

By Senator Rouson

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1 A bill to be entitled
2 An act relating to criminal justice; amending s.
3 775.082, F.S.; requiring that a court sentence a
4 defendant who is convicted of a primary offense of
5 possession of a controlled substance committed on or
6 after a specified date to a nonstate prison sanction
7 under certain circumstances; defining the term
8 "possession of a controlled substance"; authorizing a
9 defendant to move the sentencing court to depart from
10 a mandatory minimum prison sentence and a mandatory
11 fine if the offense is committed on or after a
12 specified date; authorizing the state attorney to file
13 an objection to the motion; authorizing the sentencing
14 court to grant the motion if the court finds that the
15 defendant has demonstrated by a preponderance of the
16 evidence that specified criteria are met; defining the
17 term "coercion"; providing applicability; creating s.
18 921.00215, F.S.; providing legislative findings;
19 creating the Sentencing Commission within the Supreme
20 Court; providing for commission membership and terms
21 of office; providing that commission membership does
22 not disqualify a member from holding any other public
23 office or from being employed by a public entity;
24 authorizing reimbursement for per diem and travel
25 expenses; requiring the Office of the State Courts
26 Administrator to act as staff for the commission;
27 requiring the commission to meet annually or upon the
28 call of the chair for specified purposes; requiring
29 the Department of Corrections to perform specified
30 duties upon request of the commission; requiring the
31 commission to annually, by a specified date, make
32 recommendations to the Governor, the justices of the

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33 Supreme Court, and the Legislature; amending s.
34 921.00241, F.S.; revising the circumstances under
35 which an offender may be sentenced to a nonstate
36 prison sanction; authorizing a nonstate prison
37 sanction under a prison diversion program for certain
38 offenders who commit a nonviolent felony of the second
39 degree on or after a specified date; amending s.
40 921.0026, F.S.; revising the mitigating circumstances
41 under which a departure from the lowest permissible
42 sentence is reasonably justified; making technical
43 changes; amending s. 948.01, F.S.; requiring a
44 sentencing court to place certain defendants who
45 commit an offense on or after a specified date into a
46 postadjudicatory treatment-based drug court program,
47 into residential drug treatment, or on drug offender
48 probation; making technical changes; reenacting ss.
49 775.08435(1)(b) and (c), 921.002(3), and 921.00265(1),
50 F.S., relating to the prohibition on withholding
51 adjudication in felony cases, the Criminal Punishment
52 Code, and recommended and departure sentences,
53 respectively, to incorporate the amendment made to s.
54 921.0026, F.S., in references thereto; reenacting ss.
55 394.47892(2) and (4)(a), 397.334(3)(a) and (5),
56 910.035(5)(a), 921.187(1)(c), and 943.04352, F.S.,
57 relating to mental health court programs, treatment-
58 based drug court programs, transfer for participation
59 in a problem-solving court, offender probation with or
60 without adjudication of guilt, and court placement of
61 a defendant on misdemeanor probation, respectively, to

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62 incorporate the amendment made to s. 948.01, F.S., in
63 references thereto; providing an effective date.

64
65 Be It Enacted by the Legislature of the State of Florida:

66
67 Section 1. Present subsection (11) of section 775.082,
68 Florida Statutes, is redesignated as subsection (13), and a new
69 subsection (11) and subsection (12) are added to that section,
70 to read:

71 775.082 Penalties; applicability of sentencing structures;
72 mandatory minimum sentences for certain reoffenders previously
73 released from prison.—

74 (11) If a defendant is sentenced for a primary offense of
75 possession of a controlled substance committed on or after
76 October 1, 2017, and if the total sentence points pursuant to s.
77 921.0024 are 60 points or fewer, the court must sentence the
78 offender to a nonstate prison sanction. However, if the court
79 makes written findings that a nonstate prison sanction could
80 present a danger to the public, the court may sentence the
81 offender to a state correctional facility pursuant to this
82 section. As used in this subsection, the term "possession of a
83 controlled substance" means possession of a controlled substance
84 in violation of s. 893.13, but does not include possession with
85 intent to sell, manufacture, or deliver a controlled substance
86 or possession of a controlled substance in violation of s.
87 893.135.

88 (12) (a) A person who is convicted of an offense committed
89 on or after October 1, 2017, which requires that a mandatory
90 minimum prison sentence be imposed may move the sentencing court

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91 to depart from the mandatory minimum prison sentence and, if
92 applicable, the mandatory fine. The state attorney may file an
93 objection to the motion.

94 (b) The court may grant the motion if the court finds that
95 the defendant has demonstrated by a preponderance of the
96 evidence that all of the following criteria are met:

97 1. The defendant has not previously received a departure
98 under this subsection and has not been previously convicted of
99 the same offense for which the defendant requests a departure
100 under this subsection;

101 2. The offense is not a forcible felony as defined in s.
102 776.08 or a misdemeanor that involves the use or threat of
103 physical force or violence against another person. However,
104 burglary of an unoccupied structure or conveyance is not
105 considered a forcible felony for purposes of this subparagraph;

106 3. The offense does not involve physical injury to another
107 person or coercion of another person; and

108 4. The offense does not involve a victim who is a minor or
109 the use of a minor in the commission of the offense.

110 (c) As used in this subsection, the term "coercion" means:

111 1. Using or threatening to use physical force or violence
112 against another person; or

113 2. Restraining or confining or threatening to restrain or
114 confine another person without lawful authority and against the
115 other person's will.

116 (d) This subsection does not apply to sentencing pursuant
117 to subsection (9), s. 775.0837, s. 775.084, or s. 794.0115.

118 Section 2. Section 921.00215, Florida Statutes, is created
119 to read:

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120 921.00215 Sentencing Commission; recommendations regarding
121 offense severity level rankings for noncapital felonies.-

122 (1) The Legislature, in the exercise of its authority to
123 determine appropriate offense severity level rankings for
124 noncapital felony offenses sentenced under the Criminal
125 Punishment Code, finds that it is in the best interest of the
126 state to create a Sentencing Commission for the purpose of
127 providing advice and recommendations to the Governor, the
128 Supreme Court, and the Legislature regarding the appropriate
129 offense severity level rankings for noncapital felonies.

130 (2) (a) The Sentencing Commission is created exclusively as
131 an advisory body within the Supreme Court.

132 (b) The commission consists of the following 17 members:

133 1. Two members of the Senate, one of whom is a member of
134 the majority party appointed by the President of the Senate and
135 one of whom is a member of the minority party appointed by the
136 Minority Leader of the Senate;

137 2. Two members of the House of Representatives, one of whom
138 is a member of the majority party appointed by the Speaker of
139 the House of Representatives and one of whom is a member of the
140 minority party appointed by the Minority Leader of the House of
141 Representatives;

142 3. The Chief Justice of the Supreme Court, or a member of
143 the Supreme Court designated by the Chief Justice, who shall
144 serve as chair of the commission;

145 4. Five members appointed by the Chief Justice of the
146 Supreme Court, three of whom are circuit court judges, one of
147 whom is a county court judge, and one of whom is a
148 representative of the victim advocacy profession;

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149 5. The Attorney General or his or her designee;

150 6. The Secretary of Corrections or his or her designee; and

151 7. Five members appointed by the Governor, one of whom is a
152 state attorney recommended by the Florida Prosecuting Attorneys
153 Association, one of whom is a public defender recommended by the
154 Public Defenders Association, one of whom is a private attorney
155 recommended by the president of The Florida Bar, and two of whom
156 are representatives of the general public.

157
158 The membership of the commission must reflect the geographic and
159 ethnic diversity of the state.

160 (c) The commission members appointed by the Governor and
161 the legislative appointees serve 2-year terms. The members
162 appointed by the Chief Justice of the Supreme Court serve at his
163 or her pleasure. The terms of the Attorney General or his or her
164 designee, the Secretary of Corrections or his or her designee,
165 and the Chief Justice of the Supreme Court or his or her
166 designee continue as long as the Attorney General, the Secretary
167 of Corrections, and the Chief Justice of the Supreme Court serve
168 in their respective positions.

169 (d) Commission membership does not disqualify a member from
170 holding any other public office or from being employed by a
171 public entity. The Legislature finds and declares that the
172 commission serves a state, county, and municipal purpose and
173 that service on the commission is consistent with a member's
174 principal service in a public office or in public employment.

175 (e) Members of the commission serve without compensation
176 but are entitled to be reimbursed for per diem and travel
177 expenses as provided in s. 112.061.

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178 (f) The Office of the State Courts Administrator shall act
179 as staff for the commission and, except as otherwise provided in
180 paragraph (3)(b), shall provide all necessary data collection,
181 analysis, and research and support services.

182 (3)(a) The commission shall meet annually or at the call of
183 the chair to:

184 1. Review the offense severity level ranking assigned to
185 noncapital felony offenses under s. 921.0022 or s. 921.0023.

186 2. Recommend the inclusion of any noncapital felony
187 offense, including a newly created noncapital felony offense, on
188 the offense severity ranking chart provided in s. 921.0022 and
189 recommend the appropriate offense severity level ranking to
190 assign to each offense that the commission recommends for
191 inclusion.

192 3. Recommend the removal of any noncapital felony offense
193 ranked on the offense severity ranking chart provided in s.
194 921.0022 and rank such noncapital felony offense pursuant to s.
195 921.0023.

196 4. Recommend a revision to the level of any noncapital
197 felony offense ranked on the offense severity ranking chart
198 provided in s. 921.0022 and recommend the appropriate offense
199 severity level ranking to assign to each offense that the
200 commission recommends be revised.

201 (b) Upon the request of the commission, the Department of
202 Corrections shall provide an estimate of the prison bed impact
203 of any change to an offense severity level ranking which the
204 commission is considering and shall provide technical assistance
205 to the commission for the purpose of assisting it in reviewing
206 the offense severity level rankings and in preparing its

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207 recommendations pursuant to paragraph (c).

208 (c) The commission shall make recommendations no later than
209 October 1 of each year to the Governor, the justices of the
210 Supreme Court, the President of the Senate, the Speaker of the
211 House of Representatives, and the chairs of the relevant
212 legislative committees of both houses on appropriate offense
213 severity level rankings for noncapital felonies. The basis for
214 each recommendation must be identified and explained, and each
215 recommendation must include an estimate of the associated prison
216 bed impact.

217 Section 3. Section 921.00241, Florida Statutes, is amended
218 to read:

219 921.00241 Prison diversion program.—

220 (1) Notwithstanding s. 921.0024 and effective for offenses
221 committed on or after July 1, 2009, a court may divert from the
222 state correctional system an offender who would otherwise be
223 sentenced to a state facility by sentencing the offender to a
224 nonstate prison sanction as provided in subsection (4) ~~(2)~~. An
225 offender may be sentenced to a nonstate prison sanction if the
226 offender's primary offense is a felony of the third degree and
227 the offender meets all of the ~~following~~ criteria in subsection
228 (3). ÷

229 (2) Notwithstanding s. 921.0024 and effective for offenses
230 committed on or after October 1, 2017, a court may divert from
231 the state correctional system an offender who would otherwise be
232 sentenced to a state facility by sentencing the offender to a
233 nonstate prison sanction as provided in subsection (4). An
234 offender may be sentenced to a nonstate prison sanction if the
235 offender's primary offense is a felony of the second degree and

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236 the offender meets all of the criteria in subsection (3).

237 (3) The court shall consider the following criteria for a
238 nonstate prison sanction:

239 ~~(a) The offender's primary offense is a felony of the third~~
240 ~~degree.~~

241 (a)~~(b)~~ The offender's total sentence points score, as
242 provided in s. 921.0024, is not more than 48 points, or the
243 offender's total sentence points score is 54 points and 6 of
244 those points are for a violation of probation, community
245 control, or other community supervision, and do not involve a
246 new violation of law.

247 (b)~~(c)~~ The offender has not been convicted or previously
248 convicted of a forcible felony as defined in s. 776.08, but
249 excluding any third degree felony violation under chapter 810.

250 (c)~~(d)~~ The offender's primary offense does not require a
251 minimum mandatory sentence.

252 (4)~~(2)~~ If the court elects to impose a sentence as provided
253 in this section, the court shall sentence the offender to a term
254 of probation, community control, or community supervision with
255 mandatory participation in a prison diversion program of the
256 Department of Corrections if such program is funded and exists
257 in the judicial circuit in which the offender is sentenced. The
258 prison diversion program shall be designed to meet the unique
259 needs of each judicial circuit and of the offender population of
260 that circuit. The program may require residential,
261 nonresidential, or day-reporting requirements; substance abuse
262 treatment; employment; restitution; academic or vocational
263 opportunities; or community service work.

264 (5)~~(3)~~ The court that sentences a defendant to a nonstate

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265 prison sanction pursuant to subsection (4) ~~(2)~~ shall make
266 written findings that the defendant meets the criteria in
267 subsection (1) or subsection (2); and the sentencing order must
268 indicate that the offender was sentenced to the prison diversion
269 program pursuant to subsection (4) ~~(2)~~. The court may order the
270 offender to pay all or a portion of the costs related to the
271 prison diversion program if the court determines that the
272 offender has the ability to pay.

273 Section 4. Section 921.0026, Florida Statutes, is amended
274 to read:

275 921.0026 Mitigating circumstances.—This section applies to
276 any felony offense, except any capital felony, committed on or
277 after October 1, 1998.

278 (1) A downward departure from the lowest permissible
279 sentence, as calculated according to the total sentence points
280 pursuant to s. 921.0024, is prohibited unless there are
281 circumstances or factors that reasonably justify the downward
282 departure. Mitigating factors to be considered include, but are
283 not limited to, those listed in subsection (2). The imposition
284 of a sentence below the lowest permissible sentence is subject
285 to appellate review under chapter 924, but the extent of
286 downward departure is not subject to appellate review.

287 (2) Mitigating circumstances under which a departure from
288 the lowest permissible sentence is reasonably justified include,
289 but are not limited to:

290 (a) The departure results from a legitimate, uncoerced plea
291 bargain.

292 (b) The defendant was an accomplice to the offense and was
293 a relatively minor participant in the criminal conduct.

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294 (c) The capacity of the defendant to appreciate the
295 criminal nature of the conduct or to conform that conduct to the
296 requirements of law was substantially impaired.

297 (d) For an offense committed on or after October 1, 1998,
298 but before October 1, 2017, the defendant requires specialized
299 treatment for a mental disorder that is unrelated to substance
300 abuse or addiction or for a physical disability, and the
301 defendant is amenable to treatment.

302 (e) For an offense committed on or after October 1, 2017,
303 the defendant requires specialized treatment for an addiction, a
304 mental disorder, or a physical disability, and the defendant is
305 amenable to treatment.

306 (f)~~(e)~~ The need for payment of restitution to the victim
307 outweighs the need for a prison sentence.

308 (g)~~(f)~~ The victim was an initiator, willing participant,
309 aggressor, or provoker of the incident.

310 (h)~~(g)~~ The defendant acted under extreme duress or under
311 the domination of another person.

312 (i)~~(h)~~ Before the identity of the defendant was determined,
313 the victim was substantially compensated.

314 (j)~~(i)~~ The defendant cooperated with the state to resolve
315 the current offense or any other offense.

316 (k)~~(j)~~ The offense was committed in an unsophisticated
317 manner and was an isolated incident for which the defendant has
318 shown remorse.

319 (l)~~(k)~~ At the time of the offense the defendant was too
320 young to appreciate the consequences of the offense.

321 (m)~~(l)~~ The defendant is to be sentenced as a youthful
322 offender.

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323 (n)~~(m)~~ For an offense committed on or after October 1,
324 1998, but before October 1, 2017, the defendant's offense is a
325 nonviolent felony, the defendant's Criminal Punishment Code
326 scoresheet total sentence points under s. 921.0024 are 60 points
327 or fewer, and the court determines that the defendant is
328 amenable to the services of a postadjudicatory treatment-based
329 drug court program and is otherwise qualified to participate in
330 the program as part of the sentence. Except as provided in this
331 paragraph, the defendant's substance abuse or addiction,
332 including intoxication at the time of the offense, is not a
333 mitigating factor for an offense committed on or after October
334 1, 1998, but before October 1, 2017, and does not, under any
335 circumstance, justify a downward departure from the permissible
336 sentencing range ~~For purposes of this paragraph, the term~~
337 ~~"nonviolent felony" has the same meaning as provided in s.~~
338 ~~948.08(6).~~

339 (o) For an offense committed on or after October 1, 2017,
340 the defendant's offense is a nonviolent felony, and the
341 defendant's Criminal Punishment Code scoresheet total sentence
342 points under s. 921.0024 are 60 points or fewer.

343 (p)~~(n)~~ The defendant was making a good faith effort to
344 obtain or provide medical assistance for an individual
345 experiencing a drug-related overdose.

346 (3) As used in subsection (2), the term "nonviolent felony"
347 has the same meaning as provided in s. 948.08 ~~Except as provided~~
348 ~~in paragraph (2) (m), the defendant's substance abuse or~~
349 ~~addiction, including intoxication at the time of the offense, is~~
350 ~~not a mitigating factor under subsection (2) and does not, under~~
351 ~~any circumstances, justify a downward departure from the~~

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352 ~~permissible sentencing range.~~

353 Section 5. Subsection (7) of section 948.01, Florida
354 Statutes, is amended to read:

355 948.01 When court may place defendant on probation or into
356 community control.—

357 (7) (a) Notwithstanding s. 921.0024 and effective for
358 offenses committed on or after July 1, 2009, the sentencing
359 court may place the defendant into a postadjudicatory treatment-
360 based drug court program if the defendant's Criminal Punishment
361 Code scoresheet total sentence points under s. 921.0024 are 60
362 points or fewer, the offense is a nonviolent felony, the
363 defendant is amenable to substance abuse treatment, and the
364 defendant otherwise qualifies under s. 397.334(3). The
365 satisfactory completion of the program shall be a condition of
366 the defendant's probation or community control. ~~As used in this~~
367 ~~subsection, the term "nonviolent felony" means a third degree~~
368 ~~felony violation under chapter 810 or any other felony offense~~
369 ~~that is not a forcible felony as defined in s. 776.08.~~

370 (b) Notwithstanding s. 921.0024 and effective for offenses
371 committed on or after October 1, 2017, the sentencing court must
372 place the defendant into a postadjudicatory treatment-based drug
373 court program, into residential drug treatment, or on drug
374 offender probation if the defendant's Criminal Punishment Code
375 scoresheet total sentence points under s. 921.0024 are 60 points
376 or fewer, the offense is a nonviolent felony, the defendant is
377 amenable to substance abuse treatment, the defendant's criminal
378 behavior is related to substance abuse or addiction, and the
379 defendant otherwise qualifies under s. 397.334(3). The
380 satisfactory completion of the program must be a condition of

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381 the defendant's probation or community control.

382 (c) ~~(b)~~ In order to be placed in a postadjudicatory
383 treatment-based drug court program under paragraph (a) or
384 paragraph (b), the defendant must be fully advised of the
385 purpose of the program, and the defendant must agree to enter
386 the program. The original sentencing court shall relinquish
387 jurisdiction of the defendant's case to the postadjudicatory
388 drug court program until the defendant is no longer active in
389 the program, the case is returned to the sentencing court due to
390 the defendant's termination from the program for failure to
391 comply with the terms thereof, or the defendant's sentence is
392 completed.

393 (d) As used in this subsection, the term "nonviolent
394 felony" means a third degree felony violation under chapter 810
395 or any other felony offense that is not a forcible felony as
396 defined in s. 776.08.

397 Section 6. For the purpose of incorporating the amendment
398 made by this act to section 921.0026, Florida Statutes, in
399 references thereto, paragraphs (b) and (c) of subsection (1) of
400 section 775.08435, Florida Statutes, are reenacted to read:

401 775.08435 Prohibition on withholding adjudication in felony
402 cases.—

403 (1) Notwithstanding the provisions of s. 948.01, the court
404 may not withhold adjudication of guilt upon the defendant for:

405 (b) A second degree felony offense unless:

406 1. The state attorney requests in writing that adjudication
407 be withheld; or

408 2. The court makes written findings that the withholding of
409 adjudication is reasonably justified based on circumstances or

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410 factors in accordance with those set forth in s. 921.0026.

411
412 Notwithstanding any provision of this section, no adjudication
413 of guilt shall be withheld for a second degree felony offense if
414 the defendant has a prior withholding of adjudication for a
415 felony that did not arise from the same transaction as the
416 current felony offense.

417 (c) A third degree felony offense if the defendant has a
418 prior withholding of adjudication for a felony offense that did
419 not arise from the same transaction as the current felony
420 offense unless:

421 1. The state attorney requests in writing that adjudication
422 be withheld; or

423 2. The court makes written findings that the withholding of
424 adjudication is reasonably justified based on circumstances or
425 factors in accordance with those set forth in s. 921.0026.

426
427 Notwithstanding any provision of this section, no adjudication
428 of guilt shall be withheld for a third degree felony offense if
429 the defendant has two or more prior withholdings of adjudication
430 for a felony that did not arise from the same transaction as the
431 current felony offense.

432 Section 7. For the purpose of incorporating the amendment
433 made by this act to section 921.0026, Florida Statutes, in a
434 reference thereto, subsection (3) of section 921.002, Florida
435 Statutes, is reenacted to read:

436 921.002 The Criminal Punishment Code.—The Criminal
437 Punishment Code shall apply to all felony offenses, except
438 capital felonies, committed on or after October 1, 1998.

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439 (3) A court may impose a departure below the lowest
440 permissible sentence based upon circumstances or factors that
441 reasonably justify the mitigation of the sentence in accordance
442 with s. 921.0026. The level of proof necessary to establish
443 facts supporting the mitigation of a sentence is a preponderance
444 of the evidence. When multiple reasons exist to support the
445 mitigation, the mitigation shall be upheld when at least one
446 circumstance or factor justifies the mitigation regardless of
447 the presence of other circumstances or factors found not to
448 justify mitigation. Any sentence imposed below the lowest
449 permissible sentence must be explained in writing by the trial
450 court judge.

451 Section 8. For the purpose of incorporating the amendment
452 made by this act to section 921.0026, Florida Statutes, in a
453 reference thereto, subsection (1) of section 921.00265, Florida
454 Statutes, is reenacted to read:

455 921.00265 Recommended sentences; departure sentences;
456 mandatory minimum sentences.—This section applies to any felony
457 offense, except any capital felony, committed on or after
458 October 1, 1998.

459 (1) The lowest permissible sentence provided by
460 calculations from the total sentence points pursuant to s.
461 921.0024(2) is assumed to be the lowest appropriate sentence for
462 the offender being sentenced. A departure sentence is prohibited
463 unless there are mitigating circumstances or factors present as
464 provided in s. 921.0026 which reasonably justify a departure.

465 Section 9. For the purpose of incorporating the amendment
466 made by this act to section 948.01, Florida Statutes, in
467 references thereto, subsection (2) and paragraph (a) of

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468 subsection (4) of section 394.47892, Florida Statutes, are
469 reenacted to read:

470 394.47892 Mental health court programs.—

471 (2) Mental health court programs may include pretrial
472 intervention programs as provided in ss. 948.08, 948.16, and
473 985.345, postadjudicatory mental health court programs as
474 provided in ss. 948.01 and 948.06, and review of the status of
475 compliance or noncompliance of sentenced defendants through a
476 mental health court program.

477 (4) (a) Entry into a postadjudicatory mental health court
478 program as a condition of probation or community control
479 pursuant to s. 948.01 or s. 948.06 must be based upon the
480 sentencing court's assessment of the defendant's criminal
481 history, mental health screening outcome, amenability to the
482 services of the program, and total sentence points; the
483 recommendation of the state attorney and the victim, if any; and
484 the defendant's agreement to enter the program.

485 Section 10. For the purpose of incorporating the amendment
486 made by this act to section 948.01, Florida Statutes, in
487 references thereto, paragraph (a) of subsection (3) and
488 subsection (5) of section 397.334, Florida Statutes, are
489 reenacted to read:

490 397.334 Treatment-based drug court programs.—

491 (3) (a) Entry into any postadjudicatory treatment-based drug
492 court program as a condition of probation or community control
493 pursuant to s. 948.01, s. 948.06, or s. 948.20 must be based
494 upon the sentencing court's assessment of the defendant's
495 criminal history, substance abuse screening outcome, amenability
496 to the services of the program, total sentence points, the

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497 recommendation of the state attorney and the victim, if any, and
498 the defendant's agreement to enter the program.

499 (5) Treatment-based drug court programs may include
500 pretrial intervention programs as provided in ss. 948.08,
501 948.16, and 985.345, treatment-based drug court programs
502 authorized in chapter 39, postadjudicatory programs as provided
503 in ss. 948.01, 948.06, and 948.20, and review of the status of
504 compliance or noncompliance of sentenced offenders through a
505 treatment-based drug court program. While enrolled in a
506 treatment-based drug court program, the participant is subject
507 to a coordinated strategy developed by a drug court team under
508 subsection (4). The coordinated strategy may include a protocol
509 of sanctions that may be imposed upon the participant for
510 noncompliance with program rules. The protocol of sanctions may
511 include, but is not limited to, placement in a substance abuse
512 treatment program offered by a licensed service provider as
513 defined in s. 397.311 or in a jail-based treatment program or
514 serving a period of secure detention under chapter 985 if a
515 child or a period of incarceration within the time limits
516 established for contempt of court if an adult. The coordinated
517 strategy must be provided in writing to the participant before
518 the participant agrees to enter into a treatment-based drug
519 court program.

520 Section 11. For the purpose of incorporating the amendment
521 made by this act to section 948.01, Florida Statutes, in a
522 reference thereto, paragraph (a) of subsection (5) of section
523 910.035, Florida Statutes, is reenacted to read:

524 910.035 Transfer from county for plea, sentence, or
525 participation in a problem-solving court.-

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526 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.-

527 (a) For purposes of this subsection, the term "problem-
528 solving court" means a drug court pursuant to s. 948.01, s.
529 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'
530 and servicemembers' court pursuant to s. 394.47891, s. 948.08,
531 s. 948.16, or s. 948.21; a mental health court program pursuant
532 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;
533 or a delinquency pretrial intervention court program pursuant to
534 s. 985.345.

535 Section 12. For the purpose of incorporating the amendment
536 made by this act to section 948.01, Florida Statutes, in a
537 reference thereto, paragraph (c) of subsection (1) of section
538 921.187, Florida Statutes, is reenacted to read:

539 921.187 Disposition and sentencing; alternatives;
540 restitution.-

541 (1) The alternatives provided in this section for the
542 disposition of criminal cases shall be used in a manner that
543 will best serve the needs of society, punish criminal offenders,
544 and provide the opportunity for rehabilitation. If the offender
545 does not receive a state prison sentence, the court may:

546 (c) Place the offender on probation with or without an
547 adjudication of guilt pursuant to s. 948.01.

548 Section 13. For the purpose of incorporating the amendment
549 made by this act to section 948.01, Florida Statutes, in a
550 reference thereto, section 943.04352, Florida Statutes, is
551 reenacted to read:

552 943.04352 Search of registration information regarding
553 sexual predators and sexual offenders required when placement on
554 misdemeanor probation.-When the court places a defendant on

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555 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
556 public or private entity providing probation services must
557 conduct a search of the probationer's name or other identifying
558 information against the registration information regarding
559 sexual predators and sexual offenders maintained by the
560 Department of Law Enforcement under s. 943.043. The probation
561 services provider may conduct the search using the Internet site
562 maintained by the Department of Law Enforcement. Also, a
563 national search must be conducted through the Dru Sjodin
564 National Sex Offender Public Website maintained by the United
565 States Department of Justice.

566 Section 14. This act shall take effect October 1, 2017.