

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, and
28 provided that any referral to a residential treatment facility
29 is in accordance with the assessment criteria for residential
30 treatment established by the Department of Children and Family
31 Services, and that residential treatment beds are available or

1 other community-based treatment program or a combination of
2 residential and community-based program; or

3 (c) Detention for not less than 6 months, but not to
4 exceed 364 days, to a designated residence, if the detention
5 is supervised or monitored by the county or by a private
6 vendor with which the county has contracted to supervise or
7 monitor the detention.

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9 The court may not sentence a defendant under this subsection
10 if the misdemeanor offense before the court for sentencing has
11 been reclassified as a felony as a result of any prior
12 qualifying misdemeanor.

13 Section 2. This act shall take effect upon becoming a
14 law.