

By Representatives Clemons, Heyman, Crow, Burroughs, Wiles
and Crist

1 A bill to be entitled
2 An act relating to adjudication of guilt;
3 creating s. 775.0844, F.S.; prohibiting the
4 withholding of adjudication for certain
5 defendants accused of committing a felony
6 offense; providing exceptions; providing
7 definitions; repealing Rule 3.670, Florida
8 Rules of Criminal Procedure, relating to
9 rendition of judgment, to the extent of
10 inconsistency with the act; providing an
11 effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 775.0844, Florida Statutes, is
16 created to read:

17 775.0844 Prohibition on withholding adjudication.--

18 (1) Adjudication of guilt for a person accused of a
19 felony shall not be withheld if the defendant has previously
20 been convicted of, or entered a plea of nolo contendere or
21 guilty to, a felony or a qualified offense that was sentenced
22 separately from the current offense, unless the conviction of
23 each prior felony or qualified offense has been set aside or
24 the defendant has received a pardon for each felony or
25 qualified offense for which the conviction has not been set
26 aside.

27 (2) For the purpose of this section, the term:

28 (a) "Convicted" means that the defendant was
29 determined to be guilty as the result of a plea or trial,
30 regardless of whether adjudication was withheld.

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1 (b) "Qualified offense" means any offense,
2 substantially similar in elements and penalties to an offense
3 in this state, which is in violation of a law of any other
4 jurisdiction, whether that of another state, the District of
5 Columbia, the United States or any possession or territory
6 thereof, or any foreign jurisdiction, that was punishable
7 under the law of such jurisdiction at the time of the
8 commission by the defendant by death or imprisonment exceeding
9 1 year.

10 Section 2. Rule 3.670, Florida Rules of Criminal
11 Procedure, is hereby repealed to the extent that it is
12 inconsistent with the provisions of this act.

13 Section 3. This act shall take effect July 1 of the
14 year in which enacted, except that section 2 shall take effect
15 only if this act is passed by an affirmative vote of
16 two-thirds of the membership of each house of the Legislature.

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19 HOUSE SUMMARY

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21 Provides that a person who has previously been convicted
22 of a felony in this state or a similar offense in another
23 jurisdiction may not have adjudication of guilt withheld
24 for any subsequent offense not sentenced at the same time
25 as the first offense. Repeals Rule 3.670, Florida Rules
26 of Criminal Procedure, relating to rendition of judgment,
27 to the extent of inconsistency with the act.
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