

1 A bill to be entitled
2 An act relating to habitual misdemeanor
3 offenders; creating s. 775.0837, F.S.;
4 providing definitions; specifying alternatives
5 for sentencing a habitual misdemeanor offender;
6 providing that such alternatives are
7 imprisonment, commitment, or detention;
8 specifying a minimum and maximum time period
9 for such alternatives; providing criminal
10 penalties; limiting the applicability of the
11 sentencing alternatives; providing an effective
12 date.

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

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16 Section 1. Section 775.0837, Florida Statutes, is
17 created to read:

18 775.0837 Habitual misdemeanor offenders.--

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

20 (a) "Convicted" means a determination of guilt which
21 is the result of a trial or the entry of a plea of guilty or
22 nolo contendere, regardless of whether adjudication is
23 withheld.

24 (b) "Habitual misdemeanor offender" means a defendant
25 who is before the court for sentencing for a specified
26 misdemeanor offense and who has previously been convicted, as
27 an adult, of four or more specified misdemeanor offenses which
28 meet the following criteria:

29 1. The offenses, in relation to each other and the
30 misdemeanor before the court for sentencing, are separate
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1 offenses that are not part of the same criminal transaction or
2 episode.

3 2. The offenses were committed within 1 year of the
4 date that the misdemeanor before the court for sentencing was
5 committed.

6 (c) "Specified misdemeanor offense" means those
7 misdemeanor offenses described in chapter 741, chapter 784,
8 chapter 790, chapter 796, chapter 800, chapter 806, chapter
9 810, chapter 812, chapter 817, chapter 831, chapter 832,
10 chapter 843, chapter 856, chapter 893, or chapter 901.

11 (d) "Imprisonment" means incarceration in a county
12 jail operated by the county or a private vendor.

13 (2) If the court finds that a defendant before the
14 court for sentencing for a misdemeanor is a habitual
15 misdemeanor offender, the court shall, unless the court makes
16 a finding that an alternative disposition is in the best
17 interests of the community and defendant, sentence the
18 defendant as a habitual misdemeanor offender and impose one of
19 the following sentences:

20 (a) A term of imprisonment of not less than 6 months,
21 but not to exceed 1 year;

22 (b) Commitment to a residential treatment program for
23 not less than 6 months, but not to exceed 364 days, provided
24 that the treatment program is operated by the county or a
25 private vendor with which the county has contracted to operate
26 such program, or by a private vendor under contract with the
27 state or licensed by the state to operate such program or
28 other community-based treatment program or a combination of
29 residential and community-based program; or

30 (c) Detention for not less than 6 months, but not to
31 exceed 364 days, to a designated residence, if the detention

1 is supervised or monitored by the county or by a private
2 vendor with which the county has contracted to supervise or
3 monitor the detention.
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5 The court may not sentence a defendant under this subsection
6 if the misdemeanor offense before the court for sentencing has
7 been reclassified as a felony as a result of any prior
8 qualifying misdemeanor.

9 Section 2. This act shall take effect upon becoming a
10 law.

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