95.231, F.S.; providing a limitation period for certain recorded instruments; amending s. 689.01, F.S.; providing for witnessing of documents in connection with real estate conveyances; providing for validation of certain recorded documents; amending s. 694.08, F.S.; providing for validation of certain recorded documents; amending s. 695.03, F.S.; providing and revising requirements for making acknowledgments, proofs, and other documents; amending s. 695.04, F.S.; conforming provisions to changes made by the act; amending s. 695.25, F.S.; revising the statutory short form of acknowledgments to include acknowledgment by online notarization; amending s. 695.28, F.S.; providing for validity of recorded documents; conforming provisions to changes made by the act; amending s. 709.2119, F.S.; authorizing the acceptance of a power of attorney based upon an electronic journal or electronic record made by a notary public; amending s. 709.2120, F.S.; prohibiting acceptance of a power of attorney if witnessed or notarized remotely; amending s. 709.2202, F.S.; prohibiting certain authority granted through a power of attorney if witnessed or notarized remotely; amending s. 731.201, F.S.; redefining the term "will" to conform to changes made by the act; amending s. 732.506, F.S.; exempting electronic wills from provisions governing the revocation of wills and codicils; prescribing the manner by which an electronic will or codicil may be revoked; creating s. 732.521, F.S.; providing definitions; creating s. 732.522, F.S.; prescribing the manner by which an electronic will must be executed; creating s. 732.523, F.S.; specifying requirements for the self-proof of an electronic will; creating s. 732.524, F.S.; specifying requirements necessary to serve as a qualified custodian of an electronic will; creating s. 732.525, F.S.; requiring a qualified custodian to post and maintain a blanket surety bond of a specified amount and maintain liability insurance; authorizing the Attorney General to petition a court to appoint a receiver to manage electronic records of a qualified custodian; creating s. 732.526, F.S.; specifying conditions by which an electronic will is deemed to be an original will; amending s. 733.201, F.S.; requiring that self-proved electronic wills meet certain requirements for admission to probate; creating s. 740.10, F.S.; specifying that any act taken pursuant to ch. 740, F.S., does not affect the requirement that a will be deposited within a certain timeframe; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 548**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 409** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Brandes—

**CS for CS for HB 409**—A bill to be entitled An act relating to electronic legal documents; providing directives to the Division of Law Revision; amending s. 117.01, F.S.; revising provisions relating to use of the office of notary public; amending s. 117.021, F.S.; requiring electronic signatures to include access protection; prohibiting a person from requiring a notary public to perform a notarial act with certain technology; requiring the Department of State, in collaboration with the Agency for State Technology, to adopt rules for certain purposes; amending s. 117.05, F.S.; revising limitations on notary fees to conform to changes made by the act; providing for inclusion of certain information in a jurat or notarial certificate; providing for compliance with online notarization requirements; providing for notarial certification of a printed electronic record; revising statutory forms for jurats and notarial certificates; amending s. 117.107, F.S.; providing applicability; revising prohibited acts; creating s. 117.201, F.S.; providing definitions; creating s. 117.209, F.S.; authorizing online notarizations; providing an exception; creating s. 117.215, F.S.; specifying the application of other laws in relation to online notarizations; creating s. 117.225, F.S.; specifying registration and qualification requirements for online notaries public; creating s. 117.235, F.S.; authorizing the performance of certain notarial acts; creating s. 117.245, F.S.; requiring an online notary public to keep electronic journals of online notarizations and certain audio-video communication recordings; specifying the information that must be included for each online notarization; requiring that an online notary public retain a copy of the recording of an audio-video communication; specifying requirements for such recording; requiring an online notary public to take certain steps regarding the maintenance and security of the electronic journal; specifying that the Department of State maintains jurisdiction for a specified period of time for purposes of investigating notarial misconduct; authorizing the use of specified information for evidentiary purposes; creating s. 117.255, F.S.; specifying requirements for the use of electronic journals, signatures, and seals; requiring an online notary public to provide notification of the theft, vandalism, or loss of an electronic journal, signature, or seal; authorizing an online notary public to make copies of electronic journal entries and to provide access to related recordings under certain circumstances; authorizing an online notary public to charge a fee for making and delivering such copies; providing an exception; creating s. 117.265, F.S.; prescribing online notarization procedures; specifying the manner by which an online notary public must verify the identity of a principal; requiring an online notary public to take certain measures as to the security of technology used; specifying that an electronic notarial certificate must identify the performance of an online notarization; specifying that noncompliance does not impair the validity of a notarial act or the notarized electronic record; authorizing the use of specified information for evidentiary purposes; providing for construction; creating s. 117.275, F.S.; providing fees for online notarizations; creating s. 117.285, F.S.; specifying the manner by which an online notary public may supervise the witnessing of electronic records of online notarizations; specifying the circumstances under which an instrument is voidable; specifying the duties of Remote Online Notarization service providers and online notaries public; providing applicability and jurisdiction; creating s. 117.295, F.S.; authorizing the department to adopt rules and standards for online notarizations; providing minimum standards for online notarizations until such rules are adopted; requiring certain entities to provide a course for online notaries public; creating s. 117.305, F.S.; superseding certain provisions of federal law regulating electronic signatures; amending s. 28.222, F.S.; requiring the clerk of the circuit court to record certain instruments; amending s. 92.50, F.S.; revising requirements for oaths, affidavits, and acknowledgments; amending s. 95.231, F.S.; providing a limitation period for certain recorded instruments; amending s. 689.01, F.S.; providing for witnessing of documents in connection with real estate conveyances; providing for validation of certain recorded documents; amending s. 694.08, F.S.; providing for validation of certain recorded documents; amending s. 695.03, F.S.; providing and revising requirements for making acknowledgments, proofs, and other documents; amending s. 695.04, F.S.; conforming provisions to changes made by the act; amending s. 695.25, F.S.; revising the statutory short form of acknowledgments to include acknowledgment by online notarization;

amending s. 695.28, F.S.; providing for validity of recorded documents; conforming provisions to changes made by the act; amending s. 709.2119, F.S.; authorizing the acceptance of a power of attorney based upon an electronic journal or electronic record made by a notary public; amending s. 709.2120, F.S.; prohibiting acceptance of a power of attorney if witnessed or notarized remotely; amending s. 709.2202, F.S.; prohibiting certain authority granted through a power of attorney if witnessed or notarized remotely; amending s. 731.201, F.S.; redefining the term “will” to conform to changes made by the act; amending s. 732.506, F.S.; exempting electronic wills from provisions governing the revocation of wills and codicils; prescribing the manner by which an electronic will or codicil may be revoked; creating s. 732.521, F.S.; providing definitions; creating s. 732.522, F.S.; prescribing the manner by which an electronic will must be executed; creating s. 732.523, F.S.; specifying requirements for the self-proof of an electronic will; creating s. 732.524, F.S.; specifying requirements necessary to serve as a qualified custodian of an electronic will; providing the duties of such qualified custodian; creating s. 732.525, F.S.; requiring a qualified custodian to post and maintain a blanket surety bond of a specified amount and maintain liability insurance; authorizing the Attorney General to petition a court to appoint a receiver to manage electronic records of a qualified custodian; creating s. 732.526, F.S.; specifying conditions by which an electronic will is deemed to be an original will; amending s. 733.201, F.S.; requiring that self-proved electronic wills meet certain requirements for admission to probate; creating s. 740.11, F.S.; specifying that any act taken pursuant to ch. 740, F.S., does not affect the requirement that a will be deposited within a certain timeframe; providing effective dates.

—a companion measure, was substituted for **CS for SB 548** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 409** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 576**—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; adopting the Internal Revenue Code in effect on January 1, 2019; providing applicability; amending s. 220.1105, F.S.; revising definitions; deleting provisions providing for a rate adjustment; providing for refunds of certain corporate income tax receipts in a certain fiscal year; revising requirements for the Department of Revenue in making certain determinations and in refunding eligible taxpayers; amending s. 220.13, F.S.; providing for the subtraction of global intangible low-taxed income from taxable income for the purpose of determining adjusted federal income; specifying the extent to which certain amounts may be subtracted; providing applicability; creating s. 220.27, F.S.; requiring taxpayers filing returns during a certain timeframe to submit specified information to the department by certain means; defining the term “NAICS”; requiring the department, by a certain date, to create a secure online application for submitting such information; requiring certain persons to certify the information is true and correct; specifying deadlines for submitting the information; authorizing the department to perform certain audits and investigations; providing a penalty for failure to provide the information; requiring the penalty to be deposited into the General Revenue Fund; authorizing the department to settle or compromise the penalty under certain circumstances; providing for expiration; authorizing the department to adopt emergency rules; providing for expiration of the authorization; providing an appropriation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 576**, pursuant to Rule 3.11(3), there being no objection, **HB 7127** was withdrawn from the Committees on Finance and Tax; and Appropriations.

On motion by Senator Stargel—

**HB 7127**—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; adopting the Internal Revenue Code in effect on January 1, 2019; amending s. 220.1105, F.S., revising definitions; extending the period during which specified automatic refunds and downward adjustments to tax rates apply; amending s. 220.13, F.S.; revising the definition of the term “adjusted federal income” regarding additions and subtractions from taxable income; revising subtractions to be made in calculating taxable income; creating s. 220.27, F.S.; requiring the submission of certain corporate tax information to the De-

partment of Revenue; requiring the department to create a secure online application for taxpayers to use when submitting such information; providing deadlines; providing audit and investigation authority; providing for a penalty; providing for future repeal; authorizing the adoption of emergency rules; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 576** and read the second time by title.

Pursuant to Rule 4.19, **HB 7127** was placed on the calendar of Bills on Third Reading.

**CS for SB 600**—A bill to be entitled An act relating to public records; amending s. 119.0713, F.S.; exempting from public records requirements customer meter-derived data and billing information in increments of less than one billing cycle which is held by certain utilities; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 600**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 591** was withdrawn from the Committees on Innovation, Industry, and Technology; Governmental Oversight and Accountability; and Rules.

On motion by Senator Gibson—

**CS for HB 591**—A bill to be entitled An act relating to a public records; amending s. 119.0713, F.S.; exempting from public records requirements customer meter-derived data and billing information in increments of less than one billing cycle that is held by certain utilities; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 600** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 591** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 626**—A bill to be entitled An act relating to insurer guaranty associations; amending s. 631.713, F.S.; revising applicability of part III of ch. 631, F.S., as to health maintenance organizations, long-term care insurance benefits, certain health care benefits, and certain structured settlement annuity benefits; amending s. 631.716, F.S.; revising the number of members and composition of the Florida Life and Health Insurance Guaranty Association’s board of directors; specifying requirements relating to the director of the Florida Health Maintenance Organization Consumer Assistance Plan to be confirmed to the association’s board; specifying rights of the director or his or her alternate; deleting an obsolete provision; amending s. 631.717, F.S.; adding the reissuance of covered policies to a list of duties of the association relating to insolvent insurers; providing construction; specifying duties of the association as to potential long-term care insurer impairments or insolvencies, sharing information, and providing assistance to the Florida Health Maintenance Organization Consumer Assistance Plan’s board of directors; revising applicability of a specified limit on the association’s liability for the contractual obligations of an insolvent insurer; conforming a provision to changes made by the act; requiring that the Department of Financial Services, rather than a receivership court, approve certain alternative policies or contracts; authorizing the board to file directly for actuarially justified rate or premium increases; amending s. 631.718, F.S.; specifying the calculation and allocation of Class B assessments for long-term care insurance; specifying a limit on certain assessments on a member insurer or member health maintenance organization; providing that the Financial Services Commission, rather than the department, prescribes the form of a certain certificate of contribution; providing that the Office of Insurance Regulation, rather than the department, approves certain assets shown on insurer financial statements; conforming provisions to changes made by the act; amending s. 631.721, F.S.; deleting an obsolete provision; revising the requirements of the association’s plan of operation relating to long-term care insurer impairments and insolvencies; conforming a cross-reference; creating s. 631.738, F.S.; providing that certain provisions do not apply to certain member insurers and health maintenance organizations; amending s. 631.816, F.S.; adding duties of the board of

directors of the Florida Health Maintenance Organization Consumer Assistance Plan to conform to changes made by the act; amending s. 631.818, F.S.; adding to the duties of the plan to conform to changes made by the act; amending s. 631.819, F.S.; specifying requirements for long-term care insurer impairment and insolvency assessments for member health maintenance organizations; requiring the plan to issue certificates of contribution to member health maintenance organizations paying certain assessments; specifying requirements of, and the use of, such certificates; amending s. 631.820, F.S.; conforming provisions to changes made by the act; amending s. 631.821, F.S.; making a technical change; providing applicability; providing a directive to the Division of Law Revision; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 626**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 673** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on Agriculture, Environment, and General Government; and Appropriations.

On motion by Senator Brandes—

**CS for CS for HB 673**—A bill to be entitled An act relating to insurer guaranty associations; amending s. 631.713, F.S.; revising applicability of part III of ch. 631, F.S., as to health maintenance organizations, long-term care insurance benefits, certain health care benefits, and certain structured settlement annuity benefits; amending s. 631.716, F.S.; revising the number of members and composition of the Florida Life and Health Insurance Guaranty Association's board of directors; specifying requirements relating to the director of the Florida Health Maintenance Organization Consumer Assistance Plan to be confirmed to the association's board; specifying rights of the director or his or her alternate; deleting an obsolete provision; amending s. 631.717, F.S.; adding the reissuance of covered policies to a list of duties of the association relating to insolvent insurers; providing construction; specifying duties of the association as to potential long-term care insurer impairments or insolvencies, sharing information, and providing assistance to the Florida Health Maintenance Organization Consumer Assistance Plan's board of directors; revising applicability of a specified limit on the association's liability for the contractual obligations of an insolvent insurer; conforming a provision to changes made by the act; requiring that the Department of Financial Services, rather than a receivership court, approve certain alternative policies or contracts; authorizing the board to file directly for actuarially justified rate or premium increases; amending s. 631.718, F.S.; specifying the calculation and allocation of Class B assessments for long-term care insurance; specifying a limit on certain assessments on a member insurer or member health maintenance organization; conforming provisions to changes made by the act; amending s. 631.721, F.S.; deleting an obsolete provision; revising the requirements of the association's plan of operation relating to long-term care insurer impairments and insolvencies; conforming a cross-reference; creating s. 631.738, F.S.; providing applicability of certain provisions to certain health maintenance organizations; amending s. 631.816, F.S.; adding duties of the board of directors of the Florida Health Maintenance Organization Consumer Assistance Plan to conform to changes made by the act; amending s. 631.818, F.S.; adding to the duties of the plan to conform to changes made by the act; amending s. 631.819, F.S.; specifying requirements for long-term care insurer impairment and insolvency assessments for member health maintenance organizations; requiring the plan to issue certificates of contribution to member health maintenance organizations paying certain assessments; specifying requirements of, and the use of, such certificates; amending s. 631.820, F.S.; conforming provisions to changes made by the act; amending s. 631.821, F.S.; making a technical change; providing applicability of specified provisions to certain long-term care insurer impairment and insolvency assessments; providing a directive to the Division of Law Revision; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 626** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 673** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley—

**CS for HB 629**—A bill to be entitled An act relating to lottery games; creating s. 24.1056, F.S.; prohibiting the use of personal electronic devices to play, store, redeem, sell, or purchase lottery tickets or games; providing exceptions; defining the term "personal electronic device"; providing criminal penalties; amending s. 24.107, F.S.; requiring the Department of the Lottery to include a specified warning in advertisements or promotions of lottery games; providing requirements for such warning; amending s. 24.111, F.S.; requiring contracts between the department and a vendor to include a provision that requires the vendor to print a specified warning on all lottery tickets; providing requirements for such warning; providing an effective date.

—was read the second time by title.

The Committee on Rules recommended the following amendment which was moved by Senator Hutson and adopted:

**Amendment 1 (834516) (with title amendment)**—Delete lines 20-53.

And the title is amended as follows:

Delete lines 2-7 and insert: An act relating to lottery games; amending s. 24.107,

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Bradley moved the following amendment which was adopted:

**Amendment 2 (549588) (with title amendment)**—Delete lines 54-88 and insert:

Section 1. Subsection (3) is added to section 24.107, Florida Statutes, to read:

24.107 Advertising and promotion of lottery games.—

(3) *Beginning January 1, 2020, every advertisement or promotion of lottery games under this chapter shall include a warning that meets all of the following requirements:*

(a) *If on television, on the Internet, or in any other electronic medium, appear in black font on a white background and occupy at least 10 percent of the surface area of the advertisement or promotion.*

(b) *If in print, including in a newspaper, in a magazine, or on a billboard, appear in prominent text and occupy at least 10 percent of the surface area of the advertisement or promotion.*

(c) *If on radio, be audibly announced at the conclusion of the advertisement or promotion.*

(d) *Contain one of the following messages, with each message appearing in an equal number of advertisements and promotions:*

1. "WARNING: LOTTERY GAMES MAY BE ADDICTIVE."; or
2. "PLAY RESPONSIBLY."

Section 2. Subsection (8) is added to section 24.111, Florida Statutes, to read:

24.111 Vendors; disclosure and contract requirements.—

(8) *Beginning January 1, 2020, all contracts subject to this section shall contain a provision that requires the vendor to place or print a warning on every lottery ticket sold under this chapter. The required warning must meet all of the following requirements:*

(a) *Appear in prominent text on the front side of each lottery ticket.*

(b) *Occupy at least 10 percent of the total face of the lottery ticket.*

(c) *Contain one of the following messages, with each message appearing on an equal number of lottery tickets:*

1. "WARNING: LOTTERY GAMES MAY BE ADDICTIVE."; or

## 2. "PLAY RESPONSIBLY."

(d) *Appear on every lottery ticket printed on or after January 1, 2021, pursuant to this chapter.*

And the title is amended as follows:

Delete line 13 and insert: include a provision that requires the vendor to place or print

Pursuant to Rule 4.19, **CS for HB 629**, as amended, was placed on the calendar of Bills on Third Reading.

**SB 720**—A bill to be entitled An act relating to the renaming of Florida College System institutions; amending s. 1000.21, F.S.; changing the name of "Florida Keys Community College" to "The College of the Florida Keys"; changing the name of "North Florida Community College" to "North Florida College"; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 720**, pursuant to Rule 3.11(3), there being no objection, **HB 525** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Flores—

**HB 525**—A bill to be entitled An act relating to the renaming of Florida College System institutions; amending s. 1000.21, F.S.; changing the name of "Florida Keys Community College" to "The College of the Florida Keys"; changing the name of "North Florida Community College" to "North Florida College"; providing an effective date.

—a companion measure, was substituted for **SB 720** and read the second time by title.

Pursuant to Rule 4.19, **HB 525** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 898**—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; conforming provisions to changes made by the act; amending s. 112.3144, F.S.; deleting an obsolete provision; requiring members of certain authorities to comply with certain financial disclosure requirements; amending s. 215.68, F.S.; conforming provisions to changes made by the act; reviving, re-enacting, and amending s. 319.141, F.S.; redefining the term "rebuilt inspection services"; revising requirements related to the Pilot Rebuilt motor vehicle inspection program; providing requirements for participants; providing rulemaking authority; providing reporting requirements; providing for future repeal of the program; amending s. 334.175, F.S.; requiring the Department of Transportation to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; providing requirements for proposed projects; amending s. 338.165, F.S.; deleting cross-references; amending s. 338.166, F.S.; limiting the toll rate for high-occupancy toll lanes or express lanes in certain counties; requiring a certain report; amending s. 339.175, F.S.; revising the membership of the metropolitan planning organization in certain counties; prohibiting the metropolitan planning organization in such counties from charging a certain fee; amending s. 343.1003, F.S.; revising a cross-reference; repealing part I of chapter 348, F.S., relating to the creation and operation of the Florida Expressway Authority Act; creating part I of Ch. 348, F.S.; titled "Greater Miami Expressway Agency"; creating s. 348.0301, F.S.; providing a short title; creating s. 348.0302, F.S.; providing applicability; creating s. 348.0303, F.S.; providing definitions; creating s. 348.0304, F.S.; creating the Greater Miami Expressway Agency; providing for membership on the governing body of the agency; providing restrictions on membership; providing for executive officers; providing quorum requirements; requiring the initial meeting of the governing body by a date certain; requiring an oath of office; authorizing certain employees; authorizing the delegation of certain functions; providing that members of the agency are not entitled

to compensation, but are entitled to specified expenses; creating 348.0305, F.S.; providing ethics requirements for the agency; providing that a specified chapter in law is applicable; prohibiting lobbyists from serving on the governing body; prohibiting persons with certain interests from being appointed to the governing body; providing certain prohibitions for members and employees of the agency; providing certain post-employment restrictions; requiring an ethics officer; prohibiting the use of specified positions for certain purposes; providing disclosure requirements; requiring specified policies and training; providing applicability; providing penalties; creating s. 348.0306, F.S.; providing agency purposes and powers; requiring the construction of expressways; providing specified powers of the agency; prohibiting an increase in toll rates until a specified date; requiring a supermajority vote for an increase in toll rates; providing a limit to administrative costs; requiring the Florida Transportation Commission to determine average administrative costs; requiring a minimum distance between tolling points; providing that the change in distances may be revenue neutral; providing reimbursement and refund requirements; providing requirements for agency projects; requiring certain written consent for the use or pledge of county gasoline tax funds; providing requirements for the filing of certain reports or documentation; prohibiting construction by the agency under certain circumstances; requiring an annual financial audit and audit report, subject to certain requirements; creating s. 348.0307, F.S.; creating the Florida Sunshine Rebate Program; requiring the agency to provide specified rebates to specified SunPass holders; providing for automatic eligibility; providing for an opt-out provision; creating s. 348.0308, F.S.; providing a legislative declaration; authorizing the agency to enter into certain public-private partnership agreements; authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the agency to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, operation, and maintenance of transportation projects by the agency or private entities; providing construction; creating s. 348.0309, F.S.; authorizing the agency to have bonds issued as provided in the State Bond Act; authorizing the agency to issue its own bonds; providing requirements for the issuance of such bonds; requiring the sale of bonds at a public sale; providing an exception; requiring Legislative approval of certain indebtedness; creating s. 348.0310, F.S.; providing the Department of Transportation may be appointed as an agent of the agency for construction; requiring the agency to provide specified documents to the department; creating s. 348.0311, F.S.; authorizing the authority to acquire land and property; authorizing specified persons to enter upon specified properties; providing for eminent domain authority; prohibiting certain liability of the agency; authorizing certain interagency agreements between the agency and the Department of Environmental Protection; creating s. 348.0312, F.S.; authorizing cooperation with other units of government and individuals; creating s. 348.0313, F.S.; providing a covenant of the state that it will not change certain laws; creating s. 348.0314, F.S.; providing an exemption from taxation; creating s. 348.0315, F.S.; requiring specified documents to be posted on the agency's website; requiring a certain report; creating s. 348.0316, F.S.; providing that specified bonds or obligations are eligible investments for certain purposes; creating s. 348.0317, F.S.; providing that specified pledges are enforceable by bondholders; creating s. 348.0318, F.S.; providing additional authority; transferring the assets and liabilities of the Miami-Dade County Expressway Authority to the Greater Miami Expressway Agency; providing terms of the transfer; providing that the agency succeeds to all powers of the authority; providing that revenues collected on the expressway system are agency revenues; requiring the agency, in consultation with the Division of Bond Finance, to review certain documents of the agency; providing terms and conditions of the transfer; providing for the dissolution of the Miami-Dade County Expressway Authority; creating ss. 348.635 and 348.7605, F.S.; providing a legislative declaration; authorizing the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority, respectively, to enter into public-private partnership agreements; authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the authorities to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, opera-

tion, and maintenance of transportation projects by the authorities or private entities; providing construction; repealing part V of ch. 348, F.S., relating to the Osceola County Expressway Authority Law; requiring the Office of Program Policy Analysis and Government Accountability to submit a certain report; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 898**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 385** was withdrawn from the Committees on Infrastructure and Security; and Appropriations.

On motion by Senator Diaz—

**CS for CS for CS for HB 385**—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; conforming provisions to changes made by the act; amending s. 112.3144, F.S.; deleting an obsolete provision; requiring members of certain authorities and agencies to comply with certain financial disclosure requirements; amending s. 212.055, F.S.; revising the authorized uses of proceeds from charter county and regional transportation system surtaxes; requiring certain counties to use surtax proceeds for purposes related to fixed guideway rapid transit systems, bus systems, and development of dedicated facilities for autonomous vehicles; authorizing the use of surtax proceeds for the purchase of rights-of-way under certain circumstances; authorizing the use of surtax proceeds for refinancing existing bonds; authorizing the use of surtax proceeds for operations and maintenance on specified projects initiated after a certain date; authorizing a percentage of surtax proceeds to be distributed to certain municipalities to be used for certain purposes; amending s. 215.68, F.S.; conforming provisions to changes made by the act; reviving, reenacting, and amending s. 319.141, F.S.; revising the definition of the term “rebuilt inspection services”; revising provisions relating to the rebuilt motor vehicle inspection program; revising participant duties and responsibilities; revising location and insurance requirements; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; requiring a report to the Legislature; amending s. 334.175, F.S.; requiring the Department of Transportation to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; amending s. 338.165, F.S.; deleting cross-references; amending s. 338.166, F.S.; requiring the department to submit an annual report to a certain metropolitan planning organization relating to collection and use of tolls; amending s. 339.175, F.S.; revising the membership of the metropolitan planning organization in certain counties; prohibiting the metropolitan planning organization in such counties from assessing certain fees; amending s. 343.1003, F.S.; revising a cross-reference; repealing part I of chapter 348, F.S., relating to the creation and operation of the Florida Expressway Authority Act; creating part I of ch. 348, F.S., titled “Greater Miami Expressway Agency”; creating s. 348.0301, F.S.; providing a short title; creating s. 348.0302, F.S.; providing applicability; creating s. 348.0303, F.S.; providing definitions; creating s. 348.0304, F.S.; creating the Greater Miami Expressway Agency; providing for membership on the governing body of the agency; requiring the initial meeting of the governing body by a date certain; requiring an oath of office; authorizing the governing body to employ certain officers and staff; authorizing the delegation of certain functions; providing requirements for employment with the agency; requiring the governing body to conduct a nationwide search in the hiring of an executive director of the agency; providing that members of the governing body are not entitled to compensation but are entitled to per diem and travel expenses; creating s. 348.0305, F.S.; providing ethics requirements for the agency; providing applicability of certain provisions; providing definitions; prohibiting certain persons from being appointed to the governing body of the agency; providing certain prohibitions for members and employees of the agency after vacation of their positions; providing disclosure requirements; providing that violation of certain provisions are considered violation of official, employment, or contractual duties; requiring certain ethics training; providing application and enforcement; creating s. 348.0306, F.S.; providing agency purposes and powers; requiring the agency to construct expressways; providing construction requirements; prohibiting an increase in toll rates until a specified date; requiring the Department of Transportation to review the financial viability of specified projects; requiring a supermajority vote for an increase in toll rates;

providing a limit to administrative costs; requiring the Florida Transportation Commission to determine average administrative costs; requiring a minimum distance between tolling points; authorizing establishment of specified toll rates; providing agency responsibilities regarding reimbursement of certain county gasoline tax funds; providing project approval requirements; requiring an annual financial audit of the agency; creating s. 348.0307, F.S.; creating the Florida Sunshine Rebate Program; requiring the agency to provide specified rebates to specified SunPass holders; providing a goal for the amount of rebates; requiring review and adjustment of such rebate; creating s. 348.0308, F.S.; providing a legislative declaration; authorizing the agency to enter into public-private partnership agreements; authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the agency to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, operation, and maintenance of transportation projects by the agency or private entities; providing construction; creating s. 348.0309, F.S.; authorizing the agency to have bonds issued as provided in the State Bond Act; authorizing the agency to issue its own bonds; providing requirements for the issuance of such bonds; requiring the sale of bonds at a public sale; providing an exception; providing that bonds are negotiable instruments under certain provisions of law; requiring approval by the Legislative Budget Commission for certain projects, buildings, or facilities and any refinancing thereof; creating s. 348.0310, F.S.; authorizing the department to be appointed as an agent of the agency for construction purposes; requiring the agency to provide specified documents and funding to the department; creating s. 348.0311, F.S.; authorizing the agency to acquire lands and property; authorizing specified persons to enter upon specified properties; providing notice requirements; requiring the agency to make reimbursement for damages to such properties; requiring such entry to comply with certain provisions; providing for eminent domain authority; providing construction; authorizing interagency agreements with the Department of Environmental Protection for certain purposes; creating s. 348.0312, F.S.; authorizing agency cooperation with other units of government and individuals; creating s. 348.0313, F.S.; providing a covenant of the state that it will not limit certain rights or powers; creating s. 348.0314, F.S.; exempting the agency from taxation; providing an exception; creating s. 348.0315, F.S.; requiring specified information to be posted on the agency’s website; requiring a report; creating s. 348.0316, F.S.; providing that specified bonds or obligations are eligible investments for certain purposes; creating s. 348.0317, F.S.; providing that specified pledges are enforceable by bondholders; creating s. 348.0318, F.S.; providing that certain provisions constitute complete and additional authority; providing construction; transferring the assets and liabilities of the Miami-Dade County Expressway Authority to the Greater Miami Expressway Agency; providing terms of the transfer; providing that the agency succeeds to all powers of the authority; providing that revenues collected on the expressway system are agency revenues; requiring the agency, in consultation with the Division of Bond Finance, to review certain documents of the authority; providing terms and conditions of the transfer; requiring a financial report by the Auditor General; authorizing consultation with bond counsel for specified purposes; providing for the dissolution of the Miami-Dade County Expressway Authority; creating ss. 348.635 and 348.7605, F.S.; providing a legislative declaration; authorizing the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority to enter into public-private partnership agreements; authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the authorities to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, operation, and maintenance of transportation projects by the authorities or private entities; providing construction; repealing part V of ch. 348, F.S., relating to the Osceola County Expressway Authority Law; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 898** and read the second time by title.

Senator Diaz moved the following amendment:

**Amendment 1 (869784) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(2)

(b) The commission shall:

1. Recommend major transportation policies for the Governor's approval and assure that approved policies and any revisions are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Governor and the Legislature methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to this state's changing economic and demographic development patterns. The initial report by the commission must be delivered to the Governor and the Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain experts as necessary to carry out this subparagraph, and the department shall pay the expenses of the experts.

8. Monitor the efficiency, productivity, and management of the *agencies and* authorities created under chapters 348 and 349, ~~including any authority formed using part I of chapter 348;~~ the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; and any authority formed under chapter 343. The commission shall also conduct periodic reviews of each *agency's and* authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

Section 2. Subsection (1) of section 112.3144, Florida Statutes, is amended to read:

112.3144 Full and public disclosure of financial interests.—

(1)(a) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics. Additionally, ~~beginning January 1, 2015,~~ an officer who is required to complete annual ethics training pursuant to s. 112.3142 must certify on his or her full and public disclosure of financial interests that he or she has completed the required training.

(b) A member of an expressway authority, transportation authority, bridge authority, toll authority, or expressway agency created pursuant to chapter 343, chapter 348, or any other general law shall comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution.

Section 3. Effective October 1, 2022, paragraph (d) of subsection (1) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.—

(d)1. *Except as set forth in subparagraph 2.,* proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate:

a.1. Deposited by the county in the trust fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, on-demand transportation services, and related costs of a fixed guideway rapid transit system;

b.2. Remitted by the governing body of the county to an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, for the operation and maintenance of on-demand transportation services, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges;

~~3. Used by the county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for nontransit uses; and~~

c.4. Used by the county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; for the planning, development, construction, *expansion,* operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the county may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph. Any county that has entered into interlocal agreements for distribution of proceeds to one or more municipalities in the county shall revise such interlocal agreements no less than every 5 years in order to include any municipalities that have been created since the prior interlocal agreements were executed.



2.a. To the extent not prohibited by contracts or bond covenants in effect on that date, a county as defined in s. 125.011(1) shall use proceeds from the surtax only for the following purposes:

(I) The planning, design, engineering, or construction of fixed guideway rapid transit systems, rail systems, and bus systems, including bus rapid transit systems, and for the development of dedicated facilities for autonomous vehicles as defined in s. 316.003.

(II) The acquisition of rights-of-way for fixed guideway rapid transit systems, rail systems, and bus systems, including bus rapid transit systems, and for the development of dedicated facilities for autonomous vehicles as defined in s. 316.003.

(III) The purchase of buses or other capital costs for bus systems, including bus rapid transit systems.

(IV) The payment of principal and interest on bonds previously issued related to fixed guideway rapid transit systems, rail systems, or bus systems.

(V) As security by the governing body of the county to refinance existing bonds or to issue new bonds for the planning, design, engineering, or construction of fixed guideway rapid transit systems, rail systems, bus rapid transit systems, or bus systems.

(VI) For operations and maintenance on projects where service is initiated after October 1, 2019, and which are funded, in whole or in part, by federal or state funds.

b. To the extent not prohibited by contracts or bond covenants in effect on October 1, 2022, no more than 25 percent of the surtax proceeds may be distributed to municipalities in total in a county as defined in s. 125.011(1). Such municipalities may use the surtax proceeds to plan, develop, construct, operate, and maintain roads and bridges in the municipality and to pay the principal and interest on bonds issued to construct roads or bridges. The governing body of the municipality may pledge the proceeds for bonds issued to refinance existing bonds or new bonds issued to construct such roads or bridges. Additionally, each such municipality may use surtax proceeds for transit systems within the municipality.

Section 4. Subsection (2) of section 215.68, Florida Statutes, is amended to read:

215.68 Issuance of bonds; form; maturity date, execution, sale.—

(2) Such bonds may:

(a) Be issued in either coupon form or registered form or both;

(b) Have such date or dates of issue and such maturities, not exceeding in any event 40 years from the date of issuance thereof;

(c) Bear interest at a rate or rates not exceeding the interest rate limitation set forth in s. 215.84(3);

(d) Have such provisions for registration of coupon bonds and conversion and reconversion of bonds from coupon to registered form or from registered form to coupon form;

(e) Have such provisions for payment at maturity and redemption before ~~prior to~~ maturity at such time or times and at such price or prices; and

(f) Be payable at such place or places within or without the state as the board shall determine by resolution.

~~The foregoing terms and conditions do not supersede the limitations provided in chapter 348, part I, relating to the issuance of bonds.~~

Section 5. Notwithstanding the repeal of section 319.141, Florida Statutes, which occurred on July 1, 2018, that section is revived, re-enacted, and amended to read:

319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

(a) “Facility” means a rebuilt motor vehicle inspection facility authorized and operating under this section.

(b) “Rebuilt inspection services” means an examination of a rebuilt vehicle and a properly endorsed certificate of title, salvage certificate of title, or manufacturer’s statement of origin and an application for a rebuilt certificate of title, a rebuilder’s affidavit, a photograph of the junk or salvage vehicle taken before repairs began, *if available, a photograph of the interior driver and passenger sides of the vehicle if airbags were previously deployed and replaced*, receipts or invoices for all major component parts, as defined in s. 319.30, and repairs which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

(2) ~~By October 1, 2019~~ ~~July 1, 2015~~, the department shall ~~implement~~ ~~oversee~~ a pilot program in Miami-Dade County to ~~evaluate alternatives~~ for rebuilt inspection services offered by ~~existing~~ private sector participants ~~operators, including the continued use of private facilities, the~~ ~~cost impact to consumers, and the potential savings to the department.~~

(3) ~~Upon selection by the department, each participant shall enter into~~ ~~The department shall establish~~ a memorandum of understanding with the department that allows such participant ~~private parties participating in the pilot program~~ to conduct rebuilt motor vehicle inspections and specifies requirements for oversight, bonding and insurance, procedures, and forms and requires the electronic transmission of documents. *The department may examine all records pertaining to any inspection or related service performed under the rebuilt motor vehicle inspection program.*

(4) Before a participant ~~an applicant~~ is authorized to perform such rebuilt inspection services ~~approved~~, the department shall ensure that the participant ~~applicant~~ meets basic criteria designed to protect the public. At a minimum, the participant ~~applicant~~ shall meet all of the following requirements:

(a) Have and maintain a surety bond or irrevocable letter of credit in the amount of \$100,000 executed in favor of the department. *Such surety bond or letter of credit shall be issued by entities licensed to do business in this state* ~~by the applicant.~~

(b) Secure and maintain a facility at a permanent *fixed* structure, *as evidenced by proof of ownership or written lease* at an address recognized by the United States Postal Service where the only services provided on such property are rebuilt inspection services. *The facility must have permanent signage which advertises that only private rebuilt inspection services are provided at that location; posted business hours; a designated office area and customer waiting area; a rebuilt inspection area separate and visually obstructed from any area accessible to the customer; surveillance cameras with recording capabilities for the rebuilt inspection areas; and sufficient onsite customer parking. The location must be large enough to accommodate all of the vehicles being inspected and have a covered area to accommodate at least two vehicles during inclement weather. The participant* ~~operator of a facility~~ shall annually attest that he or she *does not have a direct or indirect interest in any motor vehicle that a facility has inspected or proposes to inspect; he or she is not employed by or does not have an ownership interest in or other financial arrangement with the owner, operator, manager, or employee of a motor vehicle repair shop as defined in s. 559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a towing company, a vehicle storage company, a vehicle auction, an insurance company, a salvage yard, a metal retailer, or a metal rebuilder; from which he or she receives remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services; there have been no changes to the ownership structure of the approved facility; and the only services being provided by such participant at the facility are rebuilt inspection services. Only a participant selected and approved by the department may charge or receive a fee for providing or facilitating such services.*

(c) Have and maintain garage liability *with a minimum of \$100,000 single-limit liability coverage including bodily injury and property damage protection and any other insurance required by the department.*

(d) Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility *that demonstrate that such persons have not have been convicted of a felony, pled guilty to a felony, pled nolo contendere to a felony, or been incarcerated for a felony in the previous 10 years.*

(e) Meet any additional criteria the department determines necessary to conduct proper inspections.

(5) *A participant may not conduct an inspection of a vehicle in complete rebuilt condition without prior approval by the department. A person or entity other than the department or a participant authorized by the department may not conduct rebuilt inspection services.*

(6)(5) A participant in the program shall access vehicle and title information and enter inspection results through an electronic filing system authorized by the department and shall maintain records of each rebuilt vehicle inspection processed at such facility for at least 5 years.

(7) *A vehicle owner who fails an initial rebuilt inspection may only have that vehicle reinspected by the department or the facility that conducted the original inspection.*

(8)(6) The department shall conduct an onsite facility inspection at least once per quarter and shall immediately terminate any participant operator from the program who fails to meet the minimum eligibility requirements specified in subsection (4). Before a change in ownership of a rebuilt inspection facility, the current operator must give the department 45 days' written notice of the intended sale or transfer. The prospective owner must meet the eligibility requirements of this section and execute a new memorandum of understanding with the department before operating the facility.

(9) *The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce this section.*

(10) *On or before July 1, 2021, the department shall submit a written report to the President of the Senate and the Speaker of the House of Representatives evaluating the effectiveness of the program and whether to expand the program to other counties.*

~~(7) This section is repealed on July 1, 2018, unless saved from repeal through reenactment by the Legislature.~~

Section 6. Section 334.175, Florida Statutes, is amended to read:

334.175 Certification of project design plans and surveys.—

(1) All design plans and surveys prepared by or for the department shall be signed, sealed, and certified by the professional engineer or surveyor or architect or landscape architect in responsible charge of the project work. Such professional engineer, surveyor, architect, or landscape architect must be duly registered in this state.

(2) *For portions of transportation projects on, under, or over a department-owned right-of-way, and regardless of funding source, the department shall review the project's design plans for compliance with departmental design standards.*

Section 7. Subsection (1) of section 337.025, Florida Statutes, is amended to read:

337.025 Innovative transportation ~~highway~~ projects; department to establish program.—

(1) The department ~~is authorized to~~ establish a program for transportation ~~highway~~ projects demonstrating innovative techniques of highway and bridge design, construction, maintenance, and finance which have the intended effect of measuring resiliency and structural integrity and controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway and bridge design, construction, and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, ~~before~~ *prior to* using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community

are anticipated to receive. The department may enter into no more than \$120 million in contracts annually for the purposes authorized by this section.

Section 8. Subsections (2) and (5) of section 338.165, Florida Statutes, are amended to read:

338.165 Continuation of tolls.—

(2) If the revenue-producing project is on the State Highway System, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the revenue-producing project is located, ~~except as provided in s. 348.0004.~~

(5) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located, ~~except as provided in s. 348.0004.~~

Section 9. Paragraph (d) of subsection (3) and paragraph (f) of subsection (6) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(3) VOTING MEMBERSHIP.—

(d) Any other provision of this section to the contrary notwithstanding, any county *as defined in s. 125.011(1)* ~~chartered under s. 6(c), Art. VIII of the State Constitution~~ may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(f)1. The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

2. *In a county as defined in s. 125.011(1), the M.P.O. may not assess any fees for municipalities, counties, or other governmental entities that are members of the M.P.O.*

Section 10. Subsection (6) of section 343.1003, Florida Statutes, is amended to read:

343.1003 Northeast Florida Regional Transportation Commission.—

(6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(c)~~, members of the board shall file a statement of financial ~~interests~~ *interest* with the Commission on Ethics pursuant to s. 112.3145.

Section 11. *Part I of chapter 348, Florida Statutes, consisting of sections 348.0001, 348.0002, 348.0003, 348.0004, 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011, 348.00115, and 348.0012, is repealed.*

Section 12. Part I of chapter 348, Florida Statutes, consisting of sections 348.0301, 348.0302, 348.0303, 348.0304, 348.0305, 348.0306,

348.0307, 348.0308, 348.0309, 348.0310, 348.0311, 348.0312, 348.0313, 348.0314, 348.0315, 348.0316, 348.0317, and 348.0318, Florida Statutes, is created to read:

CHAPTER 348  
EXPRESSWAY AND BRIDGE AUTHORITIES  
PART I  
GREATER MIAMI EXPRESSWAY AGENCY

348.0301 *Short title.*—This part may be cited as the “Greater Miami Expressway Agency Act.”

348.0302 *Applicability.*—This part applies only to a county as defined in s. 125.011(1).

348.0303 *Definitions.*—As used in this part, the term:

(1) “Agency” means the body politic, corporate, and agency of the state created by this part.

(2) “Agency of the state” means and includes the state and any department of, or corporation, agency, or instrumentality created, designated, or established by, the state.

(3) “Bonds” means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which the agency issues pursuant to this part.

(4) “County” means a county as defined in s. 125.011(1).

(5) “County gasoline tax funds” means all of the 80-percent surplus gasoline tax funds accruing in each year to the department for use within the geographic boundaries of the agency under s. 9, Art. XII of the State Constitution, after the deduction of any amounts of such gasoline tax funds heretofore pledged by the department or a county for outstanding obligations.

(6) “Department” means the Department of Transportation.

(7) “Express written consent” means prior express written consent given in the form of a resolution adopted by a board of county commissioners.

(8) “Expressway” means a street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. An expressway may be a facility from which trucks, buses, and other commercial vehicles are excluded or may be a facility open to use by all customary forms of street and highway traffic.

(9) “Expressway system” means any and all expressways not owned by the department which fall within the geographic boundaries of the agency established pursuant to this act and appurtenant facilities thereto, including but not limited to, all approaches, roads, bridges, and avenues of access for such expressway. The term includes a public transportation facility.

(10) “Federal agency” means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality created, designated, or established by, the United States.

(11) “Members” means the governing body of the agency, and the term “member” means one of the individuals constituting such governing body.

(12) “Public transportation facility” means real and personal property, structures, improvements, buildings, personnel, equipment, plants, vehicle parking or other facilities, rights-of-way, or any combination thereof used or useful for the purposes of transporting passengers by means of a street railway, elevated railway or guideway, subway, motor vehicle, motor bus, or any bus or other means of conveyance operating as a common carrier.

348.0304 *Greater Miami Expressway Agency.*—

(1) *There is hereby created and established a body politic and corporate, an agency of the state, to be known as the “Greater Miami Expressway Agency.”*

(2)(a) *The governing body of the agency shall consist of nine voting members. Except for the district secretary of the department, each member must be a permanent resident of the county and may not hold, or have held in the previous 2 years, elected or appointed office in the county. Each member may only serve two terms of 4 years each. Three members shall be appointed by the Governor. Two members, who must be residents of an unincorporated portion of the county residing within 15 miles of an area with the highest amount of agency toll roads, shall be appointed by the board of county commissioners of the county. Three members, who must be residents of incorporated municipalities within the county, shall be appointed by the metropolitan planning organization for the county. The district secretary of the department serving in the district that contains the county shall serve as an ex officio voting member of the governing body.*

(b) *Initial appointments to the governing body of the agency shall be made by July 31, 2019. For the initial appointments:*

1. *The Governor shall appoint one member for a term of 2 years, one member for a term of 3 years, and one member for a term of 4 years.*

2. *The board of county commissioners shall appoint one member for a term of 1 year and one member for a term of 3 years.*

3. *The metropolitan planning organization shall appoint one member for a term of 1 year, one member for a term of 2 years, and one member for a term of 4 years.*

(c) *Persons who, on or after July 1, 2009, were members of the governing body or employees of the former Miami-Dade County Expressway Authority may not be appointed members of the governing body of the agency. This paragraph does not apply to appointments to the governing body of the agency made by the Governor or to the district secretary of the department serving in an ex officio role pursuant to paragraph (a).*

(3)(a) *The governing body of the agency shall elect one of its members as chair and shall elect a secretary and a treasurer who need not be members of the governing body. The chair, secretary, and treasurer shall hold their offices at the will of the governing body. A simple majority of the governing body constitutes a quorum, and the vote of a majority of those members present is necessary for the governing body to take any action. A vacancy shall not impair the right of a quorum of the governing body to exercise all of the rights and perform all of the duties of the governing body.*

(b) *Upon the effective date of his or her appointment, or as soon thereafter as practicable, each member of the governing body of the agency shall enter upon his or her duties. The governing body’s initial board meeting must take place within 15 days after the initial appointments.*

(c) *Each member of the governing body of the agency, before entering upon his or her official duties, shall take and subscribe to an oath before some official authorized by law to administer oaths that he or she will honestly, faithfully, and impartially perform the duties devolving upon him or her in office as a member of the governing body and that he or she will not neglect any duties imposed upon him or her by this part.*

(4)(a) *The governing body of the agency may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, and such engineers and employees, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation of such persons, firms, or corporations. The governing body may employ a fiscal agent or agents; however, the governing body must solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The governing body may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the governing body. Members of the governing body may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.*

(b) *Employees of the agency shall serve at the pleasure of the governing body of the agency. The governing body of the agency shall review*

the employment of all employees of the former Miami-Dade County Expressway Authority to determine whether each employee will continue employment with the agency. In the hiring of an executive director of the agency, the governing body of the agency shall conduct a nationwide search in order to identify the most qualified candidate.

(5) The members of the governing body of the agency shall not be entitled to compensation but shall be entitled to receive per diem and travel expenses as provided in s. 112.061.

348.0305 Ethics requirements.—

(1) Notwithstanding any other provision of law to the contrary, members and employees of the agency are subject to part III of chapter 112. As used in this section, the term:

- (a) “Agency” means the Greater Miami Expressway Agency.
- (b) “Lobby” means to seek to influence the agency, on behalf of another person, with respect to a decision of the agency in an area of policy or procurement or to attempt to obtain the goodwill of an officer, employee, or consultant of the agency. The term does not include representing a client in any stage of applying for or seeking approval of any administrative action, or opposition to such action, provided such action does not require legislative discretion and is subject to judicial review by petitioning for writ of certiorari.
- (c) “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, to lobby or a person who is principally employed for governmental affairs by another person or entity to lobby on behalf of such person or entity. The term does not include a person who:
1. Represents a client in a judicial proceeding or in a formal administrative proceeding before the agency.
  2. Is an officer or employee of any governmental entity acting in the normal course of his or her duties.
  3. Consults under contract with the agency and communicates with the agency regarding issues related to the scope of services in his or her contract.
  4. Is an expert witness who is retained or employed by an employer, principal, or client to provide only scientific, technical, or other specialized information provided in agenda materials or testimony only in public hearings, provided the expert identifies such employer, principal, or client at such hearing.
  5. Seeks to procure a contract that is less than \$20,000 or a contract pursuant s. 287.056.

- (d) “Officer” means a member of the governing body of the agency.
- (e) “Principal” has the same meaning as in s. 112.3215.
- (f) “Relative” has the same meaning as in s. 112.312.

(2)(a) A lobbyist may not be appointed or serve as a member of the governing body of the agency.

(b) A person may not be appointed or serve as an officer if that person currently represents or has in the previous 4 years lobbied the agency or the former Miami-Dade County Expressway Authority.

(c) A person may not be appointed or serve as an officer if that person has in the previous 4 years done business, or been an employee of a person or entity that has done business, with the agency or the former Miami-Dade County Expressway Authority.

(d) A person may not be appointed or serve as an officer if that person has in the previous 2 years been an employee of the agency.

(3) An officer, employee, or consultant of the agency or of the former Miami-Dade County Expressway Authority may not, for a period of 4 years after vacation of his or her position with the agency:

- (a) Lobby the agency.

(b) Have an employment or contractual relationship with a business entity in connection with a contract in which the officer, employee, or consultant personally and substantially participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while he or she was an officer, employee, or consultant of the agency. When an agency employee’s position is eliminated and his or her former duties are performed by the business entity, this paragraph does not prohibit him or her from employment or a contractual relationship with the business entity if the employee’s participation in the contract was limited to recommendation, rendering of advice, or investigation and if the executive director of the agency determines that the best interests of the agency will be served thereby and provides prior written approval for the particular employee.

(c) Have or hold any employment or contractual relationship with a business entity in connection with any contract for contractual services which was within his or her responsibility while an officer, employee, or consultant. If an agency employee’s position is eliminated and his or her former duties are performed by the business entity, this paragraph may be waived by the executive director of the agency through prior written approval for the particular employee if the executive director determines that the best interests of the agency will be served thereby.

(4) Each officer, employee, and consultant of the agency must promptly disclose:

(a) Every relationship that may create a conflict between his or her private interests and the performance of his or her duties to the agency or that would impede the full and faithful discharge of his or her duties to the agency.

(b) Any relative and any employment or contractual relationship of such relative which, if held by the officer, employee, or consultant, would violate any provision of s. 112.313.

(c) Any relative who is a lobbyist and such lobbyist’s principal.

(d) Any direct or indirect interest in real property and such interest of any relative if such property is located within one-half mile of any actual or prospective agency project. The executive director of the agency shall provide a corridor map and a property ownership list reflecting the ownership of all real property within the disclosure area, or an alignment map with a list of associated owners, to all officers, employees, and consultants.

(5) The disclosures required under subsection (4) must be filed with the agency general counsel in the manner specified by the general counsel. When the disclosure is filed by the general counsel, a copy must be provided to the executive director of the agency.

(6) A violation of this section shall be considered a violation of the violator’s official, employment, or contractual duties to the agency.

(7) Officers, employees, and consultants of the agency shall be adequately informed and trained on the provisions of this section and the state code of ethics and shall receive ongoing ethics training.

(8) The state code of ethics shall apply to officers, employees, and consultants of the agency, and this section shall be enforced by the Commission on Ethics as part of the state code of ethics.

348.0306 Purposes and powers.—

(1)(a) The agency created and established pursuant to this act may acquire, hold, construct, improve, maintain, operate, and own an expressway system.

(b) The agency, in the construction of an expressway system, shall construct expressways. Construction of an expressway system may be completed in segments, phases, or stages in a manner that will permit the expansion of these segments, phases, or stages to the desired expressway configuration. The agency, in the construction of an expressway system, may construct any extensions of, additions to, or improvements to the expressway system or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access, with such changes, modifications, or revisions of the project that are deemed desirable and proper. For new capacity projects, the agency shall use the department’s design standards and, to the maximum extent practicable, design facilities such as the department would for high-speed limited

access facilities. The agency may only add additional expressways to an expressway system, under the terms and conditions set forth in this act, with the prior express written consent of the board of county commissioners of the county, and only if such additional expressways lack adequate committed funding for implementation, are financially feasible, and are compatible with the existing plans, projects, and programs of the agency.

(2) The agency may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, and complain and defend in all courts.

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire, purchase, hold, lease as lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the agency and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

(d) To enter into and make leases, either as lessee or as lessor, in order to carry out the right to lease as set forth in this act.

(e) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds secured by the net revenues of the expressway system, including any additions, extensions, or improvements thereof. However, such right and power may be assigned or delegated by the agency to the department.

1. Notwithstanding any other provision of law to the contrary, the agency may not increase its toll rates until July 1, 2029, including any increase to the extent necessary to adjust for inflation pursuant to the procedure for toll rate adjustments provided in s. 338.165, except:

a. As may be necessary to comply with covenants in the trust indentures or resolutions adopted in connection with the agency's bonds secured by the net revenues of the expressway system; or

b. On or after July 1, 2024, as approved by a supermajority vote of the governing body of the agency.

2. A toll rate increase must be approved by a two-thirds vote of the members of the governing body of the agency.

3. The amount of toll revenues used for administrative costs by the agency may not be greater than 10 percent above the annual state average of administrative costs determined as provided in this subparagraph. The Florida Transportation Commission shall determine the annual state average of administrative costs based on the annual administrative costs of all the expressway authorities in this state. For purposes of this subparagraph, administrative costs include, but are not limited to, employee salaries and benefits, small business outreach, insurance, professional service contracts not directly related to the operation and maintenance of the expressway system, and other overhead costs.

4. There must be a distance of at least 5 miles between main through-lane tolling points. The distance requirement of this subparagraph does not apply to entry and exit ramps. However, the agency may establish toll rates such that the toll rate per mile is equal to the rates in effect on July 1, 2019.

(f) To borrow money, make and issue negotiable notes, bonds, refund bonds, and other evidence of indebtedness of the agency, which bonds or other evidence of indebtedness may be issued pursuant to the State Bond Act or, in the alternative, pursuant to s. 348.0309(2) to finance or refinance additions, extensions, or improvements to the expressway system within the geographic boundaries of the agency, and to provide for the security of the bonds or other evidence of indebtedness and the rights and remedies of the holders of the bonds or other evidence of indebtedness. Any bonds or other evidence of indebtedness pledging the full faith and credit of the state may only be issued pursuant to the State Bond Act.

1. The agency shall reimburse the county in which it exists for any sums expended from any county gasoline tax funds used for payment of such obligations. Any county gasoline tax funds so disbursed shall be repaid in accordance with the terms of any lease-purchase or interlocal agreement with any county or the department together with interest, at the rate agreed to in such agreement. In no event shall any county gasoline tax funds be more than a secondary pledge of revenues for repayment of any obligations issued pursuant to this part.

2. The agency may refund any bonds previously issued, to the extent allowable by federal tax laws, to finance or refinance an expressway system located within the geographic boundaries of the agency regardless of whether the bonds being refunded were issued by such agency, an agency of the state, or a county.

(g) To enter contracts and to execute all instruments necessary or convenient for the carrying on of its business. Notwithstanding any other provision of law to the contrary, the agency is subject to the procurement and contracting requirements applicable to the department contained in chapters 287 and 337.

(h) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases, or other transactions with, any federal agency, the state, any agency of the state, any county, or any other public body of the state.

(i) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(j) To pledge, hypothecate, or otherwise encumber all or any part of the revenues, tolls, rates, fees, rentals, or other charges or receipts of the agency, including all or any portion of county gasoline tax funds received by the agency pursuant to the terms of any lease-purchase agreement between the agency and the department, as security for all or any of the obligations of the agency.

(k) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the agency in order to carry out the powers granted to it by law.

(3) Notwithstanding any other provision of law to the contrary, the consent of any municipality is not necessary for any project of the agency, regardless of whether the project lies in whole or in part within the boundaries of the municipality, if the project is consistent with the locally adopted comprehensive plan. However, if a project is inconsistent with the affected municipal comprehensive plan, the project may not proceed without a hearing pursuant to ss. 120.569 and 120.57 at which it is determined that the project is consistent with the adopted metropolitan planning organization transportation improvement plan, if any, and the applicable strategic regional plan, and at which regional interests are determined to clearly override the interests of the municipality.

(4) The use or pledge of all or any portion of county gasoline tax funds may not be made without the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the agency.

(5) The agency shall comply with all statutory requirements of general application which relate to the filing of any report or documentation required by law, including the requirements of ss. 189.015, 189.016, 189.051, and 189.08.

(6) Notwithstanding subsection (3) or any other provision of law to the contrary, the agency may not undertake any construction that is not consistent with both the metropolitan planning organization's transportation improvement program and the county's comprehensive plan.

(7) The agency may finance or refinance the planning, design, acquisition, construction, extension, rehabilitation, equipping, preservation, maintenance, or improvement of a public transportation facility or transportation facilities owned or operated by such county, an intermodal facility or facilities, multimodal corridor or corridors, including, but not limited to, bicycle facilities or greenways that will improve transportation services within the county, or any programs or projects that will improve the levels of service on an expressway system, subject to approval of the governing body of the county after public hearing.

(8) The governing body of the county may enter into an interlocal agreement with the agency pursuant to s. 163.01 for the joint perfor-

mance or performance by either governmental entity of any corporate function of the county or agency necessary or appropriate to enable the agency to fulfill the powers and purposes of this part and promote the efficient and effective transportation of persons and goods in such county.

(9) The agency must have an annual financial audit conducted by an independent certified public accountant licensed pursuant to chapter 473, and the audit report must be made available on the agency's website.

348.0307 Greater Miami Toll Rebate Program.—There is created by the agency the Greater Miami Toll Rebate Program.

(1) The agency shall develop and implement a monthly rebate program for the month beginning January 1, 2020, subject to:

(a) Compliance with any covenants made with the holders of the agency's bonds which are in the trust indentures or resolutions adopted in connection with the issuance of the agency's bonds;

(b) Consideration of the financial feasibility of such a program as reported by the Auditor General as required by this act; and

(c) Consideration of the impact of such a program to the financial feasibility of prioritized projects that have been allocated funds for a project development and an environmental study but are not contained in the 5-year work program on July 1, 2019.

(2) Monthly rebates shall be credited to the account of each SunPass holder who incurs \$12.50 or more in tolls on the expressway system each month and whose SunPass is registered to a motor vehicle registered to an address in the county.

(3) In developing its rebate program, the agency shall have a goal of rebating 25 percent of tolls paid by eligible SunPass holders. Following initiation of the program, the agency, once every 5 years, shall review the amount of the toll rebate and may adjust the amount of the toll rebate.

(4) The agency may not impose additional requirements for receipt of the toll rebate.

348.0308 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(1) The agency may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of agency transportation facilities or new transportation facilities within the jurisdiction of the agency which increase transportation capacity. The agency may not sell or lease any transportation facility owned by the agency without providing the analysis required in s. 334.30(6)(e)2. to the Legislative Budget Commission created pursuant to s. 11.90 for review and approval before awarding a contract on a lease of an existing toll facility. The agency may adopt rules to implement this section and shall, by rule, establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The agency may engage private consultants to assist in the evaluation. Before approval, the agency must determine that a proposed project:

(a) Is in the public's best interest.

(b) Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.

(c) Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or the cancellation of the agreement by the agency.

(d) Would have adequate safeguards in place to ensure that the department, the agency, or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.

(e) Would be owned by the agency upon completion or termination of the agreement.

(2) The agency shall ensure that all reasonable costs to the state which are related to transportation facilities that are not part of the State Highway System are borne by the private entity. The agency shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities related to the private transportation facility are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(3) The agency may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and a newspaper of general circulation in the county in which it is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the agency shall rank the proposals in order of preference. In ranking the proposals, the agency shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the agency is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the agency may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the agency may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. The agency may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(4) Agreements entered into pursuant to this section may authorize the public-private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues shall be regulated by the agency to avoid unreasonable costs to users of the facility.

(5) Each public-private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the agency's rules, policies, procedures, and standards for transportation facilities; and any other conditions that the agency determines to be in the public's best interest.

(6) The agency may exercise any power possessed by it, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this section. The agency may pay all or part of the cost of operating and maintaining the facility or may provide services to the private entity for which it receives full or partial reimbursement for services rendered.

(7) Except as herein provided, this section is not intended to amend existing laws by granting additional powers to or further restricting the governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

348.0309 Bonds.—

(1) Bonds may be issued on behalf of the agency as provided by the State Bond Act.

(2)(a) The agency may issue bonds pursuant to this part which do not pledge the full faith and credit of the state in such principal amount as, in the opinion of the agency, is necessary to provide sufficient moneys for achieving its corporate purposes.

(b) The bonds of the agency issued pursuant to this part, whether on original issuance or refunding, must be authorized by resolution of the agency after approval of the issuance of the bonds at a public hearing and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability,

and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption, and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the agency, including any county gasoline tax funds received by the agency pursuant to the terms of any interlocal or lease-purchase agreement between the agency or a county, as such resolution or any resolution subsequent thereto may provide. The bonds must be executed by such officers as the agency determines under s. 279.06.

(c) Such bonds shall be sold by the agency at public sale by competitive bid. However, if the agency, after receipt of a written recommendation from a financial adviser, determines by official action after public hearing by a two-thirds vote of all voting members of the agency that a negotiated sale of the bonds is in the best interest of the agency, the agency may negotiate for sale of the bonds with the underwriter or underwriters designated by the agency and the county in which the agency exists. The agency shall provide specific findings in a resolution as to the reasons requiring the negotiated sale, which resolution shall incorporate and have attached thereto the written recommendation of the financial adviser required by this subsection.

(d) Any such resolution or resolutions authorizing any bonds hereunder which do not pledge the full faith and credit of the state may contain provisions that are part of the contract with the holders of the bonds, as the agency determines proper. In addition, the agency may enter into trust indentures or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds, and may, under the agreements, assign and pledge the revenues, rates, fees, rentals, tolls, or other charges or receipts of the agency, including any county gasoline tax funds received by the agency.

(e) Any of the bonds issued pursuant to this part are negotiable instruments and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

(f) Each project, building, or facility that has been or will be financed by the issuance of bonds or other evidence of indebtedness and that does not pledge the full faith and credit of the state under this part and any refinancing thereof are subject to review and approval by the Legislative Budget Commission.

348.0310 Department may be appointed agent of agency for construction.—The department may be appointed by the agency as its agent for the purpose of constructing improvements and extensions to an expressway system and for the completion thereof. In such event, the agency shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto; shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion of and extensions and improvements to the expressway system; and shall transfer to the credit of an account of the department in the State Treasury the necessary funds therefor. The department shall thereupon proceed with such construction and use the funds for such purpose in the same manner as it is now authorized to use the funds otherwise provided by law for its use in the construction of roads and bridges.

348.0311 Acquisition of lands and property.—

(1) For the purposes of this act, the agency may acquire such rights, title, or interest in private or public property and such property rights, including easements, rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the agency may deem necessary for any of the purposes of this act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of an expressway system, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the expressway system or in a transportation corridor designated by the agency; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The agency may also condemn any material and property necessary for such purposes.

(2) The agency and its authorized agents, contractors, and employees are authorized to enter upon any lands, waters, and premises, upon giving reasonable notice to the landowner, for the purpose of making surveys, soundings, drillings, appraisals, environmental assessments including phase I and phase II environmental surveys, archaeological assessments, and such other examinations as are necessary for the acquisition of private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings or as are necessary for the agency to perform its duties and functions, and any such entry shall not be deemed a trespass or an entry that would constitute a taking in an eminent domain proceeding. The agency shall make reimbursement for any actual damage to such lands, water, and premises as a result of such activities. Any entry authorized by this subsection shall be in compliance with the premises protections and landowner liability provisions contained in s. 472.029.

(3) The right of eminent domain conferred by this act must be exercised by the agency in the manner provided by law.

(4) When the agency acquires property for an expressway system or in a transportation corridor as defined in s. 334.03, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This subsection does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The agency and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the agency.

348.0312 Cooperation with other units, boards, agencies, and individuals.—Express authority and power is given and granted to any county, municipality, drainage district, road and bridge district, school district, or other political subdivision, board, commission, or individual in or of this state to enter into contracts, leases, conveyances, or other agreements within the provisions and purposes of this act with the agency. The agency may enter into contracts, leases, conveyances, and other agreements, to the extent consistent with chapters 334, 335, 338, and 339 and other provisions of the laws of the state and with 23 U.S.C. ss. 101 et seq., with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals for the purpose of carrying out the provisions of this act.

348.0313 Covenant of the state.—The state does hereby pledge to, and agrees with, any person, firm, corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by the agency for the purposes of this act that the state will not limit or alter the rights hereby vested in the agency and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged, insofar as the same affects the rights of the holders of bonds issued hereunder. The state does further pledge to, and agrees with, the United States that, in the event any federal agency constructs, or contributes any funds for the completion, extension, or improvement of, an expressway system or any part or portion thereof, the state will not alter or limit the rights and powers of the agency and the department in any manner which would be inconsistent with the continued maintenance and operation of the expressway system or the completion, extension, or improvement thereof or which would be inconsistent with the due performance of any agreement between the agency and any such federal agency, and the agency and the department shall continue to have and may exercise all powers granted so long as the same shall be necessary or desirable for carrying out the purposes of this act and the purposes of the United States in the completion, extension, or improvement of the expressway system or any part or portion thereof.

348.0314 Exemption from taxation.—The effectuation of the authorized purposes of the agency is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. For this reason, the agency is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired by it or used by it for such purposes or upon any revenues at any time received by it. The bonds issued by or on behalf of the agency, their transfer, and the income therefrom, including any profits made on the sale thereof, are exempt from taxation of any kind by the state or by any political subdivision or other taxing agency or instrumentality thereof. The exemption granted by

*this section does not apply to any tax imposed under chapter 220 on interest, income, or profits on debt obligations owned by corporations.*

**348.0315 Public accountability.—**

- (1) *The agency shall post the following information on its website:*
- (a) *Audited financial statements and any interim financial reports.*
- (b) *Board and committee meeting agendas, meeting packets, and minutes.*
- (c) *Bond covenants for any outstanding bond issues.*
- (d) *Agency budgets.*
- (e) *Agency contracts. For purposes of this paragraph, the term “contract” means a written agreement or purchase order issued for the purchase of goods or services or a written agreement for the receipt of state or federal financial assistance.*
- (f) *Agency expenditure data, which must include the name of the payee, the date of the expenditure, and the amount of the expenditure. Such data must be searchable by name of the payee, name of the paying agency, and fiscal year and must be downloadable in a format that allows offline analysis.*
- (g) *Information relating to current, recently completed, and future projects on agency facilities.*

(2) *Beginning October 1, 2020, and annually thereafter, the agency shall submit to the metropolitan planning organization for the county a report providing information regarding the amount of tolls collected and how those tolls were used in the agency’s previous fiscal year. The report shall be posted on the agency’s website.*

**348.0316 Eligibility for investments and security.—***Any bonds or other obligations issued pursuant to this part shall be and constitute legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries and for all state, municipal, and other public funds and shall also be and constitute securities eligible for deposit as security for all state, municipal, or other public funds, notwithstanding the provisions of any other law or laws to the contrary.*

**348.0317 Pledges enforceable by bondholders.—***It is the express intention of this part that any pledge by the department of rates, fees, revenues, county gasoline tax funds, or other funds, as rentals, to the agency, or any covenants or agreements relative thereto, may be enforceable in any court of competent jurisdiction against the agency or directly against the department by any holder of bonds issued by the agency.*

**348.0318 This part complete and additional authority.—**

(1) *The powers conferred by this part are in addition and supplemental to the existing powers of the department and the governing body of the agency, and this part may not be construed as repealing any of the provisions of any other law, general, special, or local, but to supersede such other laws in the exercise of the powers provided in this part and to provide a complete method for the exercise of the powers granted in this part. The extension and improvement of the expressway system, and the issuance of bonds pursuant to this part to finance all or part of the cost of the system, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in Miami-Dade County, or in any other political subdivision of the state, is required for the issuance of such bonds pursuant to this part, including, but not limited to, s. 215.821.*

(2) *This part does not repeal, rescind, or modify any other law relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but supersedes any law that is inconsistent with the provisions of this part, including, but not limited to, s. 215.821.*

Section 13. (1) *Effective upon this act becoming a law, the governance and control of the Miami-Dade County Expressway Authority is transferred to the Greater Miami Expressway Agency pursuant to the terms of this section. The assets, facilities, tangible and intangible property and any rights in such property, and any other legal rights of the authority, including the expressway system operated by the authority, are transferred to the agency. The agency succeeds to all powers of the authority, and the operations and maintenance of the expressway system shall be under the control of the agency. Revenues collected on the expressway system shall be considered agency revenues but shall be subject to the lien of the trust indentures securing the Miami-Dade County Expressway Authority bonds. The agency also assumes all liability for bonds of the authority pursuant to subsection (2) and the satisfaction of any judgment against the authority that may ultimately become due as a result of litigation commenced before the effective date of this act. The agency shall, in consultation with the Division of Bond Finance, review all other contracts, financial obligations, and contractual relationships and liabilities of the authority, and the agency may assume responsibility for the obligations that are determined to be necessary or desirable for the continued operation of the expressway system. Employees, officers, and members of the authority may not sell, dispose, encumber, transfer, or expend the assets of the authority as existed and reflected in the authority’s financial statements for the fiscal year ended June 30, 2018, other than in the ordinary course of business. For purposes of this section, incurring debt or issuing bonds for projects contained in the 5-year work program approved and adopted by the authority on December 5, 2017, is not considered the ordinary course of business. Notwithstanding the foregoing, nothing contained herein shall prevent the authority from designing and planning projects contained in the 5-year work program approved and adopted by the authority on December 5, 2017. The S.R. 836/Dolphin Expressway Southwest Extension to 136th Street, commonly referred to as the Kendall Parkway, shall be a priority for planning and design.*

(2) *The transfer pursuant to this section is subject to all terms and covenants provided for the protection of the holders of the Miami-Dade County Expressway Authority bonds in the trust indentures or resolutions adopted in connection with the issuance of such bonds. Further, the transfer does not impair the terms of the contract between the authority and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. After the transfer, the agency shall operate and maintain the expressway system and any other facilities of the authority in accordance with the terms, conditions, and covenants contained in the trust indentures or bond resolutions securing such bonds. The agency shall collect toll revenues and apply them to the payment of debt service as provided in the trust indentures or bond resolutions securing such bonds and expressly assumes all obligations relating to the bonds to ensure that the transfer of the authority will have no adverse impact on the security for the bonds of the authority.*

Section 14. *Before October 1, 2019, the Auditor General shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives assessing the financial situation of the Greater Miami Expressway Agency, including its assets, liabilities, revenues, operating expenses, and bonding capacity; the financial feasibility of the toll rebate program established in s. 348.0307; and the financial feasibility of a toll rate reduction. In determining the financial feasibility of a toll rate reduction, the Auditor General may consult with the agency’s bond counsel, and such counsel shall have the opportunity to respond to such report.*

Section 15. *The Miami-Dade County Expressway Authority is hereby dissolved.*

Section 16. Section 348.635, Florida Statutes, is created to read:

**348.635 Public-private partnership.—***The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public’s interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.*

(1) *Notwithstanding any other provision of this part, the authority may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities or new transportation facilities within the jurisdiction of the authority which increase trans-*



portation capacity. The authority may not sell or lease any transportation facility owned by the authority without providing the analysis required in s. 334.30(6)(e)2. to the Legislative Budget Commission created pursuant to s. 11.90 for review and approval before awarding a contract on a lease of an existing toll facility. The authority may adopt rules to implement this section and shall, by rule, establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The authority may engage private consultants to assist in the evaluation. Before approval, the authority must determine that a proposed project:

- (a) Is in the public's best interest.
- (b) Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.
- (c) Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or the cancellation of the agreement by the authority.
- (d) Would have adequate safeguards in place to ensure that the department, the authority, or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.
- (e) Would be owned by the authority upon completion or termination of the agreement.

(2) The authority shall ensure that all reasonable costs to the state which are related to transportation facilities that are not part of the State Highway System are borne by the private entity. The authority shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities related to the private transportation facility are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(3) The authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and a newspaper of general circulation in the county in which it is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the authority may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. The authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(4) Agreements entered into pursuant to this section may authorize the public-private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues shall be regulated by the authority to avoid unreasonable costs to users of the facility.

(5) Each public-private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the authority's rules, policies, procedures, and standards for transportation facilities; and any other conditions that the authority determines to be in the public's best interest.

(6) The authority may exercise any power possessed by it, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this section. The authority may pay all or part of the cost of operating and maintaining the facility or may

provide services to the private entity for which it receives full or partial reimbursement for services rendered.

(7) Except as herein provided, this section is not intended to amend existing laws by granting additional powers to or further restricting the governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

Section 17. Section 348.7605, Florida Statutes, is created to read:

**348.7605 Public-private partnership.**—*The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.*

(1) Notwithstanding any other provision of this part, the authority may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities or new transportation facilities within the jurisdiction of the authority which increase transportation capacity. The authority may not sell or lease any transportation facility owned by the authority without providing the analysis required in s. 334.30(6)(e)2. to the Legislative Budget Commission created pursuant to s. 11.90 for review and approval before awarding a contract on a lease of an existing toll facility. The authority may adopt rules to implement this section and shall, by rule, establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The authority may engage private consultants to assist in the evaluation. Before approval, the authority must determine that a proposed project:

- (a) Is in the public's best interest.
- (b) Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.
- (c) Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or the cancellation of the agreement by the authority.
- (d) Would have adequate safeguards in place to ensure that the department, the authority, or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.
- (e) Would be owned by the authority upon completion or termination of the agreement.

(2) The authority shall ensure that all reasonable costs to the state which are related to transportation facilities that are not part of the State Highway System are borne by the private entity. The authority shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities related to the private transportation facility are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(3) The authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and a newspaper of general circulation in the county in which it is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to

the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the authority may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. The authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(4) Agreements entered into pursuant to this section may authorize the public-private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues shall be regulated by the authority to avoid unreasonable costs to users of the facility.

(5) Each public-private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the authority's rules, policies, procedures, and standards for transportation facilities; and any other conditions that the authority determines to be in the public's best interest.

(6) The authority may exercise any power possessed by it, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this section. The authority may pay all or part of the cost of operating and maintaining the facility or may provide services to the private entity for which it receives full or partial reimbursement for services rendered.

(7) Except as herein provided, this section is not intended to amend existing laws by granting additional powers to or further restricting the governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

Section 18. Pursuant to section 20 of chapter 2014-171, Laws of Florida, part V of chapter 348, Florida Statutes, consisting of sections 348.9950, 348.9951, 348.9952, 348.9953, 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and 348.9961, is repealed.

Section 19. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2019.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; conforming provisions to changes made by the act; amending s. 112.3144, F.S.; deleting an obsolete provision; requiring members of certain authorities and agencies to comply with certain financial disclosure requirements; amending s. 212.055, F.S.; revising the authorized uses of proceeds from charter county and regional transportation system surtaxes; requiring certain counties to use surtax proceeds only for purposes related to fixed guideway rapid transit systems, rail systems, bus systems, development of dedicated facilities for autonomous vehicles, and certain projects; authorizing the use of surtax proceeds for the purchase of rights-of-way under certain circumstances; authorizing the use of surtax proceeds for the payment of principal and interest on, refinancing of, and issuance of certain bonds; authorizing the use of surtax proceeds for operations and maintenance on specified projects initiated after a certain date; authorizing a percentage of surtax proceeds to be distributed to certain municipalities to be used for certain purposes; amending s. 215.68, F.S.; conforming provisions to changes made by the act; reviving, reenacting, and amending s. 319.141, F.S.; revising the definition of the term "rebuilt inspection services"; revising provisions relating to the rebuilt motor vehicle inspection program; revising participant duties and responsibilities; revising location and insurance requirements; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; requiring a report to the Legislature within a certain timeframe; amending s. 334.175, F.S.; requiring the Department of Transportation to review design plans for transportation projects relating to department-owned rights-of-way under certain circumstances; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; amending s. 338.165, F.S.; deleting cross-references; amending s. 339.175, F.S.; authorizing certain counties to elect to have their county commissions serve as the metropolitan planning organizations under certain circumstances; prohibiting metropolitan planning organizations in certain

counties from assessing certain fees; amending s. 343.1003, F.S.; revising a cross-reference; repealing part I of ch. 348, F.S., relating to the creation and operation of the Florida Expressway Authority Act; creating part I of ch. 348, F.S., titled "Greater Miami Expressway Agency"; creating s. 348.0301, F.S.; providing a short title; creating s. 348.0302, F.S.; providing applicability; creating s. 348.0303, F.S.; providing definitions; creating s. 348.0304, F.S.; creating the Greater Miami Expressway Agency; providing for membership on the governing body of the agency; providing requirements for the governing body of the agency; requiring the initial meeting of the governing body by a certain date; requiring an oath of office; authorizing the governing body to employ certain officers, staff, and agents, subject to certain requirements; authorizing the delegation of certain functions; providing for the removal from office of members of the governing body under certain circumstances; providing requirements for employment with the agency; requiring the governing body to conduct a nationwide search in the hiring of an executive director of the agency; providing that members of the governing body are not entitled to compensation but are entitled to per diem and travel expenses; creating s. 348.0305, F.S.; providing ethics requirements for the agency; providing applicability of certain provisions; providing definitions; prohibiting certain persons from being appointed to the governing body of the agency; providing certain prohibitions for members and employees of the agency after vacation of their positions; providing disclosure requirements; providing that violation of certain provisions are considered violation of official, employment, or contractual duties; requiring certain ethics training; providing application and enforcement; creating s. 348.0306, F.S.; providing agency purposes and powers; requiring the agency to construct expressways; providing construction requirements; prohibiting an increase in toll rates until a specified date, subject to certain exceptions; requiring a supermajority vote for an increase in toll rates; providing a limit to administrative costs; requiring the Florida Transportation Commission to determine the annual state average of administrative costs; requiring a minimum distance between tolling points; authorizing establishment of specified toll rates; providing agency responsibilities regarding reimbursement of certain county gasoline tax funds; providing project approval requirements; providing agency requirements and restrictions; authorizing the governing body of a county to enter into an interlocal agreement with the agency for certain purposes; requiring an annual financial audit of the agency, subject to certain requirements; creating s. 348.0307, F.S.; creating the Greater Miami Toll Rebate Program; requiring the agency to develop and implement a monthly rebate program beginning on a specified date, subject to certain requirements; requiring monthly rebates to be credited to the account of certain SunPass holders; providing a goal for the amount of rebates; requiring review of the rebate within a specified period; authorizing adjustment of the rebate upon such review; prohibiting the agency from imposing additional requirements for receipt of the toll rebate; creating s. 348.0308, F.S.; providing a legislative declaration; authorizing the agency to enter into certain public-private partnership agreements; authorizing solicitation or receipt of certain proposals; prohibiting the agency from selling or leasing any transportation facility owned by the agency without providing a certain analysis to the Legislative Budget Commission for review and approval; providing rulemaking authority; requiring the agency to establish a certain application fee by rule; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the agency to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; authorizing certain powers for the development, construction, operation, and maintenance of transportation projects by the agency or private entities; providing construction; creating s. 348.0309, F.S.; authorizing the agency to have bonds issued as provided in the State Bond Act; authorizing the agency to issue its own bonds; providing requirements for the issuance of such bonds; requiring the sale of bonds at a public sale; providing an exception, subject to certain requirements; providing that resolutions authorizing certain bonds may contain certain provisions; authorizing the agency to enter into certain trust indentures or other agreements with specified entities; providing that bonds are negotiable instruments under certain provisions of law; requiring approval by the Legislative Budget Commission for certain projects, buildings, or facilities and any refinancing thereof; creating s. 348.0310, F.S.; authorizing the department to be appointed as an agent of the agency for construction purposes; requiring the agency to provide specified documents and funding to the department; creating s. 348.0311, F.S.; authorizing the agency to acquire lands and property; authorizing the agency to condemn certain material and

property; authorizing the agency and specified persons to enter upon lands, waters, and premises for certain purposes; providing notice requirements; requiring the agency to make reimbursement for damages to such lands, waters, and premises; requiring such entry to comply with certain provisions; providing requirements for the agency's exercise of the right eminent domain; exempting the agency from certain liability; providing construction; authorizing interagency agreements with the Department of Environmental Protection for certain purposes; creating s. 348.0312, F.S.; authorizing agency agreements with other units of government and individuals; creating s. 348.0313, F.S.; providing a covenant of the state that it will not limit certain rights or powers; creating s. 348.0314, F.S.; exempting the agency from taxation; providing an exception; creating s. 348.0315, F.S.; requiring specified information to be posted on the agency's website; defining the term "contract"; requiring the agency to submit a certain annual report, beginning on a specified date, to the metropolitan planning organization for the county; creating s. 348.0316, F.S.; providing that specified bonds or obligations are legal investments and eligible securities for certain purposes; creating s. 348.0317, F.S.; providing that specified pledges are enforceable by bondholders; creating s. 348.0318, F.S.; providing that the powers conferred by certain provisions are in addition and supplemental to the existing powers of the Department of Transportation and the governing body of the agency; providing construction; transferring the governance, control, assets, and rights of the Miami-Dade County Expressway Authority to the Greater Miami Expressway Agency; providing that the agency succeeds to all powers of the authority; requiring the operations and maintenance of the expressway system to be under the control of the agency; providing that revenues collected on the expressway system are agency revenues, subject to certain liens; providing that the agency assumes certain liabilities; requiring the agency, in consultation with the Division of Bond Finance, to review all other contracts, financial obligations, and contractual relationships and liabilities of the authority; authorizing the agency to assume responsibility for certain obligations; prohibiting employees, officers, and members of the authority from taking specified actions; providing terms and conditions of the transfer; requiring the Auditor General to submit a financial report to the Governor and the Legislature by a certain date; authorizing consultation with the agency's bond counsel for specified purposes; requiring such counsel to have the opportunity to respond to the report; providing for the dissolution of the Miami-Dade County Expressway Authority; creating ss. 348.635 and 348.7605, F.S.; providing a legislative declaration; authorizing the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority to enter into certain public-private partnership agreements; authorizing solicitation or receipt of certain proposals; prohibiting the authorities from selling or leasing any transportation facility owned by the authorities without providing a certain analysis to the Legislative Budget Commission for review and approval; providing rulemaking authority; requiring the authorities to establish a certain application fee by rule; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the authorities to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; authorizing certain powers for the development, construction, operation, and maintenance of transportation projects by the authorities or private entities; providing construction; repealing part V of ch. 348, F.S., relating to the Osceola County Expressway Authority Law; providing effective dates.

Senator Diaz moved the following amendment to **Amendment 1 (869784)** which was adopted:

**Amendment 1A (681892) (with title amendment)**—Delete lines 176-300 and insert:

(VI) *For the operation and maintenance of fixed guideway rapid transit systems and bus routes or extensions thereof, including bus rapid transit systems, which were implemented or constructed subsequent to the passage of the surtax, and for operation and maintenance of services authorized by electors in passing the surtax or included in the ordinance authorizing the levy of the surtax subject to the electorate's approval.*

b. *To the extent not prohibited by contracts or bond covenants in effect on October 1, 2022, no more than 25 percent of the surtax proceeds may be distributed to municipalities in total in a county as defined in s. 125.011(1). Such municipalities may use the surtax proceeds to plan, develop, construct, operate, and maintain roads and bridges in the municipality and to pay the principal and interest on bonds issued to*

*construct roads or bridges. The governing body of the municipality may pledge the proceeds for bonds issued to refinance existing bonds or new bonds issued to construct such roads or bridges. Additionally, each such municipality may use surtax proceeds for transit systems within the municipality.*

Section 4. Subsection (2) of section 215.68, Florida Statutes, is amended to read:

215.68 Issuance of bonds; form; maturity date, execution, sale.—

(2) Such bonds may:

(a) Be issued in either coupon form or registered form or both;

(b) Have such date or dates of issue and such maturities, not exceeding in any event 40 years from the date of issuance thereof;

(c) Bear interest at a rate or rates not exceeding the interest rate limitation set forth in s. 215.84(3);

(d) Have such provisions for registration of coupon bonds and conversion and reconversion of bonds from coupon to registered form or from registered form to coupon form;

(e) Have such provisions for payment at maturity and redemption ~~before~~ ~~prior to~~ maturity at such time or times and at such price or prices; and

(f) Be payable at such place or places within or without the state as the board shall determine by resolution.

~~The foregoing terms and conditions do not supersede the limitations provided in chapter 348, part 1, relating to the issuance of bonds.~~

Section 5. Notwithstanding the repeal of section 319.141, Florida Statutes, which occurred on July 1, 2018, that section is revived, re-enacted, and amended to read:

319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

(a) "Facility" means a rebuilt motor vehicle inspection facility authorized and operating under this section.

(b) "Rebuilt inspection services" means an examination of a rebuilt vehicle and a properly endorsed certificate of title, salvage certificate of title, or manufacturer's statement of origin and an application for a rebuilt certificate of title, a rebuilder's affidavit, a photograph of the junk or salvage vehicle taken before repairs began, *if available, a photograph of the interior driver and passenger sides of the vehicle if airbags were previously deployed and replaced*, receipts or invoices for all major component parts, as defined in s. 319.30, and repairs which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

(2) ~~By October 1, 2019~~ ~~July 1, 2015~~, the department shall ~~implement~~ ~~oversee~~ a pilot program in Miami-Dade County ~~to evaluate alternatives~~ for rebuilt inspection services offered by ~~existing~~ private sector ~~participants~~ ~~operators~~, ~~including the continued use of private facilities, the cost impact to consumers, and the potential savings to the department.~~

(3) ~~Upon selection by the department, each participant shall enter into~~ ~~The department shall establish~~ a memorandum of understanding with the department that allows such participant ~~private parties participating in the pilot program~~ to conduct rebuilt motor vehicle inspections and specifies requirements for oversight, bonding and insurance, procedures, and forms and requires the electronic transmission of documents. *The department may examine all records pertaining to any inspection or related service performed under the rebuilt motor vehicle inspection program.*

(4) Before a participant ~~an applicant~~ is authorized to perform such rebuilt inspection services ~~approved~~, the department shall ensure that the participant ~~applicant~~ meets basic criteria designed to protect the public. At a minimum, the participant ~~applicant~~ shall meet all of the following requirements:

(a) Have and maintain a surety bond or irrevocable letter of credit in the amount of \$100,000 executed in favor of the department. Such surety bond or letter of credit shall be issued by entities licensed to do business in this state by the applicant.

(b) Secure and maintain a facility at a permanent fixed structure, as evidenced by proof of ownership or written lease at an address recognized by the United States Postal Service where the only services provided on such property are rebuilt inspection services. The facility must have permanent signage which advertises that only private rebuilt inspection services are provided at that location; posted business hours; a designated office area and customer waiting area; a rebuilt inspection area separate and visually obstructed from any area accessible to the customer; surveillance cameras with recording capabilities for the rebuilt inspection areas; and sufficient onsite customer parking. The location must be large enough to accommodate all of the vehicles being inspected and have a covered area to accommodate at least two vehicles during inclement weather. The participant operator of a facility shall annually attest that he or she does not have a direct or indirect interest in any motor vehicle that a facility has inspected or proposes to inspect; he or she is not employed by or does not have an ownership interest in or other financial arrangement with the owner, operator, manager, or employee of a motor vehicle repair shop as defined in s. 559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a towing company, a vehicle storage company, a vehicle auction, an insurance company, a salvage yard, a metal retailer, or a metal rebuilder, from which he or she receives remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services; there have been no changes to the ownership structure of the approved facility; and the only services being provided by such participant at the facility are rebuilt inspection services. Only a participant selected and approved by the department may charge or receive a fee for providing or facilitating such services.

(c) Have and maintain garage liability with a minimum of \$100,000 single-limit liability coverage including bodily injury and property damage protection and any other insurance required by the department.

(d) Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility which demonstrate that such persons have not been convicted of a felony, pled guilty to a felony,

And the title is amended as follows:

Delete lines 1568-1575 and insert: certain services; authorizing the use of surtax proceeds for the purchase of rights-of-way under certain circumstances; authorizing the use of surtax proceeds for the payment of principal and interest on, refinancing of, and issuance of certain bonds; authorizing the use of surtax proceeds for operations and maintenance of certain fixed guideway rapid transit systems, bus routes or extensions, and services; authorizing a percentage of surtax

Senator Flores moved the following amendments to **Amendment 1 (869784)** which were adopted:

**Amendment 1B (177412) (with title amendment)**—Between lines 710 and 711 insert:

(9) For purposes of this section, “consultant” does not include firms or individuals retained by the agency to provide architectural, engineering, landscape architecture, or registered surveying and mapping services as described in s. 287.055.

And the title is amended as follows:

Delete line 1638 and insert: enforcement; providing applicability; creating s. 348.0306, F.S.; providing

**Amendment 1C (600016)**—Delete lines 1297-1302 and insert: herein shall prevent the authority from designing, planning, and constructing projects contained in the 5-year work program approved and adopted by the authority on December 5, 2017. The S.R. 836/Dolphin Expressway Southwest Extension to 136th Street, commonly referred to as the Kendall Parkway, shall be a top priority for design, planning, and construction.

Senators Book and Simpson offered the following amendment to **Amendment 1 (869784)** which was moved by Senator Book and adopted:

**Amendment 1D (224714) (with title amendment)**—Between lines 1545 and 1546 insert:

Section 19. Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of I-75 (26260000) between mile markers 399 and 404 in Alachua County is designated as the “Sergeant William T. Bishop Memorial Highway.”

(2) That portion of I-10 (27090000) between mile markers 327 and 332 in Baker County is designated as the “Trooper Sherman L. Scott, Jr., Memorial Highway.”

(3) That portion of Babcock Street (70012000) between Malabar Road and Palm Bay Road in Brevard County is designated as the “Trooper Joseph Sawtell, Jr., Memorial Highway.”

(4) That portion of U.S. 1 (70030000) between E. Main Street and Parrish Road in Brevard County is designated as the “Trooper Halley Strickland Memorial Highway.”

(5) That portion of I-95 (86070000) between the N.E. 48th Street overpass and S.W. 10th Street in Broward County is designated as the “Trooper Phillip Black and Corporal Donald Irwin Memorial Highway.”

(6) That portion of I-75 (03175000) between mile markers 100 and 102 in Collier County is designated as the “Trooper Lindell J. Gibbons Memorial Highway.”

(7) That portion of I-75 (29180000) between mile markers 418 and 423 in Columbia County is designated as the “Sergeant George A. Brown, III, Memorial Highway.”

(8) That portion of U.S. 19 (30010000) between C.R. 351A and S.W. 307th Avenue in Dixie County is designated as the “Patrolman Royston E. Walker Memorial Highway.”

(9) That portion of U.S. 90 (72010000) between Yellow Water Road and Log Road in Duval County is designated as the “Trooper Robert P. McDermon Memorial Highway.”

(10) That portion of U.S. 301 (72140000) between U.S. 90 and Summer Field Lane in Duval County is designated as the “Trooper Edwin J. Gasque Memorial Highway.”

(11) That portion of U.S. 29/S.R. 95 (48040000) between Neal Road and Nine Mile Road in Escambia County is designated as the “Trooper Milan D. Hendrix Memorial Highway.”

(12) The interchange on I-10 (55320023) at U.S. 90/S.R. 10/Mahan Drive in Leon County is designated as the “Trooper William ‘Bill’ H. Dyer Memorial Interchange.”

(13) That portion of U.S. 41 (13121000) between Tallevast Road in Manatee County and the Sarasota County line is designated as the “Sergeant John C. Baxter, Jr., Memorial Highway.”

(14) That portion of I-75 (36210000) between mile markers 340 and 344 in Marion County is designated as the “Trooper Chelsea Richard Memorial Highway.”

(15) That portion of U.S. 1/S.R. 5 (87020000) between the Homestead Extension of Florida’s Turnpike/S.R. 821 and S.W. 216th Street in Miami-Dade County is designated as the “Trooper Luther P. Daniel Memorial Highway.”

(16) That portion of the Homestead Extension of Florida’s Turnpike/S.R. 821 (87471000) between mile markers 13 and 16 in Miami-Dade County is designated as the “Trooper Alvin V. Kohler Memorial Highway.”

(17) That portion of S.R. 836 (87200000) between N.W. 12th Avenue and N.W. 27th Avenue in Miami-Dade County is designated as the “Trooper Bradley S. Glascock Memorial Highway.”

(18) That portion of S.R. 836 (87200000) between N.W. 42nd Avenue and N.W. 72nd Avenue in Miami-Dade County is designated as the “Trooper Elmer C. Barnett Memorial Highway.”

(19) *The interchange at I-195 and S.R. 907/Alton Road in Miami-Dade County is designated as the “Trooper Owen K. Bender Memorial Interchange.”*

(20) *That portion of U.S. 441 between Landstreet Road and Taft Vineland Road in Orange County is designated as the “Trooper Richard Howell Memorial Highway.”*

(21) *That portion of S.R. 91/Florida’s Turnpike (93470000) between mile markers 100 and 105 in Palm Beach County is designated as the “Troopers Herman T. Morris and Frederick J. Groves, Jr., Memorial Highway.”*

(22) *That portion of I-4 (16320000) between mile markers 36 and 44 in Polk County is designated as the “Trooper John C. Hagerty Memorial Highway.”*

(23) *That portion of W. 1st Street (77030000) between French Avenue and S. Mellonville Avenue in Seminole County is designated as the “Patrolman Leroy Bender Memorial Highway.”*

(24) *That portion of I-95 (78080000) between mile markers 332 and 327 in St. Johns County is designated as the “Trooper Wilburn A. Kelly Memorial Highway.”*

(25) *That portion of U.S. 1 (78010000) between S.R. 207 and the Matanzas River in St. Johns County is designated as the “Troopers Merle J. Cook, Robert L. Pruitt, and Cleo L. Tomlinson, Jr., Memorial Highway.”*

(26) *That portion of I-75 (12075000) between mile markers 130 and 133 in Lee County is designated as the “Lieutenant Daniel Hinton Memorial Highway.”*

(27) *That portion of N. Century Boulevard/U.S. 29 (48060000) between Cox Road and Sigler Road in Escambia County is designated as the “Maceo Perkins Parkway.”*

(28) *Upon completion of construction, the interchange at the Homestead Extension of Florida’s Turnpike/S.R. 821 and N.W. 170th Street in Miami-Dade County is designated as the “Countyline Parkway.”*

(29) *The intersection of S.W. 8th Street and S.W. 14th Avenue in Miami-Dade County is designated as the “Manuel A. Gonzalez Plaza.”*

(30) *That portion of S.R. A1A between Bridge Road and Fountain Street in Miami-Dade County is designated as the “Robert L. Shevin Way.”*

(31) *That portion of S.W. 1st Avenue/S.R. 968 between 21st Avenue and 20th Avenue in Miami-Dade County is designated as the “Jorge P. Castano Way.”*

(32) *Upon completion of construction, the interchange at I-95 and S.R. 200 in Nassau County is designated as the “Fallen Hero Specialist Kelly J. Mixon Interchange.”*

(33) *That portion of U.S. 19/S.R. 57 between Capps in Jefferson County and the northern Jefferson County line is designated as the “Sheriff David C. Hobbs Memorial Highway.”*

(34) *The bridge on U.S. Highway 98 over the Econfina River in Taylor County is designated as “SSGT Edward C. Sheffield Memorial Bridge.”*

(35) *That portion of the Coast to Coast Connector in Brevard County is designated as the “Kurt Eichin Memorial Trail.”*

(36) *That portion of South Street between U.S. 1 and S.R. 50 in Brevard County is designated as “Martin Luther King, Jr., Boulevard.”*

(37) *That portion of I-75 (Alligator Alley) in Broward County between mile markers 23 and 27 is designated as the “Sergeant Steven G. Greco Memorial Highway.”*

(38) *That portion of N.W. 53rd Street between Hiatus Road and N.W. 103rd Avenue in Broward County is designated as “Edith Lederberg Lane.”*

(39) *That portion of 37th Avenue between N.W. 11th Street and N.W. 2nd Street in Miami-Dade County is designated as “Florence Hecht Lane.”*

(40) *That portion of S.R. 535 between S.R. 526 in Orange County and the Osceola County line is designated as “Robert L. ‘Bob’ Billingslea Highway.”*

(41) *The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.*

And the title is amended as follows:

Delete line 1787 and insert: Law; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing effective dates.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Taddeo moved the following amendment to **Amendment 1 (869784)** which failed:

**Amendment 1E (650860) (with title amendment)**—Delete lines 437-1545 and insert:

Section 11. (1) *The Florida Transportation Commission shall contract with the Center for Urban Transportation Research at the University of South Florida to conduct an independent study with the input of the Miami-Dade Expressway Authority, Miami-Dade County, and the Florida Department of Transportation for the purpose of submitting the report provided in subsection (2).*

(2) *Before October 1, 2019, the Florida Transportation Commission shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives assessing the findings of the study, including legal issues with respect to the creation of a new authority and transfer of its assets, liabilities, revenues, and operating expenses. The report must also provide an analysis of the impact of legislative action on bond rating, credit worthiness, bonding capacity, and interest rates to the toll payers of the authority. The report must provide a thorough financial analysis on any potential unintended statewide credit issues to other governmental agencies or authorities in the financial markets impacting future bond financing of infrastructure in this state. The report must analyze the feasibility of a toll rate reduction. In determining the financial feasibility of a toll rate reduction, the commission may consult with the Miami-Dade Expressway Authority’s bond counsel, and such counsel shall have the opportunity to respond to such report.*

And the title is amended as follows:

Delete lines 1603-1787 and insert: 343.1003, F.S.; revising a cross-reference; requiring the Florida Transportation Commission to contract with the Center for Urban Transportation Research at the University of South Florida to conduct an independent study for a certain purpose, with the input of the Miami-Dade Expressway Authority, Miami-Dade County, and the Florida Department of Transportation; requiring the commission to submit a certain report to the Governor and the Legislature before a specified date; providing requirements for the report; authorizing the commission to consult with the authority’s bond counsel in determining the financial feasibility of a toll rate reduction; requiring the counsel to have the opportunity to respond to such report; providing effective dates.

The vote was:

Yeas—19

Berman	Gibson	Rouson
Book	Lee	Stewart
Bracy	Montford	Taddeo
Brandes	Pizzo	Thurston
Braynon	Powell	Torres
Cruz	Rader	
Farmer	Rodriguez	

Nays—20

Albritton	Flores	Passidomo
Baxley	Gainer	Perry
Bean	Gruters	Simmons
Benacquisto	Harrell	Simpson
Bradley	Hooper	Stargel
Broxson	Hutson	Wright
Diaz	Mayfield	

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Brandes moved the following amendment to **Amendment 1 (869784)**:

**Amendment 1F (965940) (with title amendment)**—Between lines 335 and 336 insert:

Section 6. Section 320.0605, Florida Statutes, is amended to read:

320.0605 Certificate of registration; possession required; exception.—

(1)(a) The registration certificate or an official copy thereof, a true copy or an electronic copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the International Registration Plan shall, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator thereof or be carried in the vehicle for which issued and shall be exhibited upon demand of any authorized law enforcement officer or any agent of the department, except for a vehicle registered under s. 320.0657. ~~The provisions of This section does not apply during the first 30 days after purchase of a replacement vehicle. A violation of this section is a noncriminal traffic~~ ~~infraction, punishable as a nonmoving violation as provided in chapter 318.~~

(b)1. *The act of presenting to a law enforcement officer or agent of the department an electronic device displaying an electronic copy of rental or lease documentation does not constitute consent for the officer or agent to access any information on the device other than the displayed rental or lease documentation.*

2. *The person who presents the device to the officer or agent assumes the liability for any resulting damage to the device.*

(2) Rental or lease documentation that is sufficient to satisfy the requirement in subsection (1) includes the following:

- (a) ~~Date of rental and time of exit from rental facility;~~
- ~~(b) Rental station identification;~~
- (b)(e) Rental agreement number;
- (c)(d) Rental vehicle identification number;
- (d)(e) Rental vehicle license plate number and state of registration;
- (e)(f) Vehicle’s make, model, and color;
- (f)(g) Vehicle’s mileage; and
- (g)(h) Authorized renter’s name.

Section 7. Section 322.38, Florida Statutes, is amended to read:

322.38 Renting motor vehicle to another.—

(1) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any other person unless the ~~other~~ ~~latter~~ person is ~~then~~ duly licensed; or, if a nonresident, ~~he or she shall be~~ is licensed under the laws of the state or country of his or her residence, except a nonresident whose home state or country does not require that an operator be licensed.

(2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to another until he or she has inspected the driver license of the person to whom the vehicle is to be rented; and ~~has compared and verified that the driver license is unexpired~~ ~~signature thereon with the signature of such person written in his or her presence.~~

(3) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person, and the ~~date and place when~~ ~~and~~ where the ~~said~~ license was issued. Such record shall be open to inspection by any police officer, or officer or employee of the department.

(4) *If a rental car company rents a motor vehicle to a person through digital, electronic, or other means which allows the renter to obtain possession of the motor vehicle without direct contact with an agent or employee of the rental car company, or if the renter does not execute a rental contract at the time he or she takes possession of the vehicle, the rental car company is deemed to have met all obligations of subsections (1) and (2) when the rental car company, at the time the renter enrolls in a membership program, master agreement, or other means of establishing use of the rental car company’s services, or any time thereafter, requires the renter to verify that he or she is duly licensed and that the license is unexpired.*

And the title is amended as follows:

Delete line 1587 and insert: within a certain timeframe; amending s. 320.0605, F.S.; authorizing an electronic copy, instead of a true copy, of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period to be in the possession of the operator or carried in the vehicle and exhibited upon demand of any authorized law enforcement officer or agent of the department; providing that the act of presenting to a law enforcement officer or agent of the department an electronic device displaying an electronic copy of rental or lease documentation does not constitute consent for the officer or agent to access any information on the device other than the displayed rental or lease documentation; providing assumption of liability; revising requirements for certain rental or lease documentation; amending s. 322.38, F.S.; prohibiting a person from renting a motor vehicle to another until he or she has verified that the driver license is unexpired; revising record requirements for persons renting a motor vehicle to another; providing that, under certain circumstances, a rental car company is deemed to have met specified obligations when the rental car company, at the time the renter enrolls in a membership program, master agreement, or other means of establishing use of the rental car company’s services, or any time thereafter, requires the renter to verify that he or she is duly licensed and that the license is unexpired; amending s. 334.175, F.S.;

On motion by Senator Diaz, further consideration of **CS for CS for CS for HB 385** with pending **Amendment 1 (869784)** and **Amendment 1F (965940)** was deferred.

**CS for CS for SB 1044**—A bill to be entitled An act relating to the Department of Transportation; creating s. 334.179, F.S.; prohibiting local governments from adopting standards or specifications that are contrary to the department standards or specifications for permissible use of aggregates that have been certified for use; defining the term “certified for use”; amending s. 336.044, F.S.; prohibiting local governmental entities from adopting standards or specifications that are contrary to the department standards or specifications for permissible use of reclaimed asphalt pavement material in construction; providing that such material may not be considered solid waste; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; amending s. 337.14, F.S.; requiring that any contractor, instead of any person, desiring to bid for the performance of certain construction contracts first be certified by the department as qualified; conforming provisions to changes made by the act; requiring a contractor desiring to bid on certain contracts to have satisfactorily completed certain projects; amending s. 337.185, F.S.; increasing the maximum amounts per contract of certain contractual claims that must be arbitrated by the State Arbitration Board under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1044**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 905** was withdrawn from the Committees on Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Albritton—

**CS for CS for CS for HB 905**—A bill to be entitled An act relating to the Department of Transportation; creating s. 334.179, F.S.; prohibiting local governments from adopting standards or specifications that are contrary to the department standards or specifications for permissible use of aggregates that have been certified for use; defining the term “certified for use”; providing an exception; amending s. 336.044, F.S.; prohibiting local governmental entities from adopting standards or specifications that are contrary to the department standards or specifications for permissible use of reclaimed asphalt pavement material in construction; prohibiting such material from being considered solid waste for specified purposes; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; amending s. 337.14, F.S.; requiring any contractor, instead of any person, desiring to bid for the performance of certain construction contracts to first be certified by the department as qualified; conforming provisions to changes made by the act; requiring certain contractors desiring to bid on certain contracts to have satisfactorily completed certain projects; prohibiting a local governmental entity from contracting with a single entity for the performance of certain services for certain projects funded by the department; providing an exception; amending s. 337.185, F.S.; revising the maximum amounts per contract of certain contractual claims that must be arbitrated by the State Arbitration Board under certain circumstances; amending s. 338.26, F.S.; revising provisions of an interlocal agreement for use of specified fees to reimburse a local governmental entity for the direct actual costs of operating a specified fire station; requiring a contribution by the local governmental entity; providing for the transfer of specified equipment; amending s. 339.2818, F.S.; revising the definition of the term “small county”; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1044** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 905** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

**CS for CS for CS for HB 385**—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; conforming provisions to changes made by the act; amending s. 112.3144, F.S.; deleting an obsolete provision; requiring members of certain authorities and agencies to comply with certain financial disclosure requirements; amending s. 212.055, F.S.; revising the authorized uses of proceeds from charter county and regional transportation system surtaxes; requiring certain counties to use surtax proceeds for purposes related to fixed guideway rapid transit systems, bus systems, and development of dedicated facilities for autonomous vehicles; authorizing the use of surtax proceeds for the purchase of rights-of-way under certain circumstances; authorizing the use of surtax proceeds for refinancing existing bonds; authorizing the use of surtax proceeds for operations and maintenance on specified projects initiated after a certain date; authorizing a percentage of surtax proceeds to be distributed to certain municipalities to be used for certain purposes; amending s. 215.68, F.S.; conforming provisions to changes made by the act; reviving, reenacting, and amending s. 319.141, F.S.; revising the definition of the term “rebuild inspection services”; revising provisions relating to the rebuilt motor vehicle inspection program; revising participant duties and responsibilities; revising location and insurance requirements; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; requiring a report to the Legislature; amending s. 334.175, F.S.; requiring the Department of Transportation to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate

certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; amending s. 338.165, F.S.; deleting cross-references; amending s. 338.166, F.S.; requiring the department to submit an annual report to a certain metropolitan planning organization relating to collection and use of tolls; amending s. 339.175, F.S.; revising the membership of the metropolitan planning organization in certain counties; prohibiting the metropolitan planning organization in such counties from assessing certain fees; amending s. 343.1003, F.S.; revising a cross-reference; repealing part I of chapter 348, F.S., relating to the creation and operation of the Florida Expressway Authority Act; creating part I of ch. 348, F.S., titled “Greater Miami Expressway Agency”; creating s. 348.0301, F.S.; providing a short title; creating s. 348.0302, F.S.; providing applicability; creating s. 348.0303, F.S.; providing definitions; creating s. 348.0304, F.S.; creating the Greater Miami Expressway Agency; providing for membership on the governing body of the agency; requiring the initial meeting of the governing body by a date certain; requiring an oath of office; authorizing the governing body to employ certain officers and staff; authorizing the delegation of certain functions; providing requirements for employment with the agency; requiring the governing body to conduct a nationwide search in the hiring of an executive director of the agency; providing that members of the governing body are not entitled to compensation but are entitled to per diem and travel expenses; creating s. 348.0305, F.S.; providing ethics requirements for the agency; providing applicability of certain provisions; providing definitions; prohibiting certain persons from being appointed to the governing body of the agency; providing certain prohibitions for members and employees of the agency after vacation of their positions; providing disclosure requirements; providing that violation of certain provisions are considered violation of official, employment, or contractual duties; requiring certain ethics training; providing application and enforcement; creating s. 348.0306, F.S.; providing agency purposes and powers; requiring the agency to construct expressways; providing construction requirements; prohibiting an increase in toll rates until a specified date; requiring the Department of Transportation to review the financial viability of specified projects; requiring a supermajority vote for an increase in toll rates; providing a limit to administrative costs; requiring the Florida Transportation Commission to determine average administrative costs; requiring a minimum distance between tolling points; authorizing establishment of specified toll rates; providing agency responsibilities regarding reimbursement of certain county gasoline tax funds; providing project approval requirements; requiring an annual financial audit of the agency; creating s. 348.0307, F.S.; creating the Florida Sunshine Rebate Program; requiring the agency to provide specified rebates to specified SunPass holders; providing a goal for the amount of rebates; requiring review and adjustment of such rebate; creating s. 348.0308, F.S.; providing a legislative declaration; authorizing the agency to enter into public-private partnership agreements; authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the agency to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, operation, and maintenance of transportation projects by the agency or private entities; providing construction; creating s. 348.0309, F.S.; authorizing the agency to have bonds issued as provided in the State Bond Act; authorizing the agency to issue its own bonds; providing requirements for the issuance of such bonds; requiring the sale of bonds at a public sale; providing an exception; providing that bonds are negotiable instruments under certain provisions of law; requiring approval by the Legislative Budget Commission for certain projects, buildings, or facilities and any refinancing thereof; creating s. 348.0310, F.S.; authorizing the department to be appointed as an agent of the agency for construction purposes; requiring the agency to provide specified documents and funding to the department; creating s. 348.0311, F.S.; authorizing the agency to acquire lands and property; authorizing specified persons to enter upon specified properties; providing notice requirements; requiring the agency to make reimbursement for damages to such properties; requiring such entry to comply with certain provisions; providing for eminent domain authority; providing construction; authorizing interagency agreements with the Department of Environmental Protection for certain purposes; creating s. 348.0312, F.S.; authorizing agency cooperation with other units of government and individuals; creating s. 348.0313, F.S.; providing a covenant of the state that it will not limit certain rights or powers; creating s. 348.0314, F.S.; exempting the agency from taxation; providing an exception; creating s. 348.0315, F.S.;

requiring specified information to be posted on the agency's website; requiring a report; creating s. 348.0316, F.S.; providing that specified bonds or obligations are eligible investments for certain purposes; creating s. 348.0317, F.S.; providing that specified pledges are enforceable by bondholders; creating s. 348.0318, F.S.; providing that certain provisions constitute complete and additional authority; providing construction; transferring the assets and liabilities of the Miami-Dade County Expressway Authority to the Greater Miami Expressway Agency; providing terms of the transfer; providing that the agency succeeds to all powers of the authority; providing that revenues collected on the expressway system are agency revenues; requiring the agency, in consultation with the Division of Bond Finance, to review certain documents of the authority; providing terms and conditions of the transfer; requiring a financial report by the Auditor General; authorizing consultation with bond counsel for specified purposes; providing for the dissolution of the Miami-Dade County Expressway Authority; creating ss. 348.635 and 348.7605, F.S.; providing a legislative declaration; authorizing the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority to enter into public-private partnership agreements; authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the authorities to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, operation, and maintenance of transportation projects by the authorities or private entities; providing construction; repealing part V of ch. 348, F.S., relating to the Osceola County Expressway Authority Law; providing effective dates.

—which was previously considered this day with pending **Amendment 1 (869784)** by Senator Diaz and **Amendment 1F (965940)** by Senator Brandes.

The question recurred on **Amendment 1F (965940)**, which was adopted.

**Amendment 1 (869784)**, as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for HB 385**, as amended, was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1200**—A bill to be entitled An act relating to construction bonds; amending s. 255.05, F.S.; requiring a notice of nonpayment to be under oath; specifying that certain negligent inclusions or omissions do not constitute a default that operates to default an otherwise valid bond claim; specifying that a claimant who serves a fraudulent notice of nonpayment forfeits his or her rights under a bond; providing that the service of a fraudulent notice of nonpayment is a complete defense to the claimant's claim against the bond; requiring a notice of nonpayment to be in a prescribed form; amending s. 627.756, F.S.; providing that a provision relating to attorney fees applies to certain suits brought by contractors; deeming contractors to be insureds or beneficiaries in relation to bonds for construction contracts; reenacting s. 627.428, F.S., relating to attorney fees; amending s. 713.23, F.S.; requiring a lienor to serve a notice of nonpayment under oath to specified entities during a certain period of time; specifying that certain negligent inclusions or omissions do not constitute a default that operates to default an otherwise valid bond claim; specifying that a lienor who serves a fraudulent notice of nonpayment forfeits his or her rights under the bond; providing that the service of a fraudulent notice of nonpayment is a complete defense to the lienor's claim against the bond; requiring a notice of nonpayment to be in a prescribed form; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1200**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1247** was withdrawn from the Committees on Judiciary; Community Affairs; and Rules.

On motion by Senator Stargel—

**CS for CS for HB 1247**—A bill to be entitled An act relating to construction bonds; amending s. 255.05, F.S.; requiring a notice of

nonpayment to be under oath; specifying that a claimant who serves a fraudulent notice of nonpayment forfeits his or her rights under a bond; providing that the service of a fraudulent notice of nonpayment is a complete defense to the claimant's claim against the bond; requiring a notice of nonpayment to be in a prescribed form; amending s. 627.756, F.S.; providing that a provision relating to attorney fees applies to certain suits brought by contractors; deeming contractors to be insureds or beneficiaries in relation to bonds for construction contracts; amending s. 627.428, F.S.; revising terminology; amending s. 713.23, F.S.; requiring a notice of nonpayment to be under oath; specifying that a lienor who serves a fraudulent notice of nonpayment forfeits his or her rights under a bond; providing that the service of a fraudulent notice of nonpayment is a complete defense to the lienor's claim against the bond; requiring a notice of nonpayment to be in a prescribed form; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1200** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1247** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1412** was deferred.

**CS for SB 1436**—A bill to be entitled An act relating to Closing the Gap grant proposals; amending s. 381.7354, F.S.; prohibiting the Department of Health from establishing a minimum amount or a maximum amount for Closing the Gap grants; requiring that the amount of each award be based on the merits of each application and that grants be awarded to applicants in various regions of the state; removing provisions related to Front Porch Florida Communities; amending s. 381.7355, F.S.; adding a priority area that may be addressed in a Closing the Gap grant proposal; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1436**, pursuant to Rule 3.11(3), there being no objection, **HB 1045** was withdrawn from the Committees on Health Policy; and Appropriations.

On motion by Senator Gibson, the rules were waived and—

**HB 1045**—A bill to be entitled An act relating to Closing the Gap grant proposals; amending s. 381.7355, F.S.; adding a priority area that may be addressed in a Closing the Gap grant proposal; providing an effective date.

—a companion measure, was substituted for **CS for SB 1436** and read the second time by title.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Gibson moved the following amendment which was adopted:

**Amendment 1 (438632) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 381.7354, Florida Statutes, is amended to read:

381.7354 Eligibility.—

(1) Any person, entity, or organization within a county may apply for a Closing the Gap grant and may serve as the lead agency to administer and coordinate project activities within the county and develop community partnerships necessary to implement the grant.

(2) Persons, entities, or organizations within adjoining counties with populations of less than 100,000, based on the annual estimates produced by the Population Program of the University of Florida Bureau of Economic and Business Research, may jointly submit a multicounty Closing the Gap grant proposal. However, the proposal must clearly identify a single lead agency with respect to program accountability and administration.

~~(3) In addition to the grants awarded under subsections (1) and (2), up to 20 percent of the funding for the Reducing Racial and Ethnic~~



~~Health Disparities: Closing the Gap grant program shall be dedicated to projects that address improving racial and ethnic health status within specific Front Porch Florida Communities.~~

(3)(4) Nothing in ss. 381.7351-381.7356 shall prevent a person, entity, or organization within a county or group of counties from separately contracting for the provision of racial and ethnic health promotion, health awareness, and disease prevention services.

Section 2. Subsection (2) of section 381.7355, Florida Statutes, is amended to read:

381.7355 Project requirements; review criteria.—

(2) A proposal must include each of the following elements:

(a) The purpose and objectives of the proposal, including identification of the particular racial or ethnic disparity the project will address. The proposal must address one or more of the following priority areas:

1. Decreasing racial and ethnic disparities in maternal and infant mortality rates.

2. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cancer.

3. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to HIV/AIDS.

4. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cardiovascular disease.

5. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to diabetes.

6. Increasing adult and child immunization rates in certain racial and ethnic populations.

7. Decreasing racial and ethnic disparities in oral health care.

8. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to sickle cell disease.

9. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to Lupus.

10. *Decreasing racial and ethnic disparities in morbidity and mortality rates relating to Alzheimer's disease and dementia.*

~~11.10. Improving~~ ~~Improve~~ neighborhood social determinants of health, such as transportation, safety, and food access, as outlined by the Centers for Disease Control and Prevention's "Tools for Putting Social Determinants of Health into Action."

(b) Identification and relevance of the target population.

(c) Methods for obtaining baseline health status data and assessment of community health needs.

(d) Mechanisms for mobilizing community resources and gaining local commitment.

(e) Development and implementation of health promotion and disease prevention interventions.

(f) Mechanisms and strategies for evaluating the project's objectives, procedures, and outcomes.

(g) A proposed work plan, including a timeline for implementing the project.

(h) Likelihood that project activities will occur and continue in the absence of funding.

Section 3. Present subsections (4) and (5) of section 381.7356, Florida Statutes, are redesignated as subsections (5) and (6), respectively, new subsections (4) and (5) are added to that section, and subsection (1) of that section is amended, to read:

381.7356 Local matching funds; grant awards.—

(1) One or more Closing the Gap grants may be awarded in a county, or in a group of adjoining counties from which a multicounty application is submitted. ~~Front Porch Florida Communities grants may also be awarded in a county or group of adjoining counties that are also receiving a grant award.~~

(4) *The department may not establish a minimum amount or a maximum amount for grants and shall determine the amount of each award based on the merits of the application. The department shall ensure that grants are awarded to applicants in various regions of this state.*

(5) *In addition to the requirements provided in s. 381.7353, and subject to the availability of state and federal funds in the HIV/AIDS program, the department shall promote synergistic initiatives between the Closing the Gap grant program and the HIV/AIDS program to leverage the expertise of the Closing the Gap grant program. These initiatives may include the establishment of a supplemental grant program whereby persons, entities, or organizations eligible for a Closing the Gap grant under s. 381.7354 may submit to the department a grant proposal, pursuant to the application process established under s. 381.7355, for funding to further the purposes listed in s. 381.7355(2)(a) and to promote innovative prevention, treatment, and awareness initiatives for minority populations in metropolitan areas which have a higher prevalence of HIV/AIDS for the purposes of reducing the incidence of the HIV infection in such communities and prioritizing the identification of individuals, in a manner consistent with the clinical guidelines of the federal Health Resources and Services Administration, who are not yet aware of their HIV status.*

Section 4. This act shall take effect July 1, 2019.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Closing the Gap grant proposals; amending s. 381.7354, F.S.; removing provisions related to Front Porch Florida Communities; amending s. 381.7355, F.S.; adding a priority area that may be addressed in a Closing the Gap grant proposal; amending s. 381.7356, F.S.; removing provisions related to Front Porch Florida Communities; prohibiting the Department of Health from establishing a minimum amount or a maximum amount for Closing the Gap grants; requiring the department to base the amount of each award on the merits of each application and to award grants to applicants in various regions of the state; authorizing the Closing the Gap program and the HIV/AIDS program to promote synergistic initiatives that reduce HIV incidence in minority populations in certain metropolitan areas; providing an effective date.

Pursuant to Rule 4.19, **HB 1045**, as amended, was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1518**—A bill to be entitled An act relating to alternative treatment options for veterans; creating s. 295.156, F.S.; providing definitions; authorizing the Department of Veterans' Affairs, subject to appropriation, to contract with a state university or Florida College System institution to furnish specified alternative treatment options for certain veterans; providing requirements as to the provision of alternative treatment options and related assessment data; specifying eligibility to receive alternative treatment; requiring direction and supervision by certain licensed providers; requiring the department to annually prepare a report for submission to the Governor and Legislature; authorizing the department to adopt rules; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1518**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 501** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Wright—

**CS for CS for HB 501**—A bill to be entitled An act relating to alternative treatment options for veterans; creating s. 295.156, F.S.; providing definitions; authorizing the Department of Veterans' Affairs to contract with a state university or Florida College System institution to furnish specified alternative treatment options for certain veterans; providing university or institution responsibilities; providing requirements for provision of alternative treatment options and related assessment data; providing alternative treatment eligibility requirements; requiring direction and supervision by certain licensed providers; requiring an annual report to the Governor and Legislature; authorizing the department to adopt rules; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1518** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 501** was placed on the calendar of Bills on Third Reading.

**CS for SB 1520**—A bill to be entitled An act relating to direct health care agreements; amending s. 624.27, F.S.; expanding the scope of direct primary care agreements that are exempt from the Florida Insurance Code and renaming them direct health care agreements; adding health care providers who may market, sell, or offer to sell such agreements; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1520**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7** was withdrawn from the Committees on Banking and Insurance; Health Policy; and Rules.

On motion by Senator Bean—

**CS for HB 7**—A bill to be entitled An act relating to direct health care agreements; amending s. 624.27, F.S.; expanding the scope of direct primary care agreements; providing definitions; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1520** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1638** was deferred.

**RECESS**

On motion by Senator Benacquisto, the Senate recessed at 12:08 p.m. to reconvene at 2:00 p.m. or upon call of the President.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:00 p.m. A quorum present—28:

Mr. President	Farmer	Rader
Albritton	Gainer	Rouson
Baxley	Gibson	Simmons
Benacquisto	Harrell	Simpson
Berman	Hooper	Stargel
Bracy	Hutson	Taddeo
Bradley	Mayfield	Torres
Brandes	Montford	Wright
Broxson	Passidomo	
Cruz	Perry	

Excused: Senator Book

**COMMUNICATION**

The Honorable Bill Galvano  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, FL 32399-1100

May 1, 2019

Dear Mr. President:

In compliance with Article III, Section 19(d) of the State Constitution, and Joint Rule 2, the Conference Committee Report on the General Appropriations Act—SB 2500 has been furnished electronically to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

The Conference Committee Report on the General Appropriations Act—SB 2500 was made available May 1, 2019, at 1:32 p.m., EDT.

Respectfully submitted,  
*Debbie Brown*  
Secretary of the Senate

By direction of the President, the rules were waived and the Senate reverted to—

**BILLS ON THIRD READING**

Consideration of **CS for SB 1622**, **CS for HB 6523**, and **SB 172** was deferred.

**CS for CS for HB 1121**—A bill to be entitled An act relating to support organizations; amending s. 20.2551, F.S.; requiring the Department of Environmental Protection to submit a report to the Legislature by a specified date; providing requirements for the report; abrogating the scheduled repeal of provisions governing citizen support organizations established under the department; amending s. 257.43, F.S.; abrogating the scheduled repeal of provisions governing the citizen support organization established for the benefit of the Division of Library and Information Services of the Department of State; amending s. 258.015, F.S.; abrogating the scheduled repeal of provisions governing citizen support organizations established for the benefit of the Division of Recreation and Parks of the Department of Environmental Protection; amending s. 259.10521, F.S.; extending the scheduled repeal of the provisions governing the citizen support organizations established for the benefit of the Babcock Ranch Preserve; amending s. 265.703, F.S.; abrogating the scheduled repeal of provisions governing citizen support organizations established for the benefit of the Division of Cultural Affairs of the Department of State; amending s. 267.17, F.S.; abrogating the scheduled repeal of provisions governing citizen support organizations established for the benefit of the Division of Historical Resources of the Department of State; amending s. 288.772, F.S.; conforming provisions to changes made by the act; repealing s. 288.809, F.S., relating to the Florida Intergovernmental Relations Foundation; directing the Executive Office of the Governor and the foundation, by specified dates, to satisfy the liabilities of the foundation and transfer certain funds to the Florida International Trade and Promotion Trust Fund within the Department of Economic Opportunity; amending s. 379.223, F.S.; abrogating the scheduled repeal of provisions governing citizen support organizations established under the Fish and Wildlife Conservation Commission; creating s. 379.2231, F.S.; defining the terms “convicted” and “conviction”; authorizing a court to order persons convicted of certain violations to pay an additional assessment; authorizing a specified citizen support organization to pay certain rewards; amending s. 570.691, F.S.; abrogating the scheduled repeal of provisions relating to direct-support organizations established under the Department of Agriculture and Consumer Services; amending s. 570.83, F.S.; extending the scheduled repeal of the provisions governing the Florida Beef Council, Inc.; providing effective dates.

—as amended April 30, was read the third time by title.

On motion by Senator Hooper, **CS for CS for HB 1121**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Farmer	Rader
Albritton	Gainer	Rouson
Baxley	Gibson	Simmons
Benacquisto	Harrell	Simpson
Berman	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Mayfield	Taddeo
Brandes	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	

Nays—None

Vote after roll call:

Yea—Bean, Braynon, Diaz, Gruters, Pizzo, Powell, Rodriguez, Thurston

**CS for HB 6515**—A bill to be entitled An act for the relief of the Estate of Herminio Padilla, Jr., by the City of West Palm Beach, Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach; providing for an appropriation to compensate his estate for injuries and damages sustained by Herminio Padilla, Jr., as a result of the alleged negligence of the City of West Palm Beach, Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach; providing a limitation on the payment of attorney fees, lobbying fees, and costs or other similar expenses; providing an effective date.

—was read the third time by title.

On motion by Senator Cruz, **CS for HB 6515** was passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Farmer	Rader
Albritton	Gibson	Rodriguez
Baxley	Gruters	Rouson
Benacquisto	Harrell	Simmons
Berman	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Mayfield	Stewart
Brandes	Montford	Taddeo
Broxson	Passidomo	Torres
Cruz	Powell	Wright

Nays—2

Gainer	Perry
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Vote after roll call:

Yea—Bean, Braynon, Diaz, Pizzo, Thurston

**CS for HB 617**—A bill to be entitled An act relating to homeowners’ insurance policy disclosures; amending s. 627.7011, F.S.; revising circumstances under which insurers issuing homeowners’ insurance policies must include a specified statement relating to flood insurance with the policy documents at initial issuance and renewals; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for HB 617** was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gainer	Powell
Albritton	Gibson	Rader
Baxley	Gruters	Rodriguez
Benacquisto	Harrell	Rouson
Berman	Hooper	Simmons
Bracy	Hutson	Simpson
Bradley	Mayfield	Stargel
Brandes	Montford	Stewart
Broxson	Passidomo	Taddeo
Cruz	Perry	Torres
Farmer	Pizzo	Wright

Nays—None

Vote after roll call:

Yea—Braynon, Diaz, Thurston

Consideration of **CS for HB 1113** was deferred.

**CS for CS for HB 453**—A bill to be entitled An act relating to mobility devices and motorized scooters; amending s. 316.003, F.S.; defining the term “micromobility device”; revising the definition of the term “motorized scooter”; conforming a cross-reference; amending s. 316.1995, F.S.; conforming a provision to changes made by the act; amending s. 316.2128, F.S.; providing that the operator of a motorized scooter or micromobility device has all of the rights and duties applicable to the rider of a bicycle, except the duties imposed by specified provisions that by their nature do not apply; providing for construction; exempting a motorized scooter or micromobility device from certain registration, insurance, and licensing requirements; providing that a person is not required to have a driver license to operate a motorized scooter or micromobility device; requiring a person who offers motorized scooters or micromobility devices for hire to be responsible for securing all such devices located in any area of the state where a certain warning has been issued by the National Weather Service; deleting specified requirements for the sale of motorized scooters; amending s. 316.2225, F.S.; exempting electric personal assistive mobility devices and motorized scooters from certain emblem requirements; amending s. 320.01, F.S.; revising the definition of the term “motor vehicle”; amending s. 655.960, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 453** was passed and certified to the House. The vote was:

Yeas—32

Mr. President	Gainer	Powell
Albritton	Gibson	Rader
Baxley	Gruters	Rouson
Benacquisto	Harrell	Simmons
Berman	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Mayfield	Stewart
Brandes	Montford	Taddeo
Broxson	Passidomo	Torres
Cruz	Perry	Wright
Farmer	Pizzo	

Nays—1

Rodriguez

Vote after roll call:

Yea—Braynon, Diaz, Thurston

**HB 763**—A bill to be entitled An act relating to registered contractor licensing; amending s. 489.514, F.S.; extending the date by which an applicant must make application for a license to be grandfathered; providing an effective date.

—was read the third time by title.

On motion by Senator Pizzo, **HB 763** was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gainer	Powell
Albritton	Gibson	Rader
Baxley	Gruters	Rodriguez
Benacquisto	Harrell	Rouson
Berman	Hooper	Simmons
Bracy	Hutson	Simpson
Bradley	Mayfield	Stargel
Brandes	Montford	Stewart
Broxson	Passidomo	Taddeo
Cruz	Perry	Torres
Farmer	Pizzo	Wright

Nays—None

Vote after roll call:

Yea—Braynon, Diaz, Thurston

**HB 5011**—A bill to be entitled An act relating to county court judges; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; providing an effective date.

—as amended April 30, was read the third time by title.

On motion by Senator Bradley, **HB 5011**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Flores	Powell
Albritton	Gainer	Rader
Baxley	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Mayfield	Stewart
Braynon	Montford	Taddeo
Broxson	Passidomo	Thurston
Cruz	Perry	Torres
Farmer	Pizzo	Wright

Nays—None

Vote after roll call:

Yea—Diaz

**CS for HB 6523**—A bill to be entitled An act for the relief of Jane Doe by the School Board of Miami-Dade County; providing for an appropriation to compensate Jane Doe for injuries and damages sustained as a result of the negligence of the School Board of Miami-Dade County; providing a limitation on the payment of attorney fees; providing an effective date.

—was read the third time by title.

On motion by Senator Thurston, **CS for HB 6523** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Flores	Rodriguez
Albritton	Gibson	Rouson
Baxley	Gruters	Simmons
Benacquisto	Harrell	Simpson
Berman	Hooper	Stargel
Bracy	Hutson	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Pizzo	Wright
Diaz	Powell	
Farmer	Rader	

Nays—2

Gainer Perry

**CS for CS for HB 827**—A bill to be entitled An act relating to engineering; amending s. 337.14, F.S.; prohibiting specified services to the department for a project that is wholly or partially funded by the department and administered by a local governmental entity from being performed by the same entity; amending s. 455.271, F.S.; conforming a provision to changes made by the act; requiring the board, or the department if there is no board, to establish by rule a reinstatement process for void licenses; amending s. 471.005, F.S.; revising definitions; amending s. 471.011, F.S.; conforming a provision to changes made by the act; amending s. 471.013, F.S.; revising the prerequisites for examination; deleting an obsolete provision; amending s. 471.015, F.S.; revising licensure certification requirements to include active engineering experience and a minimum age; providing that the time period in which a licensure application must be granted or denied is tolled if an applicant is required to make a personal appearance before the board; authorizing the board to deny a license if such an applicant fails to appear before the board within a specified timeframe; amending s. 471.019, F.S.; requiring the board to establish by rule a reinstatement process for void licenses; amending s. 471.021, F.S.; conforming provisions to changes made by the act; amending s. 471.023, F.S.; providing requirements for qualification of a business organization; providing requirements for a qualifying agent; deleting the administration of disciplinary action against a business organization; amending s. 471.025, F.S.; requiring a successor engineer to be able to independently re-create certain work when seeking to reuse certain documents; specifying that a successor engineer assumes full professional and legal responsibility by signing or affixing his or her seal to assumed documents; releasing the engineer who previously sealed the documents from any professional responsibility or civil liability for her or his work that is assumed by a successor engineer; defining the term “successor engineer”; amending s. 553.79, F.S.; requiring that structural inspections on a threshold building be performed during new construction or during certain repair or restoration projects; amending s. 553.791, F.S.; revising the timeframes in which a fee owner or the fee owner’s contractor using a private provider to provide building code inspection services must notify the local building official; revising the timeframe in which the local building official shall issue the permit or provide notice to the permit applicant identifying noncompliant plan features; providing that a local building official may not prohibit a private provider from performing required inspections outside of normal operating hours; providing an effective date.

—was read the third time by title.

On motion by Senator Perry, **CS for CS for HB 827** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bradley	Farmer
Albritton	Brandes	Flores
Baxley	Braynon	Gainer
Benacquisto	Broxson	Gibson
Berman	Cruz	Gruters
Bracy	Diaz	Harrell

Hooper	Powell	Stewart
Hutson	Rader	Taddeo
Mayfield	Rodriguez	Thurston
Montford	Rouson	Torres
Passidomo	Simmons	Wright
Perry	Simpson	
Pizzo	Stargel	

Nays—None

**CS for HB 1113**—A bill to be entitled An act relating to health insurance savings programs; creating s. 627.6387, F.S.; providing a short title; providing definitions; authorizing a health insurer to offer a shared savings incentive program; prohibiting a health insurer from requiring an insured's participation in such program; providing procedures and requirements for a health insurer that offers such program; requiring the Office of Insurance Regulation to review a health insurer's filing; providing a minimum value for a shared savings incentive applicable for each shoppable health care service; providing the baseline for the savings calculation; providing that the shared savings incentive amount does not constitute income to the insured; providing report requirements; providing that a shared savings incentive is not an administrative expense for specified purposes; providing tax reductions; providing construction; authorizing the Financial Services Commission to adopt rules; creating s. 627.6648, F.S.; providing a short title; providing definitions; authorizing a health insurer to offer a shared savings incentive program; prohibiting a health insurer from requiring an insured's participation in such program; providing procedures and requirements for a health insurer that offers such program; requiring the office to review a health insurer's filing; providing a minimum value for a shared savings incentive applicable for each shoppable health care service; providing the baseline for the savings calculation; providing that the shared savings incentive amount does not constitute income to the insured; providing report requirements; providing that a shared savings incentive is not an administrative expense for specified purposes; providing tax reductions; providing construction; authorizing the commission to adopt rules; providing an effective date.

—as amended April 30, was read the third time by title.

On motion by Senator Diaz, **CS for HB 1113**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Rader
Albritton	Gainer	Rodriguez
Baxley	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Hutson	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright
Diaz	Pizzo	
Farmer	Powell	

Nays—None

Vote after roll call:

Yea—Bean

**CS for CS for CS for HB 475**—A bill to be entitled An act relating to certificates of title for vessels; creating s. 328.001, F.S.; providing a short title; creating s. 328.0015, F.S.; providing definitions; amending s. 328.01, F.S.; revising requirements for application for, and information to be included in, a certificate of title for a vessel; creating s. 328.015, F.S.; requiring the Department of Highway Safety and Motor Vehicles to retain certain information relating to ownership and titling of vessels; requiring the department to furnish certain information upon request; creating s. 328.02, F.S.; providing that the law of the state in

which a vessel is titled governs all issues relating to a certificate of title; specifying when a vessel becomes covered by such certificate; amending s. 328.03, F.S.; requiring a vessel owner to deliver an application for certificate of title to the department by a specified time; revising circumstances under which a vessel must be titled by this state; providing requirements for issuing, transferring, or renewing the number of an undocumented vessel issued under certain federal provisions; deleting provisions relating to operation, use, or storage of a vessel; deleting provisions relating to selling, assigning, or transferring a vessel; specifying that a certificate of title is prima facie evidence of the accuracy of the information in the record that constitutes the certificate; creating s. 328.04, F.S.; providing requirements for the contents of a certificate of title; creating s. 328.045, F.S.; providing responsibilities of an owner and insurer of a hull-damaged vessel when transferring an ownership interest in the vessel; requiring the department to create a new certificate indicating such damage; providing civil penalties; creating s. 328.055, F.S.; requiring the department to maintain certain information in its files; creating s. 328.06, F.S.; providing responsibilities of the department when creating a certificate of title; creating s. 328.065, F.S.; specifying effect of possession of a certificate of title; providing construction; amending s. 328.09, F.S.; providing duties of the department relating to creation, issuance, refusal to issue, or cancellation of a certificate of title; providing for a hearing; creating s. 328.101, F.S.; specifying that a certificate of title and certain other records are effective despite missing or incorrect information; amending s. 328.11, F.S.; providing requirements for obtaining a duplicate certificate of title; creating s. 328.12, F.S.; providing requirements for determination and perfection of a security interest in a vessel; providing applicability; creating s. 328.125, F.S.; providing requirements for the delivery of a statement of termination of a security interest; providing duties of the department; providing liability for noncompliance; creating s. 328.14, F.S.; providing for the rights of a purchaser of a vessel who is not a secured party; creating s. 328.145, F.S.; providing for the rights of a secured party; amending s. 328.15, F.S.; deleting certain provisions relating to notice of a lien; providing for future repeal of certain provisions; amending ss. 328.16 and 328.165, F.S.; conforming provisions to changes made by the act; creating s. 328.215, F.S.; specifying circumstances under which the department may create a new certificate of title after receipt of an application for a transfer of ownership or termination of a security interest unaccompanied by a certificate of title; authorizing the department to indicate certain information on the new certificate; authorizing the department to require a bond, indemnity, or other security; providing for the release of such bond, indemnity, or other security; providing that the department is not liable for creating a certificate of title based on erroneous or fraudulent information; providing penalties; creating s. 328.22, F.S.; providing requirements for the transfer of ownership in a vessel; providing effect of noncompliance; creating s. 328.23, F.S.; providing a definition; providing duties of the department upon receipt of a secured party's transfer statement; providing construction; creating s. 328.24, F.S.; providing a definition; providing requirements for a transfer of ownership by operation of law; providing duties of the department; providing applicability; creating s. 328.25, F.S.; providing that the principles and law of equity supplement the provisions of the act; creating s. 328.35, F.S.; authorizing the department to adopt rules to implement vessel titling provisions; amending ss. 409.2575, 705.103, and 721.08, F.S.; conforming provisions and cross-references to changes made by the act; providing construction and applicability regarding transactions, certificates of title, and records entered into or created, actions or proceedings commenced, and security interests perfected before the effective date of the act; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Hooper, **CS for CS for CS for HB 475** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Braynon	Harrell
Albritton	Broxson	Hooper
Baxley	Cruz	Hutson
Bean	Farmer	Mayfield
Benacquisto	Flores	Montford
Berman	Gainer	Passidomo
Bracy	Gibson	Perry
Brandes	Gruters	Pizzo

Powell	Simmons	Taddeo
Rader	Simpson	Thurston
Rodriguez	Stargel	Torres
Rouson	Stewart	Wright

Nays—None

Vote after roll call:

Yea—Diaz

**CS for HB 311**—A bill to be entitled An act relating to autonomous vehicles; amending s. 316.003, F.S.; revising and providing definitions; amending ss. 316.062, 316.063, 316.065, and 316.1975, F.S.; providing applicability; amending s. 316.303, F.S.; exempting a vehicle being operated with the automated driving system engaged from a prohibition on the active display of television or video; amending s. 316.305, F.S.; exempting a motor vehicle operator who is operating an autonomous vehicle from a prohibition on the use of wireless communications devices; amending s. 316.85, F.S.; providing that a licensed human operator is not required to operate a fully autonomous vehicle; authorizing a fully autonomous vehicle to operate in this state regardless of whether a human operator is physically present in the vehicle; requiring the automated driving system to be deemed to be the operator of an autonomous vehicle operating with the automated driving system engaged; providing construction; providing requirements for operation of on-demand autonomous vehicle networks; providing insurance requirements; authorizing an autonomous or fully autonomous vehicle equipped with a teleoperation system to operate without a human operator physically present in the vehicle when the system is engaged; providing application to certain statutory provisions; providing for uniformity of laws governing autonomous vehicles; providing construction with respect to certain fees charged and staging or pickup locations designated by an airport or seaport; amending s. 319.145, F.S.; revising requirements for autonomous vehicles registered in this state; creating s. 322.015, F.S.; providing applicability; amending s. 338.2216, F.S.; authorizing the Florida Turnpike Enterprise to enter into agreements to fund, construct, and operate certain facilities; amending ss. 339.175, 339.64, 339.83, and 627.0653, F.S.; conforming provisions to changes made by the act; creating s. 627.749, F.S.; providing definitions; providing insurance requirements for autonomous vehicles; amending s. 655.960, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for HB 311** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Rader
Albritton	Gainer	Rodriguez
Baxley	Gibson	Rouson
Bean	Gruters	Simmons
Benacquisto	Harrell	Simpson
Berman	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Mayfield	Taddeo
Brandes	Montford	Thurston
Braynon	Passidomo	Torres
Broxson	Perry	Wright
Cruz	Pizzo	
Farmer	Powell	

Nays—None

Vote after roll call:

Yea—Diaz

**SB 172**—A bill to be entitled An act relating to the Florida Endowment for Vocational Rehabilitation; amending s. 413.615, F.S.; abrogating the future repeal of provisions relating to the Florida Endowment for Vocational Rehabilitation; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **SB 172** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Farmer	Rader
Albritton	Gainer	Rodriguez
Baxley	Gibson	Rouson
Bean	Gruters	Simmons
Benacquisto	Harrell	Simpson
Berman	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Mayfield	Taddeo
Brandes	Montford	Thurston
Braynon	Passidomo	Torres
Broxson	Perry	Wright
Cruz	Pizzo	
Diaz	Powell	

Nays—None

**CS for HB 341**—A bill to be entitled An act relating to motor vehicles and railroad trains; amending s. 316.003, F.S.; revising the definition of the term “railroad train”; amending s. 316.068, F.S.; requiring that, in the event of a crash involving a railroad train, the collection of certain information be at the discretion of the law enforcement officer having jurisdiction to investigate the crash; revising information required to be contained in a crash report; specifying that certain persons are not considered passengers for the purpose of making crash reports; requiring a member of a railroad train crew to furnish certain information under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Hutson, **CS for HB 341** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Farmer	Powell
Albritton	Gainer	Rader
Baxley	Gibson	Rodriguez
Bean	Gruters	Rouson
Benacquisto	Harrell	Simmons
Berman	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright
Diaz	Pizzo	

Nays—None

**CS for HB 9**—A bill to be entitled An act relating to community redevelopment agencies; amending s. 112.3142, F.S.; specifying ethics training requirements for community redevelopment agency commissioners; amending s. 163.356, F.S.; establishing procedures for appointing members of the board of the community redevelopment agency; providing reporting requirements; deleting provisions requiring certain annual reports; requiring a referendum to create a community redevelopment agency; amending s. 163.357, F.S.; revising community redevelopment agency membership; amending s. 163.367, F.S.; requiring ethics training for community redevelopment agency commissioners; amending s. 163.370, F.S.; establishing procurement procedures; creating s. 163.371, F.S.; providing annual reporting requirements; requiring publication of notices of the reports; requiring reports to be available for inspection in designated places; specifying information that must be included in the reports; requiring a community redevelopment agency to post annual reports and boundary maps

on its website; requiring updates upon specified changes to a boundary or total acreage; creating s. 163.3755, F.S.; providing termination dates for certain community redevelopment agencies; requiring a referendum to create a community redevelopment agency after a date certain; providing a phase-out period for existing community redevelopment agencies under specified circumstances; creating s. 163.3756, F.S.; providing legislative findings; requiring the Department of Economic Opportunity to declare inactive certain community redevelopment agencies under specified circumstances; providing hearing procedures; authorizing certain financial activity by a community redevelopment agency that is declared inactive; requiring community redevelopment agencies to follow specified provisions applicable to inactive special districts; requiring the Department of Economic Opportunity to maintain a website identifying inactive community redevelopment agencies; amending s. 163.387, F.S.; specifying the level of tax increment financing that the governing body may establish for funding the redevelopment trust fund; revising requirements for the expenditure of redevelopment trust fund proceeds; revising requirements for the annual budget of a community redevelopment agency; requiring municipal community redevelopment agencies to provide annual budget to county commission; specifying allowed expenditures from the annual budget; revising requirements for use of moneys in the redevelopment trust fund for specific redevelopment projects; revising requirements for the annual audit; requiring the audit to be included in specified reports; amending s. 218.32, F.S.; requiring county and municipal governments to submit community redevelopment agency annual audit reports; revising criteria for finding that a county or municipality failed to file a report; requiring the Department of Financial Services to provide to the Department of Economic Opportunity a list of certain community redevelopment agencies; providing an effective date.

—as amended April 30, was read the third time by title.

On motion by Senator Lee, **CS for HB 9**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz	Pizzo
Albritton	Farmer	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Mayfield	Stewart
Braynon	Montford	Taddeo
Broxson	Passidomo	Thurston
Cruz	Perry	Wright

Nays—1

Torres

**CS for CS for HB 1115**—A bill to be entitled An act relating to dispensing medicinal drugs; amending s. 465.019, F.S.; authorizing certain individuals to prescribe and dispense a limited supply of medicinal drugs to any patient of an emergency department of a hospital or a patient discharged from a hospital under certain circumstances; amending s. 465.0235, F.S.; authorizing a community pharmacy to use an automated pharmacy system under certain circumstances; providing that certain medicinal drugs stored in such system for outpatient dispensing are part of the inventory of the pharmacy providing services through such system; requiring the Board of Pharmacy to adopt rules; providing an effective date.

—as amended April 30, was read the third time by title.

On motion by Senator Harrell, **CS for CS for HB 1115**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Albritton	Baxley
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Bean	Gainer	Powell
Benacquisto	Gibson	Rader
Berman	Gruters	Rodriguez
Bracy	Harrell	Rouson
Bradley	Hooper	Simmons
Brandes	Hutson	Simpson
Braynon	Lee	Stargel
Broxson	Mayfield	Stewart
Cruz	Montford	Taddeo
Diaz	Passidomo	Thurston
Farmer	Perry	Torres
Flores	Pizzo	Wright

Nays—None

**CS for CS for CS for HB 829**—A bill to be entitled An act relating to attorney fees and costs; creating s. 57.112, F.S.; defining the term “attorney fees and costs”; providing for award of attorney fees and costs and damages in successful civil actions challenging local ordinances as being preempted by the State Constitution or state law; prohibiting an award of attorney fees and costs under certain circumstances; providing construction; providing applicability; providing an effective date.

—as amended April 30, was read the third time by title.

On motion by Senator Hutson, **CS for CS for CS for HB 829**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Cruz	Passidomo
Albritton	Diaz	Perry
Baxley	Flores	Simmons
Bean	Gruters	Simpson
Benacquisto	Harrell	Stargel
Bradley	Hooper	Stewart
Brandes	Hutson	Wright
Braynon	Lee	
Broxson	Mayfield	

Nays—14

Berman	Montford	Rouson
Bracy	Pizzo	Taddeo
Farmer	Powell	Thurston
Gainer	Rader	Torres
Gibson	Rodriguez	

Vote after roll call:

Yea to Nay—Braynon, Cruz

**HB 975**—A bill to be entitled An act relating to aircraft liens; amending ss. 329.41 and 329.51, F.S.; specifying that a lienor is not required to possess an aircraft to perfect certain liens; providing an effective date.

—was read the third time by title.

On motion by Senator Baxley, **HB 975** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bradley	Flores
Albritton	Brandes	Gainer
Baxley	Braynon	Gibson
Bean	Broxson	Gruters
Benacquisto	Cruz	Harrell
Berman	Diaz	Hooper
Bracy	Farmer	Hutson

Lee	Powell	Stargel
Mayfield	Rader	Stewart
Montford	Rodriguez	Taddeo
Passidomo	Rouson	Thurston
Perry	Simmons	Torres
Pizzo	Simpson	Wright

Nays—None

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**HB 1027**—A bill to be entitled An act relating to the Office of Early Learning; amending s. 1002.82, F.S.; requiring certain preservice and inservice training requirements established by the Office of Early Learning to include specified professional development pathways; creating s. 1002.995, F.S.; requiring the office to develop certain training and course standards for school readiness program providers; requiring the office to identify certain formal and informal career pathways, stackable credentials, and certifications that meet specified criteria for such providers; requiring such credentials and certifications to align with a specified training when possible; providing for rule-making; providing an effective date.

—was read the third time by title.

On motion by Senator Perry, **HB 1027** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

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**HB 7047**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 501.171, F.S., which provides a public records exemption for information received by the Department of Legal Affairs pursuant to a notification of a security breach or during the course of an investigation of such breach; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Simmons, **HB 7047** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
Albritton	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright
Farmer	Pizzo	

Nays—None

Vote after roll call:

Yea—Baxley

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**CS for CS for SB 1192**—A bill to be entitled An act relating to electronic prescribing; amending s. 456.42, F.S.; requiring certain health care practitioners to electronically generate and transmit prescriptions for medicinal drugs upon license renewal or by a specified date; providing exceptions; authorizing the Department of Health, in consultation with the Board of Medicine, the Board of Osteopathic Medicine, the Board of Podiatric Medicine, the Board of Dentistry, the Board of Nursing, and the Board of Optometry, to adopt rules; amending s. 456.43, F.S.; revising the definitions of the terms “prescribing decision” and “point of care”; revising the authority for electronic prescribing software to display information regarding a payor’s formulary under certain circumstances; amending ss. 409.912, 456.0392, 458.3265, 458.331, 459.0137, and 459.015, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for CS for SB 1192**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 831** was withdrawn from the Committees on Health Policy; and Rules.

On motion by Senator Bean, the rules were waived and by two-thirds vote—

**CS for HB 831**—A bill to be entitled An act relating to electronic prescribing; amending s. 456.42, F.S.; requiring all prescriptions to be electronically generated and transmitted; prohibiting electronic prescribing from interfering with a patient’s freedom to choose a pharmacy; providing restrictions for electronic prescribing software; providing definitions; authorizing electronic prescribing software to display information regarding a payor’s formulary under certain circumstances; amending ss. 456.0392, 458.3265, 458.331, 458.347, 459.0137, 459.015, and 459.022, F.S.; conforming provisions to changes made by the act; repealing s. 456.43, F.S., relating to electronic prescribing for medicinal drugs; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1192** and read the second time by title.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Bean moved the following amendment which was adopted:

**Amendment 1 (161690) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 456.42, Florida Statutes, is amended to read:

456.42 Written prescriptions for medicinal drugs.—

(1) A written prescription for a medicinal drug issued by a health care practitioner licensed by law to prescribe such drug must be legibly printed or typed so as to be capable of being understood by the pharmacist filling the prescription; must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed, and the directions for use of the drug; must be dated; and must be signed by the prescribing practitioner on the day when issued. However, a prescription that is electronically generated and transmitted must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed in numerical format, and the directions for use of the drug and must contain the date and an electronic signature, as defined in s. 668.003(4), ~~be dated and signed by the prescribing practitioner only on the day issued, which signature may be in an electronic format as defined in s. 668.003(4).~~

(2) A written prescription for a controlled substance listed in chapter 893 must have the quantity of the drug prescribed in both textual and numerical formats, must be dated in numerical, month/day/year format, or with the abbreviated month written out, or the month written out in whole, and must be either written on a standardized coun-



tefeit-proof prescription pad produced by a vendor approved by the department or electronically prescribed as that term is used in s. 408.0611. As a condition of being an approved vendor, a prescription pad vendor must submit a monthly report to the department that, at a minimum, documents the number of prescription pads sold and identifies the purchasers. The department may, by rule, require the reporting of additional information.

(3) *A health care practitioner licensed by law to prescribe a medicinal drug who maintains a system of electronic health records as defined in s. 408.051(2)(a), or who prescribes medicinal drugs as an owner, an employee, or a contractor of a licensed health care facility or practice that maintains such a system and who is prescribing in his or her capacity as such an owner, an employee, or a contractor, may only electronically transmit prescriptions for such drugs. This requirement applies to such a health care practitioner upon renewal of the health care practitioner's license or by July 1, 2021, whichever is earlier, but does not apply if:*

- (a) *The practitioner and the dispenser are the same entity;*
  - (b) *The prescription cannot be transmitted electronically under the most recently implemented version of the National Council for Prescription Drug Programs SCRIPT Standard;*
  - (c) *The practitioner has been issued a waiver by the department, not to exceed 1 year in duration, from the requirement to use electronic prescribing due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the practitioner, or another exceptional circumstance demonstrated by the practitioner;*
  - (d) *The practitioner reasonably determines that it would be impractical for the patient in question to obtain a medicinal drug prescribed by electronic prescription in a timely manner and such delay would adversely impact the patient's medical condition;*
  - (e) *The practitioner is prescribing a drug under a research protocol;*
  - (f) *The prescription is for a drug for which the federal Food and Drug Administration requires the prescription to contain elements that may not be included in electronic prescribing;* or
  - (g) *The prescription is issued to an individual receiving hospice care or who is a resident of a nursing home facility.*
- (h) *The practitioner determines that it is in the best interest of the patient, or the patient determines that it is in his or her own best interest, to compare prescription drug prices among area pharmacies. The practitioner must document such determination in the patient's medical record.*

*The department, in consultation with the Board of Medicine, the Board of Osteopathic Medicine, the Board of Podiatric Medicine, the Board of Dentistry, the Board of Nursing, and the Board of Optometry, may adopt rules to implement this subsection.*

Section 2. Section 456.43, Florida Statutes, is amended to read:

456.43 Electronic prescribing for medicinal drugs.—

- (1) Electronic prescribing ~~may shall~~ not interfere with a patient's freedom to choose a pharmacy.
- (2) Electronic prescribing software ~~may shall~~ not use any means or permit any other person to use any means to influence or attempt to influence, through economic incentives or otherwise, the prescribing decision of a prescribing practitioner or his or her agent at the point of care, including, but not limited to, means such as advertising, instant messaging, and pop-up ads, and similar means to influence or attempt to influence, through economic incentives or otherwise, the prescribing decision of a prescribing practitioner at the point of care. Such means ~~shall not be~~ triggered by or in specific response to the input, selection, or act of a prescribing practitioner or his or her agent in prescribing a certain medicinal drug ~~pharmaceutical~~ or directing a patient to a certain pharmacy. For purposes of this subsection, the term:

(a) ~~The term~~ "Prescribing decision" means a prescribing practitioner's or his or her agent's decision to prescribe any medicinal drug ~~a certain pharmaceutical~~.

(b) ~~The term~~ "Point of care" means the time at which ~~that~~ a prescribing practitioner or his or her agent prescribes any medicinal drug ~~is in the act of prescribing a certain pharmaceutical~~.

(3) Electronic prescribing software may display ~~show~~ information regarding a payor's formulary if as long as nothing is designed to preclude or make more difficult the selection of the act of a prescribing practitioner or patient selecting any particular pharmacy by a patient or the selection of a certain medicinal drug by a prescribing practitioner or his or her agent ~~pharmaceutical~~.

Section 3. Paragraph (a) of subsection (5) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. s. 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(5)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. A Medicaid preferred drug list, which shall be a listing of cost-effective therapeutic options recommended by the Medicaid Pharmacy and Therapeutics Committee established pursuant to s. 409.91195 and adopted by the agency for each therapeutic class on the preferred drug list. At the discretion of the committee, and when feasible, the preferred

drug list should include at least two products in a therapeutic class. The agency may post the preferred drug list and updates to the list on an Internet website without following the rulemaking procedures of chapter 120. Antiretroviral agents are excluded from the preferred drug list. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply unless the drug products' smallest marketed package is greater than a 34-day supply, or the drug is determined by the agency to be a maintenance drug in which case a 100-day maximum supply may be authorized. The agency may seek any federal waivers necessary to implement these cost-control programs and to continue participation in the federal Medicaid rebate program, or alternatively to negotiate state-only manufacturer rebates. The agency may adopt rules to administer this subparagraph. The agency shall continue to provide unlimited contraceptive drugs and items. The agency must establish procedures to ensure that:

a. There is a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation; and

b. A 72-hour supply of the drug prescribed is provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lowest of: the average wholesale price (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC) plus 1.5 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment if it is determined that it has a sufficient number of Medicaid-participating providers. The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.

5. The agency shall develop and implement a program that requires Medicaid practitioners who *issue written prescriptions for medicinal* ~~prescribe~~ drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by ~~Medicaid participating prescribers or~~ prescribers who *issue written* ~~write~~ prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-

reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug list as described in this subsection, and, pursuant to the establishment of such preferred drug list, negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage guarantees a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug list. However, a pharmaceutical manufacturer is not guaranteed placement on the preferred drug list by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency may contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Value-added programs as a substitution for supplemental rebates are prohibited. The agency may seek any federal waivers to implement this initiative.

8. The agency shall expand home delivery of pharmacy products. The agency may amend the state plan and issue a procurement, as necessary, in order to implement this program. The procurements must include agreements with a pharmacy or pharmacies located in the state to provide mail order delivery services at no cost to the recipients who elect to receive home delivery of pharmacy products. The procurement must focus on serving recipients with chronic diseases for which pharmacy expenditures represent a significant portion of Medicaid pharmacy expenditures or which impact a significant portion of the Medicaid population. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

9. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

10.a. The agency may implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency may seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Families, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program may include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

11. The agency shall implement a Medicaid prescription drug management system.

a. The agency may contract with a vendor that has experience in operating prescription drug management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug management system must be designed to improve the quality of care and prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the adoption of best practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to recipients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

12. The agency may contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

13. The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

14. The agency may require prior authorization for Medicaid-covered prescribed drugs. The agency may prior-authorize the use of a product:

- a. For an indication not approved in labeling;
- b. To comply with certain clinical guidelines; or
- c. If the product has the potential for overuse, misuse, or abuse.

The agency may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug. The agency shall post prior authorization, step-edit criteria and protocol, and updates to the list of drugs that are subject to prior authorization on the agency's Internet website within 21 days

after the prior authorization and step-edit criteria and protocol and updates are approved by the agency. For purposes of this subparagraph, the term "step-edit" means an automatic electronic review of certain medications subject to prior authorization.

15. The agency, in conjunction with the Pharmaceutical and Therapeutics Committee, may require age-related prior authorizations for certain prescribed drugs. The agency may preauthorize the use of a drug for a recipient who may not meet the age requirement or may exceed the length of therapy for use of this product as recommended by the manufacturer and approved by the Food and Drug Administration. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug.

16. The agency shall implement a step-therapy prior authorization approval process for medications excluded from the preferred drug list. Medications listed on the preferred drug list must be used within the previous 12 months before the alternative medications that are not listed. The step-therapy prior authorization may require the prescriber to use the medications of a similar drug class or for a similar medical indication unless contraindicated in the Food and Drug Administration labeling. The trial period between the specified steps may vary according to the medical indication. The step-therapy approval process shall be developed in accordance with the committee as stated in s. 409.91195(7) and (8). A drug product may be approved without meeting the step-therapy prior authorization criteria if the prescribing physician provides the agency with additional written medical or clinical documentation that the product is medically necessary because:

- a. There is not a drug on the preferred drug list to treat the disease or medical condition which is an acceptable clinical alternative;
- b. The alternatives have been ineffective in the treatment of the beneficiary's disease; or
- c. Based on historic evidence and known characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

17. The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a \$5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused.

Section 4. Section 456.0392, Florida Statutes, is amended to read:

456.0392 Prescription labeling.—

(1) A prescription ~~issued written~~ by a practitioner who is authorized under the laws of this state to ~~prescribe write prescriptions for~~ drugs that are not listed as controlled substances in chapter 893 but who is not eligible for a federal Drug Enforcement Administration number shall include that practitioner's name and professional license number. The pharmacist or dispensing practitioner must include the practitioner's name on the container of the drug that is dispensed. A pharmacist shall be permitted, upon verification by the prescriber, to document any information required by this section.

(2) A prescription for a drug that is not listed as a controlled substance in chapter 893 which is ~~issued written~~ by an advanced practice registered nurse licensed under s. 464.012 is presumed, subject to rebuttal, to be valid and within the parameters of the prescriptive au-

thority delegated by a practitioner licensed under chapter 458, chapter 459, or chapter 466.

(3) A prescription for a drug that is not listed as a controlled substance in chapter 893 which is issued written by a physician assistant licensed under chapter 458 or chapter 459 is presumed, subject to rebuttal, to be valid and within the parameters of the prescriptive authority delegated by the physician assistant's supervising physician.

Section 5. Paragraph (d) of subsection (3) of section 458.3265, Florida Statutes, is amended to read:

458.3265 Pain-management clinics.—

(3) PHYSICIAN RESPONSIBILITIES.—These responsibilities apply to any physician who provides professional services in a pain-management clinic that is required to be registered in subsection (1).

(d) A physician authorized to prescribe controlled substances who practices at a pain-management clinic is responsible for maintaining the control and security of his or her prescription blanks or electronic prescribing software and any other method used for prescribing controlled substance pain medication. A The physician who issues written prescriptions shall comply with the requirements for counterfeit-resistant prescription blanks in s. 893.065 and the rules adopted pursuant to that section. A The physician shall notify, in writing, the department within 24 hours after following any theft or loss of a prescription blank or breach of his or her electronic prescribing software used any other method for prescribing pain medication.

Section 6. Paragraph (qq) of subsection (1) of section 458.331, Florida Statutes, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(qq) Failing to timely notify the department of the theft of prescription blanks from a pain-management clinic or a breach of a physician's electronic prescribing software other methods for prescribing within 24 hours as required by s. 458.3265(3).

Section 7. Paragraph (d) of subsection (3) of section 459.0137, Florida Statutes, is amended to read:

459.0137 Pain-management clinics.—

(3) PHYSICIAN RESPONSIBILITIES.—These responsibilities apply to any osteopathic physician who provides professional services in a pain-management clinic that is required to be registered in subsection (1).

(d) An osteopathic physician authorized to prescribe controlled substances who practices at a pain-management clinic is responsible for maintaining the control and security of his or her prescription blanks or electronic prescribing software and any other method used for prescribing controlled substance pain medication. An The osteopathic physician who issues written prescriptions shall comply with the requirements for counterfeit-resistant prescription blanks in s. 893.065 and the rules adopted pursuant to that section. An The osteopathic physician shall notify, in writing, the department within 24 hours after following any theft or loss of a prescription blank or breach of his or her electronic prescribing software used any other method for prescribing pain medication.

Section 8. Paragraph (ss) of subsection (1) of section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(ss) Failing to timely notify the department of the theft of prescription blanks from a pain-management clinic or a breach of an os-

teopathic physician's electronic prescribing software other methods for prescribing within 24 hours as required by s. 459.0137(3).

Section 9. This act shall take effect January 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to electronic prescribing; amending s. 456.42, F.S.; requiring certain health care practitioners to electronically generate and transmit prescriptions for medicinal drugs upon license renewal or by a specified date; providing exceptions; authorizing the Department of Health, in consultation with the Board of Medicine, the Board of Osteopathic Medicine, the Board of Podiatric Medicine, the Board of Dentistry, the Board of Nursing, and the Board of Optometry, to adopt rules; amending s. 456.43, F.S.; revising the definitions of the terms "prescribing decision" and "point of care"; revising the authority for electronic prescribing software to display information regarding a payor's formulary under certain circumstances; amending ss. 409.912, 456.0392, 458.3265, 458.331, 459.0137, and 459.015, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Bean, by two-thirds vote, CS for HB 831, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

RECESS

The President declared the Senate in recess at 2:32 p.m. to reconvene at 4:00 p.m. or upon his call.

AFTERNOON SESSION, continued

The Senate was called to order by the President at 4:00 p.m. A quorum present—37:

Mr. President	Flores	Powell
Albritton	Gainer	Rader
Baxley	Gibson	Rodriguez
Bean	Gruters	Rouson
Benacquisto	Harrell	Simmons
Berman	Hooper	Stargel
Bradley	Hutson	Stewart
Brandes	Lee	Taddeo
Braynon	Mayfield	Thurston
Broxson	Montford	Torres
Cruz	Passidomo	Wright
Diaz	Perry	
Farmer	Pizzo	

Excused: Senator Book

By direction of the President, the rules were waived and the Senate proceeded to—

**LOCAL BILL CALENDAR**

**MOTIONS**

On motion by Senator Benacquisto, the rules were waived and **CS for HB 193, CS for CS for HB 523, HB 745, CS for CS for HB 901, CS for HB 1063, HB 1065, CS for CS for HB 1067, HB 1099, HB 1175, CS for HB 1203, HB 1323, CS for HB 1351, HB 1373, HB 1417, and CS for HB 1423** on the Local Bill Calendar were withdrawn from the Committee on Rules, read a second and third time by title, and passed this day.

**CS for HB 193**—A bill to be entitled An act relating to Charlotte County; repealing chapters 25231 (1949), 59-588, 63-848, 63-1202, 65-1214, and 81-357, Laws of Florida, relating to the compensation of members and the chairman of the board of county commissioners, travel expenses for the members of the commission, and funds for the entertainment of dignitaries; providing an effective date.

—was read the second time by title. On motion by Senator Albritton, by two-thirds vote, **CS for HB 193** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**CS for CS for HB 523**—A bill to be entitled An act relating to Halifax Hospital Medical Center, Volusia County; amending chapter 2003-374, Laws of Florida; providing an exception to general law; authorizing the district to establish, own, construct, operate, manage, and maintain hospitals, facilities, and services within and beyond the boundaries of the district under certain conditions; providing legislative intent; providing that ad valorem taxes and non-ad valorem special assessments be expended only within the boundaries of the district; prohibiting the district from expending such funds outside the boundaries of the district; authorizing the district to contract with certain persons or entities to carry out the provisions of this act; authorizing the district to own and operate certain facilities and provide certain services throughout the state; providing an effective date.

—was read the second time by title. On motion by Senator Wright, by two-thirds vote, **CS for CS for HB 523** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Brandes	Gibson
Albritton	Braynon	Gruters
Baxley	Broxson	Harrell
Bean	Cruz	Hooper
Benacquisto	Diaz	Hutson
Berman	Farmer	Lee
Bracy	Flores	Mayfield
Bradley	Gainer	Montford

Passidomo	Rodriguez	Stewart
Perry	Rouson	Taddeo
Pizzo	Simmons	Thurston
Powell	Simpson	Torres
Rader	Stargel	Wright

Nays—None

**HB 745**—A bill to be entitled An act relating to Alachua County; providing an exception to general law; authorizing a business licensed to sell alcoholic beverages for consumption on premises within a specified area to sell such beverages for consumption off premises; providing boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Perry, by two-thirds vote, **HB 745** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**CS for CS for HB 901**—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981 (1947), Laws of Florida, as amended; increasing the amount of credited service a member is entitled to each year; revising the review procedures at a hearing for denial of request for pension benefits; revising the assumed investment rate of return percentage to conform to the increase in the amount of credited service a member is entitled to each year; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **CS for CS for HB 901** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**CS for HB 1063**—A bill to be entitled An act relating to City of Palm Bay, Brevard County; excluding specified municipal lands within the corporate limits of the City of Palm Bay; providing that the county is

responsible for the excluded territory; providing applicability with respect to existing contracts; providing applicability with respect to existing property rights and entitlements; providing an effective date.

—was read the second time by title. On motion by Senator Mayfield, by two-thirds vote, **CS for HB 1063** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**HB 1065**—A bill to be entitled An act relating to the Melbourne-Tillman Water Control District, Brevard County; amending ch. 2001-336, Laws of Florida, as amended; revising the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Mayfield, by two-thirds vote, **HB 1065** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**CS for CS for HB 1067**—A bill to be entitled An act relating to the Pensacola-Escambia Promotion and Development Commission, Escambia County; amending ch. 67-1365, Laws of Florida, as amended; revising the short title; revising definitions; providing for a change in the membership structure of the Pensacola-Escambia Promotion and Development Commission; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote, **CS for CS for HB 1067** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bracy	Diaz
Albritton	Bradley	Farmer
Baxley	Brandes	Flores
Bean	Braynon	Gainer
Benacquisto	Broxson	Gibson
Berman	Cruz	Gruters

Harrell	Perry	Simpson
Hooper	Pizzo	Stargel
Hutson	Powell	Stewart
Lee	Rader	Taddeo
Mayfield	Rodriguez	Thurston
Montford	Rouson	Torres
Passidomo	Simmons	Wright

Nays—None

**HB 1099**—A bill to be entitled An act relating to the City of Kissimmee, Osceola County; creating an overlay district; providing a short title; providing boundaries; providing an exception to general law; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and professional Regulation to issue a special alcoholic beverage license to certain establishments under specified requirements; providing penalties for any licensee that doesn't meet such requirements; prohibiting subsequent licensure application for a specified period; providing an effective date.

—was read the second time by title. On motion by Senator Torres, by two-thirds vote, **HB 1099** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**HB 1175**—A bill to be entitled An act relating to Martin County; amending chapter 2017-195, Laws of Florida; revising certain corporate boundaries; providing that, for purposes of complying with s. 218.23(1), Florida Statutes, millages levied within municipal service taxing units may be used for an indefinite period of time; providing an effective date.

—was read the second time by title. On motion by Senator Harrell, by two-thirds vote, **HB 1175** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**CS for HB 1203**—A bill to be entitled An act relating to the Lakewood Ranch Stewardship District, Manatee and Sarasota Counties; amending ch. 2005-338, Laws of Florida, as amended; revising the boundaries of the Lakewood Ranch Stewardship District; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Gruters, by two-thirds vote, **CS for HB 1203** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**HB 1323**—A bill to be entitled An act relating to City of Tampa, Hillsborough County; amending ch. 23559, Laws of Florida (1945), as amended; providing that investments of the fund be consistent with specified written investment policy adopted by the board of trustees; requiring the board to exercise the judgment and care when making such investments; revising investment policy provisions to conform with general law; providing an effective date.

—was read the second time by title. On motion by Senator Cruz, by two-thirds vote, **HB 1323** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**CS for HB 1351**—A bill to be entitled An act relating to the City of St. Cloud, Osceola County; creating a special zone; providing boundaries; providing an exception to general law; providing space, seating, and minimum gross revenue requirements for special alcoholic beverage licenses for restaurants within boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Torres, by two-thirds vote, **CS for HB 1351** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Baxley	Benacquisto
Albritton	Bean	Berman

Bracy	Gruters	Rader
Bradley	Harrell	Rodriguez
Brandes	Hooper	Rouson
Braynon	Hutson	Simmons
Broxson	Lee	Simpson
Cruz	Mayfield	Stargel
Diaz	Montford	Stewart
Farmer	Passidomo	Taddeo
Flores	Perry	Thurston
Gainer	Pizzo	Torres
Gibson	Powell	Wright

Nays—None

**HB 1373**—A bill to be entitled An act relating to the Hillsborough County Civil Service Act; repealing chapters 2000-445, 2007-301, and 2014-230, Laws of Florida; abolishing the act; requiring that any agency or authority previously covered under the act must provide a fair, neutral, and impartial system for administering employee discipline of a suspension, involuntary demotion, or dismissal and appeals of such discipline; providing requirements; providing an effective date.

—was read the second time by title. On motion by Senator Cruz, by two-thirds vote, **HB 1373** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**HB 1417**—A bill to be entitled An act relating to Melbourne-Tillman Water Control District, Brevard County; amending ch. 2001-336, Laws of Florida; providing public hearing notice requirements for the 2019-2020 budget year; revising voting requirements relating to the storm-water management user fee; providing an effective date.

—was read the second time by title. On motion by Senator Mayfield, by two-thirds vote, **HB 1417** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

**CS for HB 1423**—A bill to be entitled An act relating to the Pinellas County Construction Licensing Board; amending ch. 75-489, Laws of Florida, as amended; revising residency requirements for certain board members; providing an effective date.

—was read the second time by title. On motion by Senator Brandes, by two-thirds vote, **CS for HB 1423** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

**REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS**

The Honorable Bill Galvano  
President, The Florida Senate  
Suite 409, The Capitol  
404 South Monroe Street  
Tallahassee, FL 32399-1100

May 1, 2019

Dear President Galvano:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

	<i>Office and Appointment</i>	<i>For Term Ending</i>
Greater Orlando Aviation Authority	Appointees: Good, M. Carson	04/16/2022
	Hunt, Randall	04/16/2022
	Martinez, Rafael E.	04/16/2020
	Pirozzolo, Jason	04/16/2020
Board of Trustees of Miami-Dade College	Appointees: Abraham, Anay Marie	05/31/2019
	Migoya, Carlos A.	05/31/2021
Education Practices Commission	Appointees: Barr, Jared	01/13/2021
	Bland, Ana Armbrister	09/30/2022
	Ceaser, Daniel E.	09/30/2022
	Copenhaver, Ann B.	09/30/2021
	DeSanctis, Marielena P.	09/30/2022
	Gallucci, E. Jane	09/30/2019
	Jaureguizar, Martha T.	09/30/2021
	Pillay, Nigel D.	09/30/2022
	Swint, Michelle	09/30/2021
	Wilks, Kathy	09/30/2021
	Wright, Brandon	09/30/2020

The following executive appointments were referred to the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government, the Senate Committee on Innovation, Industry, and Technology, and the Senate Committee on Ethics and Elections for ac-

tion pursuant to Rule 12.7 of the Rules of the Florida Senate:

	<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Business and Professional Regulation	Appointee: Beshears, Halsey	Pleasure of Governor
Secretary of the Department of the Lottery	Appointee: Poppell, James "Jim" W.	Pleasure of Governor

The following executive appointment was referred to the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government, the Senate Committee on Governmental Oversight and Accountability, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

	<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Management Services	Appointee: Satter, Jonathan R.	Pleasure of Governor

The following executive appointment was referred to the Senate Appropriations Subcommittee on Criminal and Civil Justice, the Senate Committee on Criminal Justice, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

	<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Corrections	Appointee: Inch, Mark S.	Pleasure of Governor

The following executive appointment was referred to the Senate Appropriations Subcommittee on Health and Human Services, the Senate Committee on Health Policy, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

	<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Health Care Administration	Appointee: Mayhew, Mary C.	Pleasure of Governor

The following executive appointment was referred to the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development, the Senate Committee on Commerce and Tourism, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

	<i>Office and Appointment</i>	<i>For Term Ending</i>
Executive Director, Department of Economic Opportunity	Appointee: Lawson, Kenneth E.	Pleasure of Governor

The following executive appointment was referred to the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development, the Senate Committee on Infrastructure and Security, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

	<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Transportation	Appointee: Thibault, Kevin J.	Pleasure of Governor



The following executive appointments were referred to the Senate Committee on Children, Families, and Elder Affairs and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

*For Term Ending*

*Office and Appointment*

Secretary of Children and Families  
 Appointee: Poppell, Patterson Chad Pleasure of Governor

Director, Agency for Persons with Disabilities  
 Appointee: Palmer, Barbara Jo Pleasure of Governor

Secretary of Elderly Affairs  
 Appointee: Prudom, Richard Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

*For Term Ending*

*Office and Appointment*

Secretary of Juvenile Justice  
 Appointee: Marstiller, Simone Pleasure of Governor

Florida Commission on Offender Review  
 Appointee: Coonrod, Melinda N. 06/30/2024

The following executive appointments were referred to the Senate Committee on Environment and Natural Resources and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

*For Term Ending*

*Office and Appointment*

Secretary of Environmental Protection  
 Appointee: Valenstein, Noah Pleasure of Governor

Governing Board of the South Florida Water Management District

Appointees:	Goss, Chauncey P., II	03/01/2023
	Martinez, Carlos "Charlie" E.	03/01/2020
	Meads, Cheryl Anne	03/01/2021
	Roman, Charlette I.	03/01/2021
	Steinle, John "Jay" P.	03/01/2023
	Thurlow-Lippisch, Mary Jacqueline "Jacqui"	03/01/2022
	Wagner, Scott Andrew	03/01/2023

The following executive appointments were referred to the Senate Committee on Governmental Oversight and Accountability and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

*For Term Ending*

*Office and Appointment*

Investment Advisory Council  
 Appointee: Jones, Peter D. 12/12/2020

Secretary of State  
 Appointee: Lee, Laurel M. Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Innovation, Industry, and Technology and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

*For Term Ending*

*Office and Appointment*

Florida Public Service Commission  
 Appointees: Brown, Julie I. 01/01/2023  
 Clark, Gary F. 01/01/2023

The following executive appointment was referred to the Senate Committee on Military and Veterans Affairs and Space, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

*For Term Ending*

*Office and Appointment*

Executive Director of Department of Veterans' Affairs  
 Appointee: Burgess, Daniel W., Jr. Pleasure of Governor and Cabinet

As required by Rule 12.7, the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held public hearings at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

- (1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;
- (2) Senate action on said appointments be taken prior to the adjournment of the 2019 Regular Session; and
- (3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,  
 Dennis Baxley, Chair

Senator Gibson called for a division of the question to remove the appointment of Mary C. Mayhew as Secretary of Health Care Administration from the report and that all other appointments contained therein be confirmed. The motion was adopted and the Senate confirmed the appointments identified in the report of the committee to the offices and for the terms indicated.

The vote was:

Yeas—37

Mr. President	Flores	Rader
Albritton	Gainer	Rodriguez
Baxley	Gibson	Rouson
Bean	Gruters	Simmons
Benacquisto	Hooper	Simpson
Berman	Hutson	Stargel
Bracy	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright
Diaz	Pizzo	
Farmer	Powell	

Nays—None

**ABSTENTION**

Pursuant to Senate Rule 1.39(1), I am disclosing that certain provisions in the appointment of Laurel M. Lee provide a special private gain or loss to me. The nature of the interest is specified below:

The above individual is my spouse and her pending appointment/confirmation to the position of Secretary of State could be construed to result in a special private gain to me and my family.

As established by Senate Rule 1.39(1), I abstain from voting on this matter.

*Senator Tom Lee, 20th District*

Senator Baxley moved that the Senate confirm the appointment of Mary C. Mayhew as the Secretary of Health Care Administration to serve at the pleasure of the Governor. The motion was adopted and the Senate confirmed the appointment.

The vote was:

Yeas—26

Mr. President	Diaz	Montford
Albritton	Flores	Passidomo
Baxley	Gainer	Perry
Bean	Gruters	Rouson
Benacquisto	Harrell	Simmons
Bradley	Hooper	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Wright
Broxson	Mayfield	

Nays—13

Berman	Pizzo	Taddeo
Bracy	Powell	Thurston
Cruz	Rader	Torres
Farmer	Rodriguez	
Gibson	Stewart	

**SPECIAL ORDER CALENDAR, continued**

Consideration of **SB 7072** and **CS for CS for SB 7086** was deferred.

**CS for CS for SB 642**—A bill to be entitled An act relating to public safety; creating s. 25.025, F.S.; authorizing certain Supreme Court justices to have an appropriate facility in their district of residence designated as their official headquarters; providing that an official headquarters may serve only as a justice’s private chambers; providing that such justices are eligible for a certain subsistence allowance and reimbursement for certain transportation expenses; requiring that such allowance and reimbursement be made to the extent appropriated funds are available, as determined by the Chief Justice; requiring the Chief Justice to coordinate with certain persons in designating official headquarters; providing that a county is not required to provide space for a justice in a county courthouse; authorizing counties to enter into agreements with the Supreme Court for the use of county courthouse space; prohibiting the Supreme Court from using state funds to lease space in specified facilities to allow a justice to establish an official headquarters; amending s. 26.031, F.S.; increasing the number of circuit judges in certain judicial circuits; creating s. 43.51, F.S.; requiring the Office of the State Courts Administrator to provide an annual report containing certain information to the Legislature; defining the term “problem-solving court”; amending s. 57.105, F.S.; prohibiting the awarding of attorney fees for certain proceedings for injunctions for protection under specified provisions; providing an exception; amending s. 212.15, F.S.; increasing threshold amounts for certain theft offenses; amending s. 322.055, F.S.; reducing the length of driver license revocation for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance; deleting provisions authorizing a driver to petition the Department of Highway Safety and Motor Vehicles for restoration of his or her driving privilege; amending s. 322.056, F.S.; reducing the period for revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain drug offenses; deleting requirements relating to the revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain alcohol or tobacco offenses; deleting provisions relating to the

suspension or revocation of certain persons’ driver licenses; repealing s. 322.057, F.S., relating to discretionary revocation or suspension of a driver license for certain persons who provide alcohol to persons under a specified age; amending s. 322.34, F.S.; revising criminal penalties for the third or subsequent offense of driving while license suspended, revoked, canceled, or disqualified; creating s. 322.75, F.S.; requiring each clerk of court to establish a Driver License Reinstatement Days program for reinstating suspended driver licenses in certain circumstances; providing duties of the clerks of the circuit courts and the department; authorizing such clerks to compromise on or waive certain fees and costs; providing eligibility requirements; requiring the clerks of court to collect specified data and report such data to the Florida Clerks of Court Operations Corporation; requiring the Florida Clerks of Court Operations Corporation to report specified information in the annual report required by s. 28.35, F.S.; amending s. 381.0041, F.S.; providing an exception to allow the donation of human tissue by a person who has human immunodeficiency virus infection under certain circumstances; reclassifying a criminal offense relating to such donations; amending s. 384.23, F.S.; providing definitions; amending s. 384.24, F.S.; expanding the scope of unlawful acts by a person infected with a sexually transmissible disease; expanding the list of sexually transmissible diseases to include human immunodeficiency virus infection; providing that certain actions are not sufficient evidence to establish intent on the part of the person who transmits the disease; providing a definition; amending s. 384.34, F.S.; reclassifying specified criminal offenses; removing a fine for specified rule violations; amending s. 394.47891, F.S.; requiring, rather than authorizing, the chief judge of each judicial circuit to establish a Military Veterans and Servicemembers Court Program; revising the list of individuals who, if charged or convicted of certain criminal offenses, may participate in a Military Veterans and Servicemembers Court Program under certain circumstances; amending s. 394.917, F.S.; requiring the Department of Children and Families to provide rehabilitation to criminal offenders designated as sexually violent predators; amending s. 397.334, F.S.; conforming provisions to changes made by the act; amending s. 455.213, F.S.; conforming a cross-reference; requiring the Department of Business and Professional Regulation or applicable board to use a specified process for the review of an applicant’s criminal history record to determine the applicant’s eligibility for certain licenses; prohibiting the conviction of a crime before a specified date from being grounds for denial of certain licenses; defining the term “conviction”; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the department or applicable board from basing a denial of a license application solely on the applicant’s current confinement or supervision; authorizing the department or applicable board to stay the issuance of an approved license under certain circumstances; requiring the department or applicable board to verify an applicant’s release with the Department of Corrections or other applicable authority; providing requirements for the appearance of certain applicants at certain meetings; requiring the department or applicable board to provide an annually updated list on its website specifying how certain crimes affect an applicant’s eligibility for licensure; providing that certain information be identified for each crime on the list; requiring that such list be available to the public upon request; amending s. 474.2165, F.S.; authorizing a veterinarian to report certain suspected criminal violations without notice to or authorization from a client; providing an exception; amending s. 489.126, F.S.; providing that a contractor has a just cause defense for criminal offenses and disciplinary violations; providing an inference; deleting an intent requirement for contractor offenses; revising elements of offenses; revising criminal penalties for contractor offenses; amending s. 489.553, F.S.; prohibiting the conviction of a crime from being grounds for the denial of registration after a specified time has passed under certain circumstances; defining the term “conviction”; authorizing a person to apply for registration before his or her lawful release from confinement or supervision; prohibiting the Department of Business and Professional Regulation from charging an applicant who is confined or under supervision additional fees; prohibiting the applicable board from basing the denial of registration solely on the applicant’s current confinement or supervision; authorizing the board to stay the issuance of an approved registration under certain circumstances; requiring the board to verify an applicant’s release with the Department of Corrections or other applicable authority; providing requirements for the appearance of certain applicants at certain meetings; requiring the applicable board to provide a quarterly updated list on its website specifying how certain crimes may affect an applicant’s eligibility for registration; providing

that certain information be identified for each crime on the list; requiring that such list be available to the public upon request; amending s. 500.451, F.S.; abolishing mandatory minimum sentence for the sale of horse meat for human consumption; amending s. 509.151, F.S.; increasing threshold amounts for certain theft offenses; amending s. 562.11, F.S.; deleting provisions relating to withholding, suspending, or revoking the driving privilege of a person who provides alcoholic beverages to a person under 21 years of age; amending s. 562.111, F.S.; deleting provisions relating to withholding, suspending, or revoking the driving privilege of a person under 21 years of age who possesses alcoholic beverages; amending s. 562.27, F.S.; reducing the offense severity of certain crimes related to the possession of a still or related apparatus; amending s. 562.451, F.S.; reducing the offense severity for possession of one or more gallons of certain liquors; amending s. 569.11, F.S.; conforming provisions to changes made by the act; revising penalties; amending s. 713.69, F.S.; increasing threshold amounts for certain theft offenses; amending s. 775.082, F.S.; revising legislative intent that certain offenders released from incarceration from county detention facilities qualify as prison release reoffenders; amending s. 775.087, F.S.; providing legislative intent regarding retroactive application; prohibiting mandatory minimum sentencing for aggravated assault or attempted aggravated assault committed before July 1, 2016; amending s. 775.0877, F.S.; conforming provisions to changes made by the act; amending s. 784.048, F.S.; revising the definition of the term “cyberstalking”; providing criminal penalties; amending s. 790.052, F.S.; specifying that certain law enforcement and correctional officers meet the definition of “qualified law enforcement officer” for the purposes of qualifying for certain rights during off-duty hours; specifying that certain persons meet the definition of “qualified retired law enforcement officer” for the purposes of qualifying for certain rights during off-duty hours; amending s. 790.22, F.S.; authorizing, rather than requiring, a court to withhold issuance of or suspend a person’s driver license or driving privilege for a minor who possesses or uses a firearm in certain circumstances; amending s. 800.09, F.S.; revising the definitions of the terms “employee” and “facility”; prohibiting certain lewd or lascivious acts in the presence of county correctional personnel; providing criminal penalties; amending s. 806.13, F.S.; authorizing, rather than requiring, a court to withhold issuance of or suspend a person’s driver license or driving privilege for committing criminal mischief by a minor; amending s. 812.014, F.S.; increasing the threshold amount for certain theft offenses; requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a study about certain threshold amounts on a specified schedule; providing study requirements; requiring OPPAGA to consult with the Office of Economic and Demographic Research and other interested entities; requiring OPPAGA to submit a report to the Governor and the Legislature by a certain date and on a specified basis; amending s. 812.015, F.S.; revising the circumstances under which an offense of retail theft constitutes a felony of the second or third degree; authorizing the aggregation of retail thefts that occur in more than one judicial circuit within a 30-day period into one total value and requiring prosecution of such thefts by the Office of the Statewide Prosecutor in accordance with s. 16.56, F.S.; requiring OPPAGA to perform a study about certain threshold amounts on a specified schedule; providing study requirements; requiring OPPAGA to consult with the Office of Economic and Demographic Research and other interested entities; requiring OPPAGA to submit a report to the Governor and the Legislature by a certain date and on a specified basis; amending s. 812.0155, F.S.; removing a court’s authority to suspend a driver license for a misdemeanor theft adjudication of guilt for a person 18 years of age or older; allowing a court to suspend a driver license for a person 18 years of age or younger as an alternative to other possible sentences; amending s. 815.03, F.S.; revising the definition of the term “access” for purposes of provisions relating to computer crimes; amending s. 815.06, F.S.; revising conduct constituting an offense against users of computers, computer systems, computer networks, or electronic devices; providing criminal penalties; amending s. 817.413, F.S.; increasing threshold amounts for certain theft offenses; amending s. 831.28, F.S.; criminalizing possession of a counterfeit instrument with intent to defraud; amending s. 847.011, F.S.; prohibiting a person from knowingly selling, lending, giving away, distributing, transmitting, showing, or transmuting a child-like sex doll; prohibiting a person from offering to commit such actions, having in his or her possession, custody, or control with the intent to commit such actions or advertising in any manner an obscene, child-like sex doll; providing criminal penalties; prohibiting a person from knowingly having in his or her possession, custody, or control an obscene, child-like sex doll; providing criminal penalties; amending s. 849.01, F.S.; reducing the offense se-

verity of certain crimes relating to keeping a gambling house or possessing certain gambling apparatuses; amending s. 877.112, F.S.; removing driver license revocation or suspension as a penalty for certain offenses involving nicotine products; amending s. 893.135, F.S.; defining the term “dosage unit”; providing applicability; prohibiting the sale, purchase, delivery, bringing into this state, or actual or constructive possession of specified amounts of dosage units of certain controlled substances; creating the offense of “trafficking in pharmaceuticals”; providing criminal penalties; requiring that the court impose, for an offense relating to trafficking in certain substances, a sentence pursuant to the Criminal Punishment Code and without regard to any statutory minimum sentence if the court makes specified findings under certain circumstances; providing legislative intent regarding retroactive application; providing for sentencing or resentencing of specified drug trafficking offenses committed before July 1, 2014; amending s. 900.05, F.S.; revising and providing definitions; revising and providing data required to be collected and reported to the Department of Law Enforcement by specified entities; requiring the department to publish data received from reporting agencies by a specified date; imposing penalties on reporting agencies for noncompliance with data reporting requirements; declaring information that is confidential and exempt upon collection by a reporting agency remains confidential and exempt when reported to the department; creating s. 900.06, F.S.; defining terms and specifying covered offenses; requiring that a custodial interrogation at a place of detention be electronically recorded in its entirety in connection with certain offenses; requiring law enforcement officers who do not comply with the electronic recording requirement or who conduct custodial interrogations at a place other than a place of detention to prepare a specified report; providing exceptions to the electronic recording requirement; requiring a court to consider a law enforcement officer’s failure to comply with the electronic recording requirement in determining the admissibility of a statement, unless an exception applies; requiring a court, upon the request of a defendant, to give cautionary instructions to a jury under certain circumstances; providing immunity from civil liability to law enforcement agencies that enforce certain rules; providing that no cause of action is created against a law enforcement officer; amending s. 921.002, F.S.; revising a principle of the Criminal Punishment Code relating to a prisoner’s required minimum term of imprisonment; providing retroactivity; creating s. 943.0578, F.S.; establishing eligibility criteria for expunction of a criminal history record by a person found to have acted in lawful self-defense; requiring the department to issue a certificate of eligibility for expunction if specified criteria are fulfilled; specifying requirements for a petition to expunge; creating a penalty for providing false information on such petition; requiring the department to adopt rules relating to a certificate of expunction for lawful self-defense; amending s. 943.0581, F.S.; clarifying that administrative expunction applies to criminal history records resulting from an arrest made contrary to law or by mistake; creating s. 943.0584, F.S.; providing a definition; specifying criminal history records that are ineligible for court-ordered expunction or court-ordered sealing; amending s. 943.0585, F.S.; providing eligibility criteria for court-ordered expunction of a criminal history record; requiring the department to issue a certificate of eligibility to petitioners meeting eligibility criteria; specifying requirements for a petition for court-ordered expunction; specifying a court’s authority to expunge criminal history records; specifying the process for a petition to expunge a criminal history record; specifying the process following the issuance of an order to expunge a criminal history record; specifying the effect of an order to expunge a criminal history record; amending s. 943.059, F.S.; providing eligibility criteria for court-ordered sealing of a criminal history record; requiring the department to issue a certificate of eligibility to petitioners meeting eligibility criteria; specifying requirements for a petition for court-ordered sealing; specifying a court’s authority to seal criminal history records; specifying the process for a petition to seal a criminal history record; specifying the effect of an order to seal a criminal history record; creating s. 943.0595, F.S.; requiring the department to adopt rules to implement administrative sealing of specified criminal history records; providing eligibility criteria for administrative sealing of criminal history records; specifying ineligible criminal history records; providing that there is no limitation on the number of times a person with an eligible criminal history record may obtain an automatic administrative sealing; requiring the clerk of court to transmit a certified copy of an eligible criminal history record to the department upon the resolution of a criminal case; specifying that the effect of automatic sealing is the same as court-ordered sealing; amending s. 943.325, F.S.; revising legislative findings relating to the use of the DNA database; amending s. 943.6871, F.S.; declaring in-

formation received by the department from a reporting agency that is confidential and exempt upon collection remains confidential and exempt; requiring the department to commission a racial impact statement on certain proposed criminal justice legislation; amending s. 944.275, F.S.; revising the incentive gain-time that the Department of Corrections may grant a prisoner for offenses committed on or after a specified date; amending s. 944.47, F.S.; providing enhanced penalties for offenses involving introduction of contraband in correctional facilities when committed by correctional facility employees; amending s. 944.704, F.S.; authorizing the department to increase the number of employees serving as transition specialists and employment specialists; requiring transition assistance staff to provide job assignment credentialing and industry certification information to inmates before their release; amending s. 944.705, F.S.; requiring the department to establish a telephone hotline for released offenders; requiring that the department provide an inmate with a comprehensive community reentry resource directory organized by county before the inmate's release; requiring the department to use certain programming data to notify inmates about reentry resources before release; authorizing a nonprofit faith-based or professional business or a civic or community organization to apply for registration with the department to provide inmate reentry services; requiring the department to adopt certain policies and procedures; authorizing the department to deny approval and registration of an organization or representative of an organization under certain circumstances; authorizing the department to contract with a public or private educational institution's veteran advocacy clinic or veteran legal clinic for certain purposes; authorizing the department to contract with public or private organizations to establish transitional employment programs that provide employment opportunities to recently released inmates; requiring the department to adopt certain rules; amending s. 944.801, F.S.; authorizing the Correctional Education Program to establish a Prison Entrepreneurship Program and adopt procedures for admitting student inmates; providing requirements for the program; authorizing transitional and postrelease continuing educational services to be offered under certain circumstances; requiring the department to enter into certain agreements to implement the program; requiring that the program be funded with existing resources; amending s. 948.001, F.S.; redefining the term "administrative probation"; amending s. 948.013, F.S.; authorizing the department to transfer an offender to administrative probation under certain circumstances; amending s. 948.03, F.S.; requiring the department to include in the Florida Crime Information Center system all conditions of probation as determined by the court for each probationer; amending s. 948.04, F.S.; requiring a court to early terminate a term of probation or convert the term to administrative probation under certain circumstances; authorizing a court to continue reporting probation upon making written findings; amending s. 948.05, F.S.; requiring the department to implement a graduated incentives program for probationers and offenders on community control; authorizing the department to issue certain incentives without leave of court; amending s. 948.06, F.S.; requiring a probation officer to determine whether a probationer or offender on community control who commits a technical violation is eligible for a certain alternative sanctioning program; authorizing the probation officer to take certain actions if such probationer or offender is eligible; defining the term "technical violation"; requiring a court to modify or continue a probationary term under certain circumstances; requiring that judicial circuits establish an alternative sanctioning program; authorizing the chief judge of each judicial circuit to issue specified administrative orders; requiring a probation officer to submit to the court for approval any recommended sanctions against a probationer or offender determined to be eligible for the program; defining the terms "low-risk violation" and "moderate-risk violation"; specifying circumstances under which a probationer or offender on community control is not eligible for an alternative sanction; authorizing a probation officer to offer an eligible probationer one or more specified alternative sanctions for a first or second low-risk violation; authorizing a probation officer, under certain circumstances, to offer an eligible probationer or offender on community control one or more specified alternative sanctions for a first moderate-risk violation; providing that the participation of a probationer or offender on community control in the alternative sanctioning program is voluntary, subject to certain requirements; specifying actions that a probationer or offender on community control may take if he or she is eligible for an alternative sanctioning program; requiring that a probation officer, under certain circumstances, submit a recommended sanction to the court; authorizing the court to impose the recommended sanction or direct the department to submit a violation report, affidavit, and warrant to the

court; authorizing a probation officer to submit a violation report, affidavit, and warrant to the court under certain circumstances; prohibiting certain evidence in subsequent proceedings; amending s. 948.08, F.S.; expanding eligibility criteria for pretrial substance abuse education programs to include a person with two or fewer convictions for nonviolent felonies; revising the list of individuals who, if charged with certain felonies, are eligible for voluntary admission into a pretrial veterans' treatment intervention program under certain circumstances; creating s. 948.081, F.S.; authorizing community court programs; providing program requirements; amending s. 948.16, F.S.; revising the list of individuals who, if charged with certain misdemeanors, are eligible for voluntary admission into a misdemeanor pretrial veterans' treatment intervention program under certain circumstances; amending s. 948.21, F.S.; revising the list of individuals who, if probationers or community controlees, may be required to participate in a certain treatment program under certain circumstances; providing program criteria; amending s. 951.22, F.S.; prohibiting introduction into or possession of certain cellular telephones or other portable communication devices on the grounds of any county detention facility; providing criminal penalties; amending s. 958.04, F.S.; revising the criteria authorizing a court to sentence as a youthful offender a person who is found guilty of, or who pled *nolo contendere* or guilty to, committing a felony before the person turned 21 years of age; amending s. 960.003, F.S.; conforming cross-references; amending s. 960.07, F.S.; increasing the timeframe for filing a crime victim compensation claim; providing an extension for good cause for a specified period; increasing the timeframe for a victim or intervenor who was less than 18 years of age at the time of the crime to file a claim; providing an extension for good cause for a specified period; increasing the timeframe for filing a claim for victim compensation for a victim of a sexually violent offense; amending s. 960.13, F.S.; increasing the timeframe for prompt reporting of a crime to be eligible for a victim compensation award; amending s. 960.195, F.S.; increasing the timeframe for reporting a criminal or delinquent act resulting in property loss of an elderly person or disabled adult; amending s. 960.196, F.S.; increasing the timeframe to report certain human trafficking offenses to be eligible for a victim relocation assistance award; providing an extension for good cause; amending s. 985.12, F.S.; providing that locally authorized entities may continue to operate an independent civil citation or similar prearrest diversion program that is in operation as of October 1, 2018; requiring each civil citation or similar diversion program to enter appropriate youth data into the Juvenile Justice Information System Prevention Web within a specified period after the admission of the youth into the program; amending s. 985.126, F.S.; removing the requirement for law enforcement officers to submit a copy of specified documentation to the Department of Juvenile Justice; requiring certain information be entered into the Juvenile Justice Information System Prevention Web within a specified timeframe; amending s. 985.145, F.S.; deleting the requirement that the department must enter certain information into the Juvenile Justice Information System Prevention Web in specified instances; amending s. 985.265, F.S.; revising provisions concerning the housing of children held in detention; prohibiting a child who has been transferred to adult court for criminal prosecution pursuant to direct file from being held in a jail or other facility used for the detention of adults prior to a hearing to determine if the child should remain in adult court; amending s. 985.557, F.S.; deleting references to the state attorney's discretion to direct file a juvenile; revising discretionary direct file criteria; deleting provisions for mandatory direct file; providing for an opportunity for a hearing to reverse a direct file; deleting provisions requiring the mandatory direct filing of charges in adult court against juveniles in certain circumstances; amending ss. 776.09, 893.03, 943.053, and 943.0582, F.S.; conforming cross-references; amending s. 985.565, F.S.; conforming provisions to changes made by the act; amending s. 921.0022, F.S.; listing on levels 3 and 4 certain felonies on the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; reenacting s. 322.05(11), F.S., relating to prohibiting the issuance of a driver license to certain persons, to incorporate the amendment made to s. 322.056, F.S., in a reference thereto; reenacting s. 316.027(2)(c) and 907.041(4)(c), F.S., relating to a crash involving death or personal injuries and pretrial detention and release, respectively, to incorporate the amendment made to s. 322.34, F.S., in references thereto; reenacting s. 910.035(5), F.S., relating to transfer for participation in a problem-solving court, to incorporate the amendment made to s. 394.47891, F.S., in a reference thereto; reenacting s. 509.161, F.S., relating to rules of evidence in certain prosecutions, to incorporate the amendment made to s. 509.151, F.S., in a reference thereto; reenacting ss. 790.065(2)(c), 794.056(1), 847.0141(4),

901.41(5), 938.08, 938.085, 943.325(2)(g), 948.06(8)(c), 948.062(1), 960.001(1)(b), 985.265(3)(b), and 1006.147(3)(e), F.S., relating to the sale and delivery of firearms, the Rape Crisis Program Trust Fund, sexting, prearrest diversion programs, additional costs to fund programs in domestic violence and rape crisis centers, the DNA database, the definition of the term “qualifying offense” as it relates to the violation of probation or community control and failure to pay restitution or cost of supervision, reviewing and reporting serious offenses committed by offenders placed on probation or community control, guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems, detention transfer and release, education, and adult jails, and the prohibition of bullying and harassment, respectively, to incorporate the amendment made to s. 784.048, F.S., in references thereto; reenacting s. 316.0775(1), F.S., relating to interference with official traffic control devices or railroad signs or signals, to incorporate the amendment made to s. 806.13, F.S., in a reference thereto; reenacting ss. 95.18(10), 373.6055(3)(c), 400.9935(3), 550.6305(10), 627.743(2), 634.421(2), 642.038(2), 705.102(4), 812.14(7), and 893.138(3), F.S., relating to real property actions and adverse possession without color of title, criminal history checks for certain water management district employees and others, clinic responsibilities, intertrack wagering, guest track payments, and accounting rules, the payment of third-party claims, reporting and accounting for funds, reporting lost or abandoned property, trespass and larceny with relation to utility fixtures and the theft of utility services, and local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal gang activity, respectively, to incorporate the amendment made to s. 812.014, F.S., in references thereto; reenacting ss. 538.09(5) and 538.23(2), F.S., relating to the registration of and violations and penalties for secondhand dealers, respectively, to incorporate the amendment made to s. 812.015, F.S., in references thereto; reenacting s. 1006.147(3)(e), F.S., relating to the prohibition of bullying and harassment, to incorporate the amendment made to s. 815.03, F.S., in a reference thereto; reenacting ss. 316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5), and 934.07(3), F.S., relating to the unlawful conveyance of fuel and obtaining fuel fraudulently, terrorism, providing material support or resources for terrorism or to terrorist organizations, the definition of the term “terrorism” as it relates to murder, and the authorization for interception of wire, oral, or electronic communications, respectively, to incorporate the amendment made to s. 815.06, F.S., in references thereto; reenacting ss. 772.102(1)(a), 847.02, 847.03, 847.09(2), 895.02(8)(a), 933.02(2), 933.03, and 943.325(2)(g), F.S., relating to the definition of the term “criminal activity,” the confiscation of obscene material, the seizure of obscene material by an officer, legislative intent regarding obscene materials, the definition of the term “racketeering activity,” grounds for the issuance of a search warrant, the destruction of obscene prints and literature, and the DNA database, respectively, to incorporate the amendment made to s. 847.011, F.S., in a reference thereto; reenacting s. 849.02, F.S., relating to agents or employees of keepers of gambling houses, to incorporate the amendment made to s. 849.01, F.S., in a reference thereto; reenacting ss. 373.6055(3)(c), 397.4073(6), 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3), and (4), 810.02(3), 893.13(8)(d), 893.1351(1) and (2), 900.05(3)(e), 903.133, 907.041(4)(c), 921.141(9), and 921.142(2), F.S., relating to criminal history checks for certain water management district employees and others, background checks of service provider personnel, determining eligibility for temporary cash assistance, the Drug Dealer Liability Act, possession or use of a weapon, aggravated battery, felony reclassifications, and minimum sentencing, murder, burglary, prohibited acts and penalties relating to controlled substances, the ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance, criminal justice data collection, the prohibition of bail on appeal for certain felony convictions, pretrial detention and release, the sentence of death or life imprisonment for capital felonies and further proceedings to determine sentences, and the sentence of death or life imprisonment for capital drug trafficking felonies and further proceedings to determine sentences, respectively, to incorporate the amendment made to s. 893.135, F.S., in references thereto; reenacting s. 944.026(3)(a), F.S., relating to community-based facilities and programs, to incorporate the amendment made to s. 944.704, F.S., in a reference thereto; reenacting s. 944.4731(6), F.S., relating to the Addiction-Recovery Supervision Program, to incorporate the amendment made to s. 944.705, F.S., in a reference thereto; reenacting s. 447.203(2), F.S., relating to the definition of the terms “public employer” or “employer,” to incorporate the amendment made to s. 944.801, F.S., in a reference thereto; reenacting s. 921.187(1)(n), F.S., relating to disposition and sentencing alter-

natives, to incorporate the amendment made to s. 948.013, F.S., in a reference thereto; reenacting ss. 948.012(2)(b), 948.10(3), 948.20(3), and 958.14, F.S., relating to split sentencing of probation or community control and imprisonment, procedures governing violations of community control, revocation of drug offender probation, and violations of probation or community control programs, respectively, to incorporate the amendment made to s. 948.06, F.S., in references thereto; reenacting ss. 796.07(4)(b), 944.026(3)(b), and 948.036(1), F.S., relating to charges of prostitution and related acts, certain pretrial intervention programs, and work programs, respectively, to incorporate the amendment made to s. 948.08, F.S., in references thereto; reenacting ss. 394.47892(2), 397.334(5), and 910.035(5)(a), F.S., relating to mental health court programs, treatment-based drug court programs, and transfer for participation in a problem-solving court, respectively, to incorporate the amendments made to ss. 948.08 and 948.16, F.S., in references thereto; reenacting s. 910.035(5)(a), F.S., relating to transfer for participation in a problem-solving court, to incorporate the amendment made to s. 948.21, F.S., in a reference thereto; reenacting ss. 958.03(5), 958.045(8)(a), 958.046, and 985.565(4)(c), F.S., relating to the definition of the term “youthful offender,” the youthful offender basic training program, county-operated youthful offender boot camp programs, and adult sanctions upon failure of juvenile sanctions, to incorporate the amendment made to s. 958.04, F.S., in references thereto; reenacting s. 985.556(3), F.S., relating to involuntary mandatory waiver, to incorporate the amendment made to s. 985.557, F.S., in a reference thereto; reenacting ss. 985.15(1), and 985.26(2)(c), F.S., relating to filing decisions of state attorneys in the prosecution of a child, and length of detention for prolific juvenile offenders, respectively, to incorporate the amendment made to s. 985.557, F.S., in references thereto; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 642**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7125** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Brandes, the rules were waived and—

**CS for HB 7125**—A bill to be entitled An act relating to public safety; amending s. 16.555, F.S.; providing for reallocation of unencumbered funds returned to the Crime Stoppers Trust Fund; specifying permissible uses for funds awarded to counties from the trust fund; creating s. 16.557, F.S.; providing definitions; providing criminal penalties for disclosure of privileged communications or protected information or information concerning such communications or information; providing exceptions; amending s. 212.15, F.S.; increasing threshold amounts for certain theft offenses; amending s. 322.01, F.S.; providing a definition; amending s. 322.055, F.S.; reducing the length of driver license revocation for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance; deleting provisions authorizing a driver to petition the Department of Highway Safety and Motor Vehicles for restoration of his or her driving privilege; amending s. 322.056, F.S.; reducing the period for revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain drug offenses; deleting requirements relating to the revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain alcohol or tobacco offenses; deleting provisions authorizing a driver to petition the Department of Highway Safety and Motor Vehicles for restoration of his or her driving privilege; repealing s. 322.057, F.S., relating to discretionary revocation or suspension of a driver license for certain persons who provide alcohol to persons under a specified age; amending s. 322.24, F.S.; extending penalties to a person who was never issued a driver license; creating s. 322.75, F.S.; requiring each clerk of court to establish a Driver License Reinstatement Days program for reinstating suspended driver licenses in certain circumstances; providing duties of the clerks of the circuit courts and the Department of Highway Safety and Motor Vehicles; authorizing such clerks to compromise on or waive certain fees and costs; providing eligibility requirements; amending s. 394.47891, F.S.; revising the list of individuals who, if charged or convicted of certain criminal offenses, may participate in a Military Veterans and Servicemembers Court Program under certain circumstances; amending s. 394.917, F.S.; revising the duties of the Department of Children and Families concerning criminal offenders designated as sexually violent predators; amending s. 397.334, F.S.; conforming provisions to changes made in the act; amending s. 455.213, F.S.; conforming a cross-reference; re-

quiring the Department of Business and Professional Regulation or the applicable board to use a specified process for the review of an applicant's criminal record to determine the applicant's eligibility for certain licenses; prohibiting the conviction of a crime before a specified date from being grounds for denial of certain licenses; defining the term "conviction"; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the department or applicable board from basing a denial of a license application solely on the applicant's current confinement or supervision; authorizing the department or applicable board to stay the issuance of an approved license under certain circumstances; requiring the department or applicable board to verify an applicant's release with the Department of Corrections or other applicable authority; providing requirements for the appearance of certain applicants at certain meetings; requiring the department or applicable board to provide an annually updated list on its website specifying how certain crimes affect an applicant's eligibility for licensure; providing that certain information be identified for each crime on the list; requiring such list be available to the public upon request; amending s. 474.2165, F.S.; authorizing a veterinarian to report certain suspected criminal violations without notice to or authorization from a client; providing an exception; amending s. 489.126, F.S.; providing a just cause defense for criminal offenses and disciplinary violations; providing an inference; deleting an intent requirement for contractor offenses; revising elements of offenses; revising criminal penalties for contractor offenses; amending s. 489.553, F.S.; prohibiting the conviction of a crime from being grounds for the denial of registration after a specified time has passed under certain circumstances; defining the term "conviction"; authorizing a person to apply for registration before his or her lawful release from confinement or supervision; prohibiting the Department of Business and Professional Regulation from charging an applicant who is confined or under supervision additional fees; prohibiting the applicable board from basing the denial of registration solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved registration under certain circumstances; requiring the board to verify an applicant's release with the Department of Corrections or other applicable authority; providing requirements for the appearance of certain applicants at certain meetings; requiring the applicable board to provide a quarterly updated list on its website specifying how certain crimes may affect an applicant's eligibility for registration; providing that certain information be identified for each crime on the list; requiring such list be available to the public upon request; amending s. 500.451, F.S.; abolishing mandatory minimum sentence for the sale of horse meat for human consumption; amending s. 509.151, F.S.; increasing threshold amounts for certain theft offenses; amending s. 562.11, F.S.; deleting provisions relating to withholding issuance of, or suspending or revoking, a driver license or driving privilege for possession of alcoholic beverages by persons under a specified age; amending s. 562.111, F.S.; removing the mandatory driver license suspension requirement for conviction of possession of alcohol by a person younger than 21 years of age; amending s. 562.27, F.S.; reducing the offense severity of certain crimes related to the possession of a still or related apparatus; amending s. 562.451, F.S.; reducing the offense severity for possession of one or more gallons of certain liquors; amending s. 569.11, F.S.; revising penalties for persons under a specified age who knowingly possess, misrepresent their age or military service to purchase, or purchase or attempt to purchase tobacco products; authorizing, rather than requiring, a court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend a person's driver license or driving privilege for certain violations; amending s. 713.69, F.S.; increasing thresholds for certain theft offenses; amending s. 775.082, F.S.; specifying that certain offenders released from incarceration from county detention facilities qualify as prison releasee reoffenders; amending s. 784.046, F.S.; prohibiting attorney fees in cases seeking an injunction for protection against repeat, dating, or sexual violence; amending s. 784.048, F.S.; revising the definition of the term "cyberstalk"; providing criminal penalties; amending s. 784.0485, F.S.; prohibiting attorney fees in cases seeking an injunction for protection against stalking; amending s. 784.049, F.S.; revising legislative findings; revising definitions; providing that sexual cyberharassment includes dissemination of an image through electronic means other than publication on a website; requiring that a person have a reasonable expectation of privacy in an image for the publication or dissemination of the image to qualify as sexual cyberharassment; providing that certain actions do not eliminate such an expectation of privacy; amending s. 790.052, F.S.; specifying that certain law en-

forcement and correctional officers meet the definition of "qualified law enforcement officer" for the purposes of qualifying for certain rights during off-duty hours; specifying that certain persons meet the definition of "qualified retired law enforcement officer" for the purposes of qualifying for certain rights during off-duty hours; amending s. 790.22, F.S.; authorizing, rather than requiring, a court to withhold issuance of or suspend a person's driver license or driving privilege for a minor who possesses or uses a firearm in certain circumstances; amending s. 800.09, F.S.; revising the definition of the term "employee"; prohibiting certain lewd or lascivious acts in the presence of county correctional personnel; providing criminal penalties; amending s. 806.13, F.S.; authorizing, rather than requiring, a court to withhold issuance of or suspend a person's driver license or driving privilege for committing criminal mischief by a minor; amending s. 812.014, F.S.; increasing threshold amounts for certain theft offenses; adding utility services to the list of items the theft of which constitutes a felony of the third degree; amending s. 812.015, F.S.; increasing threshold amounts for certain theft offenses; revising requirements for aggregation of retail thefts; amending s. 812.0155, F.S.; removing a court's authority to suspend a driver license for a misdemeanor theft adjudication of guilt for a person 18 years of age or older; allowing a court to suspend a driver license for a person 18 years of age or younger as an alternative to other possible sentences; amending s. 815.03, F.S.; revising the definition of the term "access" for purposes of provisions relating to computer crimes; amending s. 815.06, F.S.; revising conduct constituting an offense against users of computers, computer systems, computer networks, or electronic devices; providing criminal penalties; amending s. 817.413, F.S.; increasing threshold amounts for certain theft offenses; amending s. 831.28, F.S.; criminalizing possession of a counterfeit instrument with intent to defraud; amending s. 847.011, F.S.; prohibiting a person from knowingly selling, lending, giving away, distributing, transmitting, showing, or transmuting; offering to commit such actions, having in his or her possession, custody, or control with the intent to commit such actions or advertising in any manner an obscene, child-like sex doll; providing criminal penalties; prohibiting a person from knowingly having in his or her possession, custody, or control an obscene, child-like sex doll; providing criminal penalties; amending s. 849.01, F.S.; reducing the offense severity of certain crimes relating to keeping a gambling house or possessing certain gambling apparatuses; amending s. 877.112, F.S.; removing driver license revocation or suspension as a penalty for certain offenses involving nicotine products; amending s. 893.135, F.S.; revising threshold amounts for trafficking in hydrocodone; amending s. 900.05, F.S.; revising and providing definitions; revising and providing data required to be collected and reported to the Department of Law Enforcement by specified entities; requiring the Department of Law Enforcement to publish data received from reporting agencies by a specified date; imposing penalties on reporting agencies for noncompliance with data reporting requirements; declaring information that is confidential and exempt upon collection by a reporting agency remains confidential and exempt when reported to the department; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made by the act; ranking introduction, or possession of, a cellular telephone or other portable communication device on county detention facility grounds; creating s. 943.0578, F.S.; establishing eligibility criteria for expunction of a criminal history record by a person found to have acted in lawful self-defense; requiring the Department of Law Enforcement to issue a certificate of eligibility for expunction if specified criteria are fulfilled; specifying requirements for a petition to expunge; creating a penalty for providing false information on such petition; requiring the department to adopt rules relating to a certificate of expunction for lawful self-defense; amending s. 943.0581, F.S.; clarifying administrative expunction applies to criminal history records resulting from an arrest made contrary to law or by mistake; creating s. 943.0584, F.S.; providing a definition; specifying criminal history records which are ineligible for court-ordered expunction or court-ordered sealing; amending s. 943.0585, F.S.; providing eligibility criteria for court-ordered expunction of a criminal history record; requiring the Department of Law Enforcement to issue a certificate of eligibility to petitioners meeting eligibility criteria; specifying requirements for a petition for court-ordered expunction; specifying a court's authority to expunge criminal history records; specifying the process for a petition to expunge a criminal history record; specifying the process following the issuance of an order to expunge a criminal history record; specifying the effect of an order to expunge a criminal history record; amending s. 943.059, F.S.; providing eligibility criteria for court-ordered sealing of a criminal history record; requiring the department to issue a certificate

of eligibility to petitioners meeting eligibility criteria; specifying requirements for a petition for court-ordered sealing; specifying a court's authority to seal criminal history records; specifying the process for a petition to seal a criminal history record; specifying the effect of an order to seal a criminal history record; creating s. 943.0595, F.S.; requiring the Department of Law Enforcement to adopt rules to implement administrative sealing of specified criminal history records; providing eligibility criteria for administrative sealing of criminal history records; specifying ineligible criminal history records; providing for an unlimited number of times a person with an eligible criminal history record may receive administrative sealing; requiring the clerk of court to transmit a certified copy of an eligible criminal history record to the department upon the resolution of a criminal case; specifying that the effect of automatic sealing is the same as court-ordered sealing; amending s. 943.325, F.S.; revising legislative findings relating to the use of the DNA database; amending s. 943.6871, F.S.; declaring information received by the Department of Law Enforcement from a reporting agency that is confidential and exempt upon collection remains confidential and exempt; requiring the Criminal and Juvenile Justice Information Systems Council to develop specifications for a uniform arrest affidavit; providing requirements for the specifications; requiring the council to develop specifications for a uniform criminal charge and disposition statute crosswalk table and uniform criminal disposition and sentencing crosswalk table; requiring the department to procure the affidavit and statute crosswalk tables by a certain date; requiring law enforcement agencies to use the uniform arrest affidavit and other agencies to use the statute crosswalk tables by a certain date; amending s. 944.40, F.S.; including escape while on furlough in the offense of escape; providing criminal penalties; amending s. 944.47, F.S.; providing enhanced penalties for offenses involving introduction of contraband in correctional facilities when committed by correctional facility employees; amending s. 944.704, F.S.; requiring transition assistance staff to provide job assignment credentialing and industry certification information to inmates prior to release; authorizing the Department of Corrections to increase the number of employees serving as a transition specialist and employment specialist; amending s. 944.705, F.S.; requiring the department to establish a telephone hotline for released offenders; requiring the department to provide a comprehensive community reentry resource directory to each inmate before release; requiring the department to use certain programming data to notify inmates about reentry resources before release; requiring the department to allow nonprofit faith-based, business and professional, civic, and community organizations to apply to be registered to provide inmate reentry services; requiring the department to adopt policies for screening, approving, and registering organizations that apply; authorizing the department to contract with public or private educational institutions to assist veteran inmates in applying for certain benefits; authorizing the department to contract with public or private organizations to establish transitional employment programs that provide employment opportunities to recently released inmates; requiring the department to adopt rules; amending s. 944.801, F.S.; authorizing the department to expand the use of job assignment credentialing and industry certifications; requiring the department to develop a Prison Entrepreneurship Program and adopt procedures for inmate admission; specifying program requirements; requiring the department to enter into agreements with certain entities to carry out duties associated with the program; amending s. 948.001, F.S.; revising the definition of administrative probation; authorizing a court to order an offender into administrative probation; amending s. 948.013, F.S.; specifying when the Department of Corrections may transfer an offender to administrative probation; amending s. 948.04, F.S.; requiring a court to early terminate a term of probation or convert the term to administrative probation under certain circumstances; allowing a court to continue reporting probation upon making written findings; amending s. 948.05, F.S.; requiring the Department of Corrections to implement a graduated incentives program for probationers and offenders on community control; authorizing the department to issue certain incentives without leave of court; amending s. 948.06, F.S.; requiring a court to modify or continue a probationary term under certain circumstances; requiring each judicial circuit to establish an alternative sanctioning program; defining low- and moderate-risk level technical violations of probation; establishing permissible sanctions for low- and moderate-risk violations of probation under the program; establishing eligibility criteria; authorizing a probationer who allegedly committed a technical violation to waive participation in or elect to participate in the program, admit to the violation, agree to comply with the recommended sanction, and agree to waive certain rights; requiring a probation officer to submit the

recommended sanction and certain documentation to the court if the probationer admits to committing the violation; authorizing the court to impose the recommended sanction or direct the department to submit a violation report, affidavit, and warrant to the court; authorizing a probation officer to submit a violation report, affidavit, and warrant to the court in certain circumstances; amending s. 948.08, F.S.; expanding eligibility criteria for pretrial substance abuse education programs to include a person with two or fewer convictions for nonviolent felonies; revising the list of individuals who, if charged with certain felonies, are eligible for voluntary admission into a pretrial veterans' treatment intervention program under certain circumstances; creating s. 948.081, F.S.; authorizing community court programs; amending s. 948.16, F.S.; revising the list of individuals who, if charged with certain misdemeanors, are eligible for voluntary admission into a misdemeanor pretrial veterans' treatment intervention program under certain circumstances; amending s. 948.21, F.S.; revising the list of individuals who, if probationers or community controlees, may be required to participate in a certain treatment program under certain circumstances; providing program criteria; amending s. 951.22, F.S.; providing an exception to a prohibition on contraband for certain legal documents; prohibiting introduction into or possession of certain cellular telephones or other portable communication devices on the grounds of any county detention facility; providing criminal penalties; amending s. 958.04, F.S.; revising the criteria authorizing a court to sentence as a youthful offender a person who is found guilty of, or who pled *nolo contendere* or guilty to, committing a felony before the person turned 21 years of age; amending s. 960.07, F.S.; increasing the timeframe for filing a crime victim compensation claim; providing an extension for good cause for a specified period; increasing the timeframe for a victim or intervenor who was under the age of 18 at the time of the crime to file a claim; provides an extension for good cause of 2 additional years; increasing the timeframe for filing a claim for victim compensation for a victim of a sexually violent offense; amending s. 960.13, F.S.; increasing the timeframe for prompt reporting of a crime to be eligible for a victim compensation award; amending s. 960.195, F.S.; increasing the timeframe for reporting a criminal or delinquent act resulting in property loss of an elderly person or disabled adult; amending s. 960.196, F.S.; increasing the timeframe to report certain human trafficking offenses to be eligible for a victim relocation assistance award; providing an extension for good cause; amending s. 985.557, F.S.; repealing provisions requiring the mandatory direct filing of charges in adult court against juveniles in certain circumstances; amending s. 985.565, F.S.; conforming provisions to changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 642** and read the second time by title.

Senator Brandes moved the following amendment:

**Amendment 1 (462662) (with title amendment)**—Delete everything after the enacting clause and insert:

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

16.555 Crime Stoppers Trust Fund; rulemaking.—

(4)

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

(5)

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

1. *An arrest.*
2. *The recovery of stolen property.*
3. *The recovery of illegal narcotics.*

4. *The recovery of the body of a homicide victim.*
5. *The recovery of a human trafficking victim or a missing person connected to criminal activity.*
6. *The recovery of an illegal firearm or an illegal weapon on a K-12 school campus.*
7. *The prevention of a terrorist act.*
8. *The solving and closing of a criminal case involving a homicide or other violent felony offense that remains unsolved for 1 year or more after being reported to a law enforcement agency and that has no viable and unexplored investigatory leads.*

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

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

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

(a) *“Crime stoppers organization” means a private not-for-profit organization that collects and expends donations for rewards to persons who report to the organization information concerning criminal activity, and forwards that information to appropriate law enforcement agencies.*

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

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

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

(b) *This subsection does not apply to:*

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

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

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

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

25.025 *Headquarters.—*

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

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

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

(2) *The Chief Justice shall coordinate with each affected justice and other state and local officials as necessary to implement paragraph (1)(a).*

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

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

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

43.51 *Problem-solving court reports.—*

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

(2) *For purposes of this section, the term “problem-solving court” includes, but is not limited to, a drug court pursuant to s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans’ and servicemembers’ court pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; a community court pursuant to s. 948.081; or a delinquency pretrial intervention court program pursuant to s. 985.345.*

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

57.105 *Attorney’s fee; sanctions for raising unsupported claims or defenses; exceptions; service of motions; damages for delay of litigation.—*

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

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

61.13016 *Suspension of driver licenses and motor vehicle registrations.—*

(1) *The driver license and motor vehicle registration of a support obligor who is delinquent in payment or who has failed to comply with subpoenas or a similar order to appear or show cause relating to paternity or support proceedings may be suspended. When an obligor is 15 days delinquent making a payment in support or failure to comply with a subpoena, order to appear, order to show cause, or similar order in IV-D cases, the Title IV-D agency may provide notice to the obligor of the delinquency or failure to comply with a subpoena, order to appear, order to show cause, or similar order and the intent to suspend by regular United States mail that is posted to the obligor’s last address of record with the Department of Highway Safety and Motor Vehicles. When an obligor is 15 days delinquent in making a payment in support in non-IV-D cases, and upon the request of the obligee, the depository or the clerk of the court must provide notice to the obligor of the delinquency and the intent to suspend by regular United States mail that is posted to the obligor’s last address of record with the Department of Highway Safety and Motor Vehicles. In either case, the notice must state:*



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

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

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

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

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

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

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

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

2. Pays any applicable delinquency fees.

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

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

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

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

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

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

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

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

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

287.095 Department of Corrections; prison industry programs.—

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

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

322.01 Definitions.—As used in this chapter:

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

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

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

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

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

(3) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person's driver license or driving privilege is already under suspension or revocation for any reason, the court shall direct the department to extend the period of such suspension or revocation by an additional period of 6 months 1 year or until the person

is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, *upon finding a compelling circumstance to warrant an exception in its sound discretion*, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. ~~A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until 6 months of the suspension or revocation period has expired.~~

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

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

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

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

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

- ~~1. Not less than 6 months and not more than 1 year for the first violation.~~
- ~~2. Two years, for a subsequent violation.~~

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

- ~~1. Not less than 6 months and not more than 1 year for the first violation.~~
- ~~2. Two years, for a subsequent violation.~~

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

- ~~1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.~~
- ~~2. Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 13. Subsections (2), (4), (7), paragraph (a) of subsection (8), paragraph (a) of subsection (9), subsection (10), and paragraph (a) of subsection (11) of section 322.34, Florida Statutes, are amended to read:

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

(2) Any person whose driver license or driving privilege has been canceled, suspended, or revoked as provided by law, *or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status as defined in s. 322.01(41)*, except persons defined in s. 322.264, who, knowing of such cancellation, suspension, or revocation, *or suspension or revocation equivalent status*, drives any

motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, *or while under suspension or revocation equivalent status, commits upon:*

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

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

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

(c) ~~A third or subsequent conviction is guilty of a~~ felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, *upon a third or subsequent conviction if the current violation of this section or the most recent prior violation of the section are related to driving while license canceled, suspended, revoked, or suspension or revocation equivalent status resulting from a violation of:*

1. *Driving under the influence;*
2. *Refusal to submit to a urine, breath-alcohol, or blood alcohol test;*
3. *A traffic offense causing death or serious bodily injury; or*
4. *Fleeing or eluding.*

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

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

(7) Any person whose driver license or driving privilege has been canceled, suspended, revoked, or disqualified, *or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status*, and who drives a commercial motor vehicle on the highways of this state while such license or privilege is canceled, suspended, revoked, or disqualified, *or while under suspension or revocation equivalent status*, upon:

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

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

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

1. Whether the person's driver license is suspended or revoked, *or the person is under suspension or revocation equivalent status.*
2. Whether the person's driver license has remained suspended or revoked, *or the person has been under suspension or revocation equivalent status*, since a conviction for the offense of driving with a suspended or revoked license.
3. Whether the suspension, ~~or~~ revocation, *or suspension or revocation equivalent status* was made under s. 316.646 or s. 627.733, relating to failure to maintain required security, or under s. 322.264, relating to habitual traffic offenders.
4. Whether the driver is the registered owner or coowner of the vehicle.

(9)(a) A motor vehicle that is driven by a person under the influence of alcohol or drugs in violation of s. 316.193 is subject to seizure and forfeiture under ss. 932.701-932.7062 and is subject to liens for recovering, towing, or storing vehicles under s. 713.78 if, at the time of the offense, the person's driver license is suspended, revoked, or canceled, *or suspension or revocation equivalent status was imposed*, as a result of a prior conviction for driving under the influence.

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

1. Failing to pay child support as provided in s. 322.245 or s. 61.13016;
2. Failing to pay any other financial obligation as provided in s. 322.245 other than those specified in s. 322.245(1);
3. Failing to comply with a civil penalty required in s. 318.15;
4. Failing to maintain vehicular financial responsibility as required by chapter 324;
5. Failing to comply with attendance or other requirements for minors as set forth in s. 322.091; or
6. Having been designated a habitual traffic offender under s. 322.264(1)(d) as a result of suspensions of his or her driver license or driver privilege for any underlying violation listed in subparagraphs 1-5.

(b)1. Upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled, *or while under suspension or revocation equivalent status*, for any of the underlying violations listed in subparagraphs (a)1.-6., a person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

*322.75 Driver License Reinstatement Days.—*

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

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

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

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

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

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

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

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

(b) *A violation of s. 316.193;*

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

(d) *A traffic-related felony; or*

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

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

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

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

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

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

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

(2) If the court or jury determines that the person is a sexually violent predator, upon the expiration of the incarcerative portion of all

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

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

397.334 Treatment-based drug court programs.—

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

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

455.213 General licensing provisions.—

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

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

1. *A barber under chapter 476;*
2. *A cosmetologist or cosmetology specialist under chapter 477;*
3. *Any of the following construction professions under chapter 489:*
  - a. *Air-conditioning contractor;*
  - b. *Electrical contractor;*
  - c. *Mechanical contractor;*
  - d. *Plumbing contractor;*
  - e. *Pollutant storage systems contractor;*
  - f. *Roofing contractor;*
  - g. *Sheet metal contractor;*
  - h. *Solar contractor;*
  - i. *Swimming pool and spa contractor;*
  - j. *Underground utility and excavation contractor; or*
  - k. *Other specialty contractors; or*

4. *Any other profession for which the department issues a license, provided the profession is offered in to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program.*

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

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

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

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

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

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

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

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

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

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

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

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

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

isdiction and proper notice to the client or the client's legal representative by the party seeking such records.

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

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

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

489.126 Moneys received by contractors.—

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

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

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

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

(b)1. If a contractor fails to comply with the requirements of paragraph (a), the contractee must make written demand to the contractor in the form of a letter that includes a demand to apply for the necessary permits, to start the work, or to refund the payment sent via certified mail, return receipt requested, mailed to the address listed in the contracting agreement. If there is no address for the contractor listed in the contracting agreement, or no written agreement exists, the contractee must mail the written demand letter to the address listed for licensing purposes with the department or the local construction industry licensing board, if applicable.

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

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

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

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

2. The failure to perform any such work during the 90-day ~~60-day~~ period or such period that is mutually agreed upon and specified in the

contract was not related to the owner's termination of the contract or a material breach of the contract by the owner; and

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

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

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

c. It may be inferred that a contractor does not have just cause if the contractor fails to perform work, or refund the money received in excess of the value of the work performed, within 30 days after receiving a written demand to perform the work, or refund the money received in excess of the value of the work performed, from the person who made the payment, for an additional 30 day period after the date of mailing of notification as specified in paragraph (c), to perform any work for which he or she contracted,

~~gives rise to an inference that the money in excess of the value of the work performed was taken with the intent to defraud.~~

~~(c) Notification as contemplated in paragraph (b) consists of a certified letter, return receipt requested, mailed to the address of the contractor as listed in the written contracting agreement. The letter must indicate that the contractor has failed to perform any work for a 60 day period, that the failure to perform the work was not the result of the owner's termination of the contract or a material breach of the contract by the owner, and that the contractor must recommence construction within 30 days after the date of mailing of the letter. If there is no address for the contractor listed in the written contracting agreement, or no written agreement exists, the letter must be mailed to the address of the contractor listed in the building permit application.~~

~~(4) Any violation of subsection (2) or subsection (3) must be prosecuted in accordance with the thresholds established in this section and the following: person who violates any provision of this section is guilty of theft and shall be prosecuted and punished under s. 812.014.~~

(a) The required intent to prove a criminal violation may be shown to exist at the time that the contractor appropriated the money to his or her own use and is not required to be proven to exist at the time of the taking of the money from the owner or at the time the owner makes a payment to the contractor.

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

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

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

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

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

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

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

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

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

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

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

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

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

489.553 Administration of part; registration qualifications; examination.—

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

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

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

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

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

(9) The department or other applicable authority shall compile a list of crimes that, if committed and regardless of adjudication, do not relate to the practice of the profession or the ability to practice the profession and do not constitute grounds for denial of registration. This list must be made available on the department's website and updated annually.

Beginning October 1, 2019, and updated quarterly thereafter, the department or other applicable authority shall add to this list such crimes that although reported by an applicant for registration, were not used as a basis for denial in the past 2 years. The list must identify for each such registration application the crime reported and the date of conviction, plea, adjudication, or sentencing.

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

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

500.451 Horse meat; offenses.—

(1) It is unlawful for any person to:

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

(b) Knowingly transport, distribute, sell, purchase, or possess horse meat for human consumption that is not clearly stamped, marked, and described as horse meat for human consumption or horse meat that is not acquired from a licensed slaughterhouse.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

562.27 Seizure and forfeiture.—

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

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

(3) The terms "raw material" or "substance" for the purpose of this chapter shall mean and include, but not be limited to, any of the following: Any grade or type of sugar, syrup, or molasses derived from sugarcane, sugar beets, corn, sorghum, or any other source; starch; potatoes; grain or cornmeal, corn chops, cracked corn, rye chops, middlings, shorts, bran, or any other grain derivative; malt; malt sugar or malt syrup; oak chips, charred or not charred; yeast; cider; honey; fruit; grapes; berries; fruit, grape or berry juices or concentrates; wine; caramel; burnt sugar; gin flavor; Chinese bean cake or Chinese wine cake; urea; ammonium phosphate, ammonium carbonate, ammonium sulphate, or any other yeast food; ethyl acetate or any other ethyl ester; any other material of the character used in the manufacture of distilled spirits or any chemical or other material suitable for promoting or accelerating fermentation; any chemical or material of the character used in the production of distilled spirits by chemical reaction; or any combination of such materials or chemicals.

(4) Any such raw materials, substance, or any still, still piping, still apparatus, or still worm, or any piece or part thereof, or any mash, wort,

or wash, or other fermented liquid and the receptacle or container thereof, and any alcoholic beverage, together with all personal property used to facilitate the manufacture or production of the alcoholic beverage or to facilitate the violation of the alcoholic beverage control laws of this state or the United States, may be seized by the division or by any sheriff or deputy sheriff and shall be forfeited to the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.066.~~

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

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

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

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

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.066.~~

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

(5)(a) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (1)(a) or paragraph (2)(a), or attend a school-approved anti-tobacco program, if locally available, the court ~~may must~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 30 consecutive days.

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

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

713.69 Unlawful to remove property upon which lien has accrued.— It is unlawful for any person to remove any property upon which a lien has accrued under ~~the provisions of~~ s. 713.68 from any hotel, apartment house, roominghouse, lodginghouse, boardinghouse or tenement house without first making full payment to the person operating or conducting the same of all sums due and payable for such occupancy or without first having the written consent of such person so conducting or operating such place to so remove such property. Any person ~~who violates violating the provisions of~~ this section shall, if the value of the property removed in violation hereof ~~is less than \$1,000 be of the value of \$50 or less, commits be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; and if the value of the property so removed is \$1,000 or more, should be of greater value than \$50 then such person commits shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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

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

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

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

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



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

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

- a. Treason;
- b. Murder;
- c. Manslaughter;
- d. Sexual battery;
- e. Carjacking;
- f. Home-invasion robbery;
- g. Robbery;
- h. Arson;
- i. Kidnapping;
- j. Aggravated assault with a deadly weapon;
- k. Aggravated battery;
- l. Aggravated stalking;
- m. Aircraft piracy;
- n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- o. Any felony that involves the use or threat of physical force or violence against an individual;
- p. Armed burglary;
- q. Burglary of a dwelling or burglary of an occupied structure; or
- r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, s. 827.071, or s. 847.0135(5);

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

2. “Prison releasee reoffender” also means any defendant who commits or attempts to commit any offense listed in sub-subparagraphs (a)1.a.-r. while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

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

- a. For a felony punishable by life, by a term of imprisonment for life;
- b. For a felony of the first degree, by a term of imprisonment of 30 years;

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

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

(d)1. It is the intent of the Legislature that offenders previously released from prison *or a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence* who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.

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

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

784.048 Stalking; definitions; penalties.—

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

(d) “Cyberstalk” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court ~~may shall~~ direct the Department of Highway

Safety and Motor Vehicles to revoke or to withhold issuance of the minor’s driver license or driving privilege for up to 2 years.

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

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

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

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

(a) For a first offense:

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

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

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

(b) For a second or subsequent offense:

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

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

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

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

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

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

(a) “Employee” means:

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

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

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

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

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

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

1. Intentionally masturbate;
2. Intentionally expose the genitals in a lewd or lascivious manner; or
3. Intentionally commit any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity,

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

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

Section 35. Subsection (7) of section 806.13, Florida Statutes, is amended, and subsection (8) of that section is republished, to read:

806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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

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

(8) A minor whose driver license or driving privilege is revoked, suspended, or withheld under subsection (7) may elect to reduce the period of revocation, suspension, or withholding by performing community service at the rate of 1 day for each hour of community service performed. In addition, if the court determines that due to a family hardship, the minor's driver license or driving privilege is necessary for employment or medical purposes of the minor or a member of the minor's family, the court shall order the minor to perform community service and reduce the period of revocation, suspension, or withholding at the rate of 1 day for each hour of community service performed. As used in this subsection, the term "community service" means cleaning graffiti from public property.

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

812.014 Theft.—

(2)

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

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

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

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

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

5. A firearm.

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

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

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

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

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

11. Any stop sign.

12. Anhydrous ammonia.

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

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

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

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

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

sistent with current trends. In conducting the study, OPPAGA shall consult with the Office of Economic and Demographic Research in addition to other interested entities. OPPAGA shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 1 of every 5th year.

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

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

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

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

(b) *Conspires with another person to commit retail theft with the intent to sell the stolen property for monetary or other gain, and subsequently takes or causes such property to be placed in the control of another person in exchange for consideration, in which the stolen property taken or placed within a 30-day period is aggregated to determine the value of the stolen property;*

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

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

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

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

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

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

(c) *Conspires with another person to commit retail theft with the intent to sell the stolen property for monetary or other gain, and subsequently takes or causes such property to be placed in control of another person in exchange for consideration, in which the stolen property taken or placed within a 30-day period is aggregated to have a value in excess of \$3,000.*

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

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

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

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

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

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

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

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

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

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

(b) Probation as defined in s. 985.03, commitment to the Department of Juvenile Justice, probation as defined in chapter 948, community control, or incarceration, if the person is convicted as an adult of such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

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

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

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

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

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

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

Section 39. Subsection (1) of section 815.03, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Endangers human life; or

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

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

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

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

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

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

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

(2)(a) It is unlawful to counterfeit a payment instrument with the intent to defraud a financial institution, account holder, or any other person or organization or for a person to have any counterfeit payment instrument in such person's possession *with the intent to defraud a financial institution, an account holder, or any other person or organization.* Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

(6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any person under 18 years of age to knowingly possess any nicotine product or a nicotine dispensing device. Any person under 18 years of age who violates this subsection commits a noncriminal violation as defined in s. 775.08(3), punishable by:

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

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

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

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

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

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

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

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

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

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

(8) PENALTIES FOR MINORS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(V) A fentanyl derivative, as described in s. 893.03(1)(a)62.;

(VI) A controlled substance analog, as described in s. 893.0356, of any substance described in sub-sub-subparagraphs (I)-(V); or

(VII) A mixture containing any substance described in sub-sub-subparagraphs (I)-(VI), commits a felony of the first degree, which felony shall be known as “trafficking in fentanyl,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

(III) Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years, and shall be ordered to pay a fine of \$500,000.

5. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer,

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

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

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

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

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

900.05 Criminal justice data collection.—

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

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

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

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

(c) ~~(b)~~ “Annual misdemeanor caseload” means the yearly caseload of each full-time state attorney and assistant state attorney, ~~or~~ public defender and assistant public defender, *or regional conflict counsel and assistant regional conflict counsel* for cases assigned to the county criminal division, based on the number of misdemeanor cases reported to the Supreme Court under s. 25.075. The term does not include the appellate caseload of a public defender, ~~or~~ assistant public defender, *regional conflict counsel, or assistant regional conflict counsel*. Cases

reported pursuant to this term must be associated with a case number, and each case number must only be reported once regardless of the number of attorney assignments that occur during the course of litigation. *The caseload shall be calculated on June 30 and reported once at the beginning of the reporting agency's fiscal year.*

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

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

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

(g) ~~(e)~~ “Case number” means the *uniform case identification* number assigned by the clerk of court to a criminal case.

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

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

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

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

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

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

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

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

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

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

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

(s) “Disposition type” means the manner in which the charge was closed, including final judgment, adjudication, adjudication withheld, dismissal, or nolle prosequi.

(t)(p) “Domestic violence flag” means an indication that a filed charge involves domestic violence as defined in s. 741.28.

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

(v)(r) “Gain-time credit earned” means a credit of time awarded to an inmate in a county detention facility in accordance with s. 951.22 or a state correctional institution or facility in accordance with s. 944.275.

(w)(s) “Habitual offender flag” means an indication that a defendant is a habitual felony offender as defined in s. 775.084 or a habitual misdemeanor offender as defined in s. 775.0837.

(x) “Habitual violent felony offender flag” means an indication that a defendant is a habitual violent felony offender as defined in s. 775.084.

~~(t) “Judicial transfer date” means a date on which a defendant’s case is transferred to another court or presiding judge.~~

(y)(u) “Number of contract attorneys representing indigent defendants for the office of the public defender” means the number of attorneys hired on a temporary basis, by contract, to represent indigent clients who were appointed a public defender, whereby the public defender withdraws from the case due to a conflict of interest.

(z)(v) “Pretrial release violation flag” means an indication that the defendant has violated the terms of his or her pretrial release.

(aa)(w) “Prior incarceration within the state” means any prior history of a defendant’s incarceration ~~defendant being incarcerated in a county detention facility or~~ state correctional institution or facility.

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

(dd)(x) “Tentative release date” means the anticipated date that an inmate will be released from incarceration after the application of adjustments for any gain-time earned or credit for time served.

(cc)(y) “Sexual offender flag” means an indication that a defendant was is required to register as a sexual predator as defined in s. 775.21 or as a sexual offender as defined in s. 943.0435.

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

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

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

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

1. Case number.
2. Date that the alleged offense occurred.
- ~~3. County in which the offense is alleged to have occurred.~~
- 3.4. Date the defendant is taken into physical custody by a law enforcement agency or is issued a notice to appear on a criminal charge, if such date is different from the date the offense is alleged to have occurred.
4. Whether the case originated by notice to appear.

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

6. Arraignment date.
7. Attorney ~~appointment assignment~~ date.
8. Attorney withdrawal date.
9. Case status.
10. Charge disposition.
- ~~11.40:~~ Disposition date and disposition type.
- ~~12.41:~~ Information related to each defendant, including:
  - a. Identifying information, including name, *known aliases*, date of birth, ~~age~~, race, ~~or~~ ethnicity, and gender.
  - b. Zip code of last known address ~~primary residence~~.
  - c. Primary language.
  - d. Citizenship.
  - e. Immigration status, if applicable.
  - f. Whether the defendant has been found ~~by a court~~ to be indigent ~~under pursuant to~~ s. 27.52.
- ~~13.42:~~ Information related to the ~~formal~~ charges filed against the defendant, including:
  - a. Charge description.
  - b. Charge modifier *description and statute*, if applicable.
  - c. Drug type for each drug charge, if known.
  - d. Qualification for a flag designation as defined in this section, including a domestic violence flag, gang affiliation flag, sexual offender flag, habitual offender flag, *habitual violent felony offender flag*, ~~or~~ pretrial release violation flag, *prison releasee reoffender flag*, *three-time violent felony offender flag*, or *violent career criminal flag*.
- ~~14.43:~~ Information related to bail or bond and pretrial release determinations, including the dates of any such determinations:
  - a. Pretrial release determination made at a first appearance hearing that occurs within 24 hours of arrest, including any ~~and~~ monetary and nonmonetary conditions of release.
  - b. Modification of bail or bond conditions made by a court having jurisdiction to try the defendant or, in the absence of the judge of the trial court, by the circuit court, including modifications to any monetary and nonmonetary conditions of release.
  - c. Cash bail or bond payment, including whether the defendant utilized a bond agent to post a surety bond.
  - d. Date defendant is released on bail, bond, or pretrial release *for the current case*.
  - e. Bail or bond revocation due to a new offense, a failure to appear, or a violation of the terms of bail or bond, if applicable.
- ~~15.44:~~ Information related to court dates and dates of motions and appearances, including:
  - a. Date of any court appearance and the type of proceeding scheduled for each date reported.
  - b. Date of any failure to appear in court, if applicable.
  - c. *Deferred prosecution or pretrial diversion hearing, if applicable* ~~Judicial transfer date, if applicable.~~
  - d. *Each scheduled* trial date.



- e. Date that a defendant files a notice to participate in discovery.
- f. Speedy trial motion *date* and *each hearing date dates*, if applicable.
- g. Dismissal motion *date* and *each hearing date dates*, if applicable.
- ~~16.15.~~ Defense attorney type.
- ~~17.16.~~ Information related to sentencing, including:
- a. Date that a court enters a sentence against a defendant.
- b. Charge sentenced to, including charge sequence number, *and* charge description, ~~statute, type, and charge class severity~~.
- c. Sentence type and length imposed by the court *in the current case, reported in years, months, and days*, including, but not limited to, the total duration of *incarceration imprisonment* in a county detention facility or state correctional institution or facility, and conditions of probation or community control supervision.
- d. Amount of time served in custody by the defendant related to *each charge the reported criminal case* that is credited at the time of disposition of the *charge case* to reduce the *imposed actual* length of time the defendant will serve on the term of *incarceration imprisonment* that is ordered by the court at disposition.
- e. Total amount of court *costs fees* imposed by the court at the disposition of the case.
- ~~f. Outstanding balance of the defendant's court fees imposed by the court at disposition of the case.~~
- ~~f.g.~~ Total amount of fines imposed by the court at the disposition of the case.
- ~~h. Outstanding balance of the defendant's fines imposed by the court at disposition of the case.~~
- ~~g.i.~~ Restitution amount ordered *at sentencing, including the amount collected by the court and the amount paid to the victim, if applicable*.
- ~~j. Digitized sentencing scoresheet prepared in accordance with s. 921.0024.~~
- ~~18.17.~~ The *sentencing judge or magistrate, or their equivalent number of judges or magistrates, or their equivalents, hearing cases in circuit or county criminal divisions of the circuit court. Judges or magistrates, or their equivalents, who solely hear appellate cases from the county criminal division are not to be reported under this subparagraph.*
- (b) State attorney.—Each state attorney shall collect the following data:
- Information related to a human victim of a criminal offense, including:
    - Identifying information of the victim, including race, ~~or~~ ethnicity, gender, and age *at the time of the offense*.
    - Relationship to the offender, if any.
  - Number of full-time prosecutors.
  - Number of part-time prosecutors.
  - Annual felony caseload.
  - Annual misdemeanor caseload.
  - Disposition of each referred charge, such as filed, declined, or diverted* ~~Any charge referred to the state attorney by a law enforcement agency related to an episode of criminal activity.~~
  - Number of cases in which a no-information was filed.
  - Information related to each defendant, including:
    - Each charge referred to the state attorney by a law enforcement agency *or sworn complainant* related to an episode of criminal activity.
    - Case number, name, and date of birth.*
    - ~~b.~~ Drug type for each drug charge, if applicable.
    - Deferred prosecution or pretrial diversion agreement date, if applicable.*
- (c) Public defender.—Each public defender shall collect the following data ~~for each criminal case~~:
- Number of full-time public defenders.
  - Number of part-time public defenders.
  - Number of contract attorneys representing indigent defendants for the office of the public defender.
  - Annual felony caseload.
  - Annual felony conflict caseload.*
  - ~~6.5.~~ Annual misdemeanor caseload.
  - Annual misdemeanor conflict caseload.*
- (d) County detention facility.—The administrator of each county detention facility shall collect the following data:
- Maximum capacity for the county detention facility.
  - Weekly admissions to the county detention facility for a revocation of probation or community control.
  - Weekly admissions to the county detention facility for a revocation of pretrial release.*
  - ~~4.3.~~ Daily population of the county detention facility, including the specific number of inmates in the custody of the county that:
    - Are awaiting case disposition.
    - Have been sentenced by a court to a term of *incarceration imprisonment* in the county detention facility.
    - Have been sentenced by a court to a term of imprisonment with the Department of Corrections and who are awaiting transportation to the department.
    - Have a federal detainer, ~~or~~ are awaiting disposition of a case in federal court, *or are awaiting other federal disposition.*
- 5.4. Information related to each inmate, including:
- Identifying information, including name, date of birth, race, ethnicity, gender, case number, and identification number assigned by the county detention facility.*
  - ~~b.a.~~ Date when an inmate ~~a defendant~~ is processed *and booked* into the county detention facility subsequent to an arrest for a new violation of law, ~~or~~ for a violation of probation or community control, *or for a violation of pretrial release.*
  - ~~b.~~ Reason why an inmate ~~a defendant~~ is processed *and booked* into the county detention facility, *including if it is for a new law violation, or a violation of probation or community control, or a violation of pretrial release.*
  - ~~d.e.~~ Qualification for a flag designation as defined in this section, including domestic violence flag, gang affiliation flag, habitual offender flag, *habitual violent felony offender flag*, pretrial release violation flag, ~~or~~ sexual offender flag, *prison releasee reoffender flag, three-time violent felony offender flag, or violent career criminal flag.*
- 6.5. Total population of the county detention facility at year-end. This data must include the same specified classifications as subparagraph 3.

- 7.6. Per diem rate for a county detention facility bed.
- 8.7. Daily number of correctional officers for the county detention facility.
- 9.8. Annual county detention facility budget. This information only needs to be reported once annually at the beginning of the county's fiscal year.
- 10.9. Annual revenue generated for the county from the temporary incarceration of federal defendants or inmates.
- (e) Department of Corrections.—The Department of Corrections shall collect the following data:
1. Information related to each inmate, including:
    - a. Identifying information, including name, date of birth, race, ~~or~~ ethnicity, *gender*, *case number*, and identification number assigned by the department.
    - b. ~~Number of children.~~
    - c. ~~Highest education level, including any vocational training.~~
    - d. ~~Date the inmate was admitted to the custody of the department for his or her current incarceration.~~
    - e. Current institution placement and the security level assigned to the institution.
    - f. Custody level assignment.
    - g. ~~Qualification for a flag designation as defined in this section, including sexual offender flag, habitual offender flag, habitual violent felony offender flag, prison releasee reoffender flag, three-time violent felony offender flag, violent career criminal flag, gang affiliation flag, or concurrent or consecutive sentence flag.~~
    - h. County that committed the prisoner to the custody of the department.
    - i. Whether the reason for admission to the department is for a new conviction or a violation of probation, community control, or parole. For an admission for a probation, community control, or parole violation, the department shall report whether the violation was technical or based on a new violation of law.
    - j. Specific statutory citation for which the inmate was committed to the department, including, for an inmate convicted of drug trafficking under s. 893.135, the statutory citation for each specific drug trafficked.
    - k. *Length of sentence served.*
    - l. Length of ~~sentence or~~ concurrent or consecutive sentences served.
    - m. Tentative release date.
    - n. Gain time earned in accordance with s. 944.275.
    - o. Prior incarceration within the state.
    - p. Disciplinary violation and action.
    - q. Participation in rehabilitative or educational programs while in the custody of the department.
    - r. *Digitized sentencing scoresheet prepared in accordance with s. 921.0024.*
  2. Information about each state correctional institution or facility, including:
    - a. Budget for each state correctional institution or facility.
    - b. Daily prison population of all inmates incarcerated in a state correctional institution or facility.
    - c. Daily number of correctional officers for each state correctional institution or facility.

3. Information related to persons supervised by the department on probation or community control, including:
  - a. Identifying information for each person supervised by the department on probation or community control, including his or her name, date of birth, race, ~~or~~ ethnicity, *gender*, *case number* ~~sex~~, and department-assigned case number.
  - b. Length of probation or community control sentence imposed and amount of time that has been served on such sentence.
  - c. Projected termination date for probation or community control.
  - d. Revocation of probation or community control due to a violation, including whether the revocation is due to a technical violation of the conditions of supervision or from the commission of a new law violation.
4. Per diem rates for:
  - a. Prison bed.
  - b. Probation.
  - c. Community control.

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

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

1. *Number of private registry attorneys representing indigent adult defendants.*
2. *Annual felony caseload assigned to private registry contract attorneys.*
3. *Annual misdemeanor caseload assigned to private registry contract attorneys.*
- (g) *Criminal regional conflict counsel.*—*Each office of criminal regional conflict counsel shall report the following data:*
  1. *Number of full-time assistant regional conflict counsel handling criminal cases.*
  2. *Number of part-time assistant regional conflict counsel handling criminal cases.*
  3. *Number of contract attorneys representing indigent adult defendants.*
  4. *Annual felony caseload.*
  5. *Annual felony caseload assigned to contract attorneys.*
  6. *Annual felony conflict caseload.*
  7. *Annual misdemeanor caseload.*
  8. *Annual misdemeanor caseload assigned to contract attorneys.*
  9. *Annual misdemeanor conflict caseload.*

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

(5) NONCOMPLIANCE.—Notwithstanding any other ~~provision of~~ law, an entity required to collect and transmit data under ~~subsection (3) paragraph (3)(a) or paragraph (3)(d)~~ which does not comply with the

requirements of this section is ineligible to receive funding from the General Appropriations Act, any state grant program administered by the Department of Law Enforcement, or any other state agency for 5 years after the date of noncompliance.

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

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

*943.0578 Lawful self-defense expunction.—*

(1) *Notwithstanding the eligibility requirements defined in s. 943.0585(1) and (2), the department shall issue a certificate of eligibility for expunction under this section to a person who is the subject of a criminal history record if that person has obtained, and submitted to the department, on a form provided by the department, a written, certified statement from the appropriate state attorney or statewide prosecutor which states whether an information, indictment, or other charging document was not filed or was dismissed by the state attorney, or dismissed by the court, because it was found that the person acted in lawful self-defense pursuant to chapter 776.*

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

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

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

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

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

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

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

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

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

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

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

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

(4) *An application for administrative expunction shall include the date and time of the arrest, the name of the person arrested, the of-*

*fender-based tracking system (OBTS) number, and the crime or crimes charged. The application shall be on the submitting agency's letterhead and shall be signed by the head of the submitting agency or his or her designee.*

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

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

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

*943.0584 Criminal history records ineligible for court-ordered expunction or court-ordered sealing.—*

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

(2) *A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the following offenses:*

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

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

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

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

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

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

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

(h) *Felony battery, domestic battery by strangulation, or aggravated battery, as defined in s. 784.03, s. 784.041, and s. 784.045, respectively;*

(i) *Stalking or aggravated stalking, as defined in s. 784.048;*

(j) *Luring or enticing a child, as defined in s. 787.025;*

(k) *Human trafficking, as defined in s. 787.06;*

(l) *Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02;*

(m) *Any offense defined in chapter 794;*

(n) *Procuring a person less than 18 years of age for prostitution, as defined in former s. 796.03;*

(o) *Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, as defined in s. 800.04;*

(p) *Arson, as defined in s. 806.01;*

(q) *Burglary of a dwelling, as defined in s. 810.02;*

(r) *Voyeurism or video voyeurism, as defined in s. 810.14 and s. 810.145, respectively;*

- (s) Robbery or robbery by sudden snatching, as defined in s. 812.13 and s. 812.131, respectively;
- (t) Carjacking, as defined in s. 812.133;
- (u) Home-invasion robbery, as defined in s. 812.135;
- (v) A violation of the Florida Communications Fraud Act, as provided in s. 817.034;
- (w) Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult, as defined in s. 825.102;
- (x) Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person, as defined in s. 825.1025;
- (y) Child abuse or aggravated child abuse, as defined in s. 827.03;
- (z) Sexual performance by a child, as defined in s. 827.071;
- (aa) Any offense defined in chapter 839;
- (bb) Certain acts in connection with obscenity, as defined in s. 847.0133;
- (cc) Any offense defined in s. 847.0135;
- (dd) Selling or buying of minors, as defined in s. 847.0145;
- (ee) Aircraft piracy, as defined in s. 860.16;
- (ff) Manufacturing a controlled substance in violation of chapter 893;
- (gg) Drug trafficking, as defined in s. 893.135; or
- (hh) Any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, or sexual offender pursuant to s. 943.0435, without regard to whether that offense alone is sufficient to require such registration.

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

(Substantial rewording of section. See

s. 943.0585, F.S., for present text.)

943.0585 Court-ordered expunction of criminal history records.—

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

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

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

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

(d) The person has never, as of the date the application for a certificate of expunction is filed, been adjudicated guilty in this state of a criminal offense or been adjudicated delinquent in this state for committing any felony or any of the following misdemeanors, unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515:

1. Assault, as defined in s. 784.011;
2. Battery, as defined in s. 784.03;
3. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a);
4. Carrying a concealed weapon, as defined in s. 790.01(1);

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

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

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

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

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

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

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

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

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

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

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

(g) The person has never secured a prior sealing or expunction of a criminal history record under this section, s. 943.059, former s. 893.14, former s. 901.33, or former s. 943.058, unless expunction is sought of a criminal history record previously sealed for 10 years pursuant to paragraph (h) and the record is otherwise eligible for expunction.

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

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

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

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

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

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

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

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

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

- (a) A valid certificate of eligibility issued by the department.
- (b) The petitioner's sworn statement that he or she:
  1. Satisfies the eligibility requirements for expunction in subsection (1).
  2. Is eligible for expunction to the best of his or her knowledge and does not have any other petition to seal or expunge a criminal history record pending before any court.

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

(4) *COURT AUTHORITY.*—

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

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

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

(d) Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records

or information derived therefrom.

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

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

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

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

(c) The department or any other criminal justice agency is not required to act on an order to expunge entered by a court when such order does not comply with the requirements of this section. Upon receipt of such an order, the department must notify the issuing court, the appropriate state attorney or statewide prosecutor, the petitioner or the petitioner's attorney, and the arresting agency of the reason for non-compliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. No cause of action, including contempt of court, shall arise against any criminal justice agency for failure to comply with an order to expunge when the petitioner for such order failed to obtain the certificate of eligibility as required by this section or such order does not otherwise comply with the requirements of this section.

(6) *EFFECT OF EXPUNCTION ORDER.*—

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

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

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.059;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;
6. Is seeking to be employed or licensed by the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that licenses child care facilities;
7. Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services; or
8. Is seeking to be appointed as a guardian pursuant to s. 744.3125.

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

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

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

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

(Substantial rewording of section. See

s. 943.059, F.S., for present text.)

943.059 Court-ordered sealing of criminal history records.—

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

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

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

1. Assault, as defined in s. 784.011;
2. Battery, as defined in s. 784.03;
3. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a);
4. Carrying a concealed weapon, as defined in s. 790.01(1);
5. Open carrying of a weapon, as defined in s. 790.053;
6. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as defined in s. 790.115;
7. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1);
8. Unlawful possession of a firearm by a minor, as defined in s. 790.22(5);
9. Exposure of sexual organs, as defined in s. 800.03;
10. Arson, as defined in s. 806.031(1);
11. Petit theft, as defined in s. 812.014(3);
12. Neglect of a child, as defined in s. 827.03(1)(e); or
13. Cruelty to animals, as defined in s. 828.12(10).

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

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

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

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

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

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

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

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

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

(3) **PETITION.**—Each petition to a court to seal a criminal history record is complete only when accompanied by:

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

(b) The petitioner's sworn statement that the petitioner:

1. Satisfies the eligibility requirements for sealing in subsection (1).
2. Is eligible for sealing to the best of his or her knowledge and does not have any other petition to seal or expunge a criminal history record pending before any court.

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

(4) **COURT AUTHORITY.**—

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

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

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

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

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

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

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

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

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

(6) EFFECT OF ORDER.—

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

1. The subject of the record;
2. The subject's attorney;
3. Criminal justice agencies for their respective criminal justice purposes, which include conducting a criminal history background check for approval of firearms purchases or transfers as authorized by state or federal law;
4. Judges in the state courts system for the purpose of assisting them in their case-related decisionmaking responsibilities, as set forth in s. 943.053(5); or
5. To those entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9., and 10. for their respective licensing access authorization and employment purposes.

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

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.0585;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;
6. Is seeking to be employed or licensed by the Department of Education, a district school board, a university laboratory school, a charter school, a private or parochial school, or a local governmental entity that licenses child care facilities;

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

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

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

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

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

(d) Information relating to the existence of a sealed criminal history record provided in accordance with paragraph (b) is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the sealed criminal history record to the entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9., and 10. for their respective licensing, access authorization, and employment purposes. An employee of an entity set forth in subparagraph (b)1., (b)4., (b)5., (b)6., (b)8., (b)9., or (b)10. may not disclose information relating to the existence of a sealed criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment, access authorization, or licensure decisions. A person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

943.0595 Automatic sealing of criminal history records.—

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

(2) ELIGIBILITY.—

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

1. An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
2. An indictment, information, or other charging document was filed in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court of competent jurisdiction. However, a person is not eligible for automatic sealing under this section if the dismissal was pursuant to s. 916.145 or s. 985.19.
3. A not guilty verdict was rendered by a judge or jury. However, a person is not eligible for automatic sealing under this section if the defendant was found not guilty by reason of insanity.
4. A judgment of acquittal was rendered by a judge.

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

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

(a) Upon the disposition of a criminal case resulting in a criminal history record eligible for automatic sealing under paragraph (2)(a), the

clerk of the court shall transmit a certified copy of the disposition of the criminal history record to the department, which shall seal the criminal history record upon receipt of the certified copy.

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

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

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

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

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

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

1. Identification of the arrestee.
2. Details of the arrest, including each charge.
3. Details of each vehicle and item seized at the time of arrest.
4. Juvenile arrestee information.
5. Release information.

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

(b) By January 1, 2020, subject to appropriation, the department shall procure a uniform arrest affidavit, a uniform criminal charge and disposition statute crosswalk table, and a uniform criminal disposition and sentencing statute crosswalk table following the specifications developed under paragraph (a). The department shall provide training on use of the affidavit and crosswalk tables to each state, county, and municipal law enforcement agency, clerk of the court, state attorney, and jail administrator, as appropriate.

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

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

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

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

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

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

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

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

944.704 Staff who provide transition assistance; duties.—

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

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

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

(a)(1) Coordinating delivery of transition assistance program services at the institution and at the community correctional centers authorized pursuant to s. 945.091(1)(b).

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

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

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

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

(f)(6) Facilitating placement in a private transition housing program, if requested by any eligible inmate. If an inmate who is nearing his or her date of release requests placement in a contracted substance abuse transition housing program, the transition assistance specialist shall inform the inmate of program availability and assess the inmate's need and suitability for transition housing assistance. If an inmate is approved for placement, the specialist shall assist the inmate and coordinate the release of the inmate with the selected program. If an inmate requests and is approved for placement in a contracted faith-based substance abuse transition housing program, the specialist must consult with the chaplain before ~~prior to~~ such placement. In selecting inmates who are nearing their date of release for placement in a faith-based program, the department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining admission to the program and that the program does not attempt to convert an inmate toward a particular faith or religious preference.

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

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

Section 57. Present subsections (3) through (6) of section 944.705, Florida Statutes, are redesignated as subsections (4) through (7), re-



spectively, and a new subsection (3) and subsections (8) through (12) are added to that section, to read:

**944.705 Release orientation program.—**

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

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

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

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

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

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

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

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

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

**944.801 Education for state prisoners.—**

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

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

(6) *The Correctional Education Program may work in cooperation with the Department of Agriculture and Consumer Services, Florida Forestry Service Division, and the Florida Department of Financial Services, Division of State Fire Marshall to develop a program for implementation within state correctional institutions or correctional facilities to train and certify inmates as firefighters. The program should include, but not be limited to, certification of inmates as state forest staff*

*trained to help protect homes, forestland, and natural resources from the effects of wildfires throughout the state.*

Section 59. Subsection (1) of section 948.001, Florida Statutes, is amended to read:

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

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

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

**948.013 Administrative probation.—**

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

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

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

(4) *Except as provided in subsection (5), for defendants sentenced to probation on or after October 1, 2019, the court, upon motion by the probationer or the probation officer, shall either early terminate the probationer's supervision or convert the supervisory term to administrative probation if all of the following requirements are met:*

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

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

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

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

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

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

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

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

**948.05 Court to admonish or commend probationer or offender in community control; graduated incentives.—**

(1) A court may at any time cause a probationer or offender in community control to appear before it to be admonished or commended, and, when satisfied that its action will be for the best interests of justice and the welfare of society, it may discharge the probationer or offender in community control from further supervision.

(2) The department shall implement a system of graduated incentives to promote compliance with the terms of supervision and prioritize the highest levels of supervision for probationers or offenders presenting the greatest risk of recidivism.

(a) As part of the graduated incentives system, the department may, without leave of court, offer the following incentives to a compliant probationer or offender in community control:

1. Up to 25 percent reduction of required community service hours;
2. Waiver of supervision fees;
3. Reduction in frequency of reporting;
4. Permission to report by mail or telephone; or
5. Transfer of an eligible offender to administrative probation as authorized under s. 948.013.

(b) The department may also incentivize positive behavior and compliance with recommendations to the court to modify the terms of supervision, including recommending:

1. Permission to travel;
2. Reduction of supervision type;
3. Modification or cessation of curfew;
4. Reduction or cessation of substance abuse testing; or
5. Early termination of supervision.

(c) A probationer or offender who commits a subsequent violation of probation may forfeit any previously earned probation incentive, as determined appropriate by his or her probation officer.

Section 63. Present paragraphs (c) through (g) of subsection (1) of section 948.06, Florida Statutes, are redesignated as paragraphs (d) through (h), respectively, a new paragraph (c) is added to that subsection, and present paragraph (h) of that subsection is amended, present paragraphs (f) through (j) of subsection (2) are redesignated as paragraphs (g) through (k), respectively, and a new paragraph (f) is added to that subsection, and subsection (9) is added to that section, to read:

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

(1)

(c) If a probationer or offender on community control commits a technical violation, the probation officer shall determine whether the probationer or offender on community control is eligible for the alternative sanctioning program under subsection (9). If the probation officer determines that the probationer or offender on community control is eligible, the probation officer may proceed with the alternative sanctioning program in lieu of filing an affidavit of violation with the court. For purposes of this section, the term "technical violation" means an alleged violation of supervision that is not a new felony offense, misdemeanor offense, or criminal traffic offense.

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

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

- ~~a.—Eligibility criteria.~~
- ~~b.—The technical violations that are eligible for the program.~~
- ~~e.—The sanctions that may be recommended by a probation officer for each technical violation.~~
- ~~d.—The process for reporting technical violations through the alternative sanctioning program, including approved forms.~~

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

- ~~a.—Waive participation in the alternative sanctioning program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court in accordance with this section; or~~
- ~~b.—Elect to participate in the alternative sanctioning program after receiving written notice of an alleged technical violation and a disclosure of the evidence against the offender, admit to the technical violation, agree to comply with the probation officer's recommended sanction if subsequently ordered by the court, and agree to waive the right to:~~

- ~~(I) Be represented by legal counsel.~~
- ~~(II) Require the state to prove his or her guilt before a neutral and detached hearing body.~~
- ~~(III) Subpoena witnesses and present to a judge evidence in his or her defense.~~
- ~~(IV) Confront and cross-examine adverse witnesses.~~
- ~~(V) Receive a written statement from a factfinder as to the evidence relied on and the reasons for the sanction imposed.~~

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

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

~~6.—An offender's participation in an alternative sanctioning program is voluntary. The offender may elect to waive or discontinue participation in an alternative sanctioning program at any time before the issuance of a court order imposing the recommended sanction.~~

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

(2)

(f)1. Except as provided in subparagraph 3. or upon waiver by the probationer, the court shall modify or continue a probationary term upon finding a probationer in violation when any of the following applies:

- a. The term of supervision is probation.
- b. The probationer does not qualify as a violent felony offender of special concern, as defined in paragraph (8)(b).
- c. The violation is a low-risk technical violation, as defined in paragraph (9)(b).
- d. The court has not previously found the probationer in violation of his or her probation pursuant to a filed violation of probation affidavit during the current term of supervision. A probationer who has successfully completed sanctions through the alternative sanctioning program is

eligible for mandatory modification or continuation of his or her probation.

2. Upon modifying probation under subparagraph 1., the court may include in the sentence a maximum of 90 days in county jail as a special condition of probation.

3. Notwithstanding s. 921.0024, if a probationer has less than 90 days of supervision remaining on his or her term of probation and meets the criteria for mandatory modification or continuation in subparagraph 1., the court may revoke probation and sentence the probationer to a maximum of 90 days in county jail.

4. For purposes of imposing a jail sentence under this paragraph only, the court may grant credit only for time served in the county jail since the probationer's most recent arrest for the violation. However, the court may not order the probationer to a total term of incarceration greater than the maximum provided by s. 775.082.

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

(b) As used in this subsection, the term "low-risk violation," when committed by a probationer, means any of the following:

1. A positive drug or alcohol test result.
2. Failure to report to the probation office.
3. Failure to report a change in address or other required information.
4. Failure to attend a required class, treatment or counseling session, or meeting.
5. Failure to submit to a drug or alcohol test.
6. A violation of curfew.
7. Failure to meet a monthly quota on any required probation condition, including, but not limited to, making restitution payments, paying court costs, or completing community service hours.
8. Leaving the county without permission.
9. Failure to report a change in employment.
10. Associating with a person engaged in criminal activity.
11. Any other violation as determined by administrative order of the chief judge of the circuit.

(c) As used in this subsection, the term "moderate-risk violation" means any of the following:

1. A violation identified in paragraph (b), when committed by an offender on community control.
2. Failure to remain at an approved residence by an offender on community control.
3. A third violation identified in paragraph (b) by a probationer within the current term of supervision.
4. Any other violation as determined by administrative order of the chief judge of the circuit.

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

1. He or she is a violent felony offender of special concern as defined in paragraph (8)(b);
2. The violation is a felony, misdemeanor, or criminal traffic offense;

3. The violation is absconding;

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

5. The violation is not identified as low-risk or moderate-risk under this subsection or by administrative order;

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

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

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

9. The terms of the sentence prohibit alternative sanctioning.

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

1. Up to 5 days in the county jail.
2. Up to 50 additional community service hours.
3. Counseling or treatment.
4. Support group attendance.
5. Drug testing.
6. Loss of travel or other privileges.
7. Curfew for up to 30 days.
8. House arrest for up to 30 days.

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

b. However, in no circumstance shall participation in an alternative sanctioning program convert a withheld adjudication to an adjudication of guilt.

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

1. Up to 21 days in the county jail.
2. Curfew for up to 90 days.
3. House arrest for up to 90 days.
4. Electronic monitoring for up to 90 days.
5. Residential treatment for up to 90 days.
6. Any other sanction available for a low-risk violation.

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

b. However, in no circumstance shall participation in an alternative sanctioning program convert a withheld adjudication to an adjudication of guilt.

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

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

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

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

- (I) Be represented by legal counsel.
- (II) Require the state to prove his or her guilt before a neutral and detached hearing body.
- (III) Subpoena witnesses and present to a judge evidence in his or her defense.
- (IV) Confront and cross-examine adverse witnesses.
- (V) Receive a written statement from a judge as to the evidence relied on and the reasons for the sanction imposed.

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

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

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

Section 64. Subsection (6) of section 948.08, Florida Statutes, is amended to read:

948.08 Pretrial intervention program.—

(6)(a) For purposes of this subsection, the term “nonviolent felony” means a third degree felony violation of chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08.

(b) Notwithstanding any provision of this section, a person ~~who is charged with a nonviolent felony and is identified as having a substance abuse problem or is charged with a felony of the second or third degree for purchase or possession of a controlled substance under chapter 893, prostitution, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud; who has not been charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home invasion robbery, or any other crime involving violence; and who has not previously been convicted of a felony~~ is eligible for voluntary admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to s. 397.334, approved by the chief judge of the circuit, for a period of not less than 1 year in duration, *if he or she*:

1. *Is identified as having a substance abuse problem and is amenable to treatment.*
2. *Is charged with a nonviolent felony.*
3. *Has never been charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence.*
4. *Has two or fewer felony convictions, provided that the prior convictions are for nonviolent felonies.*

(c) Upon motion of either party or the court's own motion, *and with the agreement of the defendant, the court shall admit an eligible person into a pretrial substance abuse education and treatment intervention program, except:*

1. If a defendant was previously offered admission to a pretrial substance abuse education and treatment intervention program at any time ~~before~~ *prior to* trial and the defendant rejected that offer on the record, ~~then~~ the court or the state attorney may deny the defendant's admission to such a program.

2. If the state attorney believes that the facts and circumstances of the case suggest the defendant's involvement in the dealing and selling of controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in the dealing or selling of controlled substances, the court shall deny the defendant's admission into a pretrial intervention program.

3. *If the defendant has two or fewer prior felony convictions as provided in subparagraph (b)4., the court, in its discretion, may deny admission to such a program.*

(d)(b) While enrolled in a pretrial intervention program authorized by this subsection, the participant is subject to a coordinated strategy developed by a drug court team under s. 397.334(4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311 or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial treatment-based drug court program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under s. 943.0585.

(e)(e) At the end of the pretrial intervention period, the court shall consider the recommendation of the administrator pursuant to subsection (5) and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to s. 397.334(4), if the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment, which may include substance abuse treatment programs offered by licensed service providers as defined in s. 397.311 or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the pretrial intervention program.

(f)(d) Any entity, whether public or private, providing a pretrial substance abuse education and treatment intervention program under this subsection must contract with the county or appropriate governmental entity, and the terms of the contract must include, but need not be limited to, the requirements established for private entities under s. 948.15(3).

Section 65. Section 948.081, Florida Statutes, is created to read:

948.081 Community court programs.—

(1) *Each judicial circuit may establish a community court program for defendants charged with certain misdemeanor offenses. Each community court shall, at a minimum:*

- (a) *Adopt a nonadversarial approach.*
- (b) *Establish an advisory committee to recommend solutions and sanctions in each case.*
- (c) *Provide for judicial leadership and interaction.*

(d) *In each particular case, consider the needs of the victim, consider individualized treatment services for the defendant, and monitor the defendant's compliance.*

(2) *The chief judge of the judicial circuit, by administrative order, shall specify each misdemeanor offense eligible for the community court program. In making such determination, the chief judge shall consider the particular needs and concerns of the communities within the judicial circuit.*

(3) *A defendant's entry into any community court program must be voluntary.*

(4) *The chief judge shall appoint a community court resource coordinator, who shall:*

(a) *Coordinate the responsibilities of the participating agencies and service providers.*

(b) *Provide case management services.*

(c) *Monitor compliance by defendants with court requirements.*

(d) *Manage the collection of data for program evaluation and accountability.*

(5) *The chief judge of the judicial circuit shall appoint members to an advisory committee for each community court. The members of the advisory committee must include, at a minimum:*

(a) *The chief judge or a community court judge designated by the chief judge, who shall serve as chair.*

(b) *The state attorney or his or her designee.*

(c) *The public defender or his or her designee.*

(d) *The community court resource coordinator.*

*The committee may also include community stakeholders, treatment representatives, and other persons the chair deems appropriate.*

(6) *The advisory committee shall review each defendant's case. Each committee member may make recommendations to the judge, including appropriate sanctions and treatment solutions for the defendant. The judge shall consider such recommendations and make the final decision concerning sanctions and treatment with respect to each defendant.*

(7) *Each judicial circuit shall report client-level and programmatic data to the Office of the State Courts Administrator annually for program evaluation. Client-level data include primary offenses resulting in the community court referral or sentence, treatment compliance, completion status, reasons for failing to complete the program, offenses committed during treatment and sanctions imposed, frequency of court appearances, and units of service. Programmatic data include referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources.*

(8) *The Department of Corrections, the Department of Juvenile Justice, the Department of Health, the Department of Law Enforcement, the Department of Education, law enforcement agencies, and other governmental entities involved in the criminal justice system shall support such community court programs.*

(9) *Community court program funding must be secured from sources other than the state for costs not assumed by the state under s. 29.004. However, this subsection does not preclude the use of funds provided for treatment and other services through state executive branch agencies.*

Section 66. Section 951.22, Florida Statutes, is amended to read:

951.22 County detention facilities; contraband articles.—

(1) It is unlawful, except through regular channels as duly authorized by the sheriff or officer in charge, to introduce into or possess upon the grounds of any county detention facility as defined in s. 951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send

therefrom any of the following articles, which are hereby declared to be contraband:

(a) ~~for the purposes of this act, to wit:~~ Any written or recorded communication. *This paragraph does not apply to any document or correspondence exchanged between a lawyer, paralegal, or other legal staff and an inmate at a detention facility if the document or correspondence is otherwise lawfully possessed and disseminated and relates to the legal representation of the inmate.;*

(b) Any currency or coin.;

(c) Any article of food or clothing.;

(d) Any tobacco products as defined in s. 210.25(12).;

(e) Any cigarette as defined in s. 210.01(1).;

(f) Any cigar.;

(g) Any intoxicating beverage or beverage ~~that which~~ causes or may cause an intoxicating effect.;

(h) Any narcotic, hypnotic, or excitative drug or drug of any kind or nature, including nasal inhalators, sleeping pills, barbiturates, and controlled substances as defined in s. 893.02(4).;

(i) Any firearm or any instrumentality customarily used or which is intended to be used as a dangerous weapon. ~~and~~

(j) Any instrumentality of any nature ~~which that~~ may be or is intended to be used as an aid in effecting or attempting to effect an escape from a county facility.

(k) *Any cellular telephone or other portable communication device as described in s. 944.47(1)(a)6. The term does not include any device that has communication capabilities which has been approved or issued by the sheriff or officer in charge for investigative or institutional security purposes or for conducting other official business.*

(2) A person who ~~Whoever~~ violates paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates paragraph (1)(h), paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) ~~subsections (1) shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 67. Subsection (1) of section 958.04, Florida Statutes, is amended to read:

958.04 Judicial disposition of youthful offenders.—

(1) The court may sentence as a youthful offender any person:

(a) Who is at least 18 years of age or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 985;

(b) Who is found guilty of or who has tendered, and the court has accepted, a plea of nolo contendere or guilty to a crime that is, under the laws of this state, a felony if ~~such crime was committed before the defendant turned 21 years of age the offender is younger than 21 years of age at the time sentence is imposed;~~ and

(c) Who has not previously been classified as a youthful offender under ~~the provisions of~~ this act; however, a person who has been found guilty of a capital or life felony may not be sentenced as a youthful offender under this act.

Section 68. Section 960.07, Florida Statutes, is amended to read:

960.07 Filing of claims for compensation.—

(1) A claim for compensation may be filed by a person eligible for compensation as provided in s. 960.065 or, if such person is a minor, by his or her parent or guardian or, if the person entitled to make a claim is mentally incompetent, by the person's guardian or such other individual authorized to administer his or her estate.

(2) Except as provided in ~~subsections~~ ~~subsection~~ (3) and (4), a claim must be filed in accordance with this subsection. ~~not later than 1 year after:~~

(a)1. A claim arising from a crime occurring before October 1, 2019, must be filed within 1 year after:

- a. The occurrence of the crime upon which the claim is based.
- b.~~4~~ The death of the victim or intervenor.
- c.~~e~~ The death of the victim or intervenor is determined to be the result of a crime, and the crime occurred after June 30, 1994.

2. ~~However,~~ For good cause the department may extend the time for filing a claim under subparagraph 1. for a period not exceeding 2 years after such occurrence.

(b)1. A claim arising from a crime occurring on or after October 1, 2019, must be filed within 3 years after the later of:

- a. The occurrence of the crime upon which the claim is based;
- b. The death of the victim or intervenor; or
- c. The death of the victim or intervenor is determined to be the result of the crime.

2. For good cause the department may extend the time for filing a claim under subparagraph 1. for a period not to exceed 5 years after such occurrence.

(3) Notwithstanding the provisions of subsection (2) ~~and regardless of when the crime occurred,~~ if the victim or intervenor was under the age of 18 at the time the crime upon which the claim is based occurred, a claim may be filed in accordance with this subsection.

(a) The victim's or intervenor's parent or guardian may file a claim on behalf of the victim or intervenor while the victim or intervenor is less than 18 years of age; ~~or~~

(b) For a claim arising from a crime that occurred before October 1, 2019, when a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 1 year ~~within which~~ to file a claim; or

(c) For a claim arising from a crime occurring on or after October 1, 2019, when a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 3 years to file a claim.

For good cause, the department may extend the time period allowed for filing a claim under paragraph (b) for an additional period not to exceed 1 year or under paragraph (c) for an additional period not to exceed 2 years.

(4) The provisions of subsection (2) notwithstanding, ~~and regardless of when the crime occurred,~~ a victim of a sexually violent offense as defined in s. 394.912, may file a claim for compensation for counseling or other mental health services within:

(a) One ~~1~~ year after the filing of a petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense, if the claim arises from a crime committed before October 1, 2019; or

(b) Three years after the filing of petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense, if the claim arises from a crime committed on or after October 1, 2019.

Section 69. Paragraph (b) of subsection (1) of section 960.13, Florida Statutes, is amended to read:

960.13 Awards.—

(1)

(b) In no case may an award be made when the record shows that such report was made more than:

1. Seventy-two ~~72~~ hours after the occurrence of such crime, if the crime occurred before October 1, 2019; or

2. Five days after the occurrence of such crime, if the crime occurred on or after October 1, 2019,

unless the department, for good cause shown, finds the delay to have been justified. The department, upon finding that any claimant or award recipient has not duly cooperated with the state attorney, all law enforcement agencies, and the department, may deny, reduce, or withdraw any award, as the case may be.

Section 70. Subsection (1) of section 960.195, Florida Statutes, is amended to read:

960.195 Awards to elderly persons or disabled adults for property loss.—

(1) Notwithstanding the criteria in s. 960.13, for crime victim compensation awards, the department may award a maximum of \$500 on any one claim and a lifetime maximum of \$1,000 on all claims to elderly persons or disabled adults who suffer a property loss that causes a substantial diminution in their quality of life when:

- (a) There is proof that a criminal or delinquent act was committed;
- (b) The criminal or delinquent act is reported to law enforcement authorities within:

1. Seventy-two ~~72~~ hours, if such crime or act occurred before October 1, 2019; or

2. Five days, if such crime or act occurred on or after October 1, 2019,

unless the department, for good cause shown, finds the delay to have been justified;

(c) There is proof that the tangible personal property in question belonged to the claimant;

(d) The claimant did not contribute to the criminal or delinquent act;

(e) There is no other source of reimbursement or indemnification available to the claimant; and

(f) The claimant would not be able to replace the tangible personal property in question without incurring a serious financial hardship.

Section 71. Section 960.196, Florida Statutes, is amended to read:

960.196 Relocation assistance for victims of human trafficking.—

(1) Notwithstanding the criteria specified in ss. 960.07(2) and 960.13 for crime victim compensation awards, the department may award a one-time payment of up to \$1,500 for any one claim and a lifetime maximum of \$3,000 to a victim of human trafficking who needs urgent assistance to escape from an unsafe environment directly related to the human trafficking offense.

(2) In order for an award to be granted to a victim for relocation assistance:

(a) There must be proof that a human trafficking offense, as described in s. 787.06(3)(b), (d), (f), or (g), was committed.

(b)1. For a crime occurring before October 1, 2019, the crime must be reported to the proper authorities and the claim must be filed within 1 year, or 2 years with good cause, after the date of the last human trafficking offense, as described in s. 787.06(3)(b), (d), (f), or (g).

2. For a crime occurring on or after October 1, 2019, the crime must be reported to the proper authorities and the claim must be filed within 3 years, or 5 years with good cause, after the date of the last human trafficking offense, as described in s. 787.06(3)(b), (d), (f), or (g).

3. In a case that exceeds the reporting and filing ~~2-year~~ requirement due to an active and ongoing investigation, a state attorney, statewide prosecutor, or federal prosecutor may certify in writing a human trafficking victim's need to relocate from an unsafe environment due to the

threat of future violence which is directly related to the human trafficking offense.

(c) The victim's need must be certified by a certified domestic violence or rape crisis center in this state, except as provided in paragraph (b). The center's certification must assert that the victim is cooperating with the proper authorities and must include documentation that the victim has developed a safety plan.

(3) Relocation payments for a human trafficking claim shall be denied if the department has previously approved or paid out a domestic violence or sexual battery relocation claim under s. 960.198 or s. 960.199 to the same victim regarding the same incident.

Section 72. Subsection (2) of section 960.28, Florida Statutes, is amended to read:

960.28 Payment for victims' initial forensic physical examinations.—

(2) The Crime Victims' Services Office of the department shall pay for medical expenses connected with an initial forensic physical examination of a victim of sexual battery as defined in chapter 794 or a lewd or lascivious offense as defined in chapter 800. Such payment shall be made regardless of whether the victim is covered by health or disability insurance and whether the victim participates in the criminal justice system or cooperates with law enforcement. The payment shall be made only out of moneys allocated to the Crime Victims' Services Office for the purposes of this section, and the payment may not exceed \$1,000 \$500 with respect to any violation. The department shall develop and maintain separate protocols for the initial forensic physical examination of adults and children. Payment under this section is limited to medical expenses connected with the initial forensic physical examination, and payment may be made to a medical provider using an examiner qualified under part I of chapter 464, excluding s. 464.003(14); chapter 458; or chapter 459. Payment made to the medical provider by the department shall be considered by the provider as payment in full for the initial forensic physical examination associated with the collection of evidence. The victim may not be required to pay, directly or indirectly, the cost of an initial forensic physical examination performed in accordance with this section.

Section 73. Effective upon this act becoming a law, paragraphs (c), (d), and (f) of subsection (2) of section 985.12, Florida Statutes, are amended to read:

985.12 Civil citation or similar prearrest diversion programs.—

(2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PRE-ARREST DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

(c) The state attorney of each circuit shall operate a civil citation or similar prearrest diversion program in each circuit. A sheriff, police department, county, municipality, *locally authorized entity*, or public or private educational institution may continue to operate an independent civil citation or similar prearrest diversion program that is in operation as of October 1, 2018, if the independent program is reviewed by the state attorney of the applicable circuit and he or she determines that the independent program is substantially similar to the civil citation or similar prearrest diversion program developed by the circuit. If the state attorney determines that the independent program is not substantially similar to the civil citation or similar prearrest diversion program developed by the circuit, the operator of the independent diversion program may revise the program and the state attorney may conduct an additional review of the independent program.

(d) A judicial circuit may model an existing sheriff's, police department's, county's, municipality's, *locally authorized entity's*, or public or private educational institution's independent civil citation or similar prearrest diversion program in developing the civil citation or similar prearrest diversion program for the circuit.

(f) *Each civil citation or similar prearrest diversion program shall enter the appropriate youth data into the Juvenile Justice Information System Prevention Web within 7 days after the admission of the youth into the program. A copy of each civil citation or similar prearrest diversion program notice issued under this section shall be provided to the*

~~department, and the department shall enter appropriate information into the juvenile offender information system.~~

Section 74. Effective upon this act becoming a law, subsection (2) and paragraph (c) of subsection (3) of section 985.126, Florida Statutes, are amended to read:

985.126 Diversion programs; data collection; denial of participation or expunged record.—

(2) Upon issuance of documentation requiring a minor to participate in a diversion program, before or without an arrest, the issuing law enforcement officer shall send a copy of such documentation to the entity designated to operate the diversion program ~~and to the department~~, which shall enter such information into the Juvenile Justice Information System Prevention Web *within 7 days after the youth's admission into the program.*

(3)

(c) The data required pursuant to paragraph (a) shall be *entered into the Juvenile Justice Information System Prevention Web within 7 days after the youth's admission into the program submitted to the department quarterly.*

Section 75. Effective upon this act becoming a law, paragraph (f) of subsection (1) of section 985.145, Florida Statutes, is amended to read:

985.145 Responsibilities of the department during intake; screenings and assessments.—

(1) The department shall serve as the primary case manager for the purpose of managing, coordinating, and monitoring the services provided to the child. Each program administrator within the Department of Children and Families shall cooperate with the primary case manager in carrying out the duties and responsibilities described in this section. In addition to duties specified in other sections and through departmental rules, the department shall be responsible for the following:

~~(f) Prevention web.—For a child with a first-time misdemeanor offense, the department shall enter all related information into the Juvenile Justice Information System Prevention Web until such time as formal charges are filed. If formal charges are not filed, the information shall remain in the Juvenile Justice Information System Prevention Web until removed pursuant to department policies.~~

Section 76. Subsection (2) of section 985.557, Florida Statutes, is amended to read:

985.557 Direct filing of an information; discretionary ~~and mandatory~~ criteria.—

~~(2) MANDATORY DIRECT FILE.—~~

~~(a) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home invasion robbery, aggravated battery, or aggravated assault, and the child is currently charged with a second or subsequent violent crime against a person.~~

~~(b) With respect to any child 16 or 17 years of age at the time an offense classified as a forcible felony, as defined in s. 776.08, was committed, the state attorney shall file an information if the child has previously been adjudicated delinquent or had adjudication withheld for three acts classified as felonies each of which occurred at least 45 days apart from each other. This paragraph does not apply when the state attorney has good cause to believe that exceptional circumstances exist which preclude the just prosecution of the juvenile in adult court.~~

~~(c) The state attorney must file an information if a child, regardless of the child's age at the time the alleged offense was committed, is alleged to have committed an act that would be a violation of law if the child were an adult, that involves stealing a motor vehicle, including, but not limited to, a violation of s. 812.133, relating to carjacking, or s. 812.014(2)(c)6., relating to grand theft of a motor vehicle, and while the~~

~~child was in possession of the stolen motor vehicle the child caused serious bodily injury to or the death of a person who was not involved in the underlying offense. For purposes of this section, the driver and all willing passengers in the stolen motor vehicle at the time such serious bodily injury or death is inflicted shall also be subject to mandatory transfer to adult court. "Stolen motor vehicle," for the purposes of this section, means a motor vehicle that has been the subject of any criminal wrongful taking. For purposes of this section, "willing passengers" means all willing passengers who have participated in the underlying offense.~~

~~(d)1. With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been charged with committing or attempting to commit an offense listed in s. 775.087(2)(a)1. a. p., and, during the commission of or attempt to commit the offense, the child:~~

~~a. Actually possessed a firearm or destructive device, as those terms are defined in s. 790.001.~~

~~b. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)2.~~

~~c. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)3., and, as a result of the discharge, death or great bodily harm was inflicted upon any person.~~

~~2. Upon transfer, any child who is:~~

~~a. Charged under sub-subparagraph 1.a. and who has been previously adjudicated or had adjudication withheld for a forcible felony offense or any offense involving a firearm, or who has been previously placed in a residential commitment program, shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565.~~

~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph 1.c., shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565.~~

~~3. Upon transfer, any child who is charged under this paragraph, but who does not meet the requirements specified in subparagraph 2., shall be sentenced under s. 985.565; however, if the court imposes a juvenile sanction, the court must commit the child to a high risk or maximum risk juvenile facility.~~

~~4. This paragraph shall not apply if the state attorney has good cause to believe that exceptional circumstances exist that preclude the just prosecution of the child in adult court.~~

~~5. The Department of Corrections shall make every reasonable effort to ensure that any child 16 or 17 years of age who is convicted and sentenced under this paragraph be completely separated such that there is no physical contact with adult offenders in the facility, to the extent that it is consistent with chapter 958.~~

Section 77. Subsection (3) of section 776.09, Florida Statutes, is amended to read:

776.09 Retention of records pertaining to persons found to be acting in lawful self-defense; expunction of criminal history records.—

(3) Under either condition described in subsection (1) or subsection (2), the person accused may apply for a certificate of eligibility to expunge the associated criminal history record, pursuant to s. 943.0578 s. 943.0585(5), notwithstanding the eligibility requirements prescribed in s. 943.0585(1) s. 943.0585(1)(b) or (2).

Section 78. Paragraph (c) of subsection (3) of section 943.053, Florida Statutes, is amended to read:

943.053 Dissemination of criminal justice information; fees.—

(3)

(c)1. Criminal history information relating to juveniles, including criminal history information consisting in whole or in part of information that is confidential and exempt under paragraph (b), shall be available to:

a. A criminal justice agency for criminal justice purposes on a priority basis and free of charge;

b. The person to whom the record relates, or his or her attorney;

c. The parent, guardian, or legal custodian of the person to whom the record relates, provided such person has not reached the age of majority, been emancipated by a court, or been legally married; or

d. An agency or entity specified in s. 943.0585(6) s. 943.0585(4) or s. 943.059(6) s. 943.059(4), for the purposes specified therein, and to any person within such agency or entity who has direct responsibility for employment, access authorization, or licensure decisions.

2. After providing the program with all known personal identifying information, the criminal history information relating to a juvenile which is not confidential and exempt under this subsection may be released to the private sector and noncriminal justice agencies not specified in s. 943.0585(6) s. 943.0585(4) or s. 943.059(6) s. 943.059(4) in the same manner as provided in paragraph (a). Criminal history information relating to a juvenile which is not confidential and exempt under this subsection is the entire criminal history information relating to a juvenile who satisfies any of the criteria listed in sub-subparagraphs (b) 1.a.-d., except for any portion of such juvenile's criminal history record which has been expunged or sealed under any law applicable to such record.

3. All criminal history information relating to juveniles, other than that provided to criminal justice agencies for criminal justice purposes, shall be provided upon tender of fees as established in this subsection and in the manner prescribed by rule of the Department of Law Enforcement.

Section 79. Paragraph (b) of subsection (2) of section 943.0582, Florida Statutes, is amended to read:

943.0582 Diversion program expunction.—

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

(b) "Expunction" has the same meaning ascribed in and effect as s. 943.0585, except that:

1. Section 943.0585(6)(b) does The provisions of s. 943.0585(4)(a) do not apply, except that the criminal history record of a person whose record is expunged pursuant to this section shall be made available only to criminal justice agencies for the purpose of:

- a. Determining eligibility for diversion programs;
- b. A criminal investigation; or
- c. Making a prosecutorial decision under s. 985.15.

2. Records maintained by local criminal justice agencies in the county in which the arrest occurred that are eligible for expunction pursuant to this section shall be sealed as the term is used in s. 943.059.

Section 80. Paragraphs (a) and (b) of subsection (4) of section 985.565, Florida Statutes, are amended to read:

985.565 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—

(a) Adult sanctions.—

1. Cases prosecuted on indictment.—If the child is found to have committed the offense punishable by death or life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence as follows:

- a. As an adult;
- b. Under chapter 958; or
- c. As a juvenile under this section.



	Florida Statute	Felony Degree	Description
2. Other cases.—If a child who has been transferred for criminal prosecution pursuant to information or waiver of juvenile court jurisdiction is found to have committed a violation of state law or a lesser included offense for which he or she was charged as a part of the criminal episode, the court may sentence as follows:			
a. As an adult;	212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
b. Under chapter 958; or			
c. As a juvenile under this section.	212.15(2)(b)	3rd	Failure to remit sales taxes, amount \$1,000 or more <del>greater than \$300</del> but less than \$20,000.
3. Notwithstanding any other provision to the contrary, if the state attorney is required to file a motion to transfer and certify the juvenile for prosecution as an adult under s. 985.556(3) and that motion is granted, <del>or if the state attorney is required to file an information under s. 985.557(2)(a) or (b)</del> , the court must impose adult sanctions.	316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
4. Any sentence imposing adult sanctions is presumed appropriate, and the court is not required to set forth specific findings or enumerate the criteria in this subsection as any basis for its decision to impose adult sanctions.	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
5. When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may include the enforcement of any restitution ordered in any juvenile proceeding.	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
(b) Juvenile sanctions.—For juveniles transferred to adult court but who do not qualify for such transfer under s. 985.556(3) <del>or s. 985.557(2)(a) or (b)</del> , the court may impose juvenile sanctions under this paragraph. If juvenile sentences are imposed, the court shall, under this paragraph, adjudge the child to have committed a delinquent act. Adjudication of delinquency <del>may shall</del> not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:	322.212(1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
	322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
	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.
	443.071(1)	3rd	False statement or representation to obtain or increase re-employment assistance benefits.
1. Place the child in a probation program under the supervision of the department for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by order of the court.	509.151(1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more <del>greater than \$300</del> .
2. Commit the child to the department for treatment in an appropriate program for children for an indeterminate period of time until the child is 21 or sooner if discharged by the department. The department shall notify the court of its intent to discharge no later than 14 days before <del>prior to</del> discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
3. Order disposition under ss. 985.435, 985.437, 985.439, 985.441, 985.45, and 985.455 as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.	<del>562.27(1)</del> 713.69	<del>3rd</del> 3rd	<del>Possess still or still apparatus.</del> Tenant removes property upon which lien has accrued, value \$1,000 or more <del>than \$50</del> .
It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.534.	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
Section 81. Subsection (3) of section 921.0022, Florida Statutes, is amended to read:	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
921.0022 Criminal Punishment Code; offense severity ranking chart.—	815.04(5)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
(3) OFFENSE SEVERITY RANKING CHART			
(a) LEVEL 1	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.	379.2431(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
826.01	3rd	Bigamy.	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.
828.122(3)	3rd	Fighting or baiting animals.			
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.	590.28(1)	3rd	Intentional burning of lands.
832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
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.	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
838.15(2)	3rd	Commercial bribe receiving.	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
838.16	3rd	Commercial bribery.			
843.18	3rd	Fleeing by boat to elude a law enforcement officer.	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
<del>849.01</del>	<del>3rd</del>	<del>Keeping gambling house.</del>	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$750
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.	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750 <del>\$300</del> , taken from unenclosed curtilage of dwelling.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
849.25(2)	3rd	Engaging in bookmaking.			
860.08	3rd	Interfere with a railroad signal.	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
860.13(1)(a)	3rd	Operate aircraft while under the influence.	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
893.13(2)(a)2.	3rd	Purchase of cannabis.			
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).	817.52(3)	3rd	Failure to redeliver hired vehicle.
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
(b) LEVEL 2			817.60(5)	3rd	Dealing in credit cards of another.
Florida Statute	Felony Degree	Description	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
831.01	3rd	Forgery.	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.	379.2431(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.	379.2431(1)(e)6.	3rd	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.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.	379.2431(1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.	400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.	400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
843.08	3rd	False personation.	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
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.	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
(c) LEVEL 3			626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
Florida Statute	Felony Degree	Description	697.08	3rd	Equity skimming.
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
316.066(3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.			
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.			
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.			
327.35(2)(b)	3rd	Felony BUI.			
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
812.015(8)(b)	3rd	<i>Retail theft with intent to sell; conspires with others.</i>	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
817.233	3rd	Burning to defraud insurer.	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
817.234(8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
817.236	3rd	Filing a false motor vehicle insurance application.	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument <i>with intent to defraud.</i>	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.	944.47(1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
843.19	3rd	Injure, disable, or kill police dog or horse.	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
860.15(3)	3rd	Overcharging for repairs and parts.	(d) LEVEL 4		
870.01(2)	3rd	Riot; inciting or encouraging.	Florida Statute	Felony Degree	Description
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).	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.
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 within 1,000 feet of university.			
893.13(1)(f)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 within 1,000 feet of public housing facility.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
517.07(1)	3rd	Failure to register securities.	810.06	3rd	Burglary; possession of tools.
517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.	812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree; <del>specified items, a will, firearm, motor vehicle, livestock, etc.</del>
784.075	3rd	Battery on detention or commitment facility staff.	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.	817.505(4)(a)	3rd	Patient brokering.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
784.081(3)	3rd	Battery on specified official or employee.	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or re-encoder.
784.083(3)	3rd	Battery on code inspector.	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.	837.02(1)	3rd	Perjury in official proceedings.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.	837.021(1)	3rd	Make contradictory statements in official proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	838.022	3rd	Official misconduct.
787.07	3rd	Human smuggling.	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
790.115(2)(c)	3rd	Possessing firearm on school property.	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.	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 suspended or revoked.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.			
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).			
914.14(2)	3rd	Witnesses accepting bribes.			
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.	379.367(4)	3rd	
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.	379.407(5)(b)3.	3rd	
918.12	3rd	Tampering with jurors.	381.0041(11)(b)	3rd	
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.	440.10(1)(g)	2nd	
944.47(1)(a)6.	3rd	<i>Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.</i>	440.105(5)	2nd	
951.22(1)(h), (j), & (k)	3rd		440.381(2)	2nd	
		<i>Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.</i>	624.401(4)(b)2.	2nd	
(e) LEVEL 5			626.902(1)(c)	2nd	
Florida Statute	Felony Degree	Description	790.01(2)	3rd	Carrying a concealed firearm.
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.	790.162	2nd	Threat to throw or discharge destructive device.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
			800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
			800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
812.015(8)(a), (c), (d), & (e)	3rd	Retail theft; property stolen is valued at \$750 <del>\$300</del> or more and one or more specified acts.	847.0137(2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.	847.0138(2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
812.131(2)(b)	3rd	Robbery by sudden snatching.	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	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).
817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.	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.
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.	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.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.	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 religious services or a specified business site.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.	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.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.	(f) LEVEL 6		
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.	Florida Statute	Felony Degree	Description
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.	794.05(1)	2nd	Unlawful sexual activity with specified minor.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.	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.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
784.041	3rd	Felony battery; domestic battery by strangulation.	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
784.048(3)	3rd	Aggravated stalking; credible threat.	812.015(9)(a)	2nd	Retail theft; property stolen \$750 <del>\$300</del> or more; second or subsequent conviction.
784.048(5)	3rd	Aggravated stalking of person under 16.	812.015(9)(b)	2nd	Retail theft; <i>aggregated</i> property stolen <i>within 30 days is</i> \$3,000 or more; coordination of others.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
784.081(2)	2nd	Aggravated assault on specified official or employee.	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
784.083(2)	2nd	Aggravated assault on code inspector.	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.	827.03(2)(c)	3rd	Abuse of a child.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	827.03(2)(d)	3rd	Neglect of a child.
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.	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.	836.05	2nd	Threats; extortion.



Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.	409.920(2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
843.12	3rd	Aids or assists person to escape.	456.065(2)	3rd	Practicing a health care profession without a license.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.	458.327(1)	3rd	Practicing medicine without a license.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.	459.013(1)	3rd	Practicing osteopathic medicine without a license.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.	460.411(1)	3rd	Practicing chiropractic medicine without a license.
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.	461.012(1)	3rd	Practicing podiatric medicine without a license.
944.40	2nd	Escapes.	462.17	3rd	Practicing naturopathy without a license.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.	463.015(1)	3rd	Practicing optometry without a license.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.	464.016(1)	3rd	Practicing nursing without a license.
951.22(1)(i)	3rd	<del>Intoxicating drug,</del> Firearm, or weapon introduced into county detention facility.	465.015(2)	3rd	Practicing pharmacy without a license.
<del>951.22(1)</del>			466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
(g) LEVEL 7			467.201	3rd	Practicing midwifery without a license.
			468.366	3rd	Delivering respiratory care services without a license.
			483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
Florida Statute	Felony Degree	Description	483.901(7)	3rd	Practicing medical physics without a license.
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.	484.053	3rd	Dispensing hearing aids without a license.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.	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.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.	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.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
409.920(2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	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.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
784.048(7)	3rd	Aggravated stalking; violation of court order.	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.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	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.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
784.081(1)	1st	Aggravated battery on specified official or employee.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
784.083(1)	1st	Aggravated battery on code inspector.	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.			
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semi-trailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.	827.04(3) 837.05(2)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older. Giving false information about alleged capital felony to a law enforcement officer.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.	838.015 838.016	2nd	Bribery.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.	838.021(3)(a)	2nd	Unlawful compensation or reward for official behavior.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.	838.22 843.0855(2)	2nd	Bid tampering.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.	843.0855(3)	3rd	Impersonation of a public officer or employee.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	843.0855(4)	3rd	Unlawful simulation of legal process. Intimidation of a public officer or employee.
812.131(2)(a)	2nd	Robbery by sudden snatching.	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.	872.06	2nd	Abuse of a dead human body.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.			
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.	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.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.	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.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.			
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
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.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
893.135(1)(c)2.a.	1st	Trafficking in hydrocodone, <del>14</del> 28 grams or more, less than <del>50</del> 28 grams.	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
893.135(1)(c)2.b.	1st	Trafficking in hydrocodone, <del>50</del> 28 grams or more, less than <del>100</del> 50 grams.	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
893.135(1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
893.135(1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
893.135(1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
893.135(1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
893.135(1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.	(h) LEVEL 8		
893.135(1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.	Florida Statute	Felony Degree	Description
893.135(1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.	316.193(3)(c)3.a.	2nd	DUI manslaughter.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.	316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
499.0051(7)	1st	Knowing forgery of prescription labels or prescription drug labels.			
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.	794.011(5)(b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.	794.011(5)(c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.	794.011(5)(d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
777.03(2)(a)	1st	Accessory after the fact, capital felony.	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.	800.04(4)(b)	2nd	Lewd or lascivious battery.
			800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
			810.02(2)(a)	1st,PBL	Burglary with assault or battery.
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.	812.13(2)(b)	1st	Robbery with a weapon.
787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.	817.505(4)(c)	1st	Patient brokering; 20 or more patients.
			817.535(2)(b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.	817.535(3)(a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
817.535(4)(a)1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.	893.135(1)(c)4.b.(II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
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.	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
817.611(2)(c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.	893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
825.103(3)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.	893.135(1)(m)2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.	893.135(1)(n)2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
860.16	1st	Aircraft piracy.			
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).	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.			
893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
893.135(1)(c)2.c.	1st	Trafficking in hydrocodone, <del>100</del> 50 grams or more, less than <del>300</del> 200 grams.	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.
893.135(1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.			

(i) LEVEL 9	Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
	Florida Statute	Felony Degree	Description	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.				
327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.	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.
409.920(2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.				
499.0051(8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.	790.161		1st	Attempted capital destructive device offense.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.	790.166(2)		1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.	794.011(2)		Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.	794.011(4)(a)		1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
775.0844	1st	Aggravated white collar crime.				
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.	794.011(4)(b)		1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
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.	794.011(4)(c)		1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).	794.011(4)(d)		1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.	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.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.	794.08(2)		1st	Female genital mutilation; victim younger than 18 years of age.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.	800.04(5)(b)		Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.	812.13(2)(a)		1st,PBL	Robbery with firearm or other deadly weapon.
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.	812.133(2)(a)		1st,PBL	Carjacking; firearm or other deadly weapon.
			812.135(2)(b)		1st	Home-invasion robbery with weapon.
			817.535(3)(b)		1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.				

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
817.535(4)(a)2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.	893.135(1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
817.535(5)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.	893.135(1)(m)2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
817.568(7)	2nd,PBL	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.	893.135(1)(n)2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
827.03(2)(a)	1st	Aggravated child abuse.	896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.	896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.	(j) LEVEL 10		
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.	Florida Statute	Felony Degree	Description
893.135	1st	Attempted capital trafficking offense.	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.	782.04(2)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.	782.07(3)	1st	Aggravated manslaughter of a child.
893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
893.135(1)(c)2.d.	1st	Trafficking in hydrocodone, 300 <del>200</del> grams or more, less than 30 kilograms.	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.
893.135(1)(c)3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.	787.06(3)(g)	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.
893.135(1)(c)4.b.(III)	1st	Trafficking in fentanyl, 28 grams or more.	787.06(4)(a)	Life	Selling or buying of minors into human trafficking.
893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, 400 grams or more.	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.
893.135(1)(e)1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.	812.135(2)(a)	1st,PBL	Home-invasion robbery with firearm or other deadly weapon.
893.135(1)(f)1.c.	1st	Trafficking in amphetamine, 200 grams or more.	876.32	1st	Treason against the state.
893.135(1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.	Section 82. For the purpose of incorporating the amendment made by this act to section 322.056, Florida Statutes, in a reference thereto, subsection (11) of section 322.05, Florida Statutes, is reenacted to read:		
893.135(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.	322.05 Persons not to be licensed.—The department may not issue a license:		
			(11) To any person who is ineligible under s. 322.056.		
			Section 83. For the purpose of incorporating the amendment made by this act to section 322.34, Florida Statutes, in a reference thereto,		



paragraph (c) of subsection (2) of section 316.027, Florida Statutes, is reenacted to read:

316.027 Crash involving death or personal injuries.—

(2)

(c) The driver of a vehicle involved in a crash occurring on public or private property which results in the death of a person shall immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and shall remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062. A person who is arrested for a violation of this paragraph and who has previously been convicted of a violation of this section, s. 316.061, s. 316.191, or s. 316.193, or a felony violation of s. 322.34, shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903. A person who willfully violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and shall be sentenced to a mandatory minimum term of imprisonment of 4 years. A person who willfully commits such a violation while driving under the influence as set forth in s. 316.193(1) shall be sentenced to a mandatory minimum term of imprisonment of 4 years.

Section 84. For the purpose of incorporating the amendment made by this act to section 322.34, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 907.041, Florida Statutes, is reenacted to read:

907.041 Pretrial detention and release.—

(4) PRETRIAL DETENTION.—

(c) The court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant's appearance at subsequent proceedings;

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;

3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings;

4. The defendant is charged with DUI manslaughter, as defined by s. 316.193, and that there is a substantial probability that the defendant committed the crime and that the defendant poses a threat of harm to the community; conditions that would support a finding by the court pursuant to this subparagraph that the defendant poses a threat of harm to the community include, but are not limited to, any of the following:

a. The defendant has previously been convicted of any crime under s. 316.193, or of any crime in any other state or territory of the United States that is substantially similar to any crime under s. 316.193;

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

c. The defendant has previously been found guilty of, or has had adjudication of guilt withheld for, driving while the defendant's driver license was suspended or revoked in violation of s. 322.34;

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons;

6. The defendant was on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time the current offense was committed;

7. The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or assure the presence of the accused at trial; or

8.a. The defendant has ever been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, or the state attorney files a notice seeking that the defendant be sentenced pursuant to s. 775.082(9) or s. 775.084, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

b. There is a substantial probability that the defendant committed the offense; and

c. There are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the presence of the accused at trial.

Section 85. For the purpose of incorporating the amendment made by this act to section 509.151, Florida Statutes, in a reference thereto, section 509.161, Florida Statutes, is reenacted to read:

509.161 Rules of evidence in prosecutions.—In prosecutions under s. 509.151, proof that lodging, food, or other accommodations were obtained by false pretense; by false or fictitious show of baggage or other property; by absconding without paying or offering to pay for such food, lodging, or accommodations; or by surreptitiously removing or attempting to remove baggage shall constitute prima facie evidence of fraudulent intent. If the operator of the establishment has probable cause to believe, and does believe, that any person has obtained food, lodging, or other accommodations at such establishment with intent to defraud the operator thereof, the failure to make payment upon demand therefor, there being no dispute as to the amount owed, shall constitute prima facie evidence of fraudulent intent in such prosecutions.

Section 86. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 790.065, Florida Statutes, is reenacted to read:

790.065 Sale and delivery of firearms.—

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against her or him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046, or has been arrested for a dangerous crime as specified in s. 907.041(4)(a) or for any of the following enumerated offenses:

a. Criminal anarchy under ss. 876.01 and 876.02.

b. Extortion under s. 836.05.

c. Explosives violations under s. 552.22(1) and (2).

d. Controlled substances violations under chapter 893.

e. Resisting an officer with violence under s. 843.01.

f. Weapons and firearms violations under this chapter.

g. Treason under s. 876.32.

- h. Assisting self-murder under s. 782.08.
- i. Sabotage under s. 876.38.
- j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

- a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or
- b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

Section 87. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, subsection (1) of section 794.056, Florida Statutes, is reenacted to read:

**794.056 Rape Crisis Program Trust Fund.—**

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 88. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, subsection (4) of section 847.0141, Florida Statutes, is reenacted to read:

**847.0141 Sexting; prohibited acts; penalties.—**

(4) This section does not prohibit the prosecution of a minor for a violation of any law of this state if the photograph or video that depicts nudity also includes the depiction of sexual conduct or sexual excitement, and does not prohibit the prosecution of a minor for stalking under s. 784.048.

Section 89. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, subsection (5) of section 901.41, Florida Statutes, is reenacted to read:

**901.41 Prearrest diversion programs.—**

(5) **ELIGIBILITY.**—A violent misdemeanor, a misdemeanor crime of domestic violence, as defined in s. 741.28, or a misdemeanor under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or s. 784.049 does not qualify for a civil citation or prearrest diversion program.

Section 90. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, section 938.08, Florida Statutes, is reenacted to read:

**938.08 Additional cost to fund programs in domestic violence.**—In addition to any sanction imposed for a violation of s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, s. 794.011, or for any offense of domestic violence described in s. 741.28, the court shall impose a surcharge of \$201. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$85 of the surcharge shall be deposited into the Domestic Violence Trust Fund established in s. 741.01. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office. The remainder of the surcharge shall be provided to the governing board of the county and must be used only to defray the costs of incarcerating persons sentenced under s. 741.283 and provide additional training to law enforcement personnel in combating domestic violence.

Section 91. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, section 938.085, Florida Statutes, is reenacted to read:

**938.085 Additional cost to fund rape crisis centers.**—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 92. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (c) of subsection (8) of section 948.06, Florida Statutes, is reenacted to read:

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

(8)

(c) For purposes of this section, the term “qualifying offense” means any of the following:

1. Kidnapping or attempted kidnapping under s. 787.01, false imprisonment of a child under the age of 13 under s. 787.02(3), or luring or enticing a child under s. 787.025(2)(b) or (c).
2. Murder or attempted murder under s. 782.04, attempted felony murder under s. 782.051, or manslaughter under s. 782.07.
3. Aggravated battery or attempted aggravated battery under s. 784.045.
4. Sexual battery or attempted sexual battery under s. 794.011(2), (3), (4), or (8)(b) or (c).
5. Lewd or lascivious battery or attempted lewd or lascivious battery under s. 800.04(4), lewd or lascivious molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious conduct under s. 800.04(6)(b), lewd or lascivious exhibition under s. 800.04(7)(b), or lewd or lascivious exhibition on computer under s. 847.0135(5)(b).
6. Robbery or attempted robbery under s. 812.13, carjacking or attempted carjacking under s. 812.133, or home invasion robbery or attempted home invasion robbery under s. 812.135.
7. Lewd or lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person under s. 825.1025.
8. Sexual performance by a child or attempted sexual performance by a child under s. 827.071.
9. Computer pornography under s. 847.0135(2) or (3), transmission of child pornography under s. 847.0137, or selling or buying of minors under s. 847.0145.
10. Poisoning food or water under s. 859.01.
11. Abuse of a dead human body under s. 872.06.
12. Any burglary offense or attempted burglary offense that is either a first degree felony or second degree felony under s. 810.02(2) or (3).
13. Arson or attempted arson under s. 806.01(1).
14. Aggravated assault under s. 784.021.
15. Aggravated stalking under s. 784.048(3), (4), (5), or (7).
16. Aircraft piracy under s. 860.16.
17. Unlawful throwing, placing, or discharging of a destructive device or bomb under s. 790.161(2), (3), or (4).
18. Treason under s. 876.32.
19. Any offense committed in another jurisdiction which would be an offense listed in this paragraph if that offense had been committed in this state.

Section 93. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, subsection (1) of section 948.062, Florida Statutes, is reenacted to read:

948.062 Reviewing and reporting serious offenses committed by offenders placed on probation or community control.—

(1) The department shall review the circumstances related to an offender placed on probation or community control who has been arrested while on supervision for the following offenses:

- (a) Any murder as provided in s. 782.04;
- (b) Any sexual battery as provided in s. 794.011 or s. 794.023;
- (c) Any sexual performance by a child as provided in s. 827.071;
- (d) Any kidnapping, false imprisonment, or luring of a child as provided in s. 787.01, s. 787.02, or s. 787.025;

(e) Any lewd and lascivious battery or lewd and lascivious molestation as provided in s. 800.04(4) or (5);

(f) Any aggravated child abuse as provided in s. 827.03(2)(a);

(g) Any robbery with a firearm or other deadly weapon, home invasion robbery, or carjacking as provided in s. 812.13(2)(a), s. 812.135, or s. 812.133;

(h) Any aggravated stalking as provided in s. 784.048(3), (4), or (5);

(i) Any forcible felony as provided in s. 776.08, committed by a person on probation or community control who is designated as a sexual predator; or

(j) Any DUI manslaughter as provided in s. 316.193(3)(c), or vehicular or vessel homicide as provided in s. 782.071 or s. 782.072, committed by a person who is on probation or community control for an offense involving death or injury resulting from a driving incident.

Section 94. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 960.001, Florida Statutes, is reenacted to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Florida Commission on Offender Review, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(b) Information for purposes of notifying victim or appropriate next of kin of victim or other designated contact of victim.—In the case of a homicide, pursuant to chapter 782; or a sexual offense, pursuant to chapter 794; or an attempted murder or sexual offense, pursuant to chapter 777; or stalking, pursuant to s. 784.048; or domestic violence, pursuant to s. 25.385:

1. The arresting law enforcement officer or personnel of an organization that provides assistance to a victim or to the appropriate next of kin of the victim or other designated contact must request that the victim or appropriate next of kin of the victim or other designated contact complete a victim notification card. However, the victim or appropriate next of kin of the victim or other designated contact may choose not to complete the victim notification card.

2. Unless the victim or the appropriate next of kin of the victim or other designated contact waives the option to complete the victim notification card, a copy of the victim notification card must be filed with the incident report or warrant in the sheriff's office of the jurisdiction in which the incident report or warrant originated. The notification card shall, at a minimum, consist of:

- a. The name, address, and phone number of the victim; or
- b. The name, address, and phone number of the appropriate next of kin of the victim; or
- c. The name, address, and telephone number of a designated contact other than the victim or appropriate next of kin of the victim; and
- d. Any relevant identification or case numbers assigned to the case.

3. The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact within 4 hours following the release of the defendant on bail or, in the case of a juvenile offender, upon the release from residential detention or commitment. If the chief administrator, or designee, is unable to contact the alleged victim or appropriate next of

kin of the alleged victim or other designated contact by telephone, the chief administrator, or designee, must send to the alleged victim or appropriate next of kin of the alleged victim or other designated contact a written notification of the defendant's release.

4. Unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, the information contained on the victim notification card must be sent by the chief administrator, or designee, of the appropriate facility to the subsequent correctional or residential commitment facility following the sentencing and incarceration of the defendant, and unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, he or she must be notified of the release of the defendant from incarceration as provided by law.

5. If the defendant was arrested pursuant to a warrant issued or taken into custody pursuant to s. 985.101 in a jurisdiction other than the jurisdiction in which the defendant is being released, and the alleged victim or appropriate next of kin of the alleged victim or other designated contact does not waive the option for notification of release, the chief correctional officer or chief administrator of the facility releasing the defendant shall make a reasonable attempt to immediately notify the chief correctional officer of the jurisdiction in which the warrant was issued or the juvenile was taken into custody pursuant to s. 985.101, and the chief correctional officer of that jurisdiction shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact, as provided in this paragraph, that the defendant has been or will be released.

Section 95. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 985.265, Florida Statutes, is reenacted to read:

985.265 Detention transfer and release; education; adult jails.—

(3)

(b) When a juvenile is released from secure detention or transferred to nonsecure detention, detention staff shall immediately notify the appropriate law enforcement agency, school personnel, and victim if the juvenile is charged with committing any of the following offenses or attempting to commit any of the following offenses:

1. Murder, under s. 782.04;
2. Sexual battery, under chapter 794;
3. Stalking, under s. 784.048; or
4. Domestic violence, as defined in s. 741.28.

Section 96. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 1006.147, Florida Statutes, is reenacted to read:

1006.147 Bullying and harassment prohibited.—

(3) For purposes of this section:

(e) Definitions in s. 815.03 and the definition in s. 784.048(1)(d) relating to stalking are applicable to this section.

Section 97. For the purpose of incorporating the amendment made by this act to section 806.13, Florida Statutes, in a reference thereto, subsection (1) of section 316.0775, Florida Statutes, is reenacted to read:

316.0775 Interference with official traffic control devices or railroad signs or signals.—

(1) A person may not, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. A violation of this subsection is a criminal violation pursuant to s. 318.17 and shall be punishable as set forth in s. 806.13 related to criminal mischief and graffiti, beginning on or after July 1, 2000.

Section 98. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (10) of section 95.18, Florida Statutes, is reenacted to read:

95.18 Real property actions; adverse possession without color of title.—

(10) A person who occupies or attempts to occupy a residential structure solely by claim of adverse possession under this section and offers the property for lease to another commits theft under s. 812.014.

Section 99. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 373.6055, Florida Statutes, is reenacted to read:

373.6055 Criminal history checks for certain water management district employees and others.—

(3)

(c) In addition to other requirements for employment or access established by any water management district pursuant to its water management district's security plan for buildings, facilities, and structures, each water management district's security plan shall provide that:

1. Any person who has within the past 7 years been convicted, regardless of whether adjudication was withheld, for a forcible felony as defined in s. 776.08; an act of terrorism as defined in s. 775.30; planting of a hoax bomb as provided in s. 790.165; any violation involving the manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction as provided in s. 790.166; dealing in stolen property; any violation of s. 893.135; any violation involving the sale, manufacturing, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance; burglary; robbery; any felony violation of s. 812.014; any violation of s. 790.07; any crime an element of which includes use or possession of a firearm; any conviction for any similar offenses under the laws of another jurisdiction; or conviction for conspiracy to commit any of the listed offenses may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district's security plan as restricted access areas.

2. Any person who has at any time been convicted of any of the offenses listed in subparagraph 1. may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district's security plan as restricted access areas unless, after release from incarceration and any supervision imposed as a sentence, the person remained free from a subsequent conviction, regardless of whether adjudication was withheld, for any of the listed offenses for a period of at least 7 years prior to the employment or access date under consideration.

Section 100. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (3) of section 400.9935, Florida Statutes, is reenacted to read:

400.9935 Clinic responsibilities.—

(3) A charge or reimbursement claim made by or on behalf of a clinic that is required to be licensed under this part but that is not so licensed, or that is otherwise operating in violation of this part, regardless of whether a service is rendered or whether the charge or reimbursement claim is paid, is an unlawful charge and is noncompensable and unenforceable. A person who knowingly makes or causes to be made an unlawful charge commits theft within the meaning of and punishable as provided in s. 812.014.

Section 101. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (10) of section 550.6305, Florida Statutes, is reenacted to read:

550.6305 Intertrack wagering; guest track payments; accounting rules.—

(10) All races or games conducted at a permitholder's facility, all broadcasts of such races or games, and all broadcast rights relating thereto are owned by the permitholder at whose facility such races or games are conducted and constitute the permitholder's property as defined in s. 812.012(4). Transmission, reception of a transmission, exhibition, use, or other appropriation of such races or games, broadcasts of such races or games, or broadcast rights relating thereto without the written consent of the permitholder constitutes a theft of such property under s. 812.014; and in addition to the penal sanctions contained in s. 812.014, the permitholder has the right to avail itself of the civil remedies specified in ss. 772.104, 772.11, and 812.035 in addition to any other remedies available under applicable state or federal law.

Section 102. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 627.743, Florida Statutes, is reenacted to read:

627.743 Payment of third-party claims.—

(2) When making any payment on a third party claim for damage to an automobile for a partial loss, the insurer shall have printed on the loss estimate, if prepared by the insurer, the following: "Failure to use the insurance proceeds in accordance with the security agreement, if any, could be a violation of s. 812.014, Florida Statutes. If you have any questions, contact your lending institution." However, this subsection does not apply if the insurer does not prepare the loss estimate.

Section 103. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 634.421, Florida Statutes, is reenacted to read:

634.421 Reporting and accounting for funds.—

(2) Any sales representative who, not being entitled thereto, diverts or appropriates funds or any portion thereof to her or his own use commits theft as provided in s. 812.014.

Section 104. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 642.038, Florida Statutes, is reenacted to read:

642.038 Reporting and accounting for funds.—

(2) Any sales representative who, not being entitled thereto, diverts or appropriates such funds or any portion thereof to his or her own use commits theft as provided in s. 812.014.

Section 105. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (4) of section 705.102, Florida Statutes, is reenacted to read:

705.102 Reporting lost or abandoned property.—

(4) Any person who unlawfully appropriates such lost or abandoned property to his or her own use or refuses to deliver such property when required commits theft as defined in s. 812.014, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 106. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (7) of section 812.14, Florida Statutes, is reenacted to read:

812.14 Trespass and larceny with relation to utility fixtures; theft of utility services.—

(7) An owner, lessor, or sublessor who willfully violates subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Prosecution for a violation of subsection (5) does not preclude prosecution for theft pursuant to subsection (8) or s. 812.014.

Section 107. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (3) of section 893.138, Florida Statutes, is reenacted to read:

893.138 Local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal gang activity.—

(3) Any pain-management clinic, as described in s. 458.3265 or s. 459.0137, which has been used on more than two occasions within a 6-month period as the site of a violation of:

- (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045, relating to assault and battery;
- (b) Section 810.02, relating to burglary;
- (c) Section 812.014, relating to theft;
- (d) Section 812.131, relating to robbery by sudden snatching; or
- (e) Section 893.13, relating to the unlawful distribution of controlled substances,

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

Section 108. For the purpose of incorporating the amendment made by this act to section 812.015, Florida Statutes, in a reference thereto, subsection (5) of section 538.09, Florida Statutes, is reenacted to read:

538.09 Registration.—

(5) In addition to the fine provided in subsection (4), registration under this section may be denied or any registration granted may be revoked, restricted, or suspended by the department if the department determines that the applicant or registrant:

(a) Has violated any provision of this chapter or any rule or order made pursuant to this chapter;

(b) Has made a material false statement in the application for registration;

(c) Has been guilty of a fraudulent act in connection with any purchase or sale or has been or is engaged in or is about to engage in any practice, purchase, or sale which is fraudulent or in violation of the law;

(d) Has made a misrepresentation or false statement to, or concealed any essential or material fact from, any person in making any purchase or sale;

(e) Is making purchases or sales through any business associate not registered in compliance with the provisions of this chapter;

(f) Has, within the preceding 10-year period for new registrants who apply for registration on or after October 1, 2006, been convicted of, or has entered a plea of guilty or nolo contendere to, or had adjudication withheld for, a crime against the laws of this state or any other state or of the United States which relates to registration as a secondhand dealer or which involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, any felony drug offense, any violation of s. 812.015, or any fraudulent dealing;

(g) Has had a final judgment entered against her or him in a civil action upon grounds of fraud, embezzlement, misrepresentation, or deceit; or

(h) Has failed to pay any sales tax owed to the Department of Revenue.

In the event the department determines to deny an application or revoke a registration, it shall enter a final order with its findings on the register of secondhand dealers and their business associates, if any; and denial, suspension, or revocation of the registration of a secondhand dealer shall also deny, suspend, or revoke the registration of such secondhand dealer's business associates.

Section 109. For the purpose of incorporating the amendment made by this act to section 812.015, Florida Statutes, in a reference thereto, subsection (2) of section 538.23, Florida Statutes, is reenacted to read:

538.23 Violations and penalties.—

(2) A secondary metals recycler is presumed to know upon receipt of stolen regulated metals property in a purchase transaction that the regulated metals property has been stolen from another if the secondary

metals recycler knowingly and intentionally fails to maintain the information required in s. 538.19 and shall, upon conviction of a violation of s. 812.015, be punished as provided in s. 812.014(2) or (3).

Section 110. For the purpose of incorporating the amendment made by this act to section 815.03, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 1006.147, Florida Statutes, is reenacted to read:

1006.147 Bullying and harassment prohibited.—

(3) For purposes of this section:

(e) Definitions in s. 815.03 and the definition in s. 784.048(1)(d) relating to stalking are applicable to this section.

Section 111. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (2) of section 316.80, Florida Statutes, is reenacted to read:

316.80 Unlawful conveyance of fuel; obtaining fuel fraudulently.—

(2) A person who violates subsection (1) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she has attempted to or has fraudulently obtained motor or diesel fuel by:

(a) Presenting a credit card or a credit card account number in violation of ss. 817.57-817.685;

(b) Using unauthorized access to any computer network in violation of s. 815.06; or

(c) Using a fraudulently scanned or lost or stolen payment access device, whether credit card or contactless device.

Section 112. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in references thereto, subsections (1) and (2) of section 775.30, Florida Statutes, are reenacted to read:

775.30 Terrorism; defined; penalties.—

(1) As used in this chapter and the Florida Criminal Code, the terms “terrorism” or “terrorist activity” mean an activity that:

(a) Involves:

1. A violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

2. A violation of s. 815.06; and

(b) Is intended to:

1. Intimidate, injure, or coerce a civilian population;

2. Influence the policy of a government by intimidation or coercion; or

3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

(2) A person who violates s. 782.04(1)(a)1. or (2), s. 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s. 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s. 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s. 859.01, or s. 876.34, in furtherance of intimidating or coercing the policy of a government, or in furtherance of affecting the conduct of a government by mass destruction, assassination, or kidnapping, commits the crime of terrorism, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 113. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (2) of section 775.33, Florida Statutes, is reenacted to read:

775.33 Providing material support or resources for terrorism or to terrorist organizations.—

(2) A person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person:

(a) Provides material support or resources or conceals or disguises the nature, location, source, or ownership of the material support or resources, knowing or intending that the support or resources are to be used in preparation for or in carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s. 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s. 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32, s. 876.34, or s. 876.36;

(b) Conceals an escape from the commission of a violation of paragraph (a); or

(c) Attempts or conspires to commit a violation of paragraph (a).

Section 114. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (5) of section 782.04, Florida Statutes, is reenacted to read:

782.04 Murder.—

(5) As used in this section, the term “terrorism” means an activity that:

(a)1. Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

2. Involves a violation of s. 815.06; and

(b) Is intended to:

1. Intimidate, injure, or coerce a civilian population;

2. Influence the policy of a government by intimidation or coercion; or

3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

Section 115. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (3) of section 934.07, Florida Statutes, is reenacted to read:

934.07 Authorization for interception of wire, oral, or electronic communications.—

(3) As used in this section, the term “terrorism” means an activity that:

(a)1. Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

2. Involves a violation of s. 815.06; and

(b) Is intended to:

1. Intimidate, injure, or coerce a civilian population;

2. Influence the policy of a government by intimidation or coercion; or

3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

Section 116. For the purpose of incorporating the amendment made by this act to section 849.01, Florida Statutes, in a reference thereto, section 849.02, Florida Statutes, is reenacted to read:

849.02 Agents or employees of keeper of gambling house.—Whoever acts as servant, clerk, agent, or employee of any person in the violation of s. 849.01 shall be punished in the manner and to the extent therein mentioned.

Section 117. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 373.6055, Florida Statutes, is reenacted to read:

373.6055 Criminal history checks for certain water management district employees and others.—

(3)

(c) In addition to other requirements for employment or access established by any water management district pursuant to its water management district's security plan for buildings, facilities, and structures, each water management district's security plan shall provide that:

1. Any person who has within the past 7 years been convicted, regardless of whether adjudication was withheld, for a forcible felony as defined in s. 776.08; an act of terrorism as defined in s. 775.30; planting of a hoax bomb as provided in s. 790.165; any violation involving the manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction as provided in s. 790.166; dealing in stolen property; any violation of s. 893.135; any violation involving the sale, manufacturing, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance; burglary; robbery; any felony violation of s. 812.014; any violation of s. 790.07; any crime an element of which includes use or possession of a firearm; any conviction for any similar offenses under the laws of another jurisdiction; or conviction for conspiracy to commit any of the listed offenses may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district's security plan as restricted access areas.

2. Any person who has at any time been convicted of any of the offenses listed in subparagraph 1. may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district's security plan as restricted access areas unless, after release from incarceration and any supervision imposed as a sentence, the person remained free from a subsequent conviction, regardless of whether adjudication was withheld, for any of the listed offenses for a period of at least 7 years prior to the employment or access date under consideration.

Section 118. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (6) of section 397.4073, Florida Statutes, is reenacted to read:

397.4073 Background checks of service provider personnel.—

(6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State funds may not be disseminated to any service provider owned or operated by an owner, director, or chief financial officer who has been convicted of, has entered a plea of guilty or nolo contendere to, or has had adjudication withheld for, a violation of s. 893.135 pertaining to trafficking in controlled substances, or a violation of the law of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction which is substantially similar in elements and penalties to a trafficking offense in this state, unless the owner's or director's civil rights have been restored.

Section 119. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (1) of section 414.095, Florida Statutes, is reenacted to read:

414.095 Determining eligibility for temporary cash assistance.—

(1) ELIGIBILITY.—An applicant must meet eligibility requirements of this section before receiving services or temporary cash assistance under this chapter, except that an applicant shall be required to register for work and engage in work activities in accordance with s. 445.024, as designated by the local workforce development board, and may receive support services or child care assistance in conjunction with such requirement. The department shall make a determination of eligibility based on the criteria listed in this chapter. The department shall monitor continued eligibility for temporary cash assistance through periodic reviews consistent with the food assistance eligibility process. Benefits may not be denied to an individual solely based on a felony drug conviction, unless the conviction is for trafficking pursuant to s. 893.135. To be eligible under this section, an individual convicted of a drug felony must be satisfactorily meeting the requirements of the temporary cash assistance program, including all substance abuse treatment requirements. Within the limits specified in this chapter, the

state opts out of the provision of Pub. L. No. 104-193, s. 115, that eliminates eligibility for temporary cash assistance and food assistance for any individual convicted of a controlled substance felony.

Section 120. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (2) of section 772.12, Florida Statutes, is reenacted to read:

772.12 Drug Dealer Liability Act.—

(2) A person, including any governmental entity, has a cause of action for threefold the actual damages sustained and is entitled to minimum damages in the amount of \$1,000 and reasonable attorney's fees and court costs in the trial and appellate courts, if the person proves by the greater weight of the evidence that:

(a) The person was injured because of the defendant's actions that resulted in the defendant's conviction for:

1. A violation of s. 893.13, except for a violation of s. 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or
2. A violation of s. 893.135; and

(b) The person was not injured by reason of his or her participation in the same act or transaction that resulted in the defendant's conviction for any offense described in subparagraph (a)1.

Section 121. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in references thereto, paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 775.087, Florida Statutes, are reenacted to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(2)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a weapon is an element of the felony, and the conviction was for:

- a. Murder;
- b. Sexual battery;
- c. Robbery;
- d. Burglary;
- e. Arson;
- f. Aggravated battery;
- g. Kidnapping;
- h. Escape;
- i. Aircraft piracy;
- j. Aggravated child abuse;
- k. Aggravated abuse of an elderly person or disabled adult;
- l. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- m. Carjacking;
- n. Home-invasion robbery;
- o. Aggravated stalking;

p. Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1); or

## q. Possession of a firearm by a felon

and during the commission of the offense, such person actually possessed a “firearm” or “destructive device” as those terms are defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 10 years, except that a person who is convicted for possession of a firearm by a felon or burglary of a conveyance shall be sentenced to a minimum term of imprisonment of 3 years if such person possessed a “firearm” or “destructive device” during the commission of the offense. However, if an offender who is convicted of the offense of possession of a firearm by a felon has a previous conviction of committing or attempting to commit a felony listed in s. 775.084(1)(b)1. and actually possessed a firearm or destructive device during the commission of the prior felony, the offender shall be sentenced to a minimum term of imprisonment of 10 years.

2. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs (a)1.a.-p., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a “firearm” or “destructive device” as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs (a)1.a.-p., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a “firearm” or “destructive device” as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

(3)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a firearm is an element of the felony, and the conviction was for:

- a. Murder;
- b. Sexual battery;
- c. Robbery;
- d. Burglary;
- e. Arson;
- f. Aggravated battery;
- g. Kidnapping;
- h. Escape;
- i. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;
- j. Aircraft piracy;
- k. Aggravated child abuse;
- l. Aggravated abuse of an elderly person or disabled adult;
- m. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- n. Carjacking;
- o. Home-invasion robbery;
- p. Aggravated stalking; or
- q. Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1);

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 15 years.

2. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph (a)1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine or a “machine gun” as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph (a)1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine or a “machine gun” as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

Section 122. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in references thereto, paragraph (a) of subsection (1) and subsections (3) and (4) of section 782.04, Florida Statutes, are reenacted to read:

## 782.04 Murder.—

## (1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being;
2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:
  - a. Trafficking offense prohibited by s. 893.135(1),
  - b. Arson,
  - c. Sexual battery,
  - d. Robbery,
  - e. Burglary,
  - f. Kidnapping,
  - g. Escape,
  - h. Aggravated child abuse,
  - i. Aggravated abuse of an elderly person or disabled adult,
  - j. Aircraft piracy,
  - k. Unlawful throwing, placing, or discharging of a destructive device or bomb,
  - l. Carjacking,
  - m. Home-invasion robbery,
  - n. Aggravated stalking,
  - o. Murder of another human being,
  - p. Resisting an officer with violence to his or her person,
  - q. Aggravated fleeing or eluding with serious bodily injury or death,
  - r. Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or
  - s. Human trafficking; or



3. Which resulted from the unlawful distribution by a person 18 years of age or older of any of the following substances, or mixture containing any of the following substances, when such substance or mixture is proven to be the proximate cause of the death of the user:

- a. A substance controlled under s. 893.03(1);
- b. Cocaine, as described in s. 893.03(2)(a)4.;
- c. Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- d. Methadone;
- e. Alfentanil, as described in s. 893.03(2)(b)1.;
- f. Carfentanil, as described in s. 893.03(2)(b)6.;
- g. Fentanyl, as described in s. 893.03(2)(b)9.;
- h. Sufentanil, as described in s. 893.03(2)(b)30.; or
- i. A controlled substance analog, as described in s. 893.0356, of any substance specified in sub-subparagraphs a.-h.,

is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

(3) When a human being is killed during the perpetration of, or during the attempt to perpetrate, any:

- (a) Trafficking offense prohibited by s. 893.135(1),
- (b) Arson,
- (c) Sexual battery,
- (d) Robbery,
- (e) Burglary,
- (f) Kidnapping,
- (g) Escape,
- (h) Aggravated child abuse,
- (i) Aggravated abuse of an elderly person or disabled adult,
- (j) Aircraft piracy,
- (k) Unlawful throwing, placing, or discharging of a destructive device or bomb,
- (l) Carjacking,
- (m) Home-invasion robbery,
- (n) Aggravated stalking,
- (o) Murder of another human being,
- (p) Aggravated fleeing or eluding with serious bodily injury or death,
- (q) Resisting an officer with violence to his or her person, or
- (r) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,

by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony commits murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

- (a) Trafficking offense prohibited by s. 893.135(1),
- (b) Arson,
- (c) Sexual battery,
- (d) Robbery,
- (e) Burglary,
- (f) Kidnapping,
- (g) Escape,
- (h) Aggravated child abuse,
- (i) Aggravated abuse of an elderly person or disabled adult,
- (j) Aircraft piracy,
- (k) Unlawful throwing, placing, or discharging of a destructive device or bomb,
- (l) Unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,
- (m) Carjacking,
- (n) Home-invasion robbery,
- (o) Aggravated stalking,
- (p) Murder of another human being,
- (q) Aggravated fleeing or eluding with serious bodily injury or death,
- (r) Resisting an officer with violence to his or her person, or
- (s) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 123. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (3) of section 810.02, Florida Statutes, is reenacted to read:

#### 810.02 Burglary.—

(3) Burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

- (a) Dwelling, and there is another person in the dwelling at the time the offender enters or remains;
- (b) Dwelling, and there is not another person in the dwelling at the time the offender enters or remains;
- (c) Structure, and there is another person in the structure at the time the offender enters or remains;
- (d) Conveyance, and there is another person in the conveyance at the time the offender enters or remains;
- (e) Authorized emergency vehicle, as defined in s. 316.003; or
- (f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under this paragraph and for any applicable possession of controlled substance

offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the burglary is committed within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term “conditions arising from the emergency” means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary within a county that is subject to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 124. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (d) of subsection (8) of section 893.13, Florida Statutes, is reenacted to read:

893.13 Prohibited acts; penalties.—

(8)

(d) Notwithstanding paragraph (c), if a prescribing practitioner has violated paragraph (a) and received \$1,000 or more in payment for writing one or more prescriptions or, in the case of a prescription written for a controlled substance described in s. 893.135, has written one or more prescriptions for a quantity of a controlled substance which, individually or in the aggregate, meets the threshold for the offense of trafficking in a controlled substance under s. 893.135, the violation is reclassified as a felony of the second degree and ranked in level 4 of the Criminal Punishment Code.

Section 125. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in references thereto, subsections (1) and (2) of section 893.1351, Florida Statutes, are reenacted to read:

893.1351 Ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance.—

(1) A person may not own, lease, or rent any place, structure, or part thereof, trailer, or other conveyance with the knowledge that the place, structure, trailer, or conveyance will be used for the purpose of trafficking in a controlled substance, as provided in s. 893.13; for the sale of a controlled substance, as provided in s. 893.13; or for the manufacture of a controlled substance intended for sale or distribution to another. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person may not knowingly be in actual or constructive possession of any place, structure, or part thereof, trailer, or other conveyance with the knowledge that the place, structure, or part thereof, trailer, or conveyance will be used for the purpose of trafficking in a controlled substance, as provided in s. 893.135; for the sale of a controlled substance, as provided in s. 893.13; or for the manufacture of a controlled substance intended for sale or distribution to another. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 126. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 900.05, Florida Statutes, is reenacted to read:

900.05 Criminal justice data collection.—

(3) DATA COLLECTION AND REPORTING.—Beginning January 1, 2019, an entity required to collect data in accordance with this subsection shall collect the specified data required of the entity on a bi-weekly basis. Each entity shall report the data collected in accordance

with this subsection to the Department of Law Enforcement on a monthly basis.

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

1. Information related to each inmate, including:
  - a. Identifying information, including name, date of birth, race or ethnicity, and identification number assigned by the department.
  - b. Number of children.
  - c. Education level, including any vocational training.
  - d. Date the inmate was admitted to the custody of the department.
  - e. Current institution placement and the security level assigned to the institution.
  - f. Custody level assignment.
  - g. Qualification for a flag designation as defined in this section, including sexual offender flag, habitual offender flag, gang affiliation flag, or concurrent or consecutive sentence flag.
  - h. County that committed the prisoner to the custody of the department.
  - i. Whether the reason for admission to the department is for a new conviction or a violation of probation, community control, or parole. For an admission for a probation, community control, or parole violation, the department shall report whether the violation was technical or based on a new violation of law.
  - j. Specific statutory citation for which the inmate was committed to the department, including, for an inmate convicted of drug trafficking under s. 893.135, the statutory citation for each specific drug trafficked.
  - k. Length of sentence or concurrent or consecutive sentences served.
  - l. Tentative release date.
  - m. Gain time earned in accordance with s. 944.275.
  - n. Prior incarceration within the state.
  - o. Disciplinary violation and action.
  - p. Participation in rehabilitative or educational programs while in the custody of the department.
2. Information about each state correctional institution or facility, including:
  - a. Budget for each state correctional institution or facility.
  - b. Daily prison population of all inmates incarcerated in a state correctional institution or facility.
  - c. Daily number of correctional officers for each state correctional institution or facility.
3. Information related to persons supervised by the department on probation or community control, including:
  - a. Identifying information for each person supervised by the department on probation or community control, including his or her name, date of birth, race or ethnicity, sex, and department-assigned case number.
  - b. Length of probation or community control sentence imposed and amount of time that has been served on such sentence.
  - c. Projected termination date for probation or community control.
  - d. Revocation of probation or community control due to a violation, including whether the revocation is due to a technical violation of the conditions of supervision or from the commission of a new law violation.

4. Per diem rates for:
  - a. Prison bed.
  - b. Probation.
  - c. Community control.

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

Section 127. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, section 903.133, Florida Statutes, is reenacted to read:

903.133 Bail on appeal; prohibited for certain felony convictions.—Notwithstanding the provisions of s. 903.132, no person adjudged guilty of a felony of the first degree for a violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a violation of s. 794.011(2) or (3), shall be admitted to bail pending review either by posttrial motion or appeal.

Section 128. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 907.041, Florida Statutes, is reenacted to read:

907.041 Pretrial detention and release.—

(4) PRETRIAL DETENTION.—

(c) The court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant's appearance at subsequent proceedings;

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;

3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings;

4. The defendant is charged with DUI manslaughter, as defined by s. 316.193, and that there is a substantial probability that the defendant committed the crime and that the defendant poses a threat of harm to the community; conditions that would support a finding by the court pursuant to this subparagraph that the defendant poses a threat of harm to the community include, but are not limited to, any of the following:

a. The defendant has previously been convicted of any crime under s. 316.193, or of any crime in any other state or territory of the United States that is substantially similar to any crime under s. 316.193;

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

c. The defendant has previously been found guilty of, or has had adjudication of guilt withheld for, driving while the defendant's driver license was suspended or revoked in violation of s. 322.34;

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons;

6. The defendant was on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time the current offense was committed;

7. The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or assure the presence of the accused at trial; or

8.a. The defendant has ever been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, or the state attorney files a notice seeking that the defendant be sentenced pursuant to s. 775.082(9) or s. 775.084, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

b. There is a substantial probability that the defendant committed the offense; and

c. There are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the presence of the accused at trial.

Section 129. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (9) of section 921.141, Florida Statutes, is reenacted to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(9) APPLICABILITY.—This section does not apply to a person convicted or adjudicated guilty of a capital drug trafficking felony under s. 893.135.

Section 130. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (2) of section 921.142, Florida Statutes, is reenacted to read:

921.142 Sentence of death or life imprisonment for capital drug trafficking felonies; further proceedings to determine sentence.—

(2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon conviction or adjudication of guilt of a defendant of a capital felony under s. 893.135, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant and shall include matters relating to any of the aggravating factors enumerated in subsection (7) and for which notice has been provided pursuant to s. 782.04(1)(b) or mitigating circumstances enumerated in subsection (8). Any such evidence that the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Constitution of the State of Florida. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death.

Section 131. For the purpose of incorporating the amendment made by this act to section 944.704, Florida Statutes, in a reference thereto, paragraph (a) of subsection (3) of section 944.026, Florida Statutes, is reenacted to read:

944.026 Community-based facilities and programs.—

(3)(a) The department shall develop and implement procedures to diagnose offenders prior to sentencing, for the purpose of recommending to the sentencing court suitable candidates for placement in a community-based residential drug treatment facility or probation and restitution center as provided in this section. The department shall also develop and implement procedures to properly identify inmates prior to release who demonstrate the need for or interest in and suitability for placement in a community-based substance abuse transition housing program as provided in this section and pursuant to ss. 944.4731 and 944.704.

Section 132. For the purpose of incorporating the amendment made by this act to section 944.705, Florida Statutes, in a reference thereto, subsection (6) of section 944.4731, Florida Statutes, is reenacted to read:

944.4731 Addiction-Recovery Supervision Program.—

(6) Six months before an offender is released, the chaplain and transition assistance specialist at the institution where the offender is incarcerated shall initiate the prerelease screening process in addition to the basic release orientation required under s. 944.705.

(a) The transition assistance specialist and the chaplain shall provide a list of contracted private providers, including faith-based providers, to the offender and facilitate the application process. The transition assistance specialist shall inform the offender of program availability and assess the offender's need and suitability for substance abuse transition housing assistance. If an offender is approved for placement, the specialist shall assist the offender and coordinate the release of the offender with the selected program. If an offender requests and is approved for placement in a contracted faith-based substance abuse transition housing program, the specialist must consult with the chaplain prior to such placement. A right to substance abuse program services is not stated, intended, or otherwise implied by this section.

(b) If an offender has participated in a faith-based program while incarcerated or housed at a community correctional center and the same or a similar faith-based provider offers a contracted substance abuse transition housing program, the department shall make every attempt to maintain this continuum of care.

Section 133. For the purpose of incorporating the amendment made by this act to section 944.801, Florida Statutes, in a reference thereto, subsection (2) of section 447.203, Florida Statutes, is reenacted to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor shall be deemed to be the public employer; and the Board of Governors of the State University System, or the board's designee, shall be deemed to be the public employer with respect to all public employees of each constituent state university. The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Governor shall be deemed to be the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.

Section 134. For the purpose of incorporating the amendment made by this act to section 948.013, Florida Statutes, in a reference thereto, paragraph (n) of subsection (1) of section 921.187, Florida Statutes, is reenacted to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(1) The alternatives provided in this section for the disposition of criminal cases shall be used in a manner that will best serve the needs of society, punish criminal offenders, and provide the opportunity for rehabilitation. If the offender does not receive a state prison sentence, the court may:

(n) Impose split probation whereby upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation pursuant to s. 948.013 for the remainder of the term of supervision.

Section 135. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 948.012, Florida Statutes, is reenacted to read:

948.012 Split sentence of probation or community control and imprisonment.—

(2) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(b) If the offender does not meet the terms and conditions of probation or community control, the court may revoke, modify, or continue the probation or community control as provided in s. 948.06. If the probation or community control is revoked, the court may impose any sentence that it could have imposed at the time the offender was placed on probation or community control. The court may not provide credit for time served for any portion of a probation or community control term toward a subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses pending before the court for sentencing, would exceed the maximum penalty allowable as provided in s. 775.082. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

Section 136. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, subsection (3) of section 948.10, Florida Statutes, is reenacted to read:

948.10 Community control programs; home confinement.—

(3) Procedures governing violations of community control are the same as those described in s. 948.06 with respect to probation.

Section 137. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, subsection (3) of section 948.20, Florida Statutes, is reenacted to read:

948.20 Drug offender probation.—

(3) Offenders placed on drug offender probation are subject to revocation of probation as provided in s. 948.06.

Section 138. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, section 958.14, Florida Statutes, is reenacted to read:

958.14 Violation of probation or community control program.—A violation or alleged violation of probation or the terms of a community control program shall subject the youthful offender to the provisions of s. 948.06. However, no youthful offender shall be committed to the custody of the department for a substantive violation for a period longer than the maximum sentence for the offense for which he or she was found guilty, with credit for time served while incarcerated, or for a technical or nonsubstantive violation for a period longer than 6 years or for a period longer than the maximum sentence for the offense for which he or she was found guilty, whichever is less, with credit for time served while incarcerated.

Section 139. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 796.07, Florida Statutes, is reenacted to read:

796.07 Prohibiting prostitution and related acts.—

(4)

(b) A person who is charged with a third or subsequent violation of this section, other than paragraph (2)(f), shall be offered admission to a pretrial intervention program or a substance abuse treatment program as provided in s. 948.08.

Section 140. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 944.026, Florida Statutes, is reenacted to read:

944.026 Community-based facilities and programs.—

(3)

(b) Pretrial intervention programs in appropriate counties to provide early counseling and supervision services to specified offenders as provided in s. 948.08.

Section 141. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in a reference thereto, subsection (1) of section 948.036, Florida Statutes, is reenacted to read:

948.036 Work programs as a condition of probation, community control, or other court-ordered community supervision.—

(1) Whenever an offender is required by the court to participate in any work program under the provisions of this chapter, enters into the pretrial intervention program pursuant to s. 948.08, or volunteers to work in a supervised work program conducted by a specified state, county, municipal, or community service organization or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or community control program, the offender shall be considered an employee of the state for the purposes of chapter 440.

Section 142. For the purpose of incorporating the amendments made by this act to section 948.08, Florida Statutes, in a reference thereto, subsection (2) of section 394.47892, Florida Statutes, is reenacted to read:

394.47892 Mental health court programs.—

(2) Mental health court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, post-adjudicatory mental health court programs as provided in ss. 948.01 and 948.06, and review of the status of compliance or noncompliance of sentenced defendants through a mental health court program.

Section 143. For the purpose of incorporating the amendments made by this act to section 948.08, Florida Statutes, in a reference thereto, subsection (5) of section 397.334, Florida Statutes, is reenacted to read:

397.334 Treatment-based drug court programs.—

(5) Treatment-based drug court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, treatment-based drug court programs authorized in chapter 39, post-adjudicatory programs as provided in ss. 948.01, 948.06, and 948.20, and review of the status of compliance or noncompliance of sentenced offenders through a treatment-based drug court program. While enrolled in a treatment-based drug court program, the participant is subject to a coordinated strategy developed by a drug court team under subsection (4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311 or in a jail-based treatment program or serving a period of secure detention under chapter 985 if a child or a period of incarceration within the time limits established for contempt of court if an adult. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a treatment-based drug court program.

Section 144. For the purpose of incorporating the amendments made by this act to section 948.08, Florida Statutes, in a reference

thereto, paragraph (a) of subsection (5) of section 910.035, Florida Statutes, is reenacted to read:

910.035 Transfer from county for plea, sentence, or participation in a problem-solving court.—

(5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

(a) For purposes of this subsection, the term “problem-solving court” means a drug court pursuant to s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans’ and servicemembers’ court pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a delinquency pretrial intervention court program pursuant to s. 985.345.

Section 145. For the purpose of incorporating the amendment made by this act to section 958.04, Florida Statutes, in a reference thereto, subsection (5) of section 958.03, Florida Statutes, is reenacted to read:

958.03 Definitions.—As used in this act:

(5) “Youthful offender” means any person who is sentenced as such by the court or is classified as such by the department pursuant to s. 958.04.

Section 146. For the purpose of incorporating the amendment made by this act to section 958.04, Florida Statutes, in a reference thereto, paragraph (a) of subsection (8) of section 958.045, Florida Statutes, is reenacted to read:

958.045 Youthful offender basic training program.—

(8)(a) The Assistant Secretary for Youthful Offenders shall continuously screen all institutions, facilities, and programs for any inmate who meets the eligibility requirements for youthful offender designation specified in s. 958.04, whose age does not exceed 24 years. The department may classify and assign as a youthful offender any inmate who meets the criteria of s. 958.04.

Section 147. For the purpose of incorporating the amendment made by this act to section 958.04, Florida Statutes, in a reference thereto, section 958.046, Florida Statutes, is reenacted to read:

958.046 Placement in county-operated boot camp programs for youthful offenders.—In counties where there are county-operated youthful offender boot camp programs, other than boot camps described in s. 958.04, the court may sentence a youthful offender to such a boot camp. In county-operated youthful offender boot camp programs, juvenile offenders shall not be commingled with youthful offenders.

Section 148. For the purpose of incorporating the amendment made by this act to section 958.04, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 985.565, Florida Statutes, is reenacted to read:

985.565 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—

(c) Adult sanctions upon failure of juvenile sanctions.—If a child proves not to be suitable to a commitment program, juvenile probation program, or treatment program under paragraph (b), the department shall provide the sentencing court with a written report outlining the basis for its objections to the juvenile sanction and shall simultaneously provide a copy of the report to the state attorney and the defense counsel. The department shall schedule a hearing within 30 days. Upon hearing, the court may revoke the previous adjudication, impose an adjudication of guilt, and impose any sentence which it may lawfully impose, giving credit for all time spent by the child in the department. The court may also classify the child as a youthful offender under s. 958.04, if appropriate. For purposes of this paragraph, a child may be found not suitable to a commitment program, community control program, or treatment program under paragraph (b) if the child commits a new violation of law while under juvenile sanctions, if the child commits any other violation of the conditions of juvenile sanctions, or if the

child's actions are otherwise determined by the court to demonstrate a failure of juvenile sanctions.

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.534.

Section 149. For the purpose of incorporating the amendment made by this act to section 985.557, Florida Statutes, in a reference thereto, subsection (3) of section 985.556, Florida Statutes, is reenacted to read:

985.556 Waiver of juvenile court jurisdiction; hearing.—

(3) INVOLUNTARY MANDATORY WAIVER.—

(a) If the child was 14 years of age or older, and if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, aggravated assault, or burglary with an assault or battery, and the child is currently charged with a second or subsequent violent crime against a person; or

(b) If the child was 14 years of age or older at the time of commission of a fourth or subsequent alleged felony offense and the child was previously adjudicated delinquent or had adjudication withheld for or was found to have committed, or to have attempted or conspired to commit, three offenses that are felony offenses if committed by an adult, and one or more of such felony offenses involved the use or possession of a firearm or violence against a person;

the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such request, or proceed under s. 985.557(1). Upon the state attorney's request, the court shall either enter an order transferring the case and certifying the case for trial as if the child were an adult or provide written reasons for not issuing such an order.

Section 150. For the purpose of incorporating the amendment made by this act to section 985.557, Florida Statutes, in a reference thereto, subsection (1) of section 985.15, Florida Statutes, is reenacted to read:

985.15 Filing decisions.—

(1) The state attorney may in all cases take action independent of the action or lack of action of the juvenile probation officer and shall determine the action that is in the best interest of the public and the child. If the child meets the criteria requiring prosecution as an adult under s. 985.556, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such a request. In all other cases, the state attorney may:

- (a) File a petition for dependency;
- (b) File a petition under chapter 984;
- (c) File a petition for delinquency;
- (d) File a petition for delinquency with a motion to transfer and certify the child for prosecution as an adult;
- (e) File an information under s. 985.557;
- (f) Refer the case to a grand jury;
- (g) Refer the child to a diversionary, pretrial intervention, arbitration, or mediation program, or to some other treatment or care program if such program commitment is voluntarily accepted by the child or the child's parents or legal guardian; or
- (h) Decline to file.

Section 151. For the purpose of incorporating the amendment made by this act to section 985.557, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 985.26, Florida Statutes, is reenacted to read:

985.26 Length of detention.—

(2)

(c) A prolific juvenile offender under s. 985.255(1)(j) shall be placed on nonsecure detention care with electronic monitoring or in secure detention care under a special detention order until disposition. If secure detention care is ordered by the court, it must be authorized under this part and may not exceed:

1. Twenty-one days unless an adjudicatory hearing for the case has been commenced in good faith by the court or the period is extended by the court pursuant to paragraph (b); or
2. Fifteen days after the entry of an order of adjudication.

As used in this paragraph, the term "disposition" means a declination to file under s. 985.15(1)(h), the entry of nolle prosequi for the charges, the filing of an indictment under s. 985.56 or an information under s. 985.557, a dismissal of the case, or an order of final disposition by the court.

Section 152. *Criminal Punishment Code Task Force.*—

(1) *The Task Force on the Criminal Punishment Code, a task force as defined in s. 20.03(8), Florida Statutes, is created adjunct to the Department of Legal Affairs. The Legislature finds that there is a need to review sentencing for noncapital felony offenses under the Criminal Punishment Code. Therefore, the task force is created for the purpose of reviewing, evaluating, and making recommendations regarding sentencing for and ranking of noncapital felony offenses under the Criminal Punishment Code, including, but not limited to, whether current sentencing for noncapital felony offenses is appropriate to the level of the crime committed, whether current enhancements for those offenses are appropriate, and whether judicial discretion should be allowed with regard to mandatory minimum sentences for those offenses. The task force shall include an analysis of best practices in its review.*

(2) *The task force is composed of the following members:*

- (a) *The Attorney General, or a designee of the Attorney General, who shall serve as chair of the task force.*
- (b) *The Secretary of Corrections, or a designee of the secretary.*
- (c) *Two members appointed by the President of the Senate, one of whom must be a public defender.*
- (d) *Two members appointed by the Speaker of the House of Representatives, one of whom must be a state attorney.*
- (e) *Two members appointed by the Chief Justice of the Supreme Court, one of whom must be a circuit judge currently assigned to a felony division.*

*Any vacancies on the task force shall be filled in the same manner as the original appointments. Appointments to the task force shall be made no later than July 15, 2019.*

(3) *The task force shall endeavor to meet at least twice monthly throughout its duration and is encouraged to take input from all stakeholders involved in the criminal justice system. The first meeting of the task force shall occur no later than August 15, 2019. The Attorney General shall designate staff of the Department of Legal Affairs to provide support to the task force.*

(4) *Upon the Attorney General's request, the Department of Corrections and the Office of the State Courts Administrator shall provide necessary data collection and analysis, research, and support services to the task force.*

(5) *Members of the task force may not receive compensation other than their usual salaries received from their employers, but are entitled to reimbursement for per diem and travel expenses from their employers in accordance with s. 112.061, Florida Statutes.*

(6) *The task force shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court no later than June 30, 2020, which must*

include, at a minimum, the issues considered by the task force, any recommendations for legislative changes, and an analysis of the expected impact of such recommendations if enacted by the Legislature. The task force is dissolved upon submission of the report.

(7) This section expires July 1, 2020.

Section 153. For the 2019-2020 fiscal year, the sum of \$250,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Legal Affairs for the purpose of implementing the Criminal Punishment Code Task Force.

Section 154. Except as otherwise expressly provided in this act, and except for this section, which shall take effect upon this act becoming a law, this act shall take effect October 1, 2019.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public safety; amending s. 16.555, F.S.; providing for reallocation of unencumbered funds returned to the Crime Stoppers Trust Fund; specifying permissible uses for funds awarded to counties from the trust fund; creating s. 16.557, F.S.; defining terms; providing criminal penalties for disclosure of privileged communications or protected information or information concerning such communications or information; providing exceptions; creating s. 25.025, F.S.; authorizing certain Supreme Court justices to have an appropriate facility in their district of residence designated as their official headquarters; providing that an official headquarters may serve only as a justice's private chambers; providing that such justices are eligible for a certain subsistence allowance and reimbursement for certain transportation expenses; requiring that such allowance and reimbursement be made to the extent appropriated funds are available, as determined by the Chief Justice; requiring the Chief Justice to coordinate with certain persons in designating official headquarters; providing that a county is not required to provide space for a justice in a county courthouse; authorizing counties to enter into agreements with the Supreme Court for the use of county courthouse space; prohibiting the Supreme Court from using state funds to lease space in specified facilities to allow a justice to establish an official headquarters; creating s. 43.51, F.S.; requiring the Office of the State Courts Administrator to provide an annual report containing certain information to the Legislature; defining the term "problem-solving court"; amending s. 57.105, F.S.; prohibiting the awarding of attorney fees for certain proceedings for injunctions for protection under specified provisions; providing an exception; amending s. 61.13016, F.S.; providing that a written agreement for payment may include a reasonable period of payment deferral to accommodate an obligor's good faith job-seeking efforts; amending s. 212.15, F.S.; increasing threshold amounts for certain theft offenses; amending s. 287.095, F.S.; deleting a provision that provides a limitation on the total sales by a specified corporation of certain products offered for purchase to a state agency; amending s. 322.01, F.S.; defining the term "suspension or revocation equivalent status"; amending s. 322.055, F.S.; reducing the length of driver license revocation for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance; deleting provisions authorizing a driver to petition the Department of Highway Safety and Motor Vehicles for restoration of his or her driving privilege; amending s. 322.056, F.S.; reducing the period for revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain drug offenses; deleting requirements relating to the revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain alcohol or tobacco offenses; deleting provisions relating to the suspension or revocation of certain persons' driver licenses; repealing s. 322.057, F.S., relating to discretionary revocation or suspension of a driver license for certain persons who provide alcohol to persons under a specified age; amending s. 322.34, F.S.; revising criminal penalties for the third or subsequent offense of driving while license suspended, revoked, canceled, or disqualified; creating s. 322.75, F.S.; requiring each clerk of court to establish a Driver License Reinstatement Days program for reinstating suspended driver licenses in certain circumstances; providing duties of the clerks of the circuit courts and the department; authorizing such clerks to compromise on or waive certain fees and costs; authorizing such clerks to schedule a Driver License Reinstatement Days event on

certain days or times; providing eligibility requirements; requiring such clerks and the Department of Highway Safety and Motor Vehicles to verify information necessary to reinstate a driver license under the program; requiring the clerks of court to collect specified data and report such data to the Florida Clerks of Court Operations Corporation; requiring the Florida Clerks of Court Operations Corporation to report specified information in a certain annual report the annual report required by s. 28.35, F.S.; amending s. 394.917, F.S.; requiring the Department of Children and Families to provide rehabilitation to criminal offenders designated as sexually violent predators; amending s. 397.334, F.S.; conforming provisions to changes made by the act; amending s. 455.213, F.S.; requiring certain boards and entities within the Divisions of Certified Public Accounting, Professions, or Real Estate of the Department of Business and Professional Regulation to use a specified process for the review of an applicant's criminal record to determine the applicant's eligibility for certain licenses; prohibiting the conviction, or any other adjudication, of a crime before a specified date from being grounds for the denial of certain licenses; defining the term "conviction"; providing construction; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting the department from charging an applicant who is confined or under supervision an additional fee; prohibiting a board from basing a denial of a license application solely on the applicant's current confinement or supervision; authorizing a board to stay the issuance of an approved license under certain circumstances; requiring a board to verify an applicant's release with the Department of Corrections; requiring the applicable board or the Department of Business and Professional Regulation to allow certain applicants to appear by teleconference or video conference at certain meetings; requiring the Department of Corrections to cooperate and coordinate with the applicable board to facilitate the appearance of certain applicants at certain meetings in person, by teleconference, or by video conference, as appropriate; requiring a board or the department to provide certain lists on the department's website specifying how certain crimes do or do not affect an applicant's eligibility for licensure; providing that certain information be identified for the crimes on such list; requiring such lists to be available to the public upon request; amending s. 474.2165, F.S.; authorizing a veterinarian to report certain suspected criminal violations without notice to or authorization from a client; providing an exception; amending s. 489.126, F.S.; providing that a contractor has a just cause defense for criminal offenses and disciplinary violations; providing an inference; deleting an intent requirement for contractor offenses; revising elements of offenses; revising criminal penalties for contractor offenses; amending s. 489.553, F.S.; prohibiting the conviction, or any other adjudication, of a crime before a specified date from being grounds for the denial of registration under certain circumstances; defining the term "conviction"; providing construction; authorizing a person to apply for registration before his or her lawful release from confinement or supervision; prohibiting the department or other applicable authority from charging an applicant who is confined or under supervision an additional fee; prohibiting the department or other applicable authority from basing the denial of registration solely on the applicant's current confinement or supervision; authorizing the department or other applicable authority to stay the issuance of an approved registration under certain circumstances; requiring the department or other applicable authority to verify an applicant's release with the Department of Corrections; requiring the Department of Business and Professional Regulation or other applicable authority to allow certain applicants to appear by teleconference or video conference at certain meetings; requiring the Department of Corrections to cooperate and coordinate with the department or applicable authority to facilitate the appearance of certain applicants at certain meetings in person, by teleconference, or by video conference, as appropriate; requiring the department or other applicable authority to provide certain lists on its website specifying how certain crimes do or do not affect an applicant's eligibility for registration; providing that certain information be identified for each crime on such lists; requiring such lists to be available to the public upon request; amending s. 500.451, F.S.; abolishing mandatory minimum sentence for the sale of horse meat for human consumption; amending s. 509.151, F.S.; increasing threshold amounts for certain theft offenses; amending s. 562.11, F.S.; deleting provisions relating to withholding, suspending, or revoking the driving privilege of a person who provides alcoholic beverages to a person under

21 years of age; amending s. 562.111, F.S.; deleting provisions relating to withholding, suspending, or revoking the driving privilege of a person under 21 years of age who possesses alcoholic beverages; amending s. 562.27, F.S.; reducing the offense severity of certain crimes related to the possession of a still or related apparatus; amending s. 562.451, F.S.; reducing the offense severity for possession of one or more gallons of certain liquors; amending s. 569.11, F.S.; conforming provisions to changes made by the act; revising penalties; amending s. 713.69, F.S.; increasing threshold amounts for certain theft offenses; amending s. 741.30, F.S.; conforming a provision to changes made by the act; amending s. 775.082, F.S.; revising legislative intent that certain offenders released from incarceration from county detention facilities qualify as prison release reoffenders; amending s. 784.048, F.S.; revising the definition of the term "cyberstalk"; providing criminal penalties; amending s. 790.052, F.S.; specifying that certain law enforcement and correctional officers meet the definition of "qualified law enforcement officer" for the purposes of qualifying for certain rights during off-duty hours; specifying that certain persons meet the definition of "qualified retired law enforcement officer" for the purposes of qualifying for certain rights during off-duty hours; amending s. 790.22, F.S.; authorizing, rather than requiring, a court to withhold issuance of or suspend a person's driver license or driving privilege for a minor who possesses or uses a firearm in certain circumstances; amending s. 800.09, F.S.; revising the definitions of the terms "employee" and "facility"; prohibiting certain lewd or lascivious acts in the presence of county correctional personnel; providing criminal penalties; amending s. 806.13, F.S.; authorizing, rather than requiring, a court to withhold issuance of or suspend a person's driver license or driving privilege for committing criminal mischief by a minor; amending s. 812.014, F.S.; increasing the threshold amount for certain theft offenses; revising the list of items the theft of which constitutes a felony of the third degree; requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a study about certain threshold amounts on a specified schedule; providing study requirements; requiring OPPAGA to consult with the Office of Economic and Demographic Research and other interested entities; requiring OPPAGA to submit a report to the Governor and the Legislature by a certain date and on a specified basis; amending s. 812.015, F.S.; revising the circumstances under which an offense of retail theft constitutes a felony of the second or third degree; authorizing the aggregation of retail thefts that occur in more than one judicial circuit within a 30-day period into one total value and requiring prosecution of such thefts by the Office of the Statewide Prosecutor in accordance with s. 16.56, F.S.; requiring OPPAGA to perform a study about certain threshold amounts on a specified schedule; providing study requirements; requiring OPPAGA to consult with the Office of Economic and Demographic Research and other interested entities; requiring OPPAGA to submit a report to the Governor and the Legislature by a certain date and on a specified basis; amending s. 812.0155, F.S.; removing a court's authority to suspend a driver license for a misdemeanor theft adjudication of guilt for a person 18 years of age or older; allowing a court to suspend a driver license for a person 18 years of age or younger as an alternative to other possible sentences; amending s. 815.03, F.S.; revising the definition of the term "access" for purposes of provisions relating to computer crimes; amending s. 815.06, F.S.; revising conduct constituting an offense against users of computers, computer systems, computer networks, or electronic devices; providing criminal penalties; amending s. 817.413, F.S.; increasing threshold amounts for certain theft offenses; amending s. 831.28, F.S.; criminalizing possession of a counterfeit instrument with intent to defraud; amending s. 849.01, F.S.; reducing the offense severity of certain crimes relating to keeping a gambling house or possessing certain gambling apparatuses; amending s. 877.112, F.S.; removing driver license revocation or suspension as a penalty for certain offenses involving nicotine products; amending s. 893.135, F.S.; revising threshold amounts for trafficking in specified substances; amending s. 900.05, F.S.; revising and providing definitions; revising and providing data required to be collected and reported to the Department of Law Enforcement by specified entities; requiring the department to publish data received from reporting agencies by a specified date; imposing penalties on reporting agencies for noncompliance with data reporting requirements; declaring information that is confidential and exempt upon collection by a reporting agency remains confidential and exempt when reported to the department; creating s. 943.0578,

F.S.; establishing eligibility criteria for expunction of a criminal history record by a person found to have acted in lawful self-defense; requiring the department to issue a certificate of eligibility for expunction if specified criteria are fulfilled; specifying requirements for a petition to expunge; creating a penalty for providing false information on such petition; requiring the department to adopt rules relating to a certificate of expunction for lawful self-defense; amending s. 943.0581, F.S.; clarifying that administrative expunction applies to criminal history records resulting from an arrest made contrary to law or by mistake; creating s. 943.0584, F.S.; providing a definition; specifying criminal history records that are ineligible for court-ordered expunction or court-ordered sealing; amending s. 943.0585, F.S.; providing eligibility criteria for court-ordered expunction of a criminal history record; requiring the department to issue a certificate of eligibility to petitioners meeting eligibility criteria; specifying requirements for a petition for court-ordered expunction; specifying a court's authority to expunge criminal history records; specifying the process for a petition to expunge a criminal history record; specifying the process following the issuance of an order to expunge a criminal history record; specifying the effect of an order to expunge a criminal history record; amending s. 943.059, F.S.; providing eligibility criteria for court-ordered sealing of a criminal history record; requiring the department to issue a certificate of eligibility to petitioners meeting eligibility criteria; specifying requirements for a petition for court-ordered sealing; specifying a court's authority to seal criminal history records; specifying the process for a petition to seal a criminal history record; specifying the effect of an order to seal a criminal history record; creating s. 943.0595, F.S.; requiring the department to adopt rules to implement administrative sealing of specified criminal history records; providing eligibility criteria for administrative sealing of criminal history records; specifying ineligible criminal history records; providing that there is no limitation on the number of times a person with an eligible criminal history record may obtain an automatic administrative sealing; requiring the clerk of court to transmit a certified copy of an eligible criminal history record to the department upon the resolution of a criminal case; specifying that the effect of automatic sealing is the same as court-ordered sealing; amending s. 943.6871, F.S.; declaring information received by the department from a reporting agency that is confidential and exempt upon collection remains confidential and exempt; requiring the Criminal and Juvenile Justice Information Systems Council to develop specifications for a uniform arrest affidavit; providing requirements for such affidavits; requiring the council to develop specifications for a uniform criminal charge and disposition statute crosswalk table and uniform criminal disposition and sentencing crosswalk table; requiring the department to procure the affidavit and statute crosswalk tables by a certain date; requiring the department to provide training on the use of the affidavit and crosswalk tables; requiring law enforcement agencies to use the uniform arrest affidavit and other agencies to use the statute crosswalk tables by a certain date; amending s. 944.40, F.S.; including escape while on furlough in the offense of escape; providing criminal penalties; amending s. 944.47, F.S.; providing enhanced penalties for offenses involving introduction of contraband in correctional facilities when committed by correctional facility employees; amending s. 944.704, F.S.; authorizing the department to increase the number of employees serving as transition specialists and employment specialists; requiring transition assistance staff to provide job assignment credentialing and industry certification information to inmates before their release; amending s. 944.705, F.S.; requiring the department to establish a telephone hotline for released offenders; requiring that the department provide an inmate with a comprehensive community reentry resource directory organized by county before the inmate's release; requiring the department to use certain programming data to notify inmates about reentry resources before release; authorizing a nonprofit faith-based or professional business or a civic or community organization to apply for registration with the department to provide inmate reentry services; requiring the department to adopt certain policies and procedures; authorizing the department to deny approval and registration of an organization or representative of an organization under certain circumstances; authorizing the department to contract with a public or private educational institution's veteran advocacy clinic or veteran legal clinic for certain purposes; authorizing the department to contract with public or private organizations to establish transitional employment programs that provide employment opportunities to re-



cently released inmates; requiring the department to adopt certain rules; amending s. 944.801, F.S.; authorizing the Correctional Education Program to establish a Prison Entrepreneurship Program and adopt procedures for admitting student inmates; providing requirements for the program; authorizing transitional and postrelease continuing educational services to be offered under certain circumstances; requiring the department to enter into certain agreements to implement the program; requiring that the program be funded with existing resources; authorizing the Department of Corrections to develop a program, in cooperation with the Department of Agriculture and Consumer Service, the Florida Forestry Division, and the Florida Department of Financial Services, Division of State Fire Marshall, to train and certify inmates to become firefighters; amending s. 948.001, F.S.; redefining the term “administrative probation”; amending s. 948.013, F.S.; authorizing the department to transfer an offender to administrative probation under certain circumstances; amending s. 948.04, F.S.; requiring a court to early terminate a term of probation or convert the term to administrative probation under certain circumstances; authorizing a court to continue reporting probation upon making written findings; amending s. 948.05, F.S.; requiring the department to implement a graduated incentives program for probationers and offenders on community control; authorizing the department to issue certain incentives without leave of court; amending s. 948.06, F.S.; requiring a probation officer to determine whether a probationer or offender on community control who commits a technical violation is eligible for a certain alternative sanctioning program; authorizing the probation officer to take certain actions if such probationer or offender is eligible; defining the term “technical violation”; requiring a court to modify or continue a probationary term under certain circumstances; requiring that judicial circuits establish an alternative sanctioning program; authorizing the chief judge of each judicial circuit to issue specified administrative orders; requiring a probation officer to submit to the court for approval any recommended sanctions against a probationer or offender determined to be eligible for the program; defining the terms “low-risk violation” and “moderate-risk violation”; specifying circumstances under which a probationer or offender on community control is not eligible for an alternative sanction; authorizing a probation officer to offer an eligible probationer one or more specified alternative sanctions for a first or second low-risk violation; authorizing a probation officer, under certain circumstances, to offer an eligible probationer or offender on community control one or more specified alternative sanctions for a first moderate-risk violation; providing that the participation of a probationer or offender on community control in the alternative sanctioning program is voluntary, subject to certain requirements; specifying actions that a probationer or offender on community control may take if he or she is eligible for an alternative sanctioning program; requiring that a probation officer, under certain circumstances, submit a recommended sanction to the court; authorizing the court to impose the recommended sanction or direct the department to submit a violation report, affidavit, and warrant to the court; authorizing a probation officer to submit a violation report, affidavit, and warrant to the court under certain circumstances; prohibiting certain evidence in subsequent proceedings; amending s. 948.08, F.S.; expanding eligibility criteria for pretrial substance abuse education programs to include a person with two or fewer convictions for nonviolent felonies; creating s. 948.081, F.S.; authorizing community court programs; providing program requirements; amending s. 951.22, F.S.; providing an exception to a prohibition on contraband for certain legal documents; prohibiting introduction into or possession of certain cellular telephones or other portable communication devices on the grounds of any county detention facility; providing criminal penalties; amending s. 958.04, F.S.; revising the criteria authorizing a court to sentence as a youthful offender a person who is found guilty of, or who pled *nolo contendere* or guilty to, committing a felony before the person turned 21 years of age; amending s. 960.07, F.S.; increasing the timeframe for filing a crime victim compensation claim; providing an extension for good cause for a specified period; increasing the timeframe to file a claim for a victim or intervenor who was under a certain age at the time of the crime; providing an extension of a certain timeframe for good cause; increasing the timeframe a victim of a sexually violent offense may file a claim for victim compensation; amending s. 960.13, F.S.; increasing the timeframe for prompt reporting of a crime to be eligible for a victim compensation award; amending s. 960.195, F.S.; increasing the timeframe for re-

porting a criminal or delinquent act resulting in property loss of an elderly person or disabled adult; amending s. 960.196, F.S.; increasing the timeframe to report certain human trafficking offenses to be eligible for a victim relocation assistance award; providing an extension for good cause; amending s. 960.28, F.S., increasing the maximum monetary reimbursement amount to certain medical providers for an initial forensic physical examination of certain victims; amending s. 985.12, F.S.; providing that locally authorized entities may continue to operate an independent civil citation or similar prearrest diversion program that is in operation as of October 1, 2018; requiring each civil citation or similar diversion program to enter appropriate youth data into the Juvenile Justice Information System Prevention Web within a specified period after the admission of the youth into the program; amending s. 985.126, F.S.; removing the requirement for law enforcement officers to submit a copy of specified documentation to the Department of Juvenile Justice; requiring certain information be entered into the Juvenile Justice Information System Prevention Web within a specified timeframe; amending s. 985.145, F.S.; deleting the requirement that the department must enter certain information into the Juvenile Justice Information System Prevention Web in specified instances; amending s. 985.557, F.S.; deleting provisions requiring the mandatory direct filing of charges in adult court against juveniles under certain circumstances; amending ss. 776.09, 943.053, and 943.0582, F.S.; conforming cross-references; amending s. 985.565, F.S.; conforming provisions to changes made by the act; amending s. 921.0022, F.S.; listing on levels 3 and 4 certain felonies on the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; reenacting s. 322.05(11), F.S., relating to prohibiting the issuance of a driver license to certain persons, to incorporate the amendment made to s. 322.056, F.S., in a reference thereto; reenacting s. 316.027(2)(c) and 907.041(4)(c), F.S., relating to a crash involving death or personal injuries and pretrial detention and release, respectively, to incorporate the amendment made to s. 322.34, F.S., in references thereto; reenacting s. 509.161, F.S., relating to rules of evidence in certain prosecutions, to incorporate the amendment made to s. 509.151, F.S., in a reference thereto; reenacting ss. 790.065(2)(c), 794.056(1), 847.0141(4), 901.41(5), 938.08, 938.085, 943.325(2)(g), 948.06(8)(c), 948.062(1), 960.001(1)(b), 985.265(3)(b), and 1006.147(3)(e), F.S., relating to the sale and delivery of firearms, the Rape Crisis Program Trust Fund, sexting, prearrest diversion programs, additional costs to fund programs in domestic violence and rape crisis centers, the DNA database, the definition of the term “qualifying offense” as it relates to the violation of probation or community control and failure to pay restitution or cost of supervision, reviewing and reporting serious offenses committed by offenders placed on probation or community control, guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems, detention transfer and release, education, and adult jails, and the prohibition of bullying and harassment, respectively, to incorporate the amendment made to s. 784.048, F.S., in references thereto; reenacting s. 316.0775(1), F.S., relating to interference with official traffic control devices or railroad signs or signals, to incorporate the amendment made to s. 806.13, F.S., in a reference thereto; reenacting ss. 95.18(10), 373.6055(3)(c), 400.9935(3), 550.6305(10), 627.743(2), 634.421(2), 642.038(2), 705.102(4), 812.14(7), and 893.138(3), F.S., relating to real property actions and adverse possession without color of title, criminal history checks for certain water management district employees and others, clinic responsibilities, intertrack wagering, guest track payments, and accounting rules, the payment of third-party claims, reporting and accounting for funds, reporting lost or abandoned property, trespass and larceny with relation to utility fixtures and the theft of utility services, and local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal gang activity, respectively, to incorporate the amendment made to s. 812.014, F.S., in references thereto; reenacting ss. 538.09(5) and 538.23(2), F.S., relating to the registration of and violations and penalties for secondhand dealers, respectively, to incorporate the amendment made to s. 812.015, F.S., in references thereto; reenacting s. 1006.147(3)(e), F.S., relating to the prohibition of bullying and harassment, to incorporate the amendment made to s. 815.03, F.S., in a reference thereto; reenacting ss. 316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5), and 934.07(3), F.S., relating to the unlawful conveyance of fuel and obtaining fuel fraudulently, terrorism, providing material support or resources for terrorism or to terrorist organizations, the

definition of the term “terrorism” as it relates to murder, and the authorization for interception of wire, oral, or electronic communications, respectively, to incorporate the amendment made to s. 815.06, F.S., in references thereto; reenacting s. 849.02, F.S., relating to agents or employees of keepers of gambling houses, to incorporate the amendment made to s. 849.01, F.S., in a reference thereto; reenacting ss. 373.6055(3)(c), 397.4073(6), 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3), and (4), 810.02(3), 893.13(8)(d), 893.1351(1) and (2), 900.05(3)(e), 903.133, 907.041(4)(c), 921.141(9), and 921.142(2), F.S., relating to criminal history checks for certain water management district employees and others, background checks of service provider personnel, determining eligibility for temporary cash assistance, the Drug Dealer Liability Act, possession or use of a weapon, aggravated battery, felony reclassifications, and minimum sentencing, murder, burglary, prohibited acts and penalties relating to controlled substances, the ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance, criminal justice data collection, the prohibition of bail on appeal for certain felony convictions, pretrial detention and release, the sentence of death or life imprisonment for capital felonies and further proceedings to determine sentences, and the sentence of death or life imprisonment for capital drug trafficking felonies and further proceedings to determine sentences, respectively, to incorporate the amendment made to s. 893.135, F.S., in references thereto; reenacting s. 944.026(3)(a), F.S., relating to community-based facilities and programs, to incorporate the amendment made to s. 944.704, F.S., in a reference thereto; reenacting s. 944.4731(6), F.S., relating to the Addiction-Recovery Supervision Program, to incorporate the amendment made to s. 944.705, F.S., in a reference thereto; reenacting s. 447.203(2), F.S., relating to the definition of the terms “public employer” or “employer,” to incorporate the amendment made to s. 944.801, F.S., in a reference thereto; reenacting s. 921.187(1)(n), F.S., relating to disposition and sentencing alternatives, to incorporate the amendment made to s. 948.013, F.S., in a reference thereto; reenacting ss. 948.012(2)(b), 948.10(3), 948.20(3), and 958.14, F.S., relating to split sentencing of probation or community control and imprisonment, procedures governing violations of community control, revocation of drug offender probation, and violations of probation or community control programs, respectively, to incorporate the amendment made to s. 948.06, F.S., in references thereto; reenacting ss. 796.07(4)(b), 944.026(3)(b), and 948.036(1), F.S., relating to charges of prostitution and related acts, certain pretrial intervention programs, and work programs, respectively, to incorporate the amendment made to s. 948.08, F.S., in references thereto; reenacting ss. 394.47892(2), 397.334(5), and 910.035(5)(a), F.S., relating to mental health court programs, treatment-based drug court programs, and transfer for participation in a problem-solving court, respectively, to incorporate the amendments made to ss. 948.08 and 948.16, F.S., in references thereto; reenacting ss. 958.03(5), 958.045(8)(a), 958.046, and 985.565(4)(c), F.S., relating to the definition of the term “youthful offender,” the youthful offender basic training program, county-operated youthful offender boot camp programs, and adult sanctions upon failure of juvenile sanctions, to incorporate the amendment made to s. 958.04, F.S., in references thereto; reenacting s. 985.556(3), F.S., relating to involuntary mandatory waiver, to incorporate the amendment made to s. 985.557, F.S., in a reference thereto; reenacting ss. 985.15(1), and 985.26(2)(c), F.S., relating to filing decisions of state attorneys in the prosecution of a child, and length of detention for prolific juvenile offenders, respectively, to incorporate the amendment made to s. 985.557, F.S., in references thereto; creating the Task Force on the Criminal Punishment Code adjunct to the Department of Legal Affairs; providing a legislative finding; specifying the task force’s purpose; requiring that the task force analyze best practices; providing for membership of the task force and the filling of any vacancies; providing meeting requirements; providing for staff support; requiring specified governmental entities to provide certain information and support services upon request of the Attorney General; providing for reimbursement of per diem and travel expenses; prescribing reporting requirements; providing for dissolution of the task force; providing an appropriation; providing effective dates.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendments was allowed:

Senator Brandes moved the following amendments to **Amendment 1 (462662)** which were adopted:

**Amendment 1A (879480) (with directory and title amendments)**—Delete lines 501-682 and insert:

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

(7) Any person whose driver license or driving privilege has been canceled, suspended, revoked, or disqualified, *or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status*, and who drives a commercial motor vehicle on the highways of this state while such license or privilege is canceled, suspended, revoked, or disqualified, *or while under suspension or revocation equivalent status*, upon:

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

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

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

1. Whether the person’s driver license is suspended or revoked, *or the person is under suspension or revocation equivalent status*.

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

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

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

(9)(a) A motor vehicle that is driven by a person under the influence of alcohol or drugs in violation of s. 316.193 is subject to seizure and forfeiture under ss. 932.701-932.7062 and is subject to liens for recovering, towing, or storing vehicles under s. 713.78 if, at the time of the offense, the person’s driver license is suspended, revoked, or canceled, *or suspension or revocation equivalent status was imposed*, as a result of a prior conviction for driving under the influence.

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

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

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

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

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

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

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

(b)1. Upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled, *or while under suspension or*

revocation equivalent status, for any of the underlying violations listed in subparagraphs (a)1.-6., a person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

322.75 *Driver License Reinstatement Days.*—

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

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

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

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

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

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

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

- (a) The person's failure to fulfill a court-ordered child support obligation;
- (b) A violation of s. 316.193;
- (c) The person's failure to complete a driver training program, driver improvement course, or alcohol or substance abuse education or evaluation program required under s. 316.192, s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;

(d) A traffic-related felony; or

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

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

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

- (a) Number of cases paid in full.
- (b) Number of cases put on a payment plan.
- (c) Number of driver license reinstatements.
- (d) Number of driver licenses made eligible for reinstatement.

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

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

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

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

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

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

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

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

397.334 Treatment-based drug court programs.—

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

Section 17. Subsection (3) of section 397.403, Florida Statutes, is amended to read:

397.403 License application.—

(3) Applications for licensure renewal must include proof of application for accreditation for each licensed service component providing clinical treatment by an accrediting organization that is acceptable to the department for the first renewal, and proof of accreditation for any subsequent renewals. This subsection does not apply to any inmate substance abuse program operated by or under an exclusive contract with a jail or the Department of Corrections.

And the directory clause is amended as follows:

Delete line 444 and insert:

Section 13. Subsections (2), (4), (5), (7), paragraph (a) of

And the title is amended as follows:

Delete lines 7289-7312 and insert: revoked, canceled, or disqualified; applying criminal penalties related to various provisions of driving on certain driver license statuses to persons driving with suspension or revocation equivalent status; creating s. 322.75, F.S.; requiring each clerk of court to establish a Driver License Reinstatement Days program for reinstating suspended driver licenses in certain circumstances; providing duties of the clerks of the circuit courts and the department; authorizing such clerks to compromise on or waive certain fees and costs; authorizing such clerks to schedule a Driver License Reinstatement Days event on certain days or times; providing eligibility requirements; requiring such clerks and the Department of Highway Safety and Motor Vehicles to verify information necessary to reinstate a driver license under the program; requiring the clerks of court to collect specified data and report such data to the Florida Clerks of Court Operations Corporation; requiring the Florida Clerks of Court Operations Corporation to report specified information in a certain annual report the annual report required by s. 28.35, F.S.; amending s. 394.917, F.S.; requiring the Department of Children and Families to provide rehabilitation to criminal offenders designated as sexually violent predators; amending s. 397.334, F.S.; conforming provisions to changes made by the act; amending s. 397.403, F.S.; providing an exemption from certain accreditation requirements relating to licensure renewal for certain substance abuse programs; amending s. 455.213, F.S.;

**Amendment 1B (383610)**—Delete lines 7150-7206 and insert:

Section 152. *Criminal Punishment Code Task Force.*—

(1) *The Task Force on the Criminal Punishment Code, a task force as defined in s. 20.03(8), Florida Statutes, is created adjunct to the Department of Legal Affairs for the purpose of reviewing, evaluating, and making recommendations regarding sentencing for and ranking of noncapital felony offenses under the Criminal Punishment Code. The task force shall include an analysis of best practices in its review.*

(2) *The task force is composed of the following members:*

(a) *The Attorney General, or a designee of the Attorney General, who shall serve as chair of the task force.*

(b) *The Secretary of Corrections, or a designee of the secretary.*

(c) *Two members appointed by the President of the Senate, one of whom must be a public defender.*

(d) *Two members appointed by the Speaker of the House of Representatives, one of whom must be a state attorney.*

(e) *Two members appointed by the Chief Justice of the Supreme Court, one of whom must be a circuit judge currently assigned to a felony division.*

*Any vacancies on the task force shall be filled in the same manner as the original appointments. Appointments to the task force shall be made no later than July 15, 2019.*

(3) *The task force shall meet throughout its duration and is encouraged to take input from all stakeholders involved in the criminal justice system. The first meeting of the task force shall occur no later than August 15, 2019. The Attorney General shall designate staff of the Department of Legal Affairs to provide support to the task force.*

(4) *Upon the Attorney General's request, the Department of Corrections and the Office of the State Courts Administrator shall provide necessary data collection and analysis, research, and support services to the task force.*

(5) *Members of the task force may not receive compensation other than their usual salaries received from their employers, but are entitled to reimbursement for per diem and travel expenses from their employers in accordance with s. 112.061, Florida Statutes.*

(6) *The task force shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court no later than June 30, 2020, which must include, at a minimum, the issues considered by the task force, any recommendations for legislative changes, and an analysis of the expected impact of such recommendations if enacted by the Legislature. The task force is dissolved upon submission of the report.*

(7) *This section expires July 1, 2020.*

**Amendment 1 (462662)**, as amended, was adopted.

Pursuant to Rule 4.19, **CS for HB 7125**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1640** was deferred.

## MOTIONS

On motion by Senator Benacquisto, the rules were waived and all bills remaining or temporarily postponed on the Special Order Calendar this day were retained on the Special Order Calendar except for **SB 72**.

On motion by Senator Benacquisto, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, May 2, 2019.

On motion by Senator Benacquisto, the rules were waived and **CS for SB 592** was placed on the Special Order Calendar for Thursday, May 2, 2019.

## REPORTS OF COMMITTEES

Pursuant to Rule 4.18 the Rules Chair submits the following bills to be placed on the Local Bill Calendar for Wednesday, May 1, 2019: CS for HB 193, CS for CS for HB 523, HB 745, CS for CS for HB 901, CS for HB 1063, HB 1065, CS for CS for HB 1067, HB 1099, HB 1175, CS for HB 1203, HB 1323, CS for HB 1351, HB 1373, HB 1417, CS for HB 1423.

Respectfully submitted,  
*Lizbeth Benacquisto*, Rules Chair

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Wednesday, May 1, 2019: CS for CS for SB 34, SB 72, CS for SB 256, CS for SB 548, CS for CS for SB 576, CS for SB 600, CS for CS for SB 626, CS for HB 629, SB 720, CS for CS for SB 898, CS for CS for SB 1044, CS for CS for SB 1200, CS for CS for SB 1412, CS for SB 1436, CS for CS for SB 1518, CS for SB 1520, CS for CS for SB 1638, SB 7072.

Respectfully submitted,  
*Lizbeth Benacquisto*, Rules Chair  
*Kathleen Passidomo*, Majority Leader  
*Audrey Gibson*, Minority Leader

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1127, as amended, and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Education Committee and Representative(s) Duggan—

**CS for HB 1127**—A bill to be entitled An act relating to educational employees; amending s. 1001.10, F.S.; requiring the Department of Education to maintain a disqualification list of certain individuals; requiring the department to provide access to certain lists and databases to certain staff for specified purposes; amending s. 1001.42, F.S.; requiring a school board official to forfeit his or her salary if the official fails to adopt certain child abuse reporting policies; amending s. 1001.51, F.S.; providing that a district school superintendent forfeits his or her salary for a specified period of time under certain circumstances; amending s. 1002.33, F.S.; requiring the governing board of a charter school to establish the duty of instructional personnel and school administrators to report specified alleged misconduct by certain individuals; prohibiting a person on the disqualification list from being a charter school employee, contract employee, or governing board member; requiring charter schools to provide an employment determination for certain prospective employees; amending s. 1002.421, F.S.; requiring certain private schools to deny employment to certain individuals; requiring private schools to provide an employment determination for certain prospective employees; authorizing the Commissioner of Education to permanently revoke an owner's or operator's authority to establish or operate a private school in this state under certain circumstances; amending s. 1006.061, F.S.; revising the contents of a sign certain educational entities are required to post to include information relating to reporting of certain criminal acts; amending s. 1012.21, F.S.; providing criteria by which individuals are added to a specified database; amending s. 1012.22, F.S.; requiring district school superintendents to provide an employment determination for certain prospective employees; amending s. 1012.315, F.S.; providing that certain individuals are ineligible for an educator certification or specified employment; amending s. 1012.795, F.S.; revising acts that warrant a disciplinary action by the commission; amending s. 1012.796, F.S.; requiring a district school superintendent to immediately suspend certain individuals and take specified action as a results of alleged misconduct; providing criminal penalties; providing an effective date.

—was referred to the Committees on Education; and Appropriations.

#### RETURNING MESSAGES — FINAL ACTION

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 82.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 620.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 702.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 732.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has adopted CS/SM 804.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 838 by the required constitutional two-thirds vote of the members voting.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 1000.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1024.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1306.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1418.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1460.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 7030.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/HB 1057, as amended.

I am directed to inform the Senate that the House of Representatives has passed CS/SB 7068.

*Jeff Takacs, Clerk*

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/CS/CS/HB 1393, as amended.

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/CS/HB 95, as amended.

*Jeff Takacs, Clerk*

*Jeff Takacs, Clerk*

The Honorable Bill Galvano, President

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/HB 7099, as amended.

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/HB 213, as amended.

*Jeff Takacs, Clerk*

*Jeff Takacs, Clerk*

The Honorable Bill Galvano, President

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 30 was corrected and approved.

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/HB 411, as amended.

**CO-INTRODUCERS**

Senators Baxley—CS for CS for SB 426; Cruz—SB 446, CS for SB 1272; Harrell—CS for CS for SB 426; Rader—SB 70, CS for CS for CS for CS for SB 76, SJR 422, CS for CS for SB 426, CS for SB 990; Rodriguez—CS for CS for SB 426

*Jeff Takacs, Clerk*

The Honorable Bill Galvano, President

**ADJOURNMENT**

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/HB 487, as amended.

On motion by Senator Benacquisto, the Senate adjourned at 4:44 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, May 2 or upon call of the President.

*Jeff Takacs, Clerk*