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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to public safety; amending s. 14.32, F.S.; creating the council within the Office of Chief Inspector General; specifying the purpose of the council; requiring the Office of Chief Inspector General to provide administrative support to the council; specifying the composition of the council; providing terms of office and requirements regarding the council's membership; prescribing the duties and responsibilities of the council; prohibiting the council from interfering with the operations of the Department of Corrections or the Department of Juvenile Justice; authorizing the council to appoint an executive director; authorizing reimbursement for per diem and travel expenses for members of the council; establishing certain restrictions applicable to members of the council and council staff; providing an appropriation; amending s. 23.1225, F.S.; authorizing a mutual aid agreement in the event of a declared state of emergency for certain law enforcement purposes; amending s. 30.15, F.S.; making sheriffs responsible for providing security for trial court facilities in their respective counties; requiring a sheriff to coordinate with the chief judge of the judicial circuit on trial court facility security matters; providing that certain provisions do not affect or erode the authority of the counties



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28           under s. 14, Article V of the State Constitution or s.  
29           29.08, F.S., to provide and fund the security of  
30           facilities; deeming sheriffs and their deputies,  
31           employees, and contractors officers of the court when  
32           providing security; granting the chief judge of the  
33           judicial circuit authority to protect due process  
34           rights in certain circumstances; amending s. 57.105,  
35           F.S.; limiting attorney fee awards in civil  
36           proceedings in certain circumstances; creating s.  
37           322.75, F.S.; requiring each judicial circuit to  
38           establish a Driver License Reinstatement Days program  
39           for reinstating suspended driver licenses in certain  
40           circumstances; providing duties of the clerks of court  
41           and the Department of Highway Safety and Motor  
42           Vehicles; authorizing the clerk of court to compromise  
43           on certain fees and costs; providing for program  
44           eligibility; amending s. 784.046, F.S.; prohibiting  
45           attorney fee awards in certain proceedings; amending  
46           s. 784.0485, F.S.; prohibiting attorney fee awards in  
47           certain proceedings; amending s. 893.135, F.S.;  
48           authorizing a court to impose a sentence other than a  
49           mandatory minimum term of imprisonment and mandatory  
50           fine for a person convicted of trafficking if the  
51           court makes certain findings on the record; creating  
52           s. 900.05, F.S.; providing legislative intent;  
53           providing definitions; requiring specified entities to  
54           collect specific data monthly beginning on a certain  
55           date; requiring specified entities to transmit certain  
56           collected data to the Department of Law Enforcement



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57           quarterly; requiring the Department of Law Enforcement  
58           to compile, maintain, and make publicly accessible  
59           such data beginning on a certain date; creating a  
60           pilot project in a specified judicial circuit to  
61           improve criminal justice data transparency and ensure  
62           data submitted under s. 900.05, F.S., is accurate,  
63           valid, reliable, and structured; authorizing certain  
64           persons to enter into a memorandum of understanding  
65           with a national, nonpartisan, not-for-profit entity  
66           meeting certain criteria for the purpose of embedding  
67           a data fellow in the office or agency; establishing  
68           data fellow duties and responsibilities; providing for  
69           the expiration of the pilot project; providing an  
70           appropriation; creating s. 907.042, F.S.; authorizing  
71           each county to create a supervised bond release  
72           program; providing legislative findings; providing a  
73           supervised bond program must be created with the  
74           concurrence of the chief judge, county's chief  
75           correctional officer, state attorney, and public  
76           defender; providing an exception to a county that has  
77           already established and implemented a supervised bond  
78           program that utilizes a risk assessment instrument;  
79           providing specified program components; providing  
80           guidelines for the risk assessment instrument;  
81           authorizing the county to contract with the Department  
82           of Corrections to develop or modify a risk assessment  
83           instrument if such instrument meets certain  
84           requirements; authorizing a county to develop or use  
85           an existing risk assessment instrument if validated by



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86 the department and such instrument meets certain  
87 requirements; authorizing a county to contract with  
88 another county for the use of a risk assessment  
89 instrument if validated and such instrument meets  
90 certain requirements; authorizing the county to  
91 contract with an independent entity for use of a risk  
92 assessment instrument if validated and such instrument  
93 meets certain requirements; specifying requirements  
94 for the use, implementation, and distribution of the  
95 risk assessment instrument; requiring each county that  
96 establishes a supervised bond program to submit a  
97 report annually by a certain date to the Office of  
98 Program Policy Analysis and Government Accountability  
99 (OPPAGA); requiring OPPAGA to compile the reports and  
100 include such information in a report sent to the  
101 Governor, President of the Senate, and Speaker of the  
102 House of Representatives in accordance with s.  
103 907.044, F.S.; creating s. 907.0421, F.S.; providing  
104 legislative findings; requiring the Department of  
105 Corrections to develop a risk assessment instrument;  
106 authorizing the department to use or modify an  
107 existing risk assessment instrument; requiring the  
108 department to develop or modify the risk assessment  
109 instrument by a certain date; specifying requirements  
110 for the use, implementation, and distribution of the  
111 risk assessment instrument; creating the Risk  
112 Assessment Pilot Program for a specified period;  
113 specifying the participating counties; requiring each  
114 participating county's chief correctional officer to



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115 contract with the department to administer the risk  
116 assessment instrument; requiring all counties to  
117 administer the risk assessment instrument to all  
118 persons arrested for a felony; requiring each  
119 participating county to submit a report annually by a  
120 certain date to the department with specified  
121 information; requiring the department to compile the  
122 information of the findings from the participating  
123 counties and submit an annual report by a certain date  
124 to the Governor and the Legislature; authorizing the  
125 department, in consultation with specified persons, to  
126 adopt rules; amending s. 907.043, F.S.; requiring each  
127 pretrial release program to include in its annual  
128 report the types of criminal charges of defendants  
129 accepted into a pretrial release program, the number  
130 of defendants accepted into a pretrial release program  
131 who paid a bail or bond, the number of defendants  
132 accepted into a pretrial release program with no prior  
133 criminal conviction, and the number of defendants for  
134 whom a pretrial risk assessment tool was used or was  
135 not used; creating a pilot project in a specified  
136 judicial circuit to improve criminal justice data  
137 transparency and ensure data submitted under s.  
138 900.05, F.S., is accurate, valid, reliable, and  
139 structured; authorizing certain persons to enter into  
140 a memorandum of understanding with a national,  
141 nonpartisan, not-for-profit entity meeting certain  
142 criteria for the purpose of embedding a data fellow in  
143 the office or agency; establishing data fellow duties



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144 and responsibilities; providing for the expiration of  
145 the pilot project; providing an appropriation;  
146 amending s. 921.0024, F.S.; requiring scoresheets  
147 prepared for all criminal defendants to be digitized;  
148 requiring the Department of Corrections to develop and  
149 submit revised digitized scoresheets to the Supreme  
150 Court for approval; requiring digitized scoresheets to  
151 include individual data cells for each field on the  
152 scoresheet; requiring the clerk of court to  
153 electronically transmit the digitized scoresheet used  
154 in each sentencing proceeding to the Department of  
155 Corrections; amending s. 932.7061, F.S.; revising the  
156 deadline for submitting an annual report by law  
157 enforcement agencies concerning property seized or  
158 forfeited under the Florida Contraband Forfeiture Act;  
159 creating s. 943.687, F.S.; requiring the Department of  
160 Law Enforcement to collect, compile, maintain, and  
161 manage data collected pursuant to s. 900.05, F.S.;  
162 requiring the Department of Law Enforcement to make  
163 data comparable, transferable, and readily usable;  
164 requiring the department to create a unique identifier  
165 for each criminal case received from the clerks of  
166 court; requiring the department to create and maintain  
167 a certain Internet-based database; providing  
168 requirements for data searchability and sharing;  
169 requiring the department to establish certain rules;  
170 requiring the department to monitor data collection  
171 procedures and test data quality; providing for data  
172 archiving, editing, retrieval, and verification;



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173 amending s. 944.704, F.S.; requiring transition  
174 assistance staff to include information about job  
175 assignment credentialing and industry certification in  
176 job placement information given to an inmate; amending  
177 s. 944.705, F.S.; requiring the Department of  
178 Corrections to provide a comprehensive community  
179 reentry resource directory to each inmate prior to  
180 release; requiring the department to allow nonprofit  
181 faith-based, business and professional, civic, and  
182 community organizations to apply to be registered to  
183 provide inmate reentry services; requiring the  
184 department to adopt policies for screening, approving,  
185 and registering organizations that apply; authorizing  
186 the department to contract with public or private  
187 educational institutions to assist veteran inmates in  
188 applying for certain benefits; amending s. 944.801,  
189 F.S.; requiring the department to develop a Prison  
190 Entrepreneurship Program and adopt procedures for  
191 student inmate admission; specifying requirements for  
192 the program; requiring the department to enter into  
193 agreements with certain entities to carry out duties  
194 associated with the program; authorizing the  
195 department to contract with certain entities to  
196 provide education services for the Correctional  
197 Education Program; creating s. 944.805, F.S.; creating  
198 definitions relating to a certificate of achievement  
199 and employability; creating s. 944.8055, F.S.;  
200 establishing eligibility requirements; establishing a  
201 timeframe for an eligible inmate to apply for a



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202 certificate; establishing eligibility requirements for  
203 an inmate under probation or post-control sanction;  
204 establishing a timeframe for an eligible inmate under  
205 probation or post-control sanction to apply for a  
206 certificate; requiring the department to notify a  
207 licensing agency upon the filing of an application and  
208 provide the opportunity to object to issuing a  
209 certificate; authorizing the department to issue a  
210 certificate; excluding mandatory civil impacts for  
211 which a certificate will not provide relief; requiring  
212 the department to adopt rules; creating s. 944.806,  
213 F.S.; providing a certificate of achievement and  
214 employability shall convert a mandatory civil impact  
215 into a discretionary civil impact for purposes of  
216 determining licensure or certification; providing a  
217 certificate shall convert a mandatory civil impact  
218 into a discretionary civil impact for purposes of  
219 determining licensure or certification for an employer  
220 who has hired a certificate holder; creating s.  
221 944.8065, F.S.; requiring the department to adopt  
222 rules governing revocation of a certificate of  
223 achievement and employability; creating s. 945.041,  
224 F.S.; requiring the Department of Corrections to  
225 publish quarterly on its website inmate admissions  
226 based on offense type and the recidivism rate and rate  
227 of probation revocation within a specified period  
228 after release from incarceration; amending s. 947.005,  
229 F.S.; defining the terms "electronic monitoring  
230 device" and "conditional medical release"; amending s.





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231 947.149, F.S.; defining the terms "inmate with a  
232 debilitating illness" and "medically frail inmate";  
233 amending the definition of "terminally ill inmate";  
234 expanding eligibility for conditional medical release  
235 to include inmates with debilitating illnesses;  
236 entitling the current conditional medical release  
237 process as "permissive conditional medical release";  
238 requiring the Department of Corrections to refer  
239 eligible inmates; authorizing the Florida Commission  
240 on Offender Review to release eligible inmates;  
241 creating mandatory conditional medical release;  
242 specifying eligibility criteria for mandatory  
243 conditional medical release; requiring the department  
244 to refer an eligible inmate to the commission;  
245 requiring that certain inmates whose eligibility is  
246 verified by the commission be placed on conditional  
247 medical release; requiring the commission to review  
248 the information and verify an inmate's eligibility  
249 within a certain timeframe; requiring that the  
250 department's referral for release include certain  
251 information; requiring that release consider specified  
252 factors related to placement upon release; authorizing  
253 electronic monitoring for an inmate on conditional  
254 medical release; amending s. 948.001, F.S.; revising a  
255 definition; amending s. 948.013, F.S.; authorizing the  
256 Department of Corrections to transfer an offender to  
257 administrative probation in certain circumstances;  
258 amending s. 948.03, F.S.; requiring the Department of  
259 Corrections to include conditions of probation in the



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260 Florida Crime Information Center database; amending s.  
261 948.06, F.S.; requiring each judicial circuit to  
262 establish an alternative sanctioning program; defining  
263 low- and moderate-risk level technical violations of  
264 probation; establishing permissible sanctions for low-  
265 and moderate-risk violations of probation under the  
266 program; establishing eligibility criteria;  
267 authorizing a probationer who allegedly committed a  
268 technical violation to waive participation in or elect  
269 to participate in the program, admit to the violation,  
270 agree to comply with the recommended sanction, and  
271 agree to waive certain rights; requiring a probation  
272 officer to submit the recommended sanction and certain  
273 documentation to the court if the probationer admits  
274 to committing the violation; authorizing the court to  
275 impose the recommended sanction or direct the  
276 department to submit a violation report, affidavit,  
277 and warrant to the court; specifying that a  
278 probationer's participation in the program is  
279 voluntary; authorizing a probation officer to submit a  
280 violation report, affidavit, and warrant to the court  
281 in certain circumstances; creating s. 948.081, F.S.;  
282 authorizing the establishment of community court  
283 programs; detailing program criteria; reenacting s.  
284 932.7062, F.S., relating to a penalty for  
285 noncompliance with reporting requirements, to  
286 incorporate the amendment made to s. 932.7061, F.S.,  
287 in a reference thereto; reenacting ss. 447.203(3),  
288 F.S., and 944.026(3), F.S., relating to definitions



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289 and community-based facilities, to incorporate the  
290 amendment made to s. 944.801, F.S., in references  
291 thereto; reenacting ss. 316.1935(6), 775.084(4)(k),  
292 775.087(2)(b) and(3)(b), 784.07(3), 790.235(1),  
293 794.0115(7), 893.135(1)(b), (c), and (g) and (3),  
294 921.0024(2), 944.605(7)(b), 944.70(1)(b),  
295 947.13(1)(h), and 947.141(1), (2), and (7), F.S., all  
296 relating to authorized conditional medical release  
297 granted under s. 947.149, F.S., to incorporate the  
298 amendment made to s. 947.149, F.S., in references  
299 thereto; providing an effective date.

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

Section 1. Subsection (6) is added to section 14.32,  
Florida Statutes, to read:

14.32 Office of Chief Inspector General.—

(6) The Florida Correctional Operations Oversight Council,  
a council as defined in s. 20.03, is created within the Office  
of Chief Inspector General. The council is created for the  
purpose of overseeing matters relating to the corrections and  
juvenile justice continuum with an emphasis on the safe and  
effective operations of major institutions and facilities under  
the purview of the Department of Corrections and the Department  
of Juvenile Justice. However, in instances in which the policies  
of other components of the criminal justice system affect  
corrections or the juvenile justice continuum, the council shall  
advise and make recommendations. The Office of Chief Inspector  
General shall provide administrative support to the council. The



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318 council is not subject to control, supervision, or direction by  
319 the Chief Inspector General in the performance of its duties,  
320 but is governed by the classification plan and salary and  
321 benefits plan approved by the Executive Office of the Governor.

322 (a) The council is composed of the following members:

323 1. Three members appointed by the Governor.

324 2. Three members appointed by the President of the Senate.

325 3. Three members appointed by the Speaker of the House of  
326 Representatives.

327  
328 The initial members of the council shall be appointed by January

329 1, 2019. Members of the council shall be appointed for terms of

330 4 years. However, to achieve staggered terms, one appointee of

331 each of the appointing authorities shall be appointed for an

332 initial 2-year term. Members must be appointed in a manner that  
333 ensures equitable representation of different geographic regions  
334 of the state, and members must be residents of this state.

335 Members of the council must act on behalf of the state as a

336 whole and may not subordinate the needs of the state to those of

337 a particular region. The council's membership should, to the

338 greatest extent possible, include persons with a background in

339 prison operations, county detention facility management, or the

340 juvenile justice continuum of services.

341 (b) The council's primary duties and responsibilities  
342 include:

343 1. Evaluating, investigating, and overseeing the daily  
344 operations of correctional and juvenile facilities.

345 2. Conducting announced and unannounced inspections of  
346 correctional and juvenile facilities, including facilities



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347 operated by private contractors. Members of the council may  
348 enter any facility where prisoners, residents, or juveniles are  
349 kept. Members shall be immediately admitted to such places as  
350 they request and may consult and confer with any prisoner,  
351 resident, or juvenile privately with adequate security in place.

352 3. Identifying and monitoring high-risk and problematic  
353 correctional or juvenile facilities, and reporting findings and  
354 recommendations relating to such facilities.

355 4. Providing technical assistance when appropriate.

356 5. Submitting an annual report to the Governor, the  
357 President of the Senate, and the Speaker of the House of  
358 Representatives by each November 1, beginning in 2019. The  
359 report must include statutory, budgetary, and operational  
360 recommendations to the Legislature which address problems  
361 identified by the council.

362 6. Conducting confidential interviews with staff, officers,  
363 inmates, juveniles, volunteers, and public officials relating to  
364 the operations and conditions of correctional and juvenile  
365 facilities.

366 7. Developing and implementing a monitoring tool that will  
367 be used to assess the performance of each correctional and  
368 juvenile facility.

369 8. Conducting on-site visits to correctional and juvenile  
370 facilities on a regular basis.

371 (c) The council may not interfere with the day-to-day  
372 operations of the Department of Corrections and the Department  
373 of Juvenile Justice, but shall conduct investigations and  
374 provide recommendations for improvement.

375 (d) The council shall appoint an executive director who



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376 shall serve under the direction of the members of the council.

377 (e) Members of the council shall serve without compensation  
378 but are entitled to receive reimbursement for per diem and  
379 travel expenses as provided in s. 112.061.

380 (f) Members of the council or its staff may not have  
381 immediate family members working for the Department of  
382 Corrections, the Department of Juvenile Justice, or a private  
383 institution, facility, or provider under contract with either  
384 department. A member of the council may not have any direct or  
385 indirect interest in a contract, subcontract, franchise,  
386 privilege, or other benefit granted or awarded by either  
387 department while serving as a member of the council.

388 Section 2. For the 2018-2019 fiscal year, the sums of  
389 \$168,074 in recurring funds and \$37,855 in nonrecurring funds  
390 are appropriated from the General Revenue Fund to the Executive  
391 Office of the Governor, and one full-time equivalent position  
392 with associated salary rate of 70,000 is authorized, for the  
393 purpose of administering the Florida Correctional Operations  
394 Oversight Council.

395 Section 3. Subsection (5) of section 23.1225, Florida  
396 Statutes, is amended to read:

397 23.1225 Mutual aid agreements.—

398 (5) In the event of a disaster or emergency such that a  
399 state of emergency is declared by the Governor pursuant to  
400 chapter 252, a mutual aid agreement may be used to increase the  
401 presence of law enforcement to aid in traffic and crowd control,  
402 emergency response, and evacuation support. The requirement that  
403 a requested operational assistance agreement be a written  
404 agreement for rendering of assistance in a law enforcement



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405 emergency may be waived by the participating agencies for a  
406 period of up to 90 days from the declaration of the disaster.

407 (a) When a law enforcement agency lends assistance pursuant  
408 to this subsection, all powers, privileges, and immunities  
409 listed in s. 23.127, except with regard to interstate mutual aid  
410 agreements, apply to the agency or entity, if the law  
411 enforcement employees rendering services are being requested and  
412 coordinated by the affected local law enforcement executive in  
413 charge of law enforcement operations.

414 (b) A listing of such agencies or entities and the officers  
415 and employees of such agencies or entities rendering assistance  
416 pursuant to this subsection must be maintained by the agency or  
417 entity requesting such assistance and filed at the end of the  
418 90-day period with the Florida Department of Law Enforcement.

419 Section 4. Subsection (4) is added to section 30.15,  
420 Florida Statutes, to read:

421 30.15 Powers, duties, and obligations.-

422 (4) (a) The sheriff and the governing board of the county  
423 shall provide security for trial court facilities located within  
424 each county of a judicial circuit. The sheriff and the county  
425 shall coordinate with the chief judge of the applicable judicial  
426 circuit on security matters for such facilities, but the sheriff  
427 and county shall retain operational control over the manner in  
428 which security is provided, as applicable, in such facilities.  
429 Nothing in this subsection shall be construed to affect or erode  
430 the authority of counties under s. 14, Article V of the State  
431 Constitution or s. 29.008, to provide and fund the security of  
432 facilities as defined s. 29.008(1)(e).

433 (b) Pursuant to s. 26.49, sheriffs and their deputies,



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434 employees, and contractors are officers of the court when  
435 providing security for trial court facilities under this  
436 subsection.

437 (c) The chief judge of the judicial circuit shall have  
438 decisionmaking authority to ensure the protection of due process  
439 rights, including, but not limited to, the scheduling and  
440 conduct of trials and other judicial proceedings, as part of his  
441 or her responsibility for the administrative supervision of the  
442 trial courts pursuant to s. 43.26.

443 Section 5. Subsection (1) of section 57.105, Florida  
444 Statutes, is amended to read:

445 57.105 Attorney's fee; sanctions for raising unsupported  
446 claims or defenses; exceptions; service of motions; damages for  
447 delay of litigation.—

448 (1) Unless otherwise provided, upon the court's initiative  
449 or motion of any party, the court shall award a reasonable  
450 attorney's fee, including prejudgment interest, to be paid to  
451 the prevailing party in equal amounts by the losing party and  
452 the losing party's attorney on any claim or defense at any time  
453 during a civil proceeding or action in which the court finds  
454 that the losing party or the losing party's attorney knew or  
455 should have known that a claim or defense when initially  
456 presented to the court or at any time before trial:

457 (a) Was not supported by the material facts necessary to  
458 establish the claim or defense; or

459 (b) Would not be supported by the application of then-  
460 existing law to those material facts.

461 Section 6. Section 322.75, Florida Statutes, is created to  
462 read:





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463 322.75 Driver License Reinstatement Days.-

464 (1) Each judicial circuit shall establish a Driver License  
465 Reinstatement Days program for reinstating suspended driver  
466 licenses. Participants shall include the Department of Highway  
467 Safety and Motor Vehicles, the state attorney's office, the  
468 public defender's office, the circuit and county courts, the  
469 clerk of court, and any interested community organization.

470 (2) The clerk of court, in consultation with other  
471 participants, shall select one or more days for an event at  
472 which a person may have his or her driver license reinstated. A  
473 person must pay the full license reinstatement fee; however, the  
474 clerk may compromise or waive other fees and costs to facilitate  
475 reinstatement.

476 (3) (a) A person is eligible for reinstatement under the  
477 program if his or her license was suspended due to:

- 478 1. Driving without a valid driver license;  
479 2. Driving with a suspended driver license;  
480 3. Failing to make a payment on penalties in collection;  
481 4. Failing to appear in court for a traffic violation; or  
482 5. Failing to comply with provisions of chapter 318 or this  
483 chapter.

484 (b) Notwithstanding paragraphs (4) (a) through (c), a person  
485 is eligible for reinstatement under the program if the period of  
486 suspension or revocation has elapsed, the person has completed  
487 any required course or program as described in paragraph (4) (c),  
488 and the person is otherwise eligible for reinstatement.

489 (4) A person is not eligible for reinstatement under the  
490 program if his or her driver license is suspended or revoked:

- 491 (a) Because the person failed to fulfill a court-ordered



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492 child support obligation;

493 (b) For a violation of s. 316.193;

494 (c) Because the person has not completed a driver training  
495 program, driver improvement course, or alcohol or substance  
496 abuse education or evaluation program required under ss.  
497 316.192, 316.193, 322.2616, 322.271, or 322.264;

498 (d) For a traffic-related felony; or

499 (e) Because the person is a habitual traffic offender under  
500 s. 322.264.

501 (5) The clerk of court and the Department of Highway Safety  
502 and Motor Vehicles shall verify any information necessary for  
503 reinstatement of a driver license under the program.

504 Section 7. Paragraph (f) is added to subsection (2) of  
505 section 784.046, Florida Statutes, to read:

506 784.046 Action by victim of repeat violence, sexual  
507 violence, or dating violence for protective injunction; dating  
508 violence investigations, notice to victims, and reporting;  
509 pretrial release violations; public records exemption.—

510 (2) There is created a cause of action for an injunction  
511 for protection in cases of repeat violence, there is created a  
512 separate cause of action for an injunction for protection in  
513 cases of dating violence, and there is created a separate cause  
514 of action for an injunction for protection in cases of sexual  
515 violence.

516 (f) Notwithstanding any other law, attorney fees may not be  
517 awarded in any proceeding under this section.

518 Section 8. Paragraph (d) is added to subsection (2) of  
519 section 784.0485, Florida Statutes, to read:

520 784.0485 Stalking; injunction; powers and duties of court



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521 and clerk; petition; notice and hearing; temporary injunction;  
522 issuance of injunction; statewide verification system;  
523 enforcement.—

524 (2)

525 (d) Notwithstanding any other law, attorney fees may not be  
526 awarded in any proceeding under this section.

527 Section 9. Present subsections (6) and (7) of section  
528 893.135, Florida Statutes, are redesignated as subsections (7)  
529 and (8), respectively, and a new subsection (6) is added to that  
530 section, to read:

531 893.135 Trafficking; mandatory sentences; suspension or  
532 reduction of sentences; conspiracy to engage in trafficking.—

533 (6) Notwithstanding any provision of this section, a court  
534 may impose a sentence for a violation of this section other than  
535 the mandatory minimum term of imprisonment and mandatory fine if  
536 the court finds on the record that all of the following  
537 circumstances exist:

538 (a) The person did not engage in a continuing criminal  
539 enterprise as defined in s. 893.20(1).

540 (b) The person did not use or threaten violence or use a  
541 weapon during the commission of the crime.

542 (c) The person did not cause a death or serious bodily  
543 injury.

544 Section 10. Section 900.05, Florida Statutes, is created to  
545 read:

546 900.05 Criminal justice data collection.—It is the intent  
547 of the Legislature to create a model of uniform criminal justice  
548 data collection by requiring local and state criminal justice  
549 agencies to report complete, accurate, and timely data, and to



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550 make such data available to the public.

551 (1) DEFINITIONS.—As used in this section, the term:

552 (a) "Annual felony caseload" means the yearly caseload of  
553 each full-time state attorney and assistant state attorney or  
554 public defender and assistant public defender for cases assigned  
555 to the circuit criminal division, based on the number of felony  
556 cases reported to the Supreme Court under s. 25.075. The term  
557 does not include the appellate caseload of a public defender or  
558 assistant public defender. Cases reported pursuant to this term  
559 must be associated with a case number and each case number must  
560 only be reported once regardless of the number of attorney  
561 assignments that occur during the course of litigation.

562 (b) "Annual misdemeanor caseload" means the yearly caseload  
563 of each full-time state attorney and assistant state attorney or  
564 public defender and assistant public defender for cases assigned  
565 to the county criminal division, based on the number of  
566 misdemeanor cases reported to the Supreme Court under s. 25.075.  
567 The term does not include the appellate caseload of a public  
568 defender or assistant public defender. Cases reported pursuant  
569 to this term must be associated with a case number and each case  
570 number must only be reported once regardless of the number of  
571 attorney assignments that occur during the course of litigation.

572 (c) "Attorney assignment date" means the date a court-  
573 appointed attorney is assigned to the case or, if privately  
574 retained, the date an attorney files a notice of appearance with  
575 the clerk of court.

576 (d) "Attorney withdrawal date" means the date the court  
577 removes court-appointed counsel from a case or, for a privately  
578 retained attorney, the date a motion to withdraw is granted by



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579 the court.

580 (e) "Case number" means the identification number assigned  
581 by the clerk of court to a criminal case.

582 (f) "Case status" means whether a case is open, inactive,  
583 closed, or reopened due to a violation of probation or community  
584 control.

585 (g) "Charge description" means the statement of the conduct  
586 that is alleged to have been violated, the associated statutory  
587 section establishing such conduct as criminal, and the  
588 misdemeanor or felony classification that is provided for in the  
589 statutory section alleged to have been violated.

590 (h) "Charge modifier" means an aggravating circumstance of  
591 an alleged crime that enhances or reclassifies a charge to a  
592 more serious misdemeanor or felony offense level.

593 (i) "Concurrent or consecutive sentence flag" means an  
594 indication that a defendant is serving another sentence  
595 concurrently or consecutively in addition to the sentence for  
596 which data is being reported.

597 (j) "Daily number of correctional officers" means the  
598 number of full-time, part-time, and auxiliary correctional  
599 officers who are actively providing supervision, protection,  
600 care, custody, and control of inmates in a county detention  
601 facility or state correctional institution or facility each day.

602 (k) "Deferred prosecution or pretrial diversion agreement  
603 date" means the date a contract is signed by the parties  
604 regarding a defendant's admission into a deferred prosecution or  
605 pretrial diversion program.

606 (l) "Deferred prosecution or pretrial diversion hearing  
607 date" means each date that a hearing, including a status



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608 hearing, is held on a case that is in a deferred prosecution or  
609 pretrial diversion program, if applicable.

610 (m) "Disciplinary violation and action" means any conduct  
611 performed by an inmate in violation of the rules of a county  
612 detention facility or state correctional institution or facility  
613 that results in the initiation of disciplinary proceedings by  
614 the custodial entity and the consequences of such disciplinary  
615 proceedings.

616 (n) "Disposition date" means the date of final judgment,  
617 adjudication, adjudication withheld, dismissal, or nolle  
618 prosequi for the case and if different dates apply, the  
619 disposition dates of each charge.

620 (o) "Domestic violence flag" means an indication that a  
621 charge involves domestic violence as defined in s. 741.28.

622 (p) "Gang affiliation flag" means an indication that a  
623 defendant is involved in or associated with a criminal gang as  
624 defined in s. 874.03.

625 (q) "Gain-time credit earned" means a credit of time  
626 awarded to an inmate in a county detention facility in  
627 accordance with s. 951.22 or a state correctional institution or  
628 facility in accordance with s. 944.275.

629 (r) "Habitual offender flag" means an indication that a  
630 defendant is a habitual felony offender as defined in s. 775.084  
631 or a habitual misdemeanor offender as defined in s. 775.0837.

632 (s) "Judicial transfer date" means a date on which a  
633 defendant's case is transferred to another court or presiding  
634 judge.

635 (t) "Number of contract attorneys representing indigent  
636 defendants for the office of the public defender" means the



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637 number of attorneys hired on a temporary basis, by contract, to  
638 represent indigent clients who were appointed a public defender.

639 (u) "Pretrial release violation flag" means an indication  
640 that the defendant has violated the terms of his or her pretrial  
641 release.

642 (v) "Prior incarceration within the state" means any prior  
643 history of a defendant being incarcerated in a county detention  
644 facility or state correctional institution or facility.

645 (w) "Tentative release date" means the anticipated date  
646 that an inmate will be released from incarceration after the  
647 application of adjustments for any gain-time earned or credit  
648 for time served.

649 (x) "Sexual offender flag" means an indication that a  
650 defendant required to register as a sexual predator as defined  
651 in s. 775.21 or as a sexual offender as defined in s. 943.0435.

652 (2) DATA COLLECTION AND REPORTING.—Beginning January 1,  
653 2019, an entity required to collect data in accordance with this  
654 subsection shall collect the specified data required of the  
655 entity on a monthly basis. Each entity shall report the data  
656 collected in accordance with this subsection to the Department  
657 of Law Enforcement on a quarterly basis.

658 (a) Clerk of the Court.—Each clerk of court shall collect  
659 the following data for each criminal case:

- 660 1. Case number.
- 661 2. Date that the alleged offense occurred.
- 662 3. County in which the offense is alleged to have occurred.
- 663 4. Date the defendant is taken into physical custody by a  
664 law enforcement agency or is issued a notice to appear on a  
665 criminal charge, if such date is different from the date the



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666 offense is alleged to have occurred.

667 5. Date that the criminal prosecution of a defendant is

668 formally initiated through the filing, with the clerk of the

669 court, of an information by the state attorney or an indictment

670 issued by a grand jury.

671 6. Arraignment date.

672 7. Attorney assignment date.

673 8. Attorney withdrawal date.

674 9. Case status.

675 10. Disposition date.

676 11. Information related to each defendant, including:

677 a. Identifying information, including name, date of birth,

678 age, race or ethnicity, and gender.

679 b. Zip code of primary residence.

680 c. Primary language.

681 d. Citizenship.

682 e. Immigration status, if applicable.

683 f. Whether the defendant has been found by a court to be

684 indigent pursuant to s. 27.52.

685 12. Information related to the formal charges filed against

686 the defendant, including:

687 a. Charge description.

688 b. Charge modifier, if applicable.

689 c. Drug type for each drug charge, if known.

690 d. Qualification for a flag designation as defined in this

691 section, including a domestic violence flag, gang affiliation

692 flag, sexual offender flag, habitual offender flag, or pretrial

693 release violation flag.

694 13. Information related to bail or bond and pretrial





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695 release determinations, including the dates of any such  
696 determinations:

697 a. Pretrial release determination made at a first  
698 appearance hearing that occurs within 24 hours of arrest,  
699 including all monetary and nonmonetary conditions of release.

700 b. Modification of bail or bond conditions made by a court  
701 having jurisdiction to try the defendant or, in the absence of  
702 the judge of the trial court, by the circuit court, including  
703 modifications to any monetary and nonmonetary conditions of  
704 release.

705 c. Cash bail or bond payment, including whether the  
706 defendant utilized a bond agent to post a surety bond.

707 d. Date defendant is released on bail, bond, or pretrial  
708 release.

709 e. Bail or bond revocation due to a new offense, a failure  
710 to appear, or a violation of the terms of bail or bond, if  
711 applicable.

712 14. Information related to court dates and dates of motions  
713 and appearances, including:

714 a. Date of any court appearance and the type of proceeding  
715 scheduled for each date reported.

716 b. Date of any failure to appear in court, if applicable.

717 c. Judicial transfer date, if applicable.

718 d. Trial date.

719 e. Date that a defendant files a notice to participate in  
720 discovery.

721 f. Speedy trial motion and hearing dates, if applicable.

722 g. Dismissal motion and hearing dates, if applicable.

723 15. Whether the attorney representing the defendant is



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724 court-appointed to or privately retained by a defendant, or  
725 whether the defendant is represented pro se.

726 16. Information related to sentencing, including:

727 a. Date that a court enters a sentence against a defendant.

728 b. Sentence type and length imposed by the court,  
729 including, but not limited to, the total duration of  
730 imprisonment in a county detention facility or state  
731 correctional institution or facility, and conditions probation  
732 or community control supervision.

733 c. Amount of time served in custody by the defendant  
734 related to the reported criminal case that is credited at the  
735 time of disposition of the case to reduce the actual length of  
736 time the defendant will serve on the term of imprisonment that  
737 is ordered by the court at disposition.

738 d. Total amount of court fees imposed by the court at the  
739 disposition of the case.

740 e. Outstanding balance of the defendant's court fees  
741 imposed by the court at disposition of the case.

742 f. Total amount of fines imposed by the court at the  
743 disposition of the case.

744 g. Outstanding balance of the defendant's fines imposed by  
745 the court at disposition of the case.

746 h. Restitution amount ordered, including the amount  
747 collected by the court and the amount paid to the victim, if  
748 applicable.

749 i. Digitized sentencing scoresheet prepared in accordance  
750 with s. 921.0024.

751 17. The number of judges or magistrates, or their  
752 equivalents, hearing cases in circuit or county criminal



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753 divisions of the circuit court. Judges or magistrates, or their  
754 equivalents, who solely hear appellate cases from the county  
755 criminal division are not to be reported under this  
756 subparagraph.

757 (b) State attorney.—Each state attorney shall collect the  
758 following data:

759 1. Information related to a human victim of a criminal  
760 offense, including:

761 a. Identifying information of the victim, including race or  
762 ethnicity, gender, and age.

763 b. Relationship to the offender, if any.

764 2. Number of full-time prosecutors.

765 3. Number of part-time prosecutors.

766 4. Annual felony caseload.

767 5. Annual misdemeanor caseload.

768 6. Any charge referred to the state attorney by a law  
769 enforcement agency related to an episode of criminal activity.

770 7. Number of cases in which a no-information was filed.

771 8. Information related to each defendant, including:

772 a. Each charge referred to the state attorney by a law  
773 enforcement agency related to an episode of criminal activity.

774 b. Drug type for each drug charge, if applicable.

775 c. Deferred prosecution or pretrial diversion agreement  
776 date, if applicable.

777 d. Deferred prosecution or pretrial diversion hearing date,  
778 if applicable.

779 (c) Public defender.—Each public defender shall collect the  
780 following data for each criminal case:

781 1. Number of full-time public defenders.



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- 782        2. Number of part-time public defenders.
- 783        3. Number of contract attorneys representing indigent  
784 defendants for the office of the public defender.
- 785        4. Annual felony caseload.
- 786        5. Annual misdemeanor caseload.
- 787        (d) County detention facility.—The administrator of each  
788 county detention facility shall collect the following data:
- 789        1. Maximum capacity for the county detention facility.
- 790        2. Weekly admissions to the county detention facility for a  
791 revocation of probation or community control.
- 792        3. Daily population of the county detention facility,  
793 including the specific number of inmates in the custody of the  
794 county that:
- 795        a. Are awaiting case disposition.
- 796        b. Have been sentenced by a court to a term of imprisonment  
797 in the county detention facility.
- 798        c. Have been sentenced by a court to a term of imprisonment  
799 with the Department of Corrections and who are awaiting  
800 transportation to the department.
- 801        d. Have a federal detainer or are awaiting disposition of a  
802 case in federal court.
- 803        4. Information related to each inmate, including:
- 804        a. Date a defendant is processed into the county detention  
805 facility subsequent to an arrest for a new violation of law or  
806 for a violation of probation or community control.
- 807        b. Qualification for a flag designation as defined in this  
808 section, including domestic violence flag, gang affiliation  
809 flag, habitual offender flag, pretrial release violation flag,  
810 or sexual offender flag.



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811 5. Total population of the county detention facility at  
812 year-end. This data must include the same specified  
813 classifications as subparagraph 3.

814 6. Per diem rate for a county detention facility bed.

815 7. Daily number of correctional officers for the county  
816 detention facility.

817 8. Annual county detention facility budget. This  
818 information only needs to be reported once annually at the  
819 beginning of the county's fiscal year.

820 9. Revenue generated for the county from the temporary  
821 incarceration of federal defendants or inmates.

822 (e) Department of Corrections.—The Department of  
823 Corrections shall collect the following data:

824 1. Information related to each inmate, including:

825 a. Identifying information, including name, date of birth,  
826 race or ethnicity, and identification number assigned by the  
827 department.

828 b. Number of children.

829 c. Education level, including any vocational training.

830 d. Date the inmate was admitted to the custody of the  
831 department.

832 e. Current institution placement and the security level  
833 assigned to the institution.

834 f. Custody level assignment.

835 g. Qualification for a flag designation as defined in this  
836 section, including sexual offender flag, habitual offender flag,  
837 gang affiliation flag, or concurrent or consecutive sentence  
838 flag.

839 h. County that committed the prisoner to the custody of the



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840 department.

841 i. Whether the reason for admission to the department is  
842 for a new conviction or a violation of probation, community  
843 control, or parole. For an admission for a probation, community  
844 control, or parole violation, the department shall report  
845 whether the violation was technical or based on a new violation  
846 of law.

847 j. Specific statutory citation for which the inmate was  
848 committed to the department, including, for an inmate convicted  
849 of drug trafficking under s. 893.135, the statutory citation for  
850 each specific drug trafficked.

851 k. Length of sentence or concurrent or consecutive  
852 sentences served.

853 l. Tentative release date.

854 m. Gain time earned in accordance with s. 944.275.

855 n. Prior incarceration within the state.

856 o. Disciplinary violation and action.

857 p. Participation in rehabilitative or educational programs  
858 while in the custody of the department.

859 2. Information about each state correctional institution or  
860 facility, including:

861 a. Budget for each state correctional institution or  
862 facility.

863 b. Daily prison population of all inmates incarcerated in a  
864 state correctional institution or facility.

865 c. Daily number of correctional officers for each state  
866 correctional institution or facility.

867 3. Information related to persons supervised by the  
868 department on probation or community control, including:



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869 a. Identifying information for each person supervised by  
870 the department on probation or community control, including his  
871 or her name, date of birth, race or ethnicity, sex, and  
872 department-assigned case number.

873 b. Length of probation or community control sentence  
874 imposed and amount of time that has been served on such  
875 sentence.

876 c. Projected termination date for probation or community  
877 control.

878 d. Revocation of probation or community control due to a  
879 violation, including whether the revocation is due to a  
880 technical violation of the conditions of supervision or from the  
881 commission of a new law violation.

882 4. Per diem rates for:

883 a. Prison bed.

884 b. Probation.

885 c. Community control.

886

887 This information only needs to be reported once annually at the  
888 time the most recent per diem rate is published.

889 (3) DATA PUBLICLY AVAILABLE.—Beginning January 1, 2019, the  
890 Department of Law Enforcement shall publish datasets in its  
891 possession in a modern, open, electronic format that is machine-  
892 readable and readily accessible by the public on the  
893 department's website. The published data must be searchable, at  
894 a minimum, by each data element, county, circuit, and unique  
895 identifier. Beginning March 1, 2019, the department shall begin  
896 publishing the data received under subsection (2) in the same  
897 modern, open, electronic format that is machine-readable and



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898 readily accessible to the public on the department's website.  
899 The department shall publish all data received under subsection  
900 (2) no later than July 1, 2019.

901 Section 11. A pilot project is established in the Sixth  
902 Judicial Circuit for the purpose of improving criminal justice  
903 data transparency and ensuring that data submitted under s.  
904 900.05, Florida Statutes, is accurate, valid, reliable, and  
905 structured. The clerk of court, the state attorney, the public  
906 defender, or a sheriff in the circuit may enter into a  
907 memorandum of understanding with a national, nonpartisan, not-  
908 for-profit entity which provides data and measurement for  
909 county-level criminal justice systems to establish the duties  
910 and responsibilities of a data fellow, completely funded by the  
911 entity, to be embedded with the office or agency. The data  
912 fellow shall assist with data extraction, validation, and  
913 quality and shall publish such data consistent with the terms of  
914 the memorandum. The data fellow shall assist the office or  
915 agency in compiling and reporting data pursuant to s. 900.05,  
916 Florida Statutes, in compliance with rules established by the  
917 Department of Law Enforcement. The pilot project shall expire as  
918 provided in the memorandum.

919 Section 12. For the 2018-2019 fiscal year, nine full-time  
920 equivalent positions with associated salary rate of 476,163 are  
921 authorized and the recurring sum of \$665,884 and the  
922 nonrecurring sum of \$1,084,116 is appropriated from the General  
923 Revenue Fund to the Department of Law Enforcement for the  
924 purposes of implementing ss. 900.05(3) and 943.687, Florida  
925 Statutes, transitioning to incident-based crime reporting, and  
926 collecting and submitting crime statistics that meet the





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927 requirements of the Federal Bureau of Investigation under the  
928 National Incident-Based Reporting System.

929 Section 13. Section 907.042, Florida Statutes, is created  
930 to read:

931 907.042 Supervised bond program.-

932 (1) LEGISLATIVE FINDINGS.-The Legislature finds that there  
933 is a need to use evidence-based methods to identify defendants  
934 that can successfully comply with specified pretrial release  
935 conditions. The Legislature finds that the use of actuarial  
936 instruments that evaluate criminogenic based needs and classify  
937 defendants according to levels of risk provides a more  
938 consistent and accurate assessment of a defendant's risk of  
939 noncompliance while on pretrial release pending trial. The  
940 Legislature also finds that both the community and a defendant  
941 are better served when a defendant, who poses a low risk to  
942 society, is provided the opportunity to fulfill employment and  
943 familial responsibilities in the community under a structured  
944 pretrial release plan that ensures the best chance of remaining  
945 compliant with all pretrial conditions rather than remaining in  
946 custody. The Legislature finds that there is a benefit to  
947 establishing a supervised bond program in each county for the  
948 purpose of providing pretrial release to certain defendants who  
949 may not otherwise be eligible for pretrial release on  
950 unsupervised nonmonetary conditions and who do not have the  
951 ability to satisfy the bond imposed by the court. The  
952 Legislature finds that the creation of such a program will  
953 reduce the likelihood of defendants remaining unnecessarily in  
954 custody pending trial.

955 (2) CREATION.-A supervised bond program may be established



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956 in each county with the terms of each program to be developed  
957 with concurrence of the chief judge of the circuit, the county's  
958 chief correctional officer, the state attorney, and the public  
959 defender. A county that has already established and implemented  
960 a supervised bond program whose program and risk assessment  
961 instrument is in compliance with subsections (3) and (4) may  
962 continue to operate without such concurrence.

963 (3) PROGRAM REQUIREMENTS.—A supervised bond program, at a  
964 minimum, shall:

965 (a) Require the county's chief correctional officer to  
966 administer the supervised bond program.

967 (b) Provide that a risk assessment instrument may be  
968 utilized to determine eligible defendants and determine an  
969 appropriate level of supervision for each defendant upon  
970 release.

971 (c) Require the county's chief correctional officer, or his  
972 or her designee, to administer the risk assessment instrument to  
973 a potential defendant if a county elects to utilize a risk  
974 assessment instrument for its supervised bond program.

975 (d) Provide that the findings of a risk assessment  
976 instrument may be used to create an individualized supervision  
977 plan for each eligible defendant that is tailored to the  
978 defendant's risk level and supervision needs.

979 (e) Require the appropriate court to make a final  
980 determination regarding whether a defendant will be placed into  
981 the supervised bond program and, if the court makes such a  
982 determination, the court must also:

983 1. Determine the conditions of the individualized  
984 supervision plan for which the defendant must comply as a part



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985 of the supervised bond program, including, but not limited to,  
986 the requirement that the defendant:

987 a. Be placed on active electronic monitoring or active  
988 continuous alcohol monitoring, or both, dependent upon the level  
989 of risk indicated by the risk assessment instrument;

990 b. Communicate weekly, via telephone or in person contact  
991 as determined by the court, with the office of the county's  
992 chief correctional officer; and

993 2. Review the bond of a defendant who is being accepted  
994 into the supervised bond program to determine if a reduction of  
995 the court-ordered bond, up to its entirety, is appropriate.

996 (f) Establish procedures for reassessing or terminating  
997 defendants from the supervised bond program who do not comply  
998 with the terms of the individualized supervision plan imposed  
999 through the program.

1000 (4) RISK ASSESSMENT INSTRUMENT.—

1001 (a) Each county that establishes a supervised bond program  
1002 may utilize a risk assessment instrument that conducts a  
1003 criminogenic assessment for use in evaluating the proper level  
1004 of supervision appropriate to ensure compliance with pretrial  
1005 conditions and safety to the community. The risk assessment  
1006 instrument must consider, but need not be limited to, the  
1007 following criteria:

1008 1. The nature and circumstances of the offense the  
1009 defendant is alleged to have committed.

1010 2. The nature and extent of the defendant's prior criminal  
1011 history, if any.

1012 3. Any prior history of the defendant failing to appear in  
1013 court.



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1014       4. The defendant's employment history, employability  
1015 skills, and employment interests.

1016       5. The defendant's educational, vocational, and technical  
1017 training.

1018       6. The defendant's background, including his or her family,  
1019 home, and community environment.

1020       7. The defendant's physical and mental health history,  
1021 including any substance use.

1022       8. An evaluation of the defendant's criminal thinking,  
1023 criminal associates, and social awareness.

1024       (b) A county may contract with the Department of  
1025 Corrections to develop a risk assessment instrument or modify an  
1026 instrument that has already been developed by the department,  
1027 provided the instrument contains the criteria enumerated in  
1028 paragraph (a). If a county elects to utilize a risk assessment  
1029 instrument developed or modified by the department in accordance  
1030 with this paragraph, the county's chief correctional officer  
1031 shall enter into a contract with the department for such use.

1032       (c) Each county may create its own risk assessment  
1033 instrument for the purpose of operating a supervised bond  
1034 program or may utilize a risk assessment instrument that has  
1035 previously been developed for a similar purpose as provided for  
1036 in this section. Additionally, a county may utilize a risk  
1037 assessment instrument that has been developed by another county  
1038 for a similar purpose as provided for in this section. To  
1039 utilize a risk assessment instrument developed by a county in  
1040 accordance with this paragraph, the risk assessment instrument  
1041 must be validated by the Department of Corrections and contain  
1042 the criteria enumerated in paragraph (a). If a county elects to



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1043 utilize a risk assessment instrument developed or modified by  
1044 another county in accordance with this paragraph, the counties'  
1045 chief correctional officers shall enter into a contract for such  
1046 use.

1047 (d) A county may contract with an independent entity to  
1048 utilize a risk assessment instrument that has previously been  
1049 developed for a similar purpose as provided for in this section.

1050 To utilize a risk assessment instrument developed by an  
1051 independent entity in accordance with this paragraph, the risk  
1052 assessment instrument must be validated by the Department of  
1053 Corrections and contain the criteria enumerated in paragraph  
1054 (a). If a county elects to utilize a risk assessment instrument  
1055 developed or modified by an independent entity in accordance  
1056 with this paragraph, the county's chief correctional officer  
1057 shall enter into a contract with the independent entity for such  
1058 use.

1059 (e) A county that elects to utilize a risk assessment  
1060 instrument in its supervised bond program may begin to implement  
1061 the program immediately upon securing a contract for the  
1062 utilization of or the completion of development or modification,  
1063 and if applicable, validation of, a risk assessment instrument.  
1064 A county that intends to utilize a risk assessment instrument it  
1065 has already developed or modified may implement a supervised  
1066 bond program immediately upon validation of the risk assessment  
1067 instrument. A county that has already implemented a supervised  
1068 bond program may continue to operate such program while the risk  
1069 assessment instrument it utilizes is being validated.  
1070 Implementation must include training of all county staff that  
1071 will administer the risk assessment instrument.



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1072       (5) REPORTING.—Each county that establishes a supervised  
1073 bond program pursuant to this section, or has an existing  
1074 supervised bond program that operates in compliance with this  
1075 section, shall provide an annual report to the Office of Program  
1076 Policy Analysis and Government Accountability that details the  
1077 results of the administration of the risk assessment instrument,  
1078 programming used for defendants who received the assessment and  
1079 were accepted into the supervised bond program, the success rate  
1080 of such program, and savings realized by the county as a result  
1081 of such defendants being released from custody pending trial.  
1082 The annual report from the county must be submitted to OPPAGA by  
1083 October 1 each year. OPPAGA shall compile the results of the  
1084 counties reports for inclusion in an independent section of its  
1085 annual report developed and submitted to the Governor, the  
1086 President of the Senate, and the Speaker of the House of  
1087 Representatives in accordance with s. 907.044.

1088       Section 14. Section 907.0421, Florida Statutes, is created  
1089 to read:

1090       907.0421 Risk Assessment Pilot Program.—

1091       (1) LEGISLATIVE FINDINGS.—The Legislature finds that there  
1092 is a need to use evidence-based methods to reduce recidivism.  
1093 The Legislature finds that the use of actuarial instruments that  
1094 classify offenders according to levels of risk to reoffend  
1095 provides a more consistent and accurate assessment of an  
1096 offender's risk and needs. The Legislature also finds that  
1097 research indicates that using accurate risk and needs assessment  
1098 instruments to identify appropriate interventions and  
1099 programming for offenders reduces recidivism.

1100       (2) RISK ASSESSMENT INSTRUMENT.—



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1101       (a) The Department of Corrections shall develop a risk  
1102 assessment instrument that conducts a criminogenic assessment  
1103 for use in evaluating the proper placement and programming needs  
1104 for a person who is arrested. The risk assessment instrument  
1105 must consider, but need not be limited to, the following  
1106 criteria:

1107           1. The nature and circumstances of the offense the person  
1108 committed.

1109           2. The nature and extent of the person's prior criminal  
1110 history, if any.

1111           3. Any prior history of the person failing to appear in  
1112 court.

1113           4. The person's employment history, employability skills,  
1114 and employment interests.

1115           5. The person's educational, vocational, and technical  
1116 training.

1117           6. The person's background, including his or her family,  
1118 home, and community environment.

1119           7. The person's physical and mental health history,  
1120 including any substance use.

1121           8. An evaluation of the person's criminal thinking,  
1122 criminal associates, and social awareness.

1123       (b) The Department of Corrections may use or modify an  
1124 existing risk assessment instrument, if the instrument contains  
1125 the criteria enumerated in paragraph (a).

1126       (c) The Department of Corrections shall complete the  
1127 development or modification of a risk assessment instrument no  
1128 later than March 1, 2019. The department may begin to implement  
1129 the risk assessment instrument immediately upon completion.



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1130 Implementation, including training all staff that will  
1131 administer the risk assessment instrument, must be completed by  
1132 June 30, 2019.

1133 (d) A representative of the county's chief correctional  
1134 officer shall administer the risk assessment instrument as early  
1135 as reasonably possible after a person's arrest, but no later  
1136 than 10 business days after the arrest. If a person is released  
1137 from jail pursuant to chapter 903 before the administration of  
1138 the risk assessment instrument, the chief correctional officer,  
1139 or his or her representative, must schedule and provide written  
1140 notification of a date and time for the person to return to the  
1141 jail for the administration of the risk assessment instrument.  
1142 The date and time must be provided in writing upon the person's  
1143 pretrial release. The risk assessment instrument may be  
1144 conducted by video teleconference.

1145 (e) A risk assessment instrument report must be made  
1146 available to the person to whom the instrument is administered,  
1147 his or her legal counsel, and the state attorney upon completion  
1148 of the report. The Department of Corrections shall submit to the  
1149 court the risk assessment instrument report, but the court may  
1150 not review it without the consent of the person who is the  
1151 subject of the report and his or her legal counsel.

1152 (3) CREATION.—Contingent upon appropriations and a contract  
1153 with each participating county, it is the intent of the  
1154 Legislature to establish a 3-year Risk Assessment Pilot Program  
1155 to perform a risk assessment evaluation on all persons arrested  
1156 for a felony in participating counties.

1157 (4) PARTICIPATING COUNTIES.—Participation in the pilot  
1158 program is limited to Hillsborough, Pasco, and Pinellas





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1159 Counties. Each participating county's chief correctional officer  
1160 shall enter into a 3-year contract with the Department of  
1161 Corrections for the ability to utilize the risk assessment  
1162 instrument that is developed in accordance with this section.

1163 (5) PILOT PROGRAM REQUIREMENTS.—

1164 (a) The participating counties shall administer the risk  
1165 assessment instrument to all persons arrested for a felony and  
1166 utilize the results of such risk assessment instrument as a tool  
1167 for determining appropriate programming and sentencing with the  
1168 goal of reducing recidivism.

1169 (b) Each county participating in the pilot program shall  
1170 provide an annual report to the Department of Corrections by  
1171 July 1 of each year of the pilot program which details the  
1172 results of the administration of the risk assessment instrument,  
1173 programming used for persons who received the assessment, and  
1174 the success rate of such programming. The department shall  
1175 compile the county reports and submit one annual report to the  
1176 Governor, the President of the Senate, and the Speaker of the  
1177 House of Representatives by October 1 of each year of the pilot  
1178 program.

1179 (6) RULEMAKING.—The Department of Corrections, in  
1180 consultation with a participating county's chief correctional  
1181 officer, chief judge, state attorney, and public defender, may  
1182 adopt rules to administer this section.

1183 Section 15. Paragraph (b) of subsection (4) of section  
1184 907.043, Florida Statutes, is amended to read:

1185 907.043 Pretrial release; citizens' right to know.—

1186 (4)

1187 (b) The annual report must contain, but need not be limited



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- 1188 to:
- 1189 1. The name, location, and funding sources of the pretrial  
1190 release program, including the amount of public funds, if any,  
1191 received by the pretrial release program.
- 1192 2. The operating and capital budget of each pretrial  
1193 release program receiving public funds.
- 1194 3.a. The percentage of the pretrial release program's total  
1195 budget representing receipt of public funds.
- 1196 b. The percentage of the total budget which is allocated to  
1197 assisting defendants obtain release through a nonpublicly funded  
1198 program.
- 1199 c. The amount of fees paid by defendants to the pretrial  
1200 release program.
- 1201 4. The number of persons employed by the pretrial release  
1202 program.
- 1203 5. The number of defendants assessed and interviewed for  
1204 pretrial release.
- 1205 6. The number of defendants recommended for pretrial  
1206 release.
- 1207 7. The number of defendants for whom the pretrial release  
1208 program recommended against nonsecured release.
- 1209 8. The number of defendants granted nonsecured release  
1210 after the pretrial release program recommended nonsecured  
1211 release.
- 1212 9. The number of defendants assessed and interviewed for  
1213 pretrial release who were declared indigent by the court.
- 1214 10. The number of defendants accepted into a pretrial  
1215 release program who paid a surety or cash bail or bond.
- 1216 11. The number of defendants for whom a risk assessment



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1217 tool was used in determining whether the defendant should be  
1218 released pending the disposition of the case and the number of  
1219 defendants for whom a risk assessment tool was not used.

1220 12. The specific statutory citation for each criminal  
1221 charge related to a defendant whose case is accepted into a  
1222 pretrial release program, including, at a minimum, the number of  
1223 defendants charged with dangerous crimes as defined in s.  
1224 907.041; nonviolent felonies; or misdemeanors only. A  
1225 "nonviolent felony" for purposes of this subparagraph excludes  
1226 the commission of, an attempt to commit, or a conspiracy to  
1227 commit any of the following:

1228 a. An offense enumerated in s. 775.084(1)(c);

1229 b. An offense that requires a person to register as a  
1230 sexual predator in accordance with s. 775.21 or as a sexual  
1231 offender in accordance with s. 943.0435;

1232 c. Failure to register as a sexual predator in violation of  
1233 s. 775.21 or as a sexual offender in violation of s. 943.0435;

1234 d. Facilitating or furthering terrorism in violation of s.  
1235 775.31;

1236 e. A forcible felony as described in s. 776.08;

1237 f. False imprisonment in violation of s. 787.02;

1238 g. Burglary of a dwelling or residence in violation of s.  
1239 810.02(3).

1240 h. Abuse, aggravated abuse, and neglect of an elderly  
1241 person or disabled adult in violation of s. 825.102;

1242 i. Abuse, aggravated abuse, and neglect of a child in  
1243 violation of s. 827.03;

1244 j. Poisoning of food or water in violation of s. 859.01;

1245 k. Abuse of a dead human body in violation of s. 872.06;



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1246           l. A capital offense in violation of chapter 893;  
1247           m. An offense that results in serious bodily injury or  
1248 death to another human; or  
1249           n. A felony offense in which the defendant used a weapon or  
1250 firearm in the commission of the offense.  
1251           13. The number of defendants accepted into a pretrial  
1252 release program with no prior criminal conviction.  
1253           ~~14.10.~~ The name and case number of each person granted  
1254 nonsecured release who:  
1255           a. Failed to attend a scheduled court appearance.  
1256           b. Was issued a warrant for failing to appear.  
1257           c. Was arrested for any offense while on release through  
1258 the pretrial release program.  
1259           ~~15.11.~~ Any additional information deemed necessary by the  
1260 governing body to assess the performance and cost efficiency of  
1261 the pretrial release program.  
1262           Section 16. Subsections (3) through (7) of section  
1263 921.0024, Florida Statutes, are amended to read:  
1264           921.0024 Criminal Punishment Code; worksheet computations;  
1265 scoresheets.—  
1266           (3) A single digitized scoresheet shall be prepared for  
1267 each defendant to determine the permissible range for the  
1268 sentence that the court may impose, except that if the defendant  
1269 is before the court for sentencing for more than one felony and  
1270 the felonies were committed under more than one version or  
1271 revision of the guidelines or the code, separate digitized  
1272 scoresheets must be prepared. The scoresheet or scoresheets must  
1273 cover all the defendant's offenses pending before the court for  
1274 sentencing. The state attorney shall prepare the digitized



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1275 scoresheet or scoresheets, which must be presented to the  
1276 defense counsel for review for accuracy in all cases unless the  
1277 judge directs otherwise. The defendant's scoresheet or  
1278 scoresheets must be approved and signed by the sentencing judge.

1279 (4) The Department of Corrections, in consultation with the  
1280 Office of the State Courts Administrator, state attorneys, and  
1281 public defenders, must develop and submit the revised digitized  
1282 Criminal Punishment Code scoresheet to the Supreme Court for  
1283 approval by June 15 of each year, as necessary. The digitized  
1284 scoresheet shall have individual, structured data cells for each  
1285 data field on the scoresheet. Upon the Supreme Court's approval  
1286 of the revised digitized scoresheet, the Department of  
1287 Corrections shall produce and provide ~~sufficient copies~~ of the  
1288 revised digitized scoresheets by September 30 of each year, as  
1289 necessary. Digitized scoresheets must include individual data  
1290 cells to indicate ~~item entries for the scoresheet preparer's use~~  
1291 ~~in indicating~~ whether any prison sentence imposed includes a  
1292 mandatory minimum sentence or the sentence imposed was a  
1293 downward departure from the lowest permissible sentence under  
1294 the Criminal Punishment Code.

1295 (5) The Department of Corrections shall make available  
1296 ~~distribute sufficient copies~~ of the digitized Criminal  
1297 Punishment Code scoresheets to those persons charged with the  
1298 responsibility for preparing scoresheets.

1299 (6) The clerk of the circuit court shall transmit a  
1300 complete, and accurate digitized, ~~and legible~~ copy of the  
1301 Criminal Punishment Code scoresheet used in each sentencing  
1302 proceeding to the Department of Corrections. Scoresheets must be  
1303 electronically transmitted no less frequently than monthly, by



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1304 the first of each month, and may be sent collectively.

1305 (7) A digitized sentencing scoresheet must be prepared for  
1306 every defendant who is sentenced for a felony offense. ~~A copy of~~  
1307 The individual offender's digitized Criminal Punishment Code  
1308 scoresheet and any attachments thereto prepared pursuant to Rule  
1309 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal  
1310 Procedure, or any other rule pertaining to the preparation and  
1311 submission of felony sentencing scoresheets, must be included  
1312 with ~~attached to the copy of~~ the uniform judgment and sentence  
1313 form provided to the Department of Corrections.

1314 Section 17. Subsection (1) of section 932.7061, Florida  
1315 Statutes, is amended to read:

1316 932.7061 Reporting seized property for forfeiture.—

1317 (1) Every law enforcement agency shall submit an annual  
1318 report to the Department of Law Enforcement indicating whether  
1319 the agency has seized or forfeited property under the Florida  
1320 Contraband Forfeiture Act. A law enforcement agency receiving or  
1321 expending forfeited property or proceeds from the sale of  
1322 forfeited property in accordance with the Florida Contraband  
1323 Forfeiture Act shall submit a completed annual report by  
1324 December 1 ~~October 10~~ documenting the receipts and expenditures.  
1325 The report shall be submitted in an electronic form, maintained  
1326 by the Department of Law Enforcement in consultation with the  
1327 Office of Program Policy Analysis and Government Accountability,  
1328 to the entity that has budgetary authority over such agency and  
1329 to the Department of Law Enforcement. The annual report must, at  
1330 a minimum, specify the type, approximate value, court case  
1331 number, type of offense, disposition of property received, and  
1332 amount of any proceeds received or expended.



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1333           Section 18. Section 943.687, Florida Statutes, is created  
1334 to read:

1335           943.687 Criminal justice data transparency.—In order to  
1336 facilitate the availability of comparable and uniform criminal  
1337 justice data, the department shall:

1338           (1) Collect, compile, maintain, and manage the data  
1339 submitted by local and state entities pursuant to s. 900.05 and  
1340 coordinate related activities to collect and submit data. The  
1341 department shall create a unique identifier for each criminal  
1342 case received from the clerks of court which identifies the  
1343 person who is the subject of the criminal case. The unique  
1344 identifier must be the same for that person in any court case  
1345 and used across local and state entities for all information  
1346 related to that person at any time. The unique identifier shall  
1347 be randomly created and may not include any portion of the  
1348 person's social security number or date of birth.

1349           (2) Promote criminal justice data sharing by making such  
1350 data received under s. 900.05 comparable, transferable, and  
1351 readily usable.

1352           (3) Create and maintain an Internet-based database of  
1353 criminal justice data received under s. 900.05 in a modern,  
1354 open, electronic format that is machine-readable and readily  
1355 accessible through an application program interface. The  
1356 database must allow the public to search, at a minimum, by each  
1357 data element, county, judicial circuit, or unique identifier.  
1358 The department may not require a license or charge a fee to  
1359 access or receive information from the database.

1360           (4) Develop written agreements with local, state, and  
1361 federal agencies to facilitate criminal justice data sharing.



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- 1362       (5) Establish by rule:
- 1363       (a) Requirements for the entities subject to the
- 1364 requirements of s. 900.05 to submit data through an application
- 1365 program interface.
- 1366       (b) A data catalog defining data objects, describing data
- 1367 fields, and detailing the meaning of and options for each data
- 1368 element reported pursuant to s. 900.05.
- 1369       (c) How data collected pursuant to s. 900.05 is compiled,
- 1370 processed, structured, used, or shared. The rule shall provide
- 1371 for the tagging of all information associated with each case
- 1372 number and unique identifier.
- 1373       (d) Requirements for implementing and monitoring the
- 1374 Internet-based database established under subsection (3).
- 1375       (e) How information contained in the Internet-based
- 1376 database established under subsection (3) is accessed by the
- 1377 public.
- 1378       (6) Consult with local, state, and federal criminal justice
- 1379 agencies and other public and private users of the database
- 1380 established under subsection (3) on the data elements collected
- 1381 under s. 900.05, the use of such data, and adding data elements
- 1382 to be collected.
- 1383       (7) Monitor data collection procedures and test data
- 1384 quality to facilitate the dissemination of accurate, valid,
- 1385 reliable, and complete criminal justice data.
- 1386       (8) Develop methods for archiving data, retrieving archived
- 1387 data, and data editing and verification.
- 1388       Section 19. Subsection (3) of section 944.704, Florida
- 1389 Statutes, is amended to read:
- 1390       944.704 Staff who provide transition assistance; duties.—





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1391 The department shall provide a transition assistance specialist  
1392 at each of the major institutions whose duties include, but are  
1393 not limited to:

1394 (3) Obtaining job placement information, which must  
1395 include identifying any job assignment credentialing or industry  
1396 certifications for which an inmate is eligible.

1397  
1398 The transition assistance specialist may not be a correctional  
1399 officer or correctional probation officer as defined in s.  
1400 943.10.

1401 Section 20. Subsections (3) through (6) of section 944.705,  
1402 Florida Statutes, are renumbered as subsections (4), (5), (6),  
1403 and (10), respectively, and new subsections (3), (7), (8), (9),  
1404 and (11) are added to that section, to read:

1405 944.705 Release orientation program.—

1406 (3) Each inmate shall receive a comprehensive community  
1407 reentry resource directory organized by the county to which the  
1408 inmate is being released. The directory shall include the name,  
1409 address, and telephone number of each provider, and a  
1410 description of services offered. The directory must also include  
1411 the name, address, and telephone number of existing portals of  
1412 entry.

1413 (7) The department shall allow a nonprofit faith-based,  
1414 business and professional, civic, or community organization to  
1415 apply to be registered under this section to provide inmate  
1416 reentry services. Reentry services include, but are not limited  
1417 to, counseling; providing information on housing and job  
1418 placement; money management assistance; and programs addressing  
1419 substance abuse, mental health, or co-occurring conditions.



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1420       (8) The department shall adopt policies and procedures for  
1421 screening, approving, and registering an organization that  
1422 applies to be registered to provide inmate reentry services  
1423 under subsection (7). The department may deny approval and  
1424 registration of an organization or a representative from an  
1425 organization if it determines that the organization or  
1426 representative does not meet the department's policies or  
1427 procedures.

1428       (9) The department may contract with a public or private  
1429 educational institution's Veteran's Advocacy Clinic or Veteran's  
1430 Legal Clinic to assist qualified veteran inmates in applying for  
1431 veteran's assistance benefits upon release.

1432       (11) The department shall adopt rules to implement this  
1433 section.

1434       Section 21. Subsections (4) and (5) of section 944.801,  
1435 Florida Statutes, are renumbered (5) and (6), respectively, and  
1436 new subsection (4) is added to that section to read:

1437       944.801 Education for state prisoners.—

1438       (4) The Correctional Education Program may develop a Prison  
1439 Entrepreneurship Program and adopt procedures for admitting  
1440 student inmates. If the department elects to develop the  
1441 program, it must include at least 180 days of in-prison  
1442 education. Program curriculum must include a component on  
1443 developing a business plan, procedures for graduation and  
1444 certification of successful student inmates, and at least 90  
1445 days of transitional and postrelease continuing education  
1446 services. Transitional and postrelease continuing education  
1447 services may be offered to graduate student inmates on a  
1448 voluntary basis and shall not be a requirement for completion of



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1449 the program. The department shall enter into agreements with  
1450 public or private community colleges, junior colleges, colleges,  
1451 universities, or other non-profit entities to implement the  
1452 program. The program shall be funded within existing resources.

1453 Section 22. Section 944.805, Florida Statutes, is created  
1454 to read:

1455 944.805 Certificate of achievement and employability;  
1456 definitions.—

1457 (1) As used in this section and ss. 944.806-944.8065, the  
1458 term:

1459 (a) "Discretionary civil impact" means any Florida statute  
1460 or rule that creates a penalty, disability, or disadvantage to  
1461 which all of the following apply:

1462 1. The impact is triggered in whole or in part by a  
1463 person's conviction of an offense, whether or not the penalty,  
1464 disability, or disadvantage is included in the judgment or  
1465 sentence.

1466 2. The impact is imposed on a person, licensing agency, or  
1467 employer.

1468 3. The impact permits, but does not require, that a  
1469 convicted person have a license denied or revoked, permits an  
1470 agency to deny or revoke a license or certification to a  
1471 convicted person, or permits a business to refuse to employ a  
1472 convicted person.

1473  
1474 The term does not include imprisonment, probation, parole,  
1475 supervised release, forfeiture, restitution, fine, assessment,  
1476 or costs of prosecution.

1477 (b) "Eligible inmate" means a person who is serving a



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1478 prison term in a state correctional institution or facility;  
1479 under the supervision of the department on probation or  
1480 community control; or under a postrelease control sanction; and  
1481 who is eligible to apply to the department for a certificate of  
1482 achievement and employability.

1483 (c) "Licensing agency" means any regulatory or licensing  
1484 entity with authority to issue, suspend, or revoke any  
1485 professional license or certification.

1486 (d) "Mandatory civil impact" means any Florida statute or  
1487 rule that creates a penalty, disability, or disadvantage to  
1488 which all of the following apply:

1489 1. The impact is triggered automatically solely by a  
1490 person's conviction of an offense, whether or not the penalty,  
1491 disability, or disadvantage is included in the judgment or  
1492 sentence.

1493 2. The impact is imposed on a person, licensing agency, or  
1494 employer.

1495 3. The impact precludes a convicted person from maintaining  
1496 or obtaining licensure or employment, precludes a licensing  
1497 agency from issuing a license or certification to a convicted  
1498 person, or precludes a business from being certified or from  
1499 employing a convicted person.

1500  
1501 The term does not include imprisonment, probation, parole,  
1502 supervised release, forfeiture, restitution, fine, assessment,  
1503 or costs of prosecution.

1504 Section 23. Section 944.8055, Florida Statutes, is created  
1505 to read:

1506 944.8055 Certificate of achievement and employability;



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1507 eligibility.-

1508 (1) An eligible inmate may apply to the department at a  
1509 time specified in paragraph (2)(a) for a certificate of  
1510 achievement and employability if the inmate:

1511 (a) Has satisfactorily completed one or more in-prison  
1512 vocational programs approved by the department.

1513 (b) Has demonstrated exemplary performance as determined by  
1514 completion of one or more cognitive or behavioral improvement  
1515 programs approved by the department while incarcerated in a  
1516 state correctional institution or facility or under supervision,  
1517 or during both periods of time.

1518 (c) Shows other evidence of achievement and rehabilitation.

1519 (d) Is not currently serving a sentence for or has not been  
1520 previously convicted of a violation of a dangerous crime as  
1521 defined in s. 907.041, or a violation specified as a predicate  
1522 offense for registration as a sexual predator under s. 775.21 or  
1523 for registration as a sexual offender under s. 943.0435.

1524 (2)(a) An eligible inmate may apply for a certificate of  
1525 achievement and employability no earlier than one year prior to  
1526 the date of his or her release from department custody and no  
1527 later than the actual date of release.

1528 (b) An inmate released from a state correctional  
1529 institution or facility, or under supervision or postrelease  
1530 control sanction, and who satisfies all the criteria set forth  
1531 in subsection (1), is eligible to apply to the department for a  
1532 certificate of achievement and employability at any time while  
1533 under supervision or postrelease control sanction.

1534 (3) When applying for a certificate of achievement and  
1535 employability, an eligible inmate shall specify the mandatory



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1536 civil impacts for which he or she is seeking relief through a  
1537 certificate. If a mandatory civil impact of a licensing agency  
1538 is affected by issuing the certificate, the department shall  
1539 notify the licensing agency, provide the licensing agency with a  
1540 copy of the application and documentation that the department  
1541 has concerning the eligible inmate, and afford the licensing  
1542 agency an opportunity to object in writing to issuing the  
1543 certificate.

1544 (4) The department shall consider the eligible inmate's  
1545 application and all objections to issuing the certificate of  
1546 achievement and employability. If the department determines that  
1547 the inmate is eligible, the application was filed timely, and  
1548 all objections to issuing the certificate are insufficient, it  
1549 shall issue the certificate.

1550 (5) A certificate of achievement or employability does not  
1551 affect the mandatory civil impacts under s. 4, Art. VI of the  
1552 State Constitution, or ss. 775.13, 775.21, 943.0435, and  
1553 944.292.

1554 (6) The department is not liable for a claim for damages  
1555 arising from issuing, denying, or revoking a certificate of  
1556 achievement and employability or for failing to revoke a  
1557 certificate under the circumstances described in s. 944.0865.

1558 (7) The department shall adopt rules to implement this  
1559 section.

1560 Section 24. Section 944.806, Florida Statutes, is created  
1561 to read:

1562 944.806 Certificate of achievement and employability;  
1563 effect.-

1564 (1) A certificate holder who applies to a licensing agency



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1565 and has a conviction or guilty plea that otherwise would bar  
1566 licensure or certification because of a mandatory civil impact  
1567 shall be given individualized consideration by the licensing  
1568 agency. The certificate constitutes a rebuttable presumption  
1569 that the certificate holder's conviction alone is insufficient  
1570 evidence that he or she is unfit for the license or  
1571 certification. Notwithstanding the presumption established under  
1572 this section, the licensing agency may deny the license or  
1573 certification if it determines that the certificate holder is  
1574 unfit for licensure or certification after considering all  
1575 relevant facts and circumstances.

1576 (2) If an employer that has hired a certificate holder  
1577 applies to a licensing agency and the certificate holder has a  
1578 conviction or guilty plea that otherwise would bar his or her  
1579 employment with the employer, or would bar the employer's  
1580 licensure or certification because of a mandatory civil impact,  
1581 the agency shall give the certificate holder individualized  
1582 consideration for licensure or certification. The mandatory  
1583 civil impact shall be deemed a discretionary civil impact, and  
1584 the certificate constitutes a rebuttable presumption that the  
1585 holder's criminal convictions are insufficient evidence that he  
1586 or she is unfit for the employment, or that the employer is  
1587 unfit for the licensure or certification. The agency may deny  
1588 the employer licensure or certification if it determines that  
1589 the certificate holder is unfit for employment or that the  
1590 employer is unfit for licensure or certification.

1591 Section 25. Section 944.8065, Florida Statutes, is created  
1592 to read:

1593 944.8065 Certificate of achievement and employability;



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1594 revocation.—The department shall adopt rules governing  
1595 revocation of a certificate of achievement and employability  
1596 issued under s. 944.8055. The rules shall, at a minimum, require  
1597 revocation if a certificate holder is convicted of or pleads  
1598 guilty to a felony subsequent to the issuance of the certificate  
1599 of eligibility. The department shall determine which additional  
1600 offenses require revocation, considering the nature of the  
1601 offense and the employment of a certificate holder.

1602 Section 26. Section 945.041, Florida Statutes, is created  
1603 to read:

1604 945.041 Department of Corrections reports.—The department  
1605 shall publish on its website and make available to the public  
1606 the following information, updated on a quarterly basis:

1607 (1) Inmate admissions by offense type. Burglary of dwelling  
1608 offenses under s. 810.02(2), (3) (a), and (3) (b) must be reported  
1609 as a separate category from all other property crimes.

1610 (2) The recidivism rate, defined as rearrest, reconviction,  
1611 reincarceration, and probation revocation in the state within a  
1612 3-year time period following release from incarceration.

1613 Section 27. Current subsections (6) through (15) of section  
1614 947.005, Florida Statutes, are redesignated as subsections (8)  
1615 through (17), respectively, and new subsections (6) and (7) are  
1616 added to that section, to read:

1617 947.005 Definitions.—As used in this chapter, unless the  
1618 context clearly indicates otherwise:

1619 (6) "Electronic monitoring device" means an electronic or  
1620 telecommunications device that is used to track and supervise  
1621 the location of a person. Such devices include, but are not  
1622 limited to, voice tracking systems, position tracking systems,





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1623 position location systems, or biometric tracking systems.

1624 (7) "Conditional medical release" means the release from a  
1625 state correctional institution or facility under this chapter  
1626 for medical or mental health treatment pursuant to s. 947.149.

1627 Section 28. Section 947.149, Florida Statutes, is amended  
1628 to read:

1629 947.149 Conditional medical release.-

1630 (1) ELIGIBILITY.-The commission shall, in conjunction with  
1631 the department, establish the conditional medical release  
1632 program. An inmate is eligible for supervised ~~consideration for~~  
1633 release under the conditional medical release program when the  
1634 inmate, because of an existing medical or physical condition, is  
1635 determined by the department to be within one of the ~~following~~  
1636 designations provided for in subsection (2) and meet the  
1637 qualifications of subsection (3) or subsection (4).÷

1638 (2) DESIGNATIONS.-

1639 (a) "Inmate with a debilitating illness," which means an  
1640 inmate who is determined to be suffering from a significant and  
1641 permanent terminal or nonterminal condition, disease, or  
1642 syndrome that has rendered the inmate so physically or  
1643 cognitively debilitated or incapacitated as to create a  
1644 reasonable probability that the inmate does not constitute a  
1645 danger to herself or himself or others.

1646 (b) "Medically frail inmate," which means an inmate whose  
1647 physical or mental health has deteriorated to a point that  
1648 creates a reasonable probability that the inmate does not  
1649 constitute a danger to herself or himself or others, as  
1650 determined by a risk assessment completed by a qualified  
1651 practitioner, and whose deterioration is the direct result of



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1652 the inmate's:

1653 1. Impairment of the mental or emotional processes that  
1654 exercise conscious control of one's actions or of the ability to  
1655 perceive or understand reality, where such impairment  
1656 substantially interferes with the person's ability to meet the  
1657 ordinary demands of living;

1658 2. History of substance abuse, as defined in s.  
1659 397.311(45); or

1660 3. Requirement of acute long-term medical or mental health  
1661 treatment or services.

1662 (c)(a) "Permanently incapacitated inmate," which means an  
1663 inmate who has a condition caused by injury, disease, or illness  
1664 which, to a reasonable degree of medical certainty, renders the  
1665 inmate permanently and irreversibly physically incapacitated to  
1666 the extent that the inmate does not constitute a danger to  
1667 herself or himself or others.

1668 (d)(b) "Terminally ill inmate," which means an inmate who  
1669 has a condition caused by injury, disease, or illness which, to  
1670 a reasonable degree of medical certainty, renders the inmate  
1671 terminally ill to the extent that there can be no recovery and  
1672 death is expected within 12 months ~~is imminent~~, so that the  
1673 inmate does not constitute a danger to herself or himself or  
1674 others.

1675 (3)(2) PERMISSIVE CONDITIONAL MEDICAL RELEASE.-

1676 (a) Notwithstanding any provision to the contrary, an  
1677 inmate that is sentenced to the custody of the department and  
1678 who qualifies for one of the designations defined in subsection  
1679 (2) any person determined eligible under this section and  
1680 sentenced to the custody of the department may, upon referral by



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1681 the department, be considered for conditional medical release by  
1682 the commission, in addition to any parole consideration for  
1683 which the inmate may be considered, except that conditional  
1684 medical release is not authorized for an inmate who is under  
1685 sentence of death. ~~No inmate has a right to conditional medical~~  
1686 ~~release or to a medical evaluation to determine eligibility for~~  
1687 ~~such release.~~

1688 (b) (3) The authority and whether or not to grant  
1689 conditional medical release and establish additional conditions  
1690 of conditional medical release under this subsection rests  
1691 solely within the discretion of the commission, in accordance  
1692 with the provisions of this section, together with the authority  
1693 to approve the release plan to include necessary medical care  
1694 and attention.

1695 (c) The department shall identify inmates who may be  
1696 eligible for conditional medical release based upon available  
1697 medical information and shall refer them to the commission for  
1698 consideration.

1699 (d) In considering an inmate for conditional medical  
1700 release in accordance with this subsection, the commission may  
1701 require that additional medical evidence be produced or that  
1702 additional medical examinations be conducted, and may require  
1703 such other investigations to be made as may be warranted.

1704 (4) MANDATORY CONDITIONAL MEDICAL RELEASE.-

1705 (a) An inmate is eligible for mandatory conditional medical  
1706 release under this subsection if he or she qualifies for one of  
1707 the designations defined in subsection (2) and the department  
1708 determines that he or she meets all of the following criteria:

1709 1. Has served at least 50 percent of his or her sentence.



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- 1710       2. Has no current or prior conviction for:  
1711       a. A capital, life, or first degree felony.  
1712       b. A sexual offense specified in s. 775.21(4)(a)1. or s.  
1713 943.0435(1)(h)1.a.(I).  
1714       c. An offense involving a child.  
1715       3. Has not received a disciplinary report within the  
1716 previous 6 months.  
1717       4. Has never received a disciplinary report for a violent  
1718 act.  
1719       5. Has renounced any gang affiliation.  
1720       (b) Any person sentenced to the custody of the department  
1721 who is determined to be eligible for placement on mandatory  
1722 conditional medical release in accordance with this subsection  
1723 must be referred by the department to the commission. Upon  
1724 receiving a referral from the department, the commission shall  
1725 verify the eligibility of an inmate and, upon verification, such  
1726 inmate must be placed on conditional medical release.  
1727       (c) In verifying the inmate's eligibility for mandatory  
1728 conditional medical release, the commission shall review the  
1729 information provided by the department.  
1730       (d) The commission must finish its verification of an  
1731 inmate's eligibility within 60 days after the department refers  
1732 the inmate for conditional medical release.  
1733       (5) RIGHTS NOT CONFERRED.—An inmate does not have a right  
1734 to conditional medical release or to a medical evaluation to  
1735 determine eligibility for such release.  
1736       (6) REFERRAL REQUIREMENTS.—The department's referral of an  
1737 inmate to the commission for release under this section must  
1738 include all of the following information on the inmate:



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- 1739       (a) The proposed conditional medical release plan.
- 1740       (b) Any relevant medical history, including current medical  
1741 prognosis.
- 1742       (c) Criminal history. The criminal history must include all  
1743 of the following information:
- 1744           1. The inmate's claim of innocence, if any.
- 1745           2. The degree to which the inmate accepts responsibility  
1746 for his or her actions leading to the conviction of the crime.
- 1747           3. How any claim of responsibility has affected the  
1748 inmate's feelings of remorse.
- 1749       (d) If authorized by the inmate, any history of substance  
1750 abuse and mental health issues that is collected by the  
1751 department in accordance with 42 C.F.R. s. 2.
- 1752       (e) Any disciplinary action taken against the inmate while  
1753 in prison.
- 1754       (f) Any participation in prison work and other prison  
1755 programs.
- 1756       (g) Any other information that the department deems  
1757 necessary.
- 1758       (7) PLACEMENT REQUIREMENT.—A determination to approve a  
1759 release on conditional medical release must take into  
1760 consideration conditions such as whether:
- 1761           (a) A placement option has been secured for the inmate in  
1762 the community. A placement option may include, but is not  
1763 limited to, home confinement or a medical or mental health  
1764 facility that is not a public institution as defined at Title  
1765 42, Chapter IV, Subchapter C, Part 434, Subpart K of the Code of  
1766 Federal Regulations. A placement option need not involve any  
1767 type of supervision of the inmate by an employee or a private



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1768 contractor of the department or otherwise be considered a secure  
1769 facility. A placement option may involve the use of an  
1770 electronic monitoring device as defined in 947.005(6).

1771 (b) The placement option secured under this section poses a  
1772 minimal risk to society.

1773 (c) The department has made a reasonable effort to  
1774 determine whether expenses related to the placement option  
1775 secured under this subsection are covered by Medicaid, a health  
1776 care policy, a certificate of insurance, or another source for  
1777 the payment of medical expenses or whether the inmate has  
1778 sufficient income or assets to pay for the expenses related to  
1779 the placement.

1780 (d) The department has provided notice to the prosecutor's  
1781 office in the county in which the prisoner was sentenced and to  
1782 each victim entitled to notice under s. 16(b), Art. I of the  
1783 State Constitution.

1784 (8)-(4) EFFECT OF RELEASE ON CONDITIONAL MEDICAL RELEASE.-  
1785 The conditional medical release term of an inmate released on  
1786 conditional medical release is for the remainder of the inmate's  
1787 sentence, without diminution of sentence for good behavior.  
1788 Supervision of the medical releasee must include a release plan  
1789 as proposed by the department and approved by the commission and  
1790 periodic medical evaluations. Supervision may also include  
1791 electronic monitoring at intervals determined by the commission  
1792 at the time of release.

1793 (9)-(5)-(a) REVOCATION AND RECOMMITMENT.-

1794 (a) If it is discovered during the conditional medical  
1795 release that the medical or physical condition of the medical  
1796 releasee has improved to the extent that she or he would no



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1797 longer be eligible for conditional medical release under this  
1798 section, the commission may order that the releasee be returned  
1799 to the custody of the department for a conditional medical  
1800 release revocation hearing, in accordance with s. 947.141. If  
1801 conditional medical release is revoked due to improvement in the  
1802 medical or physical condition of the releasee, she or he shall  
1803 serve the balance of her or his sentence with credit for the  
1804 time served on conditional medical release and without  
1805 forfeiture of any gain-time accrued prior to conditional medical  
1806 release. If the person whose conditional medical release is  
1807 revoked due to an improvement in medical or physical condition  
1808 would otherwise be eligible for parole or any other release  
1809 program, the person may be considered for such release program  
1810 pursuant to law.

1811 (b) In addition to revocation of conditional medical  
1812 release pursuant to paragraph (a), conditional medical release  
1813 may also be revoked for violation of any condition of the  
1814 release established by the commission, in accordance with s.  
1815 947.141, and the releasee's gain-time may be forfeited pursuant  
1816 to s. 944.28(1).

1817 ~~(10)~~ ~~(6)~~ RULEMAKING.—The department and the commission shall  
1818 adopt rules as necessary to implement the conditional medical  
1819 release program.

1820 Section 29. Subsection (1) of section 948.001, Florida  
1821 Statutes, is amended to read:

1822 948.001 Definitions.—As used in this chapter, the term:

1823 (1) "Administrative probation" means a form of no contact,  
1824 nonreporting supervision ~~in which an offender who presents a low~~  
1825 ~~risk of harm to the community may, upon satisfactory completion~~



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1826 ~~of half the term of probation, be transferred by the Department~~  
1827 ~~of Corrections to this type of reduced level of supervision, as~~  
1828 ~~provided in s. 948.013.~~

1829 Section 30. Subsection (1) of section 948.013, Florida  
1830 Statutes, is amended to read:

1831 948.013 Administrative probation.—

1832 (1) The Department of Corrections may transfer an offender  
1833 to administrative probation if he or she presents a low risk of  
1834 harm to the community and has satisfactorily completed at least  
1835 half of the probation term. The department ~~of Corrections~~ may  
1836 establish procedures for transferring an offender to  
1837 administrative probation. The department may collect an initial  
1838 processing fee of up to \$50 for each probationer transferred to  
1839 administrative probation. The offender is exempt from further  
1840 payment for the cost of supervision as required in s. 948.09.

1841 Section 31. Subsection (3) is added to section 948.03,  
1842 Florida Statutes, to read:

1843 948.03 Terms and conditions of probation.—

1844 (3) The Department of Corrections shall include all  
1845 conditions of probation for each probationer, as determined by  
1846 the court, in the Florida Crime Information Center database.

1847 Section 32. Subsection (1) of section 948.06, Florida  
1848 Statutes, is amended, and subsection (9) is added to that  
1849 section, to read:

1850 948.06 Violation of probation or community control;  
1851 revocation; modification; continuance; failure to pay  
1852 restitution or cost of supervision.—

1853 (1) (a) Whenever within the period of probation or community  
1854 control there are reasonable grounds to believe that a





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1855 probationer or offender in community control has violated his or  
1856 her probation or community control in a material respect, any  
1857 law enforcement officer who is aware of the probationary or  
1858 community control status of the probationer or offender in  
1859 community control or any probation officer may arrest or request  
1860 any county or municipal law enforcement officer to arrest such  
1861 probationer or offender without warrant wherever found and  
1862 return him or her to the court granting such probation or  
1863 community control.

1864 (b) Any committing trial court judge may issue a warrant,  
1865 upon the facts being made known to him or her by affidavit of  
1866 one having knowledge of such facts, for the arrest of the  
1867 probationer or offender, returnable forthwith before the court  
1868 granting such probation or community control. In lieu of issuing  
1869 a warrant for arrest, the committing trial court judge may issue  
1870 a notice to appear if the probationer or offender in community  
1871 control has never been convicted of committing, and is not  
1872 currently alleged to have committed, a qualifying offense as  
1873 defined in this section.

1874 (c) If a probationer or offender on community control  
1875 commits a technical violation, the probation officer shall  
1876 determine whether he or she is eligible for the alternative  
1877 sanctioning program under subsection (9). If the probationer or  
1878 offender on community control is eligible, the probation officer  
1879 may proceed with the alternative sanctioning program in lieu of  
1880 filing an affidavit of violation with the court. For purposes of  
1881 this section, the term "technical violation" means an alleged  
1882 violation of supervision that is not a new felony offense,  
1883 misdemeanor offense, or criminal traffic offense.



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1884        (d)~~(e)~~ If a judge finds reasonable grounds to believe that  
1885 a probationer or an offender has violated his or her probation  
1886 or community control in a material respect by committing a new  
1887 violation of law, the judge may issue a warrant for the arrest  
1888 of the person.

1889        (e)~~(d)~~ 1. At a first appearance hearing for an offender who  
1890 has been arrested for violating his or her probation or  
1891 community control in a material respect by committing a new  
1892 violation of law the court:

1893            a. Shall inform the person of the violation.

1894            b. May order the person to be taken before the court that  
1895 granted the probation or community control if the person admits  
1896 the violation.

1897        2. If the probationer or offender does not admit the  
1898 violation at the first appearance hearing, the court:

1899            a. May commit the probationer or offender or may release  
1900 the person with or without bail to await further hearing,  
1901 notwithstanding s. 907.041, relating to pretrial detention and  
1902 release; or

1903            b. May order the probationer or offender to be brought  
1904 before the court that granted the probation or community  
1905 control.

1906        3. In determining whether to require or set the amount of  
1907 bail, and notwithstanding s. 907.041, relating to pretrial  
1908 detention and release, the court may consider whether the  
1909 probationer or offender is more likely than not to receive a  
1910 prison sanction for the violation.

1911  
1912 This paragraph does not apply to a probationer or offender on



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1913 community control who is subject to the hearing requirements  
1914 under subsection (4) or paragraph (8) (e).

1915 (f)~~(e)~~ Any probation officer, any officer authorized to  
1916 serve criminal process, or any peace officer of this state is  
1917 authorized to serve and execute such warrant. Any probation  
1918 officer is authorized to serve such notice to appear.

1919 (g)~~(f)~~ Upon the filing of an affidavit alleging a violation  
1920 of probation or community control and following issuance of a  
1921 warrant for such violation, a warrantless arrest under this  
1922 section, or a notice to appear under this section, the  
1923 probationary period is tolled until the court enters a ruling on  
1924 the violation. Notwithstanding the tolling of probation, the  
1925 court shall retain jurisdiction over the offender for any  
1926 violation of the conditions of probation or community control  
1927 that is alleged to have occurred during the tolling period. The  
1928 probation officer is permitted to continue to supervise any  
1929 offender who remains available to the officer for supervision  
1930 until the supervision expires pursuant to the order of probation  
1931 or community control or until the court revokes or terminates  
1932 the probation or community control, whichever comes first.

1933 (h)~~(g)~~ The chief judge of each judicial circuit may direct  
1934 the department to use a notification letter of a technical  
1935 violation in appropriate cases in lieu of a violation report,  
1936 affidavit, and warrant or a notice to appear when the alleged  
1937 violation is not a new felony or misdemeanor offense. Such  
1938 direction must be in writing and must specify the types of  
1939 specific technical violations which are to be reported by a  
1940 notification letter of a technical violation, any exceptions to  
1941 those violations, and the required process for submission. At



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1942 the direction of the chief judge, the department shall send the  
1943 notification letter of a technical violation to the court.

1944 ~~(h)1. The chief judge of each judicial circuit, in~~  
1945 ~~consultation with the state attorney, the public defender, and~~  
1946 ~~the department, may establish an alternative sanctioning program~~  
1947 ~~in which the department, after receiving court approval, may~~  
1948 ~~enforce specified sanctions for certain technical violations of~~  
1949 ~~supervision. For purposes of this paragraph, the term "technical~~  
1950 ~~violation" means any alleged violation of supervision that is~~  
1951 ~~not a new felony offense, misdemeanor offense, or criminal~~  
1952 ~~traffic offense.~~

1953 ~~2. To establish an alternative sanctioning program, the~~  
1954 ~~chief judge must issue an administrative order specifying:~~

1955 ~~a. Eligibility criteria.~~

1956 ~~b. The technical violations that are eligible for the~~  
1957 ~~program.~~

1958 ~~c. The sanctions that may be recommended by a probation~~  
1959 ~~officer for each technical violation.~~

1960 ~~d. The process for reporting technical violations through~~  
1961 ~~the alternative sanctioning program, including approved forms.~~

1962 ~~3. If an offender is alleged to have committed a technical~~  
1963 ~~violation of supervision that is eligible for the program, the~~  
1964 ~~offender may:~~

1965 ~~a. Waive participation in the alternative sanctioning~~  
1966 ~~program, in which case the probation officer may submit a~~  
1967 ~~violation report, affidavit, and warrant to the court in~~  
1968 ~~accordance with this section; or~~

1969 ~~b. Elect to participate in the alternative sanctioning~~  
1970 ~~program after receiving written notice of an alleged technical~~



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1971 ~~violation and a disclosure of the evidence against the offender,~~  
1972 ~~admit to the technical violation, agree to comply with the~~  
1973 ~~probation officer's recommended sanction if subsequently ordered~~  
1974 ~~by the court, and agree to waive the right to:~~

1975 ~~(I) Be represented by legal counsel.~~

1976 ~~(II) Require the state to prove his or her guilt before a~~  
1977 ~~neutral and detached hearing body.~~

1978 ~~(III) Subpoena witnesses and present to a judge evidence in~~  
1979 ~~his or her defense.~~

1980 ~~(IV) Confront and cross-examine adverse witnesses.~~

1981 ~~(V) Receive a written statement from a factfinder as to the~~  
1982 ~~evidence relied on and the reasons for the sanction imposed.~~

1983 ~~4. If the offender admits to committing the technical~~  
1984 ~~violation and agrees with the probation officer's recommended~~  
1985 ~~sanction, the probation officer must, before imposing the~~  
1986 ~~sanction, submit the recommended sanction to the court as well~~  
1987 ~~as documentation reflecting the offender's admission to the~~  
1988 ~~technical violation and agreement with the recommended sanction.~~

1989 ~~5. The court may impose the recommended sanction or may~~  
1990 ~~direct the department to submit a violation report, affidavit,~~  
1991 ~~and warrant to the court in accordance with this section.~~

1992 ~~6. An offender's participation in an alternative~~  
1993 ~~sanctioning program is voluntary. The offender may elect to~~  
1994 ~~waive or discontinue participation in an alternative sanctioning~~  
1995 ~~program at any time before the issuance of a court order~~  
1996 ~~imposing the recommended sanction.~~

1997 ~~7. If an offender waives or discontinues participation in~~  
1998 ~~an alternative sanctioning program, the probation officer may~~  
1999 ~~submit a violation report, affidavit, and warrant to the court~~



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~~in accordance with this section. The offender's prior admission to the technical violation may not be used as evidence in subsequent proceedings.~~

(i) The court may allow the department to file an affidavit, notification letter, violation report, or other report under this section by facsimile or electronic submission.

(9) (a) For a first or second low-risk violation, as defined in paragraph (b), within the current term of supervision, a probation officer may offer an eligible probationer one or more of the following as an alternative sanction:

1. Up to five days in the county detention facility;
2. Up to fifty additional community service hours;
3. Counseling or treatment;
4. Support group attendance;
5. Drug testing;
6. Loss of travel or other privileges;
7. Curfew for up to thirty days;
8. House arrest for up to thirty days; or
9. Any other sanction as determined by administrative order by the chief judge of the circuit.

(b) When committed by a probationer, a low-risk violation includes:

1. Positive drug or alcohol test result;
2. Failure to report to the probation office;
3. Failure to report a change in address or other required information;
4. Failure to attend a required class, treatment or counseling session, or meeting;
5. Failure to submit to a drug or alcohol test;



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- 2029       6. Violation of curfew;  
2030       7. Failure to meet a monthly quota on any required  
2031 probation condition, including, but not limited to, making  
2032 restitution payments, payment of court costs, and completing  
2033 community service hours;  
2034       8. Leaving the county without permission;  
2035       9. Failure to report a change in employment;  
2036       10. Associating with a person engaged in criminal activity;  
2037 or  
2038       11. Any other violation as determined by administrative  
2039 order of the chief judge of the circuit.

2040       (c) For a first time moderate-risk violation, as defined in  
2041 paragraph (d), within the current term of supervision, a  
2042 probation officer, with supervisor approval, may offer an  
2043 eligible probationer or offender on community control one or  
2044 more of the following as an alternative sanction:

- 2045       1. Up to 21 days in the county detention facility;  
2046       2. Curfew for up to 90 days;  
2047       3. House arrest for up to 90 days;  
2048       4. Electronic monitoring for up to 90 days;  
2049       5. Residential treatment for up to 90 days;  
2050       6. Any other sanction available for a low-risk violation;

2051 or  
2052       7. Any other sanction as determined by administrative order  
2053 of the chief judge of the circuit.

2054       (d) A moderate-risk violation includes:

- 2055       1. A violation listed under paragraph (b) when committed by  
2056 an offender on community control;  
2057       2. Failure to remain at an approved residence by an



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2058 offender on community control;

2059 3. A third violation listed under paragraph (b) by a  
2060 probationer within the current term of supervision; or

2061 4. Any other violation as determined by administrative  
2062 order by the chief judge of the circuit.

2063 (e) A probationer or offender on community control is not  
2064 eligible for an alternative sanction if:

2065 1. He or she is a violent felony offender of special  
2066 concern, as defined in paragraph (8) (b).

2067 2. The violation is a felony, misdemeanor, or criminal  
2068 traffic offense.

2069 3. The violation is absconding.

2070 4. The violation is of a stay-away order or no-contact  
2071 order.

2072 5. The violation is not identified as low-risk or moderate-  
2073 risk under this paragraph or by administrative order.

2074 6. He or she has a prior moderate-risk level violation  
2075 during the current term of supervision.

2076 7. He or she has three prior low-risk level violations  
2077 during the same term of supervision.

2078 8. The term of supervision is scheduled to terminate in  
2079 less than 90 days.

2080 9. The terms of the sentence prohibit alternative  
2081 sanctioning.

2082 (f) If a probationer or offender on community control is  
2083 eligible for the alternative sanctioning program, he or she may:

2084 1. Waive participation in the program, in which case the  
2085 probation officer may submit a violation report, affidavit, and  
2086 warrant to the court; or





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2087           2. Elect to participate in the program after receiving  
2088 written notice of an alleged technical violation and disclosure  
2089 of the evidence against him or her, admit to the technical  
2090 violation, agree to comply with the probation officer's  
2091 recommended sanction if subsequently ordered by the court, and  
2092 agree to waive the right to:

2093           a. Be represented by legal counsel.

2094           b. Require the state to prove his or her guilt before a  
2095 neutral and detached hearing body.

2096           c. Subpoena witnesses and present to a judge evidence in  
2097 his or her defense.

2098           d. Confront and cross-examine adverse witnesses.

2099           e. Receive a written statement from a judge as to the  
2100 evidence relied on and the reasons for the sanction imposed.

2101           3. If the probationer or offender on community control  
2102 admits to committing the technical violation and agrees with the  
2103 probation officer's recommended sanction, the probation officer  
2104 must, before imposing the sanction, submit the recommended  
2105 sanction to the court with documentation reflecting the  
2106 probationer's admission to the technical violation and agreement  
2107 with the recommended sanction.

2108           (g) The court may impose the recommended sanction or direct  
2109 the department to submit a violation report, affidavit, and  
2110 warrant to the court.

2111           (h) An offender's participation in the program is  
2112 voluntary. The probationer or offender on community control may  
2113 waive or discontinue participation in the program at any time  
2114 before the court imposes a recommended sanction.

2115           (i) If a probationer or offender on community control



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2116 waives or discontinues participation in the program or fails to  
2117 complete successfully all alternative sanctions within 90 days  
2118 of imposition or within the timeframe specified in the agreed  
2119 upon sanction, the probation officer may submit a violation  
2120 report, affidavit, and warrant to the court. A prior admission  
2121 by the probationer or offender on community control to a  
2122 technical violation may not be used as evidence in subsequent  
2123 proceedings.

2124 (j) Each judicial circuit shall establish an alternative  
2125 sanctioning program as provided in this subsection. The chief  
2126 judge of each judicial circuit may, by administrative order,  
2127 define additional sanctions or eligibility criteria and specify  
2128 the process for reporting technical violations through the  
2129 alternative sanctioning program.

2130 Section 33. Section 948.081, Florida Statutes, is created  
2131 to read:

2132 948.081 Community court programs.-

2133 (1) Each judicial circuit may establish a community court  
2134 program for defendants charged with certain misdemeanor  
2135 offenses. Each community court shall, at a minimum:

2136 (a) Adopt a nonadversarial approach.

2137 (b) Establish an advisory committee to recommend solutions  
2138 and sanctions in each case.

2139 (c) Consider the needs of the victim.

2140 (d) Consider individualized treatment services for the  
2141 defendant.

2142 (e) Provide for judicial leadership and interaction.

2143 (f) Monitor the defendant's compliance.

2144 (2) In the event a county elects to establish a community



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2145 court program pursuant to this section, the chief judge of the  
2146 judicial circuit shall, by administrative order, specify each  
2147 misdemeanor crime eligible for the community court program. In  
2148 making such determination, the chief judge shall consider the  
2149 particular needs and concerns of the communities within the  
2150 judicial circuit.

2151 (3) The Department of Corrections, Department of Juvenile  
2152 Justice, Department of Health, Department of Law Enforcement,  
2153 Department of Education, law enforcement agencies, and other  
2154 government entities involved in the criminal justice system  
2155 shall support such community court programs.

2156 (4) A defendant's entry into a community court program  
2157 shall be voluntary.

2158 (5) Each community court program shall have a resource  
2159 coordinator who:

2160 (a) Coordinates the responsibilities of the participating  
2161 agencies and service providers;

2162 (b) Provides case management services;

2163 (c) Monitors compliance by defendants with court  
2164 requirements; and

2165 (d) Manages the collection of data for program evaluation  
2166 and accountability.

2167 (6) The chief judge of the judicial circuit shall appoint  
2168 an advisory committee for each community court. Membership must  
2169 include, at a minimum:

2170 (a) The chief judge or a community court judge designated  
2171 by the chief judge, who shall serve as chair;

2172 (b) The state attorney;

2173 (c) The public defender; and



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2174 (d) The community court resource coordinator.

2175

2176 The committee may also include community stakeholders, treatment  
2177 representatives, and other persons the chair deems appropriate.

2178 (7) The advisory committee shall review each defendant's  
2179 case. Each committee member may make recommendations to the  
2180 judge, including appropriate sanctions and treatment solutions  
2181 for the defendant. The judge shall consider such recommendations  
2182 and make the final decision concerning sanctions and treatment  
2183 with respect to each defendant.

2184 (8) Each judicial circuit that establishes a community  
2185 court program pursuant to this section shall report client-level  
2186 and programmatic data to the Office of State Courts  
2187 Administrator annually for program evaluation. Client-level data  
2188 include primary offenses resulting in the community court  
2189 referral or sentence, treatment compliance, completion status,  
2190 reasons for failing to complete the program, offenses committed  
2191 during treatment and sanctions imposed, frequency of court  
2192 appearances, and units of service. Programmatic data include  
2193 referral and screening procedures, eligibility criteria, type  
2194 and duration of treatment offered, and residential treatment  
2195 resources.

2196 (9) Community court program funding must be secured from  
2197 sources other than the state for costs not assumed by the state  
2198 under s. 29.004. However, this subsection does not preclude the  
2199 use of funds provided for treatment and other services through  
2200 state executive branch agencies.

2201 Section 34. For the purpose of incorporating the amendment  
2202 made by this act to section 944.801, Florida Statutes, in a



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2203 reference thereto, subsection (3) of section 447.203, Florida  
2204 Statutes, is reenacted to read:

2205 447.203 Definitions.—As used in this part:

2206 (2) "Public employer" or "employer" means the state or any  
2207 county, municipality, or special district or any subdivision or  
2208 agency thereof which the commission determines has sufficient  
2209 legal distinctiveness properly to carry out the functions of a  
2210 public employer. With respect to all public employees determined  
2211 by the commission as properly belonging to a statewide  
2212 bargaining unit composed of State Career Service System  
2213 employees or Selected Professional Service employees, the  
2214 Governor shall be deemed to be the public employer; and the  
2215 Board of Governors of the State University System, or the  
2216 board's designee, shall be deemed to be the public employer with  
2217 respect to all public employees of each constituent state  
2218 university. The board of trustees of a community college shall  
2219 be deemed to be the public employer with respect to all  
2220 employees of the community college. The district school board  
2221 shall be deemed to be the public employer with respect to all  
2222 employees of the school district. The Board of Trustees of the  
2223 Florida School for the Deaf and the Blind shall be deemed to be  
2224 the public employer with respect to the academic and academic  
2225 administrative personnel of the Florida School for the Deaf and  
2226 the Blind. The Governor shall be deemed to be the public  
2227 employer with respect to all employees in the Correctional  
2228 Education Program of the Department of Corrections established  
2229 pursuant to s. 944.801.

2230 Section 35. For the purpose of incorporating the amendment  
2231 made by this act to section 944.704, Florida Statutes, in a



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2232 reference thereto, subsection (3) of section 944.026, Florida  
2233 Statutes, is reenacted to read:

2234 944.026 Community-based facilities and programs.—

2235 (3) (a) The department shall develop and implement  
2236 procedures to diagnose offenders prior to sentencing, for the  
2237 purpose of recommending to the sentencing court suitable  
2238 candidates for placement in a community-based residential drug  
2239 treatment facility or probation and restitution center as  
2240 provided in this section. The department shall also develop and  
2241 implement procedures to properly identify inmates prior to  
2242 release who demonstrate the need for or interest in and  
2243 suitability for placement in a community-based substance abuse  
2244 transition housing program as provided in this section and  
2245 pursuant to ss. 944.4731 and 944.704.

2246 (b) Pretrial intervention programs in appropriate counties  
2247 to provide early counseling and supervision services to  
2248 specified offenders as provided in s. 948.08.

2249 Section 36. For the purpose of incorporating the amendment  
2250 made by this act to section 947.149, Florida Statutes, in a  
2251 reference thereto, subsection (6) of section 316.1935, Florida  
2252 Statutes, is reenacted to read:

2253 316.1935 Fleeing or attempting to elude a law enforcement  
2254 officer; aggravated fleeing or eluding.—

2255 (6) Notwithstanding s. 948.01, no court may suspend, defer,  
2256 or withhold adjudication of guilt or imposition of sentence for  
2257 any violation of this section. A person convicted and sentenced  
2258 to a mandatory minimum term of incarceration under paragraph  
2259 (3) (b) or paragraph (4) (b) is not eligible for statutory gain-  
2260 time under s. 944.275 or any form of discretionary early



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2261 release, other than pardon or executive clemency or conditional  
2262 medical release under s. 947.149, prior to serving the mandatory  
2263 minimum sentence.

2264 Section 37. For the purpose of incorporating the amendment  
2265 made by this act to section 947.149, Florida Statutes, in a  
2266 reference thereto, paragraph (k) of subsection (4) of section  
2267 775.084, Florida Statutes, is reenacted to read:

2268 775.084 Violent career criminals; habitual felony offenders  
2269 and habitual violent felony offenders; three-time violent felony  
2270 offenders; definitions; procedure; enhanced penalties or  
2271 mandatory minimum prison terms.-

2272 (4)

2273 (k)1. A defendant sentenced under this section as a  
2274 habitual felony offender, a habitual violent felony offender, or  
2275 a violent career criminal is eligible for gain-time granted by  
2276 the Department of Corrections as provided in s. 944.275(4)(b).

2277 2. For an offense committed on or after October 1, 1995, a  
2278 defendant sentenced under this section as a violent career  
2279 criminal is not eligible for any form of discretionary early  
2280 release, other than pardon or executive clemency, or conditional  
2281 medical release granted pursuant to s. 947.149.

2282 3. For an offense committed on or after July 1, 1999, a  
2283 defendant sentenced under this section as a three-time violent  
2284 felony offender shall be released only by expiration of sentence  
2285 and shall not be eligible for parole, control release, or any  
2286 form of early release.

2287 Section 38. For the purpose of incorporating the amendment  
2288 made by this act to section 947.149, Florida Statutes, in  
2289 references thereto, paragraph (b) of subsection (2) and



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2290 paragraph (b) of subsection (3) of section 775.087, Florida  
2291 Statutes, are reenacted to read:

2292       775.087 Possession or use of weapon; aggravated battery;  
2293 felony reclassification; minimum sentence.-

2294       (2)

2295       (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
2296 (a)3. does not prevent a court from imposing a longer sentence  
2297 of incarceration as authorized by law in addition to the minimum  
2298 mandatory sentence, or from imposing a sentence of death  
2299 pursuant to other applicable law. Subparagraph (a)1.,  
2300 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
2301 court to impose a lesser sentence than otherwise required by  
2302 law.

2303  
2304 Notwithstanding s. 948.01, adjudication of guilt or imposition  
2305 of sentence shall not be suspended, deferred, or withheld, and  
2306 the defendant is not eligible for statutory gain-time under s.  
2307 944.275 or any form of discretionary early release, other than  
2308 pardon or executive clemency, or conditional medical release  
2309 under s. 947.149, prior to serving the minimum sentence.

2310       (3)

2311       (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
2312 (a)3. does not prevent a court from imposing a longer sentence  
2313 of incarceration as authorized by law in addition to the minimum  
2314 mandatory sentence, or from imposing a sentence of death  
2315 pursuant to other applicable law. Subparagraph (a)1.,  
2316 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
2317 court to impose a lesser sentence than otherwise required by  
2318 law.





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2319  
2320 Notwithstanding s. 948.01, adjudication of guilt or imposition  
2321 of sentence shall not be suspended, deferred, or withheld, and  
2322 the defendant is not eligible for statutory gain-time under s.  
2323 944.275 or any form of discretionary early release, other than  
2324 pardon or executive clemency, or conditional medical release  
2325 under s. 947.149, prior to serving the minimum sentence.

2326 Section 39. For the purpose of incorporating the amendment  
2327 made by this act to section 947.149, Florida Statutes, in a  
2328 reference thereto, subsection (3) of section 784.07, Florida  
2329 Statutes, is reenacted to read:

2330 784.07 Assault or battery of law enforcement officers,  
2331 firefighters, emergency medical care providers, public transit  
2332 employees or agents, or other specified officers;  
2333 reclassification of offenses; minimum sentences.—

2334 (3) Any person who is convicted of a battery under  
2335 paragraph (2)(b) and, during the commission of the offense, such  
2336 person possessed:

2337 (a) A "firearm" or "destructive device" as those terms are  
2338 defined in s. 790.001, shall be sentenced to a minimum term of  
2339 imprisonment of 3 years.

2340 (b) A semiautomatic firearm and its high-capacity  
2341 detachable box magazine, as defined in s. 775.087(3), or a  
2342 machine gun as defined in s. 790.001, shall be sentenced to a  
2343 minimum term of imprisonment of 8 years.

2344  
2345 Notwithstanding s. 948.01, adjudication of guilt or imposition  
2346 of sentence shall not be suspended, deferred, or withheld, and  
2347 the defendant is not eligible for statutory gain-time under s.



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2348 944.275 or any form of discretionary early release, other than  
2349 pardon or executive clemency, or conditional medical release  
2350 under s. 947.149, prior to serving the minimum sentence.

2351 Section 40. For the purpose of incorporating the amendment  
2352 made by this act to section 947.149, Florida Statutes, in a  
2353 reference thereto, subsection (1) of section 790.235, Florida  
2354 Statutes, is reenacted to read:

2355 790.235 Possession of firearm or ammunition by violent  
2356 career criminal unlawful; penalty.—

2357 (1) Any person who meets the violent career criminal  
2358 criteria under s. 775.084(1)(d), regardless of whether such  
2359 person is or has previously been sentenced as a violent career  
2360 criminal, who owns or has in his or her care, custody,  
2361 possession, or control any firearm, ammunition, or electric  
2362 weapon or device, or carries a concealed weapon, including a  
2363 tear gas gun or chemical weapon or device, commits a felony of  
2364 the first degree, punishable as provided in s. 775.082, s.  
2365 775.083, or s. 775.084. A person convicted of a violation of  
2366 this section shall be sentenced to a mandatory minimum of 15  
2367 years' imprisonment; however, if the person would be sentenced  
2368 to a longer term of imprisonment under s. 775.084(4)(d), the  
2369 person must be sentenced under that provision. A person  
2370 convicted of a violation of this section is not eligible for any  
2371 form of discretionary early release, other than pardon,  
2372 executive clemency, or conditional medical release under s.  
2373 947.149.

2374 Section 41. For the purpose of incorporating the amendment  
2375 made by this act to section 947.149, Florida Statutes, in a  
2376 reference thereto, subsection (7) of section 794.0115, Florida



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2377 Statutes, is reenacted to read:

2378           794.0115 Dangerous sexual felony offender; mandatory  
2379 sentencing.—

2380           (7) A defendant sentenced to a mandatory minimum term of  
2381 imprisonment under this section is not eligible for statutory  
2382 gain-time under s. 944.275 or any form of discretionary early  
2383 release, other than pardon or executive clemency, or conditional  
2384 medical release under s. 947.149, before serving the minimum  
2385 sentence.

2386           Section 42. For the purpose of incorporating the amendment  
2387 made by this act to section 947.149, Florida Statutes, in a  
2388 reference thereto, paragraphs (b), (c), and (g) of subsection  
2389 (1) and subsection (3) of section 893.135, Florida Statutes, are  
2390 reenacted to read:

2391           893.135 Trafficking; mandatory sentences; suspension or  
2392 reduction of sentences; conspiracy to engage in trafficking.—

2393           (1) Except as authorized in this chapter or in chapter 499  
2394 and notwithstanding the provisions of s. 893.13:

2395           (b)1. Any person who knowingly sells, purchases,  
2396 manufactures, delivers, or brings into this state, or who is  
2397 knowingly in actual or constructive possession of, 28 grams or  
2398 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
2399 mixture containing cocaine, but less than 150 kilograms of  
2400 cocaine or any such mixture, commits a felony of the first  
2401 degree, which felony shall be known as "trafficking in cocaine,"  
2402 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
2403 If the quantity involved:

2404           a. Is 28 grams or more, but less than 200 grams, such  
2405 person shall be sentenced to a mandatory minimum term of



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2406 imprisonment of 3 years, and the defendant shall be ordered to  
2407 pay a fine of \$50,000.

2408       b. Is 200 grams or more, but less than 400 grams, such  
2409 person shall be sentenced to a mandatory minimum term of  
2410 imprisonment of 7 years, and the defendant shall be ordered to  
2411 pay a fine of \$100,000.

2412       c. Is 400 grams or more, but less than 150 kilograms, such  
2413 person shall be sentenced to a mandatory minimum term of  
2414 imprisonment of 15 calendar years and pay a fine of \$250,000.

2415       2. Any person who knowingly sells, purchases, manufactures,  
2416 delivers, or brings into this state, or who is knowingly in  
2417 actual or constructive possession of, 150 kilograms or more of  
2418 cocaine, as described in s. 893.03(2)(a)4., commits the first  
2419 degree felony of trafficking in cocaine. A person who has been  
2420 convicted of the first degree felony of trafficking in cocaine  
2421 under this subparagraph shall be punished by life imprisonment  
2422 and is ineligible for any form of discretionary early release  
2423 except pardon or executive clemency or conditional medical  
2424 release under s. 947.149. However, if the court determines that,  
2425 in addition to committing any act specified in this paragraph:

2426       a. The person intentionally killed an individual or  
2427 counseled, commanded, induced, procured, or caused the  
2428 intentional killing of an individual and such killing was the  
2429 result; or

2430       b. The person's conduct in committing that act led to a  
2431 natural, though not inevitable, lethal result,  
2432  
2433 such person commits the capital felony of trafficking in  
2434 cocaine, punishable as provided in ss. 775.082 and 921.142. Any



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2435 person sentenced for a capital felony under this paragraph shall  
2436 also be sentenced to pay the maximum fine provided under  
2437 subparagraph 1.

2438         3. Any person who knowingly brings into this state 300  
2439 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
2440 and who knows that the probable result of such importation would  
2441 be the death of any person, commits capital importation of  
2442 cocaine, a capital felony punishable as provided in ss. 775.082  
2443 and 921.142. Any person sentenced for a capital felony under  
2444 this paragraph shall also be sentenced to pay the maximum fine  
2445 provided under subparagraph 1.

2446         (c)1. A person who knowingly sells, purchases,  
2447 manufactures, delivers, or brings into this state, or who is  
2448 knowingly in actual or constructive possession of, 4 grams or  
2449 more of any morphine, opium, hydromorphone, or any salt,  
2450 derivative, isomer, or salt of an isomer thereof, including  
2451 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
2452 (3)(c)4., or 4 grams or more of any mixture containing any such  
2453 substance, but less than 30 kilograms of such substance or  
2454 mixture, commits a felony of the first degree, which felony  
2455 shall be known as "trafficking in illegal drugs," punishable as  
2456 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2457 quantity involved:

2458             a. Is 4 grams or more, but less than 14 grams, such person  
2459 shall be sentenced to a mandatory minimum term of imprisonment  
2460 of 3 years and shall be ordered to pay a fine of \$50,000.

2461             b. Is 14 grams or more, but less than 28 grams, such person  
2462 shall be sentenced to a mandatory minimum term of imprisonment  
2463 of 15 years and shall be ordered to pay a fine of \$100,000.



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2464           c. Is 28 grams or more, but less than 30 kilograms, such  
2465 person shall be sentenced to a mandatory minimum term of  
2466 imprisonment of 25 years and shall be ordered to pay a fine of  
2467 \$500,000.

2468           2. A person who knowingly sells, purchases, manufactures,  
2469 delivers, or brings into this state, or who is knowingly in  
2470 actual or constructive possession of, 14 grams or more of  
2471 hydrocodone, as described in s. 893.03(2)(a)1.j., codeine, as  
2472 described in s. 893.03(2)(a)1.g., or any salt thereof, or 14  
2473 grams or more of any mixture containing any such substance,  
2474 commits a felony of the first degree, which felony shall be  
2475 known as "trafficking in hydrocodone," punishable as provided in  
2476 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

2477           a. Is 14 grams or more, but less than 28 grams, such person  
2478 shall be sentenced to a mandatory minimum term of imprisonment  
2479 of 3 years and shall be ordered to pay a fine of \$50,000.

2480           b. Is 28 grams or more, but less than 50 grams, such person  
2481 shall be sentenced to a mandatory minimum term of imprisonment  
2482 of 7 years and shall be ordered to pay a fine of \$100,000.

2483           c. Is 50 grams or more, but less than 200 grams, such  
2484 person shall be sentenced to a mandatory minimum term of  
2485 imprisonment of 15 years and shall be ordered to pay a fine of  
2486 \$500,000.

2487           d. Is 200 grams or more, but less than 30 kilograms, such  
2488 person shall be sentenced to a mandatory minimum term of  
2489 imprisonment of 25 years and shall be ordered to pay a fine of  
2490 \$750,000.

2491           3. A person who knowingly sells, purchases, manufactures,  
2492 delivers, or brings into this state, or who is knowingly in



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2493 actual or constructive possession of, 7 grams or more of  
2494 oxycodone, as described in s. 893.03(2)(a)1.o., or any salt  
2495 thereof, or 7 grams or more of any mixture containing any such  
2496 substance, commits a felony of the first degree, which felony  
2497 shall be known as "trafficking in oxycodone," punishable as  
2498 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2499 quantity involved:

2500       a. Is 7 grams or more, but less than 14 grams, such person  
2501 shall be sentenced to a mandatory minimum term of imprisonment  
2502 of 3 years and shall be ordered to pay a fine of \$50,000.

2503       b. Is 14 grams or more, but less than 25 grams, such person  
2504 shall be sentenced to a mandatory minimum term of imprisonment  
2505 of 7 years and shall be ordered to pay a fine of \$100,000.

2506       c. Is 25 grams or more, but less than 100 grams, such  
2507 person shall be sentenced to a mandatory minimum term of  
2508 imprisonment of 15 years and shall be ordered to pay a fine of  
2509 \$500,000.

2510       d. Is 100 grams or more, but less than 30 kilograms, such  
2511 person shall be sentenced to a mandatory minimum term of  
2512 imprisonment of 25 years and shall be ordered to pay a fine of  
2513 \$750,000.

2514       4.a. A person who knowingly sells, purchases, manufactures,  
2515 delivers, or brings into this state, or who is knowingly in  
2516 actual or constructive possession of, 4 grams or more of:

2517       (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2518       (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2519       (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2520       (IV) Sufentanil, as described in s. 893.03(2)(b)29.;

2521       (V) A fentanyl derivative, as described in s.



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2522 893.03(1)(a)62.;

2523 (VI) A controlled substance analog, as described in s.

2524 893.0356, of any substance described in sub-sub-subparagraphs

2525 (I)-(V); or

2526 (VII) A mixture containing any substance described in sub-

2527 sub-subparagraphs (I)-(VI),

2528

2529 commits a felony of the first degree, which felony shall be

2530 known as "trafficking in fentanyl," punishable as provided in s.

2531 775.082, s. 775.083, or s. 775.084.

2532 b. If the quantity involved under sub-subparagraph a.:

2533 (I) Is 4 grams or more, but less than 14 grams, such person

2534 shall be sentenced to a mandatory minimum term of imprisonment

2535 of 3 years, and shall be ordered to pay a fine of \$50,000.

2536 (II) Is 14 grams or more, but less than 28 grams, such

2537 person shall be sentenced to a mandatory minimum term of

2538 imprisonment of 15 years, and shall be ordered to pay a fine of

2539 \$100,000.

2540 (III) Is 28 grams or more, such person shall be sentenced

2541 to a mandatory minimum term of imprisonment of 25 years, and

2542 shall be ordered to pay a fine of \$500,000.

2543 5. A person who knowingly sells, purchases, manufactures,

2544 delivers, or brings into this state, or who is knowingly in

2545 actual or constructive possession of, 30 kilograms or more of

2546 any morphine, opium, oxycodone, hydrocodone, codeine,

2547 hydromorphone, or any salt, derivative, isomer, or salt of an

2548 isomer thereof, including heroin, as described in s.

2549 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or

2550 more of any mixture containing any such substance, commits the





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2551 first degree felony of trafficking in illegal drugs. A person  
2552 who has been convicted of the first degree felony of trafficking  
2553 in illegal drugs under this subparagraph shall be punished by  
2554 life imprisonment and is ineligible for any form of  
2555 discretionary early release except pardon or executive clemency  
2556 or conditional medical release under s. 947.149. However, if the  
2557 court determines that, in addition to committing any act  
2558 specified in this paragraph:

2559 a. The person intentionally killed an individual or  
2560 counseled, commanded, induced, procured, or caused the  
2561 intentional killing of an individual and such killing was the  
2562 result; or

2563 b. The person's conduct in committing that act led to a  
2564 natural, though not inevitable, lethal result,

2565  
2566 such person commits the capital felony of trafficking in illegal  
2567 drugs, punishable as provided in ss. 775.082 and 921.142. A  
2568 person sentenced for a capital felony under this paragraph shall  
2569 also be sentenced to pay the maximum fine provided under  
2570 subparagraph 1.

2571 6. A person who knowingly brings into this state 60  
2572 kilograms or more of any morphine, opium, oxycodone,  
2573 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
2574 isomer, or salt of an isomer thereof, including heroin, as  
2575 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
2576 60 kilograms or more of any mixture containing any such  
2577 substance, and who knows that the probable result of such  
2578 importation would be the death of a person, commits capital  
2579 importation of illegal drugs, a capital felony punishable as



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2580 provided in ss. 775.082 and 921.142. A person sentenced for a  
2581 capital felony under this paragraph shall also be sentenced to  
2582 pay the maximum fine provided under subparagraph 1.

2583 (g)1. Any person who knowingly sells, purchases,  
2584 manufactures, delivers, or brings into this state, or who is  
2585 knowingly in actual or constructive possession of, 4 grams or  
2586 more of flunitrazepam or any mixture containing flunitrazepam as  
2587 described in s. 893.03(1)(a) commits a felony of the first  
2588 degree, which felony shall be known as "trafficking in  
2589 flunitrazepam," punishable as provided in s. 775.082, s.  
2590 775.083, or s. 775.084. If the quantity involved:

2591 a. Is 4 grams or more but less than 14 grams, such person  
2592 shall be sentenced to a mandatory minimum term of imprisonment  
2593 of 3 years, and the defendant shall be ordered to pay a fine of  
2594 \$50,000.

2595 b. Is 14 grams or more but less than 28 grams, such person  
2596 shall be sentenced to a mandatory minimum term of imprisonment  
2597 of 7 years, and the defendant shall be ordered to pay a fine of  
2598 \$100,000.

2599 c. Is 28 grams or more but less than 30 kilograms, such  
2600 person shall be sentenced to a mandatory minimum term of  
2601 imprisonment of 25 calendar years and pay a fine of \$500,000.

2602 2. Any person who knowingly sells, purchases, manufactures,  
2603 delivers, or brings into this state or who is knowingly in  
2604 actual or constructive possession of 30 kilograms or more of  
2605 flunitrazepam or any mixture containing flunitrazepam as  
2606 described in s. 893.03(1)(a) commits the first degree felony of  
2607 trafficking in flunitrazepam. A person who has been convicted of  
2608 the first degree felony of trafficking in flunitrazepam under



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2609 this subparagraph shall be punished by life imprisonment and is  
2610 ineligible for any form of discretionary early release except  
2611 pardon or executive clemency or conditional medical release  
2612 under s. 947.149. However, if the court determines that, in  
2613 addition to committing any act specified in this paragraph:

2614       a. The person intentionally killed an individual or  
2615 counseled, commanded, induced, procured, or caused the  
2616 intentional killing of an individual and such killing was the  
2617 result; or

2618       b. The person's conduct in committing that act led to a  
2619 natural, though not inevitable, lethal result,

2620  
2621 such person commits the capital felony of trafficking in  
2622 flunitrazepam, punishable as provided in ss. 775.082 and  
2623 921.142. Any person sentenced for a capital felony under this  
2624 paragraph shall also be sentenced to pay the maximum fine  
2625 provided under subparagraph 1.

2626       (3) Notwithstanding the provisions of s. 948.01, with  
2627 respect to any person who is found to have violated this  
2628 section, adjudication of guilt or imposition of sentence shall  
2629 not be suspended, deferred, or withheld, nor shall such person  
2630 be eligible for parole prior to serving the mandatory minimum  
2631 term of imprisonment prescribed by this section. A person  
2632 sentenced to a mandatory minimum term of imprisonment under this  
2633 section is not eligible for any form of discretionary early  
2634 release, except pardon or executive clemency or conditional  
2635 medical release under s. 947.149, prior to serving the mandatory  
2636 minimum term of imprisonment.

2637       Section 43. For the purpose of incorporating the amendment



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2638 made by this act to section 947.149, Florida Statutes, in a  
2639 reference thereto, subsection (2) of section 921.0024, Florida  
2640 Statutes, is reenacted to read:

2641 921.0024 Criminal Punishment Code; worksheet computations;  
2642 scoresheets.-

2643 (2) The lowest permissible sentence is the minimum sentence  
2644 that may be imposed by the trial court, absent a valid reason  
2645 for departure. The lowest permissible sentence is any nonstate  
2646 prison sanction in which the total sentence points equals or is  
2647 less than 44 points, unless the court determines within its  
2648 discretion that a prison sentence, which may be up to the  
2649 statutory maximums for the offenses committed, is appropriate.  
2650 When the total sentence points exceeds 44 points, the lowest  
2651 permissible sentence in prison months shall be calculated by  
2652 subtracting 28 points from the total sentence points and  
2653 decreasing the remaining total by 25 percent. The total sentence  
2654 points shall be calculated only as a means of determining the  
2655 lowest permissible sentence. The permissible range for  
2656 sentencing shall be the lowest permissible sentence up to and  
2657 including the statutory maximum, as defined in s. 775.082, for  
2658 the primary offense and any additional offenses before the court  
2659 for sentencing. The sentencing court may impose such sentences  
2660 concurrently or consecutively. However, any sentence to state  
2661 prison must exceed 1 year. If the lowest permissible sentence  
2662 under the code exceeds the statutory maximum sentence as  
2663 provided in s. 775.082, the sentence required by the code must  
2664 be imposed. If the total sentence points are greater than or  
2665 equal to 363, the court may sentence the offender to life  
2666 imprisonment. An offender sentenced to life imprisonment under



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2667 this section is not eligible for any form of discretionary early  
2668 release, except executive clemency or conditional medical  
2669 release under s. 947.149.

2670 Section 44. For the purpose of incorporating the amendment  
2671 made by this act to section 947.149, Florida Statutes, in a  
2672 reference thereto, paragraph (b) of subsection (7) of section  
2673 944.605, Florida Statutes, is reenacted to read:

2674 944.605 Inmate release; notification; identification card.—

2675 (7)

2676 (b) Paragraph (a) does not apply to inmates who:

2677 1. The department determines have a valid driver license or  
2678 state identification card, except that the department shall  
2679 provide these inmates with a replacement state identification  
2680 card or replacement driver license, if necessary.

2681 2. Have an active detainer, unless the department  
2682 determines that cancellation of the detainer is likely or that  
2683 the incarceration for which the detainer was issued will be less  
2684 than 12 months in duration.

2685 3. Are released due to an emergency release or a  
2686 conditional medical release under s. 947.149.

2687 4. Are not in the physical custody of the department at or  
2688 within 180 days before release.

2689 5. Are subject to sex offender residency restrictions, and  
2690 who, upon release under such restrictions, do not have a  
2691 qualifying address.

2692 Section 45. For the purpose of incorporating the amendment  
2693 made by this act to section 947.149, Florida Statutes, in a  
2694 reference thereto, paragraph (b) of subsection (1) of section  
2695 944.70, Florida Statutes, is reenacted to read:



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2696 944.70 Conditions for release from incarceration.—  
2697 (1)  
2698 (b) A person who is convicted of a crime committed on or  
2699 after January 1, 1994, may be released from incarceration only:  
2700 1. Upon expiration of the person's sentence;  
2701 2. Upon expiration of the person's sentence as reduced by  
2702 accumulated meritorious or incentive gain-time;  
2703 3. As directed by an executive order granting clemency;  
2704 4. Upon placement in a conditional release program pursuant  
2705 to s. 947.1405 or a conditional medical release program pursuant  
2706 to s. 947.149; or  
2707 5. Upon the granting of control release, including  
2708 emergency control release, pursuant to s. 947.146.  
2709 Section 46. For the purpose of incorporating the amendment  
2710 made by this act to section 947.149, Florida Statutes, in a  
2711 reference thereto, paragraph (h) of subsection (1) of section  
2712 947.13, Florida Statutes, is reenacted to read:  
2713 947.13 Powers and duties of commission.—  
2714 (1) The commission shall have the powers and perform the  
2715 duties of:  
2716 (h) Determining what persons will be released on  
2717 conditional medical release under s. 947.149, establishing the  
2718 conditions of conditional medical release, and determining  
2719 whether a person has violated the conditions of conditional  
2720 medical release and taking action with respect to such a  
2721 violation.  
2722 Section 47. For the purpose of incorporating the amendment  
2723 made by this act to section 947.149, Florida Statutes, in a  
2724 reference thereto, subsections (1), (2), and (7) of section



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2725 947.141, Florida Statutes, are reenacted to read:

2726 947.141 Violations of conditional release, control release,  
2727 or conditional medical release or addiction-recovery  
2728 supervision.—

2729 (1) If a member of the commission or a duly authorized  
2730 representative of the commission has reasonable grounds to  
2731 believe that an offender who is on release supervision under s.  
2732 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
2733 the terms and conditions of the release in a material respect,  
2734 such member or representative may cause a warrant to be issued  
2735 for the arrest of the releasee; if the offender was found to be  
2736 a sexual predator, the warrant must be issued.

2737 (2) Upon the arrest on a felony charge of an offender who  
2738 is on release supervision under s. 947.1405, s. 947.146, s.  
2739 947.149, or s. 944.4731, the offender must be detained without  
2740 bond until the initial appearance of the offender at which a  
2741 judicial determination of probable cause is made. If the trial  
2742 court judge determines that there was no probable cause for the  
2743 arrest, the offender may be released. If the trial court judge  
2744 determines that there was probable cause for the arrest, such  
2745 determination also constitutes reasonable grounds to believe  
2746 that the offender violated the conditions of the release. Within  
2747 24 hours after the trial court judge's finding of probable  
2748 cause, the detention facility administrator or designee shall  
2749 notify the commission and the department of the finding and  
2750 transmit to each a facsimile copy of the probable cause  
2751 affidavit or the sworn offense report upon which the trial court  
2752 judge's probable cause determination is based. The offender must  
2753 continue to be detained without bond for a period not exceeding



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2754 72 hours excluding weekends and holidays after the date of the  
2755 probable cause determination, pending a decision by the  
2756 commission whether to issue a warrant charging the offender with  
2757 violation of the conditions of release. Upon the issuance of the  
2758 commission's warrant, the offender must continue to be held in  
2759 custody pending a revocation hearing held in accordance with  
2760 this section.

2761 (7) If a law enforcement officer has probable cause to  
2762 believe that an offender who is on release supervision under s.  
2763 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
2764 the terms and conditions of his or her release by committing a  
2765 felony offense, the officer shall arrest the offender without a  
2766 warrant, and a warrant need not be issued in the case.

2767 Section 48. This act shall take effect October 1, 2018.