

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
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
 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 to
 70 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
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;

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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:

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
 138 | whom is a member of the majority party appointed by the Speaker
 139 | of the House of Representatives and one of whom is a member of
 140 | the minority party appointed by the Minority Leader of the House
 141 | of 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;

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

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

151 and

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

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

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

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

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

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

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

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

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

193 3. Recommend the removal of any noncapital felony offense
194 ranked on the offense severity ranking chart provided in s.
195 921.0022 and rank such noncapital felony offense pursuant to s.
196 921.0023.

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

201 commission recommends be revised.

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

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

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

220 921.00241 Prison diversion program.—

221 (1) Notwithstanding s. 921.0024 and effective for offenses
222 committed on or after July 1, 2009, a court may divert from the
223 state correctional system an offender who would otherwise be
224 sentenced to a state facility by sentencing the offender to a
225 nonstate prison sanction as provided in subsection (4) ~~(2)~~. An

226 offender may be sentenced to a nonstate prison sanction if the
 227 offender's primary offense is a felony of the third degree and
 228 the offender meets all of the ~~following~~ criteria in subsection
 229 (3). ÷

230 (2) Notwithstanding s. 921.0024 and effective for offenses
 231 committed on or after October 1, 2017, a court may divert from
 232 the state correctional system an offender who would otherwise be
 233 sentenced to a state facility by sentencing the offender to a
 234 nonstate prison sanction as provided in subsection (4). An
 235 offender may be sentenced to a nonstate prison sanction if the
 236 offender's primary offense is a felony of the second degree and
 237 the offender meets all of the criteria in subsection (3).

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

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

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

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

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

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

265 (5)~~(3)~~ The court that sentences a defendant to a nonstate
266 prison sanction pursuant to subsection (4) ~~(2)~~ shall make
267 written findings that the defendant meets the criteria in
268 subsection (1) or subsection (2); and the sentencing order must
269 indicate that the offender was sentenced to the prison diversion
270 program pursuant to subsection (4) ~~(2)~~. The court may order the
271 offender to pay all or a portion of the costs related to the
272 prison diversion program if the court determines that the
273 offender has the ability to pay.

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

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

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

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

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

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

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

298 (d) For an offense committed on or after October 1, 1998,
299 but before October 1, 2017, the defendant requires specialized
300 treatment for a mental disorder that is unrelated to substance

301 abuse or addiction or for a physical disability, and the
302 defendant is amenable to treatment.

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

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

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

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

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

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

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

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

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

324 (n)~~(m)~~ For an offense committed on or after October 1,
325 1998, but before October 1, 2017, the defendant's offense is a

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326 nonviolent felony, the defendant's Criminal Punishment Code
327 scoresheet total sentence points under s. 921.0024 are 60 points
328 or fewer, and the court determines that the defendant is
329 amenable to the services of a postadjudicatory treatment-based
330 drug court program and is otherwise qualified to participate in
331 the program as part of the sentence. Except as provided in this
332 paragraph, the defendant's substance abuse or addiction,
333 including intoxication at the time of the offense, is not a
334 mitigating factor for an offense committed on or after October
335 1, 1998, but before October 1, 2017, and does not, under any
336 circumstance, justify a downward departure from the permissible
337 sentencing range ~~For purposes of this paragraph, the term~~
338 ~~"nonviolent felony" has the same meaning as provided in s.~~
339 ~~948.08(6).~~

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

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

347 (3) As used in subsection (2), the term "nonviolent
348 felony" has the same meaning as provided in s. 948.08 ~~Except as~~
349 ~~provided in paragraph (2) (m), the defendant's substance abuse or~~
350 ~~addiction, including intoxication at the time of the offense, is~~

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351 ~~not a mitigating factor under subsection (2) and does not, under~~
352 ~~any circumstances, justify a downward departure from the~~
353 ~~permissible sentencing range.~~

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

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

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

371 (b) Notwithstanding s. 921.0024 and effective for offenses
372 committed on or after October 1, 2017, the sentencing court must
373 place the defendant into a postadjudicatory treatment-based drug
374 court program, into residential drug treatment, or on drug
375 offender probation if the defendant's Criminal Punishment Code

376 scoresheet total sentence points under s. 921.0024 are 60 points
377 or fewer, the offense is a nonviolent felony, the defendant is
378 amenable to substance abuse treatment, the defendant's criminal
379 behavior is related to substance abuse or addiction, and the
380 defendant otherwise qualifies under s. 397.334(3). The
381 satisfactory completion of the program must be a condition of
382 the defendant's probation or community control.

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

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

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

401 section 775.08435, Florida Statutes, are reenacted to read:

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

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

406 (b) A second degree felony offense unless:

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

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

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

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

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

424 2. The court makes written findings that the withholding
 425 of adjudication is reasonably justified based on circumstances

426 or factors in accordance with those set forth in s. 921.0026.

427

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

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

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

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

451 court judge.

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

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

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

466 Section 9. For the purpose of incorporating the amendment
467 made by this act to section 948.01, Florida Statutes, in
468 references thereto, subsection (2) and paragraph (a) of
469 subsection (4) of section 394.47892, Florida Statutes, are
470 reenacted to read:

471 394.47892 Mental health court programs.—

472 (2) Mental health court programs may include pretrial
473 intervention programs as provided in ss. 948.08, 948.16, and
474 985.345, postadjudicatory mental health court programs as
475 provided in ss. 948.01 and 948.06, and review of the status of

476 compliance or noncompliance of sentenced defendants through a
477 mental health court program.

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

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

491 397.334 Treatment-based drug court programs.—

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

500 (5) Treatment-based drug court programs may include

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

521 Section 11. For the purpose of incorporating the amendment
522 made by this act to section 948.01, Florida Statutes, in a
523 reference thereto, paragraph (a) of subsection (5) of section
524 910.035, Florida Statutes, is reenacted to read:

525 910.035 Transfer from county for plea, sentence, or

526 participation in a problem-solving court.—

527 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING
528 COURT.—

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

537 Section 12. For the purpose of incorporating the amendment
538 made by this act to section 948.01, Florida Statutes, in a
539 reference thereto, paragraph (c) of subsection (1) of section
540 921.187, Florida Statutes, is reenacted to read:

541 921.187 Disposition and sentencing; alternatives;
542 restitution.—

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

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

550 Section 13. For the purpose of incorporating the amendment

551 made by this act to section 948.01, Florida Statutes, in a
552 reference thereto, section 943.04352, Florida Statutes, is
553 reenacted to read:

554 943.04352 Search of registration information regarding
555 sexual predators and sexual offenders required when placement on
556 misdemeanor probation.—When the court places a defendant on
557 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
558 public or private entity providing probation services must
559 conduct a search of the probationer's name or other identifying
560 information against the registration information regarding
561 sexual predators and sexual offenders maintained by the
562 Department of Law Enforcement under s. 943.043. The probation
563 services provider may conduct the search using the Internet site
564 maintained by the Department of Law Enforcement. Also, a
565 national search must be conducted through the Dru Sjodin
566 National Sex Offender Public Website maintained by the United
567 States Department of Justice.

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