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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2018	.	
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	.	

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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11 purpose of overseeing matters relating to the corrections and
12 juvenile justice continuum with an emphasis on the safe and
13 effective operations of major institutions and facilities under
14 the purview of the Department of Corrections and the Department
15 of Juvenile Justice. However, in instances in which the policies
16 of other components of the criminal justice system affect
17 corrections or the juvenile justice continuum, the council shall
18 advise and make recommendations. The Office of Chief Inspector
19 General shall provide administrative support to the council. The
20 council is not subject to control, supervision, or direction by
21 the Chief Inspector General in the performance of its duties,
22 but is governed by the classification plan and salary and
23 benefits plan approved by the Executive Office of the Governor.

24 (a) The council is composed of the following members:
25 1. Three members appointed by the Governor.
26 2. Three members appointed by the President of the Senate.
27 3. Three members appointed by the Speaker of the House of
28 Representatives.

29
30 The initial members of the council shall be appointed by January
31 1, 2019. Members of the council shall be appointed for terms of
32 4 years. However, to achieve staggered terms, one appointee of
33 each of the appointing authorities shall be appointed for an
34 initial 2-year term. Members must be appointed in a manner that
35 ensures equitable representation of different geographic regions
36 of the state, and members must be residents of this state.
37 Members of the council must act on behalf of the state as a
38 whole and may not subordinate the needs of the state to those of
39 a particular region. The council's membership should, to the



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40 greatest extent possible, include persons with a background in
41 prison operations, county detention facility management, or the
42 juvenile justice continuum of services.

43 (b) The council's primary duties and responsibilities
44 include:

45 1. Evaluating, investigating, and overseeing the daily
46 operations of correctional and juvenile facilities.

47 2. Conducting announced and unannounced inspections of
48 correctional and juvenile facilities, including facilities
49 operated by private contractors. Members of the council may
50 enter any facility where prisoners, residents, or juveniles are
51 kept. Members shall be immediately admitted to such places as
52 they request and may consult and confer with any prisoner,
53 resident, or juvenile privately with adequate security in place.

54 3. Identifying and monitoring high-risk and problematic
55 correctional or juvenile facilities, and reporting findings and
56 recommendations relating to such facilities.

57 4. Providing technical assistance when appropriate.

58 5. Submitting an annual report to the Governor, the
59 President of the Senate, and the Speaker of the House of
60 Representatives by each November 1, beginning in 2019. The
61 report must include statutory, budgetary, and operational
62 recommendations to the Legislature which address problems
63 identified by the council.

64 6. Conducting confidential interviews with staff, officers,
65 inmates, juveniles, volunteers, and public officials relating to
66 the operations and conditions of correctional and juvenile
67 facilities.

68 7. Developing and implementing a monitoring tool that will



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69 be used to assess the performance of each correctional and
70 juvenile facility.

71 8. Conducting on-site visits to correctional and juvenile
72 facilities on a regular basis.

73 (c) The council may not interfere with the day-to-day
74 operations of the Department of Corrections and the Department
75 of Juvenile Justice, but shall conduct investigations and
76 provide recommendations for improvement.

77 (d) The council shall appoint an executive director who
78 shall serve under the direction of the members of the council.

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

82 (f) Members of the council or its staff may not have
83 immediate family members working for the Department of
84 Corrections, the Department of Juvenile Justice, or a private
85 institution, facility, or provider under contract with either
86 department. A member of the council may not have any direct or
87 indirect interest in a contract, subcontract, franchise,
88 privilege, or other benefit granted or awarded by either
89 department while serving as a member of the council.

90 Section 2. For the 2018-2019 fiscal year, the sums of
91 \$168,074 in recurring funds and \$37,855 in nonrecurring funds
92 are appropriated from the General Revenue Fund to the Executive
93 Office of the Governor, and one full-time equivalent position
94 with associated salary rate of 70,000 is authorized, for the
95 purpose of administering the Florida Correctional Operations
96 Oversight Council.

97 Section 3. Subsection (5) of section 23.1225, Florida



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98 Statutes, is amended to read:

99 23.1225 Mutual aid agreements.—

100 (5) In the event of a disaster or emergency such that a
101 state of emergency is declared by the Governor pursuant to
102 chapter 252, a mutual aid agreement may be used to increase the
103 presence of law enforcement to aid in traffic and crowd control,
104 emergency response, and evacuation support. The requirement that
105 a requested operational assistance agreement be a written
106 agreement for rendering of assistance in a law enforcement
107 emergency may be waived by the participating agencies for a
108 period of up to 90 days from the declaration of the disaster.

109 (a) When a law enforcement agency lends assistance pursuant
110 to this subsection, all powers, privileges, and immunities
111 listed in s. 23.127, except with regard to interstate mutual aid
112 agreements, apply to the agency or entity, if the law
113 enforcement employees rendering services are being requested and
114 coordinated by the affected local law enforcement executive in
115 charge of law enforcement operations.

116 (b) A listing of such agencies or entities and the officers
117 and employees of such agencies or entities rendering assistance
118 pursuant to this subsection must be maintained by the agency or
119 entity requesting such assistance and filed at the end of the
120 90-day period with the Florida Department of Law Enforcement.

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

123 30.15 Powers, duties, and obligations.—

124 (4) (a) Sheriffs, in their respective counties, shall
125 provide security for trial court facilities. Sheriffs shall
126 coordinate with the chief judge of the judicial circuit where



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127 their county is located on all security matters for such
128 facilities, but retain operational control over the manner in
129 which security is provided.

130 (b) Pursuant to s. 26.49, sheriffs and their deputies,
131 employees, and contractors are officers of the court when
132 providing security for trial court facilities under this
133 subsection.

134 (c) The chief judge of the judicial circuit shall have
135 decisionmaking authority to ensure the protection of due process
136 rights, including, but not limited to, the scheduling and
137 conduct of trials and other judicial proceedings, as part of his
138 or her responsibility for the administrative supervision of the
139 trial courts pursuant to s. 43.26.

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

142 57.105 Attorney's fee; sanctions for raising unsupported
143 claims or defenses; exceptions; service of motions; damages for
144 delay of litigation.—

145 (1) Unless otherwise provided, upon the court's initiative
146 or motion of any party, the court shall award a reasonable
147 attorney's fee, including prejudgment interest, to be paid to
148 the prevailing party in equal amounts by the losing party and
149 the losing party's attorney on any claim or defense at any time
150 during a civil proceeding or action in which the court finds
151 that the losing party or the losing party's attorney knew or
152 should have known that a claim or defense when initially
153 presented to the court or at any time before trial:

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



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

158 Section 6. Section 322.75, Florida Statutes, is created to
159 read:

160 322.75 Driver License Reinstatement Days.-

161 (1) Each judicial circuit shall establish a Driver License
162 Reinstatement Days program for reinstating suspended driver
163 licenses. Participants shall include the Department of Highway
164 Safety and Motor Vehicles, the state attorney's office, the
165 public defender's office, the circuit and county courts, the
166 clerk of court, and any interested community organization.

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

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

- 175 1. Driving without a valid driver license;
176 2. Driving with a suspended driver license;
177 3. Failing to make a payment on penalties in collection;
178 4. Failing to appear in court for a traffic violation; or
179 5. Failing to comply with provisions of chapter 318 or this
180 chapter.

181 (b) Notwithstanding paragraphs (4) (a) through (c), a person
182 is eligible for reinstatement under the program if the period of
183 suspension or revocation has elapsed, the person has completed
184 any required course or program as described in paragraph (4) (c),



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185 and the person is otherwise eligible for reinstatement.

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

188 (a) Because the person failed to fulfill a court-ordered
189 child support obligation;

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

191 (c) Because the person has not completed a driver training
192 program, driver improvement course, or alcohol or substance
193 abuse education or evaluation program required under ss.
194 316.192, 316.193, 322.2616, 322.271, or 322.264;

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

196 (e) Because the person is a habitual traffic offender under
197 s. 322.264.

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

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

203 784.046 Action by victim of repeat violence, sexual
204 violence, or dating violence for protective injunction; dating
205 violence investigations, notice to victims, and reporting;
206 pretrial release violations; public records exemption.—

207 (2) There is created a cause of action for an injunction
208 for protection in cases of repeat violence, there is created a
209 separate cause of action for an injunction for protection in
210 cases of dating violence, and there is created a separate cause
211 of action for an injunction for protection in cases of sexual
212 violence.

213 (f) Notwithstanding any other law, attorney fees may not be



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214 awarded in any proceeding under this section.

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

217 784.0485 Stalking; injunction; powers and duties of
218 court and clerk; petition; notice and hearing; temporary
219 injunction; issuance of injunction; statewide verification
220 system; enforcement.-

221 (2)

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

224 Section 9. Present subsections (6) and (7) of section
225 893.135, Florida Statutes, are redesignated as subsections (7)
226 and (8), respectively, and a new subsection (6) is added to that
227 section, to read:

228 893.135 Trafficking; mandatory sentences; suspension or
229 reduction of sentences; conspiracy to engage in trafficking.-

230 (6) Notwithstanding any provision of this section, a court
231 may impose a sentence for a violation of this section other than
232 the mandatory minimum term of imprisonment and mandatory fine if
233 the court finds on the record that all of the following
234 circumstances exist:

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

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

239 (c) The person did not cause a death or serious bodily
240 injury.

241 Section 10. Section 900.05, Florida Statutes, is created to
242 read:



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243 900.05 Criminal justice data collection.—It is the intent
244 of the Legislature to create a model of uniform criminal justice
245 data collection by requiring local and state criminal justice
246 agencies to report complete, accurate, and timely data, and to
247 make such data available to the public.

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

249 (a) “Annual felony caseload” means the yearly caseload of
250 each full-time state attorney and assistant state attorney or
251 public defender and assistant public defender for cases assigned
252 to the circuit criminal division, based on the number of felony
253 cases reported to the Supreme Court under s. 25.075. The term
254 does not include the appellate caseload of a public defender or
255 assistant public defender. Cases reported pursuant to this term
256 must be associated with a case number and each case number must
257 only be reported once regardless of the number of attorney
258 assignments that occur during the course of litigation.

259 (b) “Annual misdemeanor caseload” means the yearly caseload
260 of each full-time state attorney and assistant state attorney or
261 public defender and assistant public defender for cases assigned
262 to the county criminal division, based on the number of
263 misdemeanor cases reported to the Supreme Court under s. 25.075.
264 The term does not include the appellate caseload of a public
265 defender or assistant public defender. Cases reported pursuant
266 to this term must be associated with a case number and each case
267 number must only be reported once regardless of the number of
268 attorney assignments that occur during the course of litigation.

269 (c) “Attorney assignment date” means the date a court-
270 appointed attorney is assigned to the case or, if privately
271 retained, the date an attorney files a notice of appearance with



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272 the clerk of court.

273 (d) "Attorney withdrawal date" means the date the court
274 removes court-appointed counsel from a case or, for a privately
275 retained attorney, the date a motion to withdraw is granted by
276 the court.

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

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

282 (g) "Charge description" means the statement of the conduct
283 that is alleged to have been violated, the associated statutory
284 section establishing such conduct as criminal, and the
285 misdemeanor or felony classification that is provided for in the
286 statutory section alleged to have been violated.

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

290 (i) "Concurrent or consecutive sentence flag" means an
291 indication that a defendant is serving another sentence
292 concurrently or consecutively in addition to the sentence for
293 which data is being reported.

294 (j) "Daily number of correctional officers" means the
295 number of full-time, part-time, and auxiliary correctional
296 officers who are actively providing supervision, protection,
297 care, custody, and control of inmates in a county detention
298 facility or state correctional institution or facility each day.

299 (k) "Deferred prosecution or pretrial diversion agreement
300 date" means the date a contract is signed by the parties



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301 regarding a defendant's admission into a deferred prosecution or
302 pretrial diversion program.

303 (l) "Deferred prosecution or pretrial diversion hearing
304 date" means each date that a hearing, including a status
305 hearing, is held on a case that is in a deferred prosecution or
306 pretrial diversion program, if applicable.

307 (m) "Disciplinary violation and action" means any conduct
308 performed by an inmate in violation of the rules of a county
309 detention facility or state correctional institution or facility
310 that results in the initiation of disciplinary proceedings by
311 the custodial entity and the consequences of such disciplinary
312 proceedings.

313 (n) "Disposition date" means the date of final judgment,
314 adjudication, adjudication withheld, dismissal, or nolle
315 prosequi for the case and if different dates apply, the
316 disposition dates of each charge.

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

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

322 (q) "Gain-time credit earned" means a credit of time
323 awarded to an inmate in a county detention facility in
324 accordance with s. 951.22 or a state correctional institution or
325 facility in accordance with s. 944.275.

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

329 (s) "Judicial transfer date" means a date on which a



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330 defendant's case is transferred to another court or presiding
331 judge.

332 (t) "Number of contract attorneys representing indigent
333 defendants for the office of the public defender" means the
334 number of attorneys hired on a temporary basis, by contract, to
335 represent indigent clients who were appointed a public defender.

336 (u) "Pretrial release violation flag" means an indication
337 that the defendant has violated the terms of his or her pretrial
338 release.

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

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

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

349 (2) DATA COLLECTION AND REPORTING.—Beginning January 1,
350 2019, an entity required to collect data in accordance with this
351 subsection shall collect the specified data required of the
352 entity on a monthly basis. Each entity shall report the data
353 collected in accordance with this subsection to the Department
354 of Law Enforcement on a quarterly basis.

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

- 357 1. Case number.
358 2. Date that the alleged offense occurred.



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359 3. County in which the offense is alleged to have occurred.

360 4. Date the defendant is taken into physical custody by a
361 law enforcement agency or is issued a notice to appear on a
362 criminal charge, if such date is different from the date the
363 offense is alleged to have occurred.

364 5. Date that the criminal prosecution of a defendant is
365 formally initiated through the filing, with the clerk of the
366 court, of an information by the state attorney or an indictment
367 issued by a grand jury.

368 6. Arraignment date.

369 7. Attorney assignment date.

370 8. Attorney withdrawal date.

371 9. Case status.

372 10. Disposition date.

373 11. Information related to each defendant, including:

374 a. Identifying information, including name, date of birth,
375 age, race or ethnicity, and gender.

376 b. Zip code of primary residence.

377 c. Primary language.

378 d. Citizenship.

379 e. Immigration status, if applicable.

380 f. Whether the defendant has been found by a court to be
381 indigent pursuant to s. 27.52.

382 12. Information related to the formal charges filed against
383 the defendant, including:

384 a. Charge description.

385 b. Charge modifier, if applicable.

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

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



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388 section, including a domestic violence flag, gang affiliation
389 flag, sexual offender flag, habitual offender flag, or pretrial
390 release violation flag.

391 13. Information related to bail or bond and pretrial
392 release determinations, including the dates of any such
393 determinations:

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

397 b. Modification of bail or bond conditions made by a court
398 having jurisdiction to try the defendant or, in the absence of
399 the judge of the trial court, by the circuit court, including
400 modifications to any monetary and nonmonetary conditions of
401 release.

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

404 d. Date defendant is released on bail, bond, or pretrial
405 release.

406 e. Bail or bond revocation due to a new offense, a failure
407 to appear, or a violation of the terms of bail or bond, if
408 applicable.

409 14. Information related to court dates and dates of motions
410 and appearances, including:

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

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

414 c. Judicial transfer date, if applicable.

415 d. Trial date.

416 e. Date that a defendant files a notice to participate in



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417 discovery.
418 f. Speedy trial motion and hearing dates, if applicable.
419 g. Dismissal motion and hearing dates, if applicable.
420 15. Whether the attorney representing the defendant is
421 court-appointed to or privately retained by a defendant, or
422 whether the defendant is represented pro se.
423 16. Information related to sentencing, including:
424 a. Date that a court enters a sentence against a defendant.
425 b. Sentence type and length imposed by the court,
426 including, but not limited to, the total duration of
427 imprisonment in a county detention facility or state
428 correctional institution or facility, and conditions probation
429 or community control supervision.
430 c. Amount of time served in custody by the defendant
431 related to the reported criminal case that is credited at the
432 time of disposition of the case to reduce the actual length of
433 time the defendant will serve on the term of imprisonment that
434 is ordered by the court at disposition.
435 d. Total amount of court fees imposed by the court at the
436 disposition of the case.
437 e. Outstanding balance of the defendant's court fees
438 imposed by the court at disposition of the case.
439 f. Total amount of fines imposed by the court at the
440 disposition of the case.
441 g. Outstanding balance of the defendant's fines imposed by
442 the court at disposition of the case.
443 h. Restitution amount ordered, including the amount
444 collected by the court and the amount paid to the victim, if
445 applicable.



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446 i. Digitized sentencing scoresheet prepared in accordance
447 with s. 921.0024.

448 17. The number of judges or magistrates, or their
449 equivalents, hearing cases in circuit or county criminal
450 divisions of the circuit court. Judges or magistrates, or their
451 equivalents, who solely hear appellate cases from the county
452 criminal division are not to be reported under this
453 subparagraph.

454 (b) State attorney.—Each state attorney shall collect the
455 following data:

456 1. Information related to a human victim of a criminal
457 offense, including:

458 a. Identifying information of the victim, including race or
459 ethnicity, gender, and age.

460 b. Relationship to the offender, if any.

461 2. Number of full-time prosecutors.

462 3. Number of part-time prosecutors.

463 4. Annual felony caseload.

464 5. Annual misdemeanor caseload.

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

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

468 8. Information related to each defendant, including:

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

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

472 c. Deferred prosecution or pretrial diversion agreement
473 date, if applicable.

474 d. Deferred prosecution or pretrial diversion hearing date,



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475 if applicable.

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

478 1. Number of full-time public defenders.

479 2. Number of part-time public defenders.

480 3. Number of contract attorneys representing indigent
481 defendants for the office of the public defender.

482 4. Annual felony caseload.

483 5. Annual misdemeanor caseload.

484 (d) County detention facility.—The administrator of each
485 county detention facility shall collect the following data:

486 1. Maximum capacity for the county detention facility.

487 2. Weekly admissions to the county detention facility for a
488 revocation of probation or community control.

489 3. Daily population of the county detention facility,
490 including the specific number of inmates in the custody of the
491 county that:

492 a. Are awaiting case disposition.

493 b. Have been sentenced by a court to a term of imprisonment
494 in the county detention facility.

495 c. Have been sentenced by a court to a term of imprisonment
496 with the Department of Corrections and who are awaiting
497 transportation to the department.

498 d. Have a federal detainer or are awaiting disposition of a
499 case in federal court.

500 4. Information related to each inmate, including:

501 a. Date a defendant is processed into the county detention
502 facility subsequent to an arrest for a new violation of law or
503 for a violation of probation or community control.



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504 b. Qualification for a flag designation as defined in this
505 section, including domestic violence flag, gang affiliation
506 flag, habitual offender flag, pretrial release violation flag,
507 or sexual offender flag.

508 5. Total population of the county detention facility at
509 year-end. This data must include the same specified
510 classifications as subparagraph 3.

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

512 7. Daily number of correctional officers for the county
513 detention facility.

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

517 9. Revenue generated for the county from the temporary
518 incarceration of federal defendants or inmates.

519 (e) Department of Corrections.—The Department of
520 Corrections shall collect the following data:

521 1. Information related to each inmate, including:

522 a. Identifying information, including name, date of birth,
523 race or ethnicity, and identification number assigned by the
524 department.

525 b. Number of children.

526 c. Education level, including any vocational training.

527 d. Date the inmate was admitted to the custody of the
528 department.

529 e. Current institution placement and the security level
530 assigned to the institution.

531 f. Custody level assignment.

532 g. Qualification for a flag designation as defined in this



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533 section, including sexual offender flag, habitual offender flag,
534 gang affiliation flag, or concurrent or consecutive sentence
535 flag.

536 h. County that committed the prisoner to the custody of the
537 department.

538 i. Whether the reason for admission to the department is
539 for a new conviction or a violation of probation, community
540 control, or parole. For an admission for a probation, community
541 control, or parole violation, the department shall report
542 whether the violation was technical or based on a new violation
543 of law.

544 j. Specific statutory citation for which the inmate was
545 committed to the department, including, for an inmate convicted
546 of drug trafficking under s. 893.135, the statutory citation for
547 each specific drug trafficked.

548 k. Length of sentence or concurrent or consecutive
549 sentences served.

550 l. Tentative release date.

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

552 n. Prior incarceration within the state.

553 o. Disciplinary violation and action.

554 p. Participation in rehabilitative or educational programs
555 while in the custody of the department.

556 2. Information about each state correctional institution or
557 facility, including:

558 a. Budget for each state correctional institution or
559 facility.

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



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562 c. Daily number of correctional officers for each state
563 correctional institution or facility.

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

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

570 b. Length of probation or community control sentence
571 imposed and amount of time that has been served on such
572 sentence.

573 c. Projected termination date for probation or community
574 control.

575 d. Revocation of probation or community control due to a
576 violation, including whether the revocation is due to a
577 technical violation of the conditions of supervision or from the
578 commission of a new law violation.

579 4. Per diem rates for:

580 a. Prison bed.

581 b. Probation.

582 c. Community control.

583

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

586 (3) DATA PUBLICLY AVAILABLE.—Beginning January 1, 2019, the
587 Department of Law Enforcement shall publish datasets in its
588 possession in a modern, open, electronic format that is machine-
589 readable and readily accessible by the public on the
590 department's website. The published data must be searchable, at



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591 a minimum, by each data element, county, circuit, and unique
592 identifier. Beginning March 1, 2019, the department shall begin
593 publishing the data received under subsection (2) in the same
594 modern, open, electronic format that is machine-readable and
595 readily accessible to the public on the department's website.
596 The department shall publish all data received under subsection
597 (2) no later than July 1, 2019.

598 Section 11. A pilot project is established in the Sixth
599 Judicial Circuit for the purpose of improving criminal justice
600 data transparency and ensuring that data submitted under s.
601 900.05, Florida Statutes, is accurate, valid, reliable, and
602 structured. The clerk of court, the state attorney, the public
603 defender, or a sheriff in the circuit may enter into a
604 memorandum of understanding with a national, nonpartisan, not-
605 for-profit entity which provides data and measurement for
606 county-level criminal justice systems to establish the duties
607 and responsibilities of a data fellow, completely funded by the
608 entity, to be embedded with the office or agency. The data
609 fellow shall assist with data extraction, validation, and
610 quality and shall publish such data consistent with the terms of
611 the memorandum. The data fellow shall assist the office or
612 agency in compiling and reporting data pursuant to s. 900.05,
613 Florida Statutes, in compliance with rules established by the
614 Department of Law Enforcement. The pilot project shall expire as
615 provided in the memorandum.

616 Section 12. For the 2018-2019 fiscal year, nine full-time
617 equivalent positions with associated salary rate of 476,163 are
618 authorized and the recurring sum of \$665,884 and the
619 nonrecurring sum of \$1,084,116 is appropriated from the General



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620 Revenue Fund to the Department of Law Enforcement for the
621 purposes of implementing ss. 900.05(3) and 943.687, Florida
622 Statutes, transitioning to incident-based crime reporting, and
623 collecting and submitting crime statistics that meet the
624 requirements of the Federal Bureau of Investigation under the
625 National Incident-Based Reporting System.

626 Section 13. Section 907.042, Florida Statutes, is created
627 to read:

628 907.042 Supervised bond program.—

629 (1) LEGISLATIVE FINDINGS.—The Legislature finds that there
630 is a need to use evidence-based methods to identify defendants
631 that can successfully comply with specified pretrial release
632 conditions. The Legislature finds that the use of actuarial
633 instruments that evaluate criminogenic based needs and classify
634 defendants according to levels of risk provides a more
635 consistent and accurate assessment of a defendant's risk of
636 noncompliance while on pretrial release pending trial. The
637 Legislature also finds that both the community and a defendant
638 are better served when a defendant, who poses a low risk to
639 society, is provided the opportunity to fulfill employment and
640 familial responsibilities in the community under a structured
641 pretrial release plan that ensures the best chance of remaining
642 compliant with all pretrial conditions rather than remaining in
643 custody. The Legislature finds that there is a benefit to
644 establishing a supervised bond program in each county for the
645 purpose of providing pretrial release to certain defendants who
646 may not otherwise be eligible for pretrial release on
647 unsupervised nonmonetary conditions and who do not have the
648 ability to satisfy the bond imposed by the court. The



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649 Legislature finds that the creation of such a program will
650 reduce the likelihood of defendants remaining unnecessarily in
651 custody pending trial.

652 (2) CREATION.—A supervised bond program may be established
653 in each county with the terms of each program to be developed
654 with concurrence of the chief judge of the circuit, the county's
655 chief correctional officer, the state attorney, and the public
656 defender. A county that has already established and implemented
657 a supervised bond program whose program and risk assessment
658 instrument is in compliance with subsections (3) and (4) may
659 continue to operate without such concurrence.

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

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

664 (b) Provide that a risk assessment instrument may be
665 utilized to determine eligible defendants and determine an
666 appropriate level of supervision for each defendant upon
667 release.

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

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

676 (e) Require the appropriate court to make a final
677 determination regarding whether a defendant will be placed into



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678 the supervised bond program and, if the court makes such a
679 determination, the court must also:

680 1. Determine the conditions of the individualized
681 supervision plan for which the defendant must comply as a part
682 of the supervised bond program, including, but not limited to,
683 the requirement that the defendant:

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

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

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

693 (f) Establish procedures for reassessing or terminating
694 defendants from the supervised bond program who do not comply
695 with the terms of the individualized supervision plan imposed
696 through the program.

697 (4) RISK ASSESSMENT INSTRUMENT.—

698 (a) Each county that establishes a supervised bond program
699 may utilize a risk assessment instrument that conducts a
700 criminogenic assessment for use in evaluating the proper level
701 of supervision appropriate to ensure compliance with pretrial
702 conditions and safety to the community. The risk assessment
703 instrument must consider, but need not be limited to, the
704 following criteria:

705 1. The nature and circumstances of the offense the
706 defendant is alleged to have committed.



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

709 3. Any prior history of the defendant failing to appear in
710 court.

711 4. The defendant's employment history, employability
712 skills, and employment interests.

713 5. The defendant's educational, vocational, and technical
714 training.

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

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

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

721 (b) A county may contract with the Department of
722 Corrections to develop a risk assessment instrument or modify an
723 instrument that has already been developed by the department,
724 provided the instrument contains the criteria enumerated in
725 paragraph (a). If a county elects to utilize a risk assessment
726 instrument developed or modified by the department in accordance
727 with this paragraph, the county's chief correctional officer
728 shall enter into a contract with the department for such use.

729 (c) Each county may create its own risk assessment
730 instrument for the purpose of operating a supervised bond
731 program or may utilize a risk assessment instrument that has
732 previously been developed for a similar purpose as provided for
733 in this section. Additionally, a county may utilize a risk
734 assessment instrument that has been developed by another county
735 for a similar purpose as provided for in this section. To



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736 utilize a risk assessment instrument developed by a county in
737 accordance with this paragraph, the risk assessment instrument
738 must be validated by the Department of Corrections and contain
739 the criteria enumerated in paragraph (a). If a county elects to
740 utilize a risk assessment instrument developed or modified by
741 another county in accordance with this paragraph, the counties'
742 chief correctional officers shall enter into a contract for such
743 use.

744 (d) A county may contract with an independent entity to
745 utilize a risk assessment instrument that has previously been
746 developed for a similar purpose as provided for in this section.
747 To utilize a risk assessment instrument developed by an
748 independent entity in accordance with this paragraph, the risk
749 assessment instrument must be validated by the Department of
750 Corrections and contain the criteria enumerated in paragraph
751 (a). If a county elects to utilize a risk assessment instrument
752 developed or modified by an independent entity in accordance
753 with this paragraph, the county's chief correctional officer
754 shall enter into a contract with the independent entity for such
755 use.

756 (e) A county that elects to utilize a risk assessment
757 instrument in its supervised bond program may begin to implement
758 the program immediately upon securing a contract for the
759 utilization of or the completion of development or modification,
760 and if applicable, validation of, a risk assessment instrument.
761 A county that intends to utilize a risk assessment instrument it
762 has already developed or modified may implement a supervised
763 bond program immediately upon validation of the risk assessment
764 instrument. A county that has already implemented a supervised



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765 bond program may continue to operate such program while the risk
766 assessment instrument it utilizes is being validated.

767 Implementation must include training of all county staff that
768 will administer the risk assessment instrument.

769 (5) REPORTING.—Each county that establishes a supervised
770 bond program pursuant to this section, or has an existing
771 supervised bond program that operates in compliance with this
772 section, shall provide an annual report to the Office of Program
773 Policy Analysis and Government Accountability that details the
774 results of the administration of the risk assessment instrument,
775 programming used for defendants who received the assessment and
776 were accepted into the supervised bond program, the success rate
777 of such program, and savings realized by the county as a result
778 of such defendants being released from custody pending trial.
779 The annual report from the county must be submitted to OPPAGA by
780 October 1 each year. OPPAGA shall compile the results of the
781 counties reports for inclusion in an independent section of its
782 annual report developed and submitted to the Governor, the
783 President of the Senate, and the Speaker of the House of
784 Representatives in accordance with s. 907.044.

785 Section 14. Section 907.0421, Florida Statutes, is created
786 to read:

787 907.0421 Risk Assessment Pilot Program.—

788 (1) LEGISLATIVE FINDINGS.—The Legislature finds that there
789 is a need to use evidence-based methods to reduce recidivism.
790 The Legislature finds that the use of actuarial instruments that
791 classify offenders according to levels of risk to reoffend
792 provides a more consistent and accurate assessment of an
793 offender's risk and needs. The Legislature also finds that



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794 research indicates that using accurate risk and needs assessment
795 instruments to identify appropriate interventions and
796 programming for offenders reduces recidivism.

797 (2) RISK ASSESSMENT INSTRUMENT.—

798 (a) The Department of Corrections shall develop a risk
799 assessment instrument that conducts a criminogenic assessment
800 for use in evaluating the proper placement and programming needs
801 for a person who is arrested. The risk assessment instrument
802 must consider, but need not be limited to, the following
803 criteria:

804 1. The nature and circumstances of the offense the person
805 committed.

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

808 3. Any prior history of the person failing to appear in
809 court.

810 4. The person's employment history, employability skills,
811 and employment interests.

812 5. The person's educational, vocational, and technical
813 training.

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

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

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

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



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823 (c) The Department of Corrections shall complete the
824 development or modification of a risk assessment instrument no
825 later than March 1, 2019. The department may begin to implement
826 the risk assessment instrument immediately upon completion.
827 Implementation, including training all staff that will
828 administer the risk assessment instrument, must be completed by
829 June 30, 2019.

830 (d) A representative of the county's chief correctional
831 officer shall administer the risk assessment instrument as early
832 as reasonably possible after a person's arrest, but no later
833 than 10 business days after the arrest. If a person is released
834 from jail pursuant to chapter 903 before the administration of
835 the risk assessment instrument, the chief correctional officer,
836 or his or her representative, must schedule and provide written
837 notification of a date and time for the person to return to the
838 jail for the administration of the risk assessment instrument.
839 The date and time must be provided in writing upon the person's
840 pretrial release. The risk assessment instrument may be
841 conducted by video teleconference.

842 (e) A risk assessment instrument report must be made
843 available to the person to whom the instrument is administered,
844 his or her legal counsel, and the state attorney upon completion
845 of the report. The Department of Corrections shall submit to the
846 court the risk assessment instrument report, but the court may
847 not review it without the consent of the person who is the
848 subject of the report and his or her legal counsel.

849 (3) CREATION.—Contingent upon appropriations and a contract
850 with each participating county, it is the intent of the
851 Legislature to establish a 3-year Risk Assessment Pilot Program



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852 to perform a risk assessment evaluation on all persons arrested
853 for a felony in participating counties.

854 (4) PARTICIPATING COUNTIES.—Participation in the pilot
855 program is limited to Hillsborough, Pasco, and Pinellas
856 Counties. Each participating county's chief correctional officer
857 shall enter into a 3-year contract with the Department of
858 Corrections for the ability to utilize the risk assessment
859 instrument that is developed in accordance with this section.

860 (5) PILOT PROGRAM REQUIREMENTS.—

861 (a) The participating counties shall administer the risk
862 assessment instrument to all persons arrested for a felony and
863 utilize the results of such risk assessment instrument as a tool
864 for determining appropriate programming and sentencing with the
865 goal of reducing recidivism.

866 (b) Each county participating in the pilot program shall
867 provide an annual report to the Department of Corrections by
868 July 1 of each year of the pilot program which details the
869 results of the administration of the risk assessment instrument,
870 programming used for persons who received the assessment, and
871 the success rate of such programming. The department shall
872 compile the county reports and submit one annual report to the
873 Governor, the President of the Senate, and the Speaker of the
874 House of Representatives by October 1 of each year of the pilot
875 program.

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

880 Section 15. Paragraph (b) of subsection (4) of section



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881 907.043, Florida Statutes, is amended to read:
882 907.043 Pretrial release; citizens' right to know.—
883 (4)
884 (b) The annual report must contain, but need not be limited
885 to:
886 1. The name, location, and funding sources of the pretrial
887 release program, including the amount of public funds, if any,
888 received by the pretrial release program.
889 2. The operating and capital budget of each pretrial
890 release program receiving public funds.
891 3.a. The percentage of the pretrial release program's total
892 budget representing receipt of public funds.
893 b. The percentage of the total budget which is allocated to
894 assisting defendants obtain release through a nonpublicly funded
895 program.
896 c. The amount of fees paid by defendants to the pretrial
897 release program.
898 4. The number of persons employed by the pretrial release
899 program.
900 5. The number of defendants assessed and interviewed for
901 pretrial release.
902 6. The number of defendants recommended for pretrial
903 release.
904 7. The number of defendants for whom the pretrial release
905 program recommended against nonsecured release.
906 8. The number of defendants granted nonsecured release
907 after the pretrial release program recommended nonsecured
908 release.
909 9. The number of defendants assessed and interviewed for



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910 pretrial release who were declared indigent by the court.
911 10. The number of defendants accepted into a pretrial
912 release program who paid a surety or cash bail or bond.
913 11. The number of defendants for whom a risk assessment
914 tool was used in determining whether the defendant should be
915 released pending the disposition of the case and the number of
916 defendants for whom a risk assessment tool was not used.
917 12. The specific statutory citation for each criminal
918 charge related to a defendant whose case is accepted into a
919 pretrial release program, including, at a minimum, the number of
920 defendants charged with dangerous crimes as defined in s.
921 907.041; nonviolent felonies; or misdemeanors only. A
922 "nonviolent felony" for purposes of this subparagraph excludes
923 the commission of, an attempt to commit, or a conspiracy to
924 commit any of the following:
925 a. An offense enumerated in s. 775.084(1)(c);
926 b. An offense that requires a person to register as a
927 sexual predator in accordance with s. 775.21 or as a sexual
928 offender in accordance with s. 943.0435
929 c. Failure to register as a sexual predator in violation of
930 s. 775.21 or as a sexual offender in violation of s. 943.0435;
931 d. Facilitating or furthering terrorism in violation of s.
932 775.31;
933 e. A forcible felony as described in s. 776.08;
934 f. False imprisonment in violation of s. 787.02;
935 g. Burglary of a dwelling or residence in violation of s.
936 810.02(3).
937 h. Abuse, aggravated abuse, and neglect of an elderly
938 person or disabled adult in violation of s. 825.102;



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939 i. Abuse, aggravated abuse, and neglect of a child in
940 violation of s. 827.03;
941 j. Poisoning of food or water in violation of s. 859.01;
942 k. Abuse of a dead human body in violation of s. 872.06;
943 l. A capital offense in violation of chapter 893;
944 m. An offense that results in serious bodily injury or
945 death to another human; or
946 n. A felony offense in which the defendant used a weapon or
947 firearm in the commission of the offense.
948 13. The number of defendants accepted into a pretrial
949 release program with no prior criminal conviction.
950 ~~14.10.~~ The name and case number of each person granted
951 nonsecured release who:
952 a. Failed to attend a scheduled court appearance.
953 b. Was issued a warrant for failing to appear.
954 c. Was arrested for any offense while on release through
955 the pretrial release program.
956 ~~15.11.~~ Any additional information deemed necessary by the
957 governing body to assess the performance and cost efficiency of
958 the pretrial release program.
959 Section 16. Subsections (3) through (7) of section
960 921.0024, Florida Statutes, are amended to read:
961 921.0024 Criminal Punishment Code; worksheet computations;
962 scoresheets.-
963 (3) A single digitized scoresheet shall be prepared for
964 each defendant to determine the permissible range for the
965 sentence that the court may impose, except that if the defendant
966 is before the court for sentencing for more than one felony and
967 the felonies were committed under more than one version or



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968 revision of the guidelines or the code, separate digitized
969 scoresheets must be prepared. The scoresheet or scoresheets must
970 cover all the defendant's offenses pending before the court for
971 sentencing. The state attorney shall prepare the digitized
972 scoresheet or scoresheets, which must be presented to the
973 defense counsel for review for accuracy in all cases unless the
974 judge directs otherwise. The defendant's scoresheet or
975 scoresheets must be approved and signed by the sentencing judge.

976 (4) The Department of Corrections, in consultation with the
977 Office of the State Courts Administrator, state attorneys, and
978 public defenders, must develop and submit the revised digitized
979 Criminal Punishment Code scoresheet to the Supreme Court for
980 approval by June 15 of each year, as necessary. The digitized
981 scoresheet shall have individual, structured data cells for each
982 data field on the scoresheet. Upon the Supreme Court's approval
983 of the revised digitized scoresheet, the Department of
984 Corrections shall produce and provide ~~sufficient copies of the~~
985 revised digitized scoresheets by September 30 of each year, as
986 necessary. Digitized scoresheets must include individual data
987 cells to indicate ~~item entries for the scoresheet preparer's use~~
988 ~~in indicating~~ whether any prison sentence imposed includes a
989 mandatory minimum sentence or the sentence imposed was a
990 downward departure from the lowest permissible sentence under
991 the Criminal Punishment Code.

992 (5) The Department of Corrections shall make available
993 ~~distribute sufficient copies of the~~ digitized Criminal
994 Punishment Code scoresheets to those persons charged with the
995 responsibility for preparing scoresheets.

996 (6) The clerk of the circuit court shall transmit a



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997 complete, and accurate digitized, ~~and legible~~ copy of the
998 Criminal Punishment Code scoresheet used in each sentencing
999 proceeding to the Department of Corrections. Scoresheets must be
1000 electronically transmitted no less frequently than monthly, by
1001 the first of each month, and may be sent collectively.

1002 (7) A digitized sentencing scoresheet must be prepared for
1003 every defendant who is sentenced for a felony offense. ~~A copy of~~
1004 The individual offender's digitized Criminal Punishment Code
1005 scoresheet and any attachments thereto prepared pursuant to Rule
1006 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal
1007 Procedure, or any other rule pertaining to the preparation and
1008 submission of felony sentencing scoresheets, must be included
1009 with ~~attached to the copy of~~ the uniform judgment and sentence
1010 form provided to the Department of Corrections.

1011 Section 17. Subsection (1) of section 932.7061, Florida
1012 Statutes, is amended to read:

1013 932.7061 Reporting seized property for forfeiture.—

1014 (1) Every law enforcement agency shall submit an annual
1015 report to the Department of Law Enforcement indicating whether
1016 the agency has seized or forfeited property under the Florida
1017 Contraband Forfeiture Act. A law enforcement agency receiving or
1018 expending forfeited property or proceeds from the sale of
1019 forfeited property in accordance with the Florida Contraband
1020 Forfeiture Act shall submit a completed annual report by
1021 December 1 ~~October 10~~ documenting the receipts and expenditures.
1022 The report shall be submitted in an electronic form, maintained
1023 by the Department of Law Enforcement in consultation with the
1024 Office of Program Policy Analysis and Government Accountability,
1025 to the entity that has budgetary authority over such agency and



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1026 to the Department of Law Enforcement. The annual report must, at
1027 a minimum, specify the type, approximate value, court case
1028 number, type of offense, disposition of property received, and
1029 amount of any proceeds received or expended.

1030 Section 18. Section 943.687, Florida Statutes, is created
1031 to read:

1032 943.687 Criminal justice data transparency.—In order to
1033 facilitate the availability of comparable and uniform criminal
1034 justice data, the department shall:

1035 (1) Collect, compile, maintain, and manage the data
1036 submitted by local and state entities pursuant to s. 900.05 and
1037 coordinate related activities to collect and submit data. The
1038 department shall create a unique identifier for each criminal
1039 case received from the clerks of court which identifies the
1040 person who is the subject of the criminal case. The unique
1041 identifier must be the same for that person in any court case
1042 and used across local and state entities for all information
1043 related to that person at any time. The unique identifier shall
1044 be randomly created and may not include any portion of the
1045 person's social security number or date of birth.

1046 (2) Promote criminal justice data sharing by making such
1047 data received under s. 900.05 comparable, transferable, and
1048 readily usable.

1049 (3) Create and maintain an Internet-based database of
1050 criminal justice data received under s. 900.05 in a modern,
1051 open, electronic format that is machine-readable and readily
1052 accessible through an application program interface. The
1053 database must allow the public to search, at a minimum, by each
1054 data element, county, judicial circuit, or unique identifier.



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1055 The department may not require a license or charge a fee to
1056 access or receive information from the database.

1057 (4) Develop written agreements with local, state, and
1058 federal agencies to facilitate criminal justice data sharing.

1059 (5) Establish by rule:

1060 (a) Requirements for the entities subject to the
1061 requirements of s. 900.05 to submit data through an application
1062 program interface.

1063 (b) A data catalog defining data objects, describing data
1064 fields, and detailing the meaning of and options for each data
1065 element reported pursuant to s. 900.05.

1066 (c) How data collected pursuant to s. 900.05 is compiled,
1067 processed, structured, used, or shared. The rule shall provide
1068 for the tagging of all information associated with each case
1069 number and unique identifier.

1070 (d) Requirements for implementing and monitoring the
1071 Internet-based database established under subsection (3).

1072 (e) How information contained in the Internet-based
1073 database established under subsection (3) is accessed by the
1074 public.

1075 (6) Consult with local, state, and federal criminal justice
1076 agencies and other public and private users of the database
1077 established under subsection (3) on the data elements collected
1078 under s. 900.05, the use of such data, and adding data elements
1079 to be collected.

1080 (7) Monitor data collection procedures and test data
1081 quality to facilitate the dissemination of accurate, valid,
1082 reliable, and complete criminal justice data.

1083 (8) Develop methods for archiving data, retrieving archived



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1084 data, and data editing and verification.

1085 Section 19. Subsection (3) of section 944.704, Florida
1086 Statutes, is amended to read:

1087 944.704 Staff who provide transition assistance; duties.—
1088 The department shall provide a transition assistance specialist
1089 at each of the major institutions whose duties include, but are
1090 not limited to:

1091 (3) Obtaining job placement information, which must
1092 include identifying any job assignment credentialing or industry
1093 certifications for which an inmate is eligible.

1094
1095 The transition assistance specialist may not be a correctional
1096 officer or correctional probation officer as defined in s.
1097 943.10.

1098 Section 20. Subsections (3) through (6) of section 944.705,
1099 Florida Statutes, are renumbered as subsections (4), (5), (6),
1100 and (10), respectively, and new subsections (3), (7), (8), (9),
1101 and (11) are added to that section, to read:

1102 944.705 Release orientation program.—

1103 (3) Each inmate shall receive a comprehensive community
1104 reentry resource directory organized by the county to which the
1105 inmate is being released. The directory shall include the name,
1106 address, and telephone number of each provider, and a
1107 description of services offered. The directory must also include
1108 the name, address, and telephone number of existing portals of
1109 entry.

1110 (7) The department shall allow a nonprofit faith-based,
1111 business and professional, civic, or community organization to
1112 apply to be registered under this section to provide inmate



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1113 reentry services. Reentry services include, but are not limited
1114 to, counseling; providing information on housing and job
1115 placement; money management assistance; and programs addressing
1116 substance abuse, mental health, or co-occurring conditions.

1117 (8) The department shall adopt policies and procedures for
1118 screening, approving, and registering an organization that
1119 applies to be registered to provide inmate reentry services
1120 under subsection (7). The department may deny approval and
1121 registration of an organization or a representative from an
1122 organization if it determines that the organization or
1123 representative does not meet the department's policies or
1124 procedures.

1125 (9) The department may contract with a public or private
1126 educational institution's Veteran's Advocacy Clinic or Veteran's
1127 Legal Clinic to assist qualified veteran inmates in applying for
1128 veteran's assistance benefits upon release.

1129 (11) The department shall adopt rules to implement this
1130 section.

1131 Section 21. Subsections (4) and (5) of section 944.801,
1132 Florida Statutes, are renumbered (5) and (6), respectively, and
1133 new subsection (4) is added to that section to read:

1134 944.801 Education for state prisoners.—

1135 (4) The Correctional Education Program may develop a Prison
1136 Entrepreneurship Program and adopt procedures for admitting
1137 student inmates. If the department elects to develop the
1138 program, it must include at least 180 days of in-prison
1139 education. Program curriculum must include a component on
1140 developing a business plan, procedures for graduation and
1141 certification of successful student inmates, and at least 90



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1142 days of transitional and postrelease continuing education
1143 services. Transitional and postrelease continuing education
1144 services may be offered to graduate student inmates on a
1145 voluntary basis and shall not be a requirement for completion of
1146 the program. The department shall enter into agreements with
1147 public or private community colleges, junior colleges, colleges,
1148 universities, or other non-profit entities to implement the
1149 program. The program shall be funded within existing resources.

1150 Section 22. Section 944.805, Florida Statutes, is created
1151 to read:

1152 944.805 Certificate of achievement and employability;
1153 definitions.-

1154 (1) As used in this section and ss. 944.806-944.8065, the
1155 term:

1156 (a) "Discretionary civil impact" means any Florida statute
1157 or rule that creates a penalty, disability, or disadvantage to
1158 which all of the following apply:

1159 1. The impact is triggered in whole or in part by a
1160 person's conviction of an offense, whether or not the penalty,
1161 disability, or disadvantage is included in the judgment or
1162 sentence.

1163 2. The impact is imposed on a person, licensing agency, or
1164 employer.

1165 3. The impact permits, but does not require, that a
1166 convicted person have a license denied or revoked, permits an
1167 agency to deny or revoke a license or certification to a
1168 convicted person, or permits a business to refuse to employ a
1169 convicted person.

1170



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1171 The term does not include imprisonment, probation, parole,
1172 supervised release, forfeiture, restitution, fine, assessment,
1173 or costs of prosecution.

1174 (b) "Eligible inmate" means a person who is serving a
1175 prison term in a state correctional institution or facility;
1176 under the supervision of the department on probation or
1177 community control; or under a postrelease control sanction; and
1178 who is eligible to apply to the department for a certificate of
1179 achievement and employability.

1180 (c) "Licensing agency" means any regulatory or licensing
1181 entity with authority to issue, suspend, or revoke any
1182 professional license or certification.

1183 (d) "Mandatory civil impact" means any Florida statute or
1184 rule that creates a penalty, disability, or disadvantage to
1185 which all of the following apply:

1186 1. The impact is triggered automatically solely by a
1187 person's conviction of an offense, whether or not the penalty,
1188 disability, or disadvantage is included in the judgment or
1189 sentence.

1190 2. The impact is imposed on a person, licensing agency, or
1191 employer.

1192 3. The impact precludes a convicted person from maintaining
1193 or obtaining licensure or employment, precludes a licensing
1194 agency from issuing a license or certification to a convicted
1195 person, or precludes a business from being certified or from
1196 employing a convicted person.

1197
1198 The term does not include imprisonment, probation, parole,
1199 supervised release, forfeiture, restitution, fine, assessment,



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1200 or costs of prosecution.

1201 Section 23. Section 944.8055, Florida Statutes, is created

1202 to read:

1203 944.8055 Certificate of achievement and employability;

1204 eligibility.-

1205 (1) An eligible inmate may apply to the department at a

1206 time specified in paragraph (2) (a) for a certificate of

1207 achievement and employability if the inmate:

1208 (a) Has satisfactorily completed one or more in-prison

1209 vocational programs approved by the department.

1210 (b) Has demonstrated exemplary performance as determined by

1211 completion of one or more cognitive or behavioral improvement

1212 programs approved by the department while incarcerated in a

1213 state correctional institution or facility or under supervision,

1214 or during both periods of time.

1215 (c) Shows other evidence of achievement and rehabilitation.

1216 (d) Is not currently serving a sentence for or has not been

1217 previously convicted of a violation of a dangerous crime as

1218 defined in s. 907.041, or a violation specified as a predicate

1219 offense for registration as a sexual predator under s. 775.21 or

1220 for registration as a sexual offender under s. 943.0435.

1221 (2) (a) An eligible inmate may apply for a certificate of

1222 achievement and employability no earlier than one year prior to

1223 the date of his or her release from department custody and no

1224 later than the actual date of release.

1225 (b) An inmate released from a state correctional

1226 institution or facility, or under supervision or postrelease

1227 control sanction, and who satisfies all the criteria set forth

1228 in subsection (1), is eligible to apply to the department for a



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1229 certificate of achievement and employability at any time while
1230 under supervision or postrelease control sanction.

1231 (3) When applying for a certificate of achievement and
1232 employability, an eligible inmate shall specify the mandatory
1233 civil impacts for which he or she is seeking relief through a
1234 certificate. If a mandatory civil impact of a licensing agency
1235 is affected by issuing the certificate, the department shall
1236 notify the licensing agency, provide the licensing agency with a
1237 copy of the application and documentation that the department
1238 has concerning the eligible inmate, and afford the licensing
1239 agency an opportunity to object in writing to issuing the
1240 certificate.

1241 (4) The department shall consider the eligible inmate's
1242 application and all objections to issuing the certificate of
1243 achievement and employability. If the department determines that
1244 the inmate is eligible, the application was filed timely, and
1245 all objections to issuing the certificate are insufficient, it
1246 shall issue the certificate.

1247 (5) A certificate of achievement or employability does not
1248 affect the mandatory civil impacts under s. 4, Art. VI of the
1249 state Constitution, or ss. 775.13, 775.21, 943.0435, and
1250 944.292.

1251 (6) The department is not liable for a claim for damages
1252 arising from issuing, denying, or revoking a certificate of
1253 achievement and employability or for failing to revoke a
1254 certificate under the circumstances described in s. 944.0865.

1255 (7) The department shall adopt rules to implement this
1256 section.

1257 Section 24. Section 944.806, Florida Statutes, is created



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1258 to read:

1259 944.806 Certificate of achievement and employability;
1260 effect.—

1261 (1) A certificate holder who applies to a licensing agency
1262 and has a conviction or guilty plea that otherwise would bar
1263 licensure or certification because of a mandatory civil impact
1264 shall be given individualized consideration by the licensing
1265 agency. The certificate constitutes a rebuttable presumption
1266 that the certificate holder's conviction alone is insufficient
1267 evidence that he or she is unfit for the license or
1268 certification. Notwithstanding the presumption established under
1269 this section, the licensing agency may deny the license or
1270 certification if it determines that the certificate holder is
1271 unfit for licensure or certification after considering all
1272 relevant facts and circumstances.

1273 (2) If an employer that has hired a certificate holder
1274 applies to a licensing agency and the certificate holder has a
1275 conviction or guilty plea that otherwise would bar his or her
1276 employment with the employer, or would bar the employer's
1277 licensure or certification because of a mandatory civil impact,
1278 the agency shall give the certificate holder individualized
1279 consideration for licensure or certification. The mandatory
1280 civil impact shall be deemed a discretionary civil impact, and
1281 the certificate constitutes a rebuttable presumption that the
1282 holder's criminal convictions are insufficient evidence that he
1283 or she is unfit for the employment, or that the employer is
1284 unfit for the licensure or certification. The agency may deny
1285 the employer licensure or certification if it determines that
1286 the certificate holder is unfit for employment or that the



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1287 employer is unfit for licensure or certification.

1288 Section 25. Section 944.8065, Florida Statutes, is created
1289 to read:

1290 944.8065 Certificate of achievement and employability;
1291 revocation.—The department shall adopt rules governing
1292 revocation of a certificate of achievement and employability
1293 issued under s. 944.8055. The rules shall, at a minimum, require
1294 revocation if a certificate holder is convicted of or pleads
1295 guilty to a felony subsequent to the issuance of the certificate
1296 of eligibility. The department shall determine which additional
1297 offenses require revocation, considering the nature of the
1298 offense and the employment of a certificate holder.

1299 Section 26. Section 945.041, Florida Statutes, is created
1300 to read:

1301 945.041 Department of Corrections reports.—The department
1302 shall publish on its website and make available to the public
1303 the following information, updated on a quarterly basis:

1304 (1) Inmate admissions by offense type. Burglary of dwelling
1305 offenses under s. 810.02(2), (3) (a), and (3) (b) must be reported
1306 as a separate category from all other property crimes.

1307 (2) The recidivism rate, defined as rearrest, reconviction,
1308 reincarceration, and probation revocation in the state within a
1309 3-year time period following release from incarceration.

1310 Section 27. Current subsections (6) through (15) of section
1311 947.005, Florida Statutes, are redesignated as subsections (8)
1312 through (17), respectively, and new subsections (6) and (7) are
1313 added to that section, to read:

1314 947.005 Definitions.—As used in this chapter, unless the
1315 context clearly indicates otherwise:



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1316 (6) "Electronic monitoring device" means an electronic or
1317 telecommunications device that is used to track and supervise
1318 the location of a person. Such devices include, but are not
1319 limited to, voice tracking systems, position tracking systems,
1320 position location systems, or biometric tracking systems.

1321 (7) "Conditional medical release" means the release from a
1322 state correctional institution or facility under this chapter
1323 for medical or mental health treatment pursuant to s. 947.149.

1324 Section 28. Section 947.149, Florida Statutes, is amended
1325 to read:

1326 947.149 Conditional medical release.—

1327 (1) ELIGIBILITY.—The commission shall, in conjunction with
1328 the department, establish the conditional medical release
1329 program. An inmate is eligible for supervised ~~consideration for~~
1330 release under the conditional medical release program when the
1331 inmate, because of an existing medical or physical condition, is
1332 determined by the department to be within one of the ~~following~~
1333 designations provided for in subsection (2) and meet the
1334 qualifications of subsection (3) or subsection (4).÷

1335 (2) DESIGNATIONS.—

1336 (a) "Inmate with a debilitating illness," which means an
1337 inmate who is determined to be suffering from a significant and
1338 permanent terminal or nonterminal condition, disease, or
1339 syndrome that has rendered the inmate so physically or
1340 cognitively debilitated or incapacitated as to create a
1341 reasonable probability that the inmate does not constitute a
1342 danger to herself or himself or others.

1343 (b) "Medically frail inmate," which means an inmate whose
1344 physical or mental health has deteriorated to a point that



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1345 creates a reasonable probability that the inmate does not
1346 constitute a danger to herself or himself or others, as
1347 determined by a risk assessment completed by a qualified
1348 practitioner, and whose deterioration is the direct result of
1349 the inmate's:

1350 1. Impairment of the mental or emotional processes that
1351 exercise conscious control of one's actions or of the ability to
1352 perceive or understand reality, where such impairment
1353 substantially interferes with the person's ability to meet the
1354 ordinary demands of living;

1355 2. History of substance abuse, as defined in s.
1356 397.311(45); or

1357 3. Requirement of acute long-term medical or mental health
1358 treatment or services.

1359 (c)(a) "Permanently incapacitated inmate," which means an
1360 inmate who has a condition caused by injury, disease, or illness
1361 which, to a reasonable degree of medical certainty, renders the
1362 inmate permanently and irreversibly physically incapacitated to
1363 the extent that the inmate does not constitute a danger to
1364 herself or himself or others.

1365 (d)(b) "Terminally ill inmate," which means an inmate who
1366 has a condition caused by injury, disease, or illness which, to
1367 a reasonable degree of medical certainty, renders the inmate
1368 terminally ill to the extent that there can be no recovery and
1369 death is expected within 12 months ~~is imminent~~, so that the
1370 inmate does not constitute a danger to herself or himself or
1371 others.

1372 (3)(2) PERMISSIVE CONDITIONAL MEDICAL RELEASE.-

1373 (a) Notwithstanding any provision to the contrary, an



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1374 inmate that is sentenced to the custody of the department and
1375 who qualifies for one of the designations defined in subsection
1376 (2) any person determined eligible under this section and
1377 sentenced to the custody of the department may, upon referral by
1378 the department, be considered for conditional medical release by
1379 the commission, in addition to any parole consideration for
1380 which the inmate may be considered, except that conditional
1381 medical release is not authorized for an inmate who is under
1382 sentence of death. No inmate has a right to conditional medical
1383 release or to a medical evaluation to determine eligibility for
1384 such release.

1385 (b) (3) The authority and whether or not to grant
1386 conditional medical release and establish additional conditions
1387 of conditional medical release under this subsection rests
1388 solely within the discretion of the commission, in accordance
1389 with the provisions of this section, together with the authority
1390 to approve the release plan to include necessary medical care
1391 and attention.

1392 (c) The department shall identify inmates who may be
1393 eligible for conditional medical release based upon available
1394 medical information and shall refer them to the commission for
1395 consideration.

1396 (d) In considering an inmate for conditional medical
1397 release in accordance with this subsection, the commission may
1398 require that additional medical evidence be produced or that
1399 additional medical examinations be conducted, and may require
1400 such other investigations to be made as may be warranted.

1401 (4) MANDATORY CONDITIONAL MEDICAL RELEASE.-

1402 (a) An inmate is eligible for mandatory conditional medical



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1403 release under this subsection if he or she qualifies for one of
1404 the designations defined in subsection (2) and the department
1405 determines that he or she meets all of the following criteria:
1406 1. Has served at least 50 percent of his or her sentence.
1407 2. Has no current or prior conviction for:
1408 a. A capital, life, or first degree felony.
1409 b. A sexual offense specified in s. 775.21(4)(a)1. or s.
1410 943.0435(1)(h)1.a.(I).
1411 c. An offense involving a child.
1412 3. Has not received a disciplinary report within the
1413 previous 6 months.
1414 4. Has never received a disciplinary report for a violent
1415 act.
1416 5. Has renounced any gang affiliation.
1417 (b) Any person sentenced to the custody of the department
1418 who is determined to be eligible for placement on mandatory
1419 conditional medical release in accordance with this subsection
1420 must be referred by the department to the commission. Upon
1421 receiving a referral from the department, the commission shall
1422 verify the eligibility of an inmate and, upon verification, such
1423 inmate must be placed on conditional medical release.
1424 (c) In verifying the inmate's eligibility for mandatory
1425 conditional medical release, the commission shall review the
1426 information provided by the department.
1427 (d) The commission must finish its verification of an
1428 inmate's eligibility within 60 days after the department refers
1429 the inmate for conditional medical release.
1430 (5) RIGHTS NOT CONFERRED.—An inmate does not have a right
1431 to conditional medical release or to a medical evaluation to



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1432 determine eligibility for such release.

1433 (6) REFERRAL REQUIREMENTS.—The department's referral of an
1434 inmate to the commission for release under this section must
1435 include all of the following information on the inmate:

1436 (a) The proposed conditional medical release plan.

1437 (b) Any relevant medical history, including current medical
1438 prognosis.

1439 (c) Criminal history. The criminal history must include all
1440 of the following information:

1441 1. The inmate's claim of innocence, if any.

1442 2. The degree to which the inmate accepts responsibility
1443 for his or her actions leading to the conviction of the crime.

1444 3. How any claim of responsibility has affected the
1445 inmate's feelings of remorse.

1446 (d) If authorized by the inmate, any history of substance
1447 abuse and mental health issues that is collected by the
1448 department in accordance with 42 C.F.R. s. 2.

1449 (e) Any disciplinary action taken against the inmate while
1450 in prison.

1451 (f) Any participation in prison work and other prison
1452 programs.

1453 (g) Any other information that the department deems
1454 necessary.

1455 (7) PLACEMENT REQUIREMENT.—A determination to approve a
1456 release on conditional medical release must take into
1457 consideration conditions such as whether:

1458 (a) A placement option has been secured for the inmate in
1459 the community. A placement option may include, but is not
1460 limited to, home confinement or a medical or mental health



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1461 facility that is not a public institution as defined at Title
1462 42, Chapter IV, Subchapter C, Part 434, Subpart K of the Code of
1463 Federal Regulations. A placement option need not involve any
1464 type of supervision of the inmate by an employee or a private
1465 contractor of the department or otherwise be considered a secure
1466 facility. A placement option may involve the use of an
1467 electronic monitoring device as defined in 947.005(6).

1468 (b) The placement option secured under this section poses a
1469 minimal risk to society.

1470 (c) The department has made a reasonable effort to
1471 determine whether expenses related to the placement option
1472 secured under this subsection are covered by Medicaid, a health
1473 care policy, a certificate of insurance, or another source for
1474 the payment of medical expenses or whether the inmate has
1475 sufficient income or assets to pay for the expenses related to
1476 the placement.

1477 (d) The department has provided notice to the prosecutor's
1478 office in the county in which the prisoner was sentenced and to
1479 each victim entitled to notice under s. 16(b), Art. I of the
1480 State Constitution.

1481 (8)-(4) EFFECT OF RELEASE ON CONDITIONAL MEDICAL RELEASE.-
1482 The conditional medical release term of an inmate released on
1483 conditional medical release is for the remainder of the inmate's
1484 sentence, without diminution of sentence for good behavior.
1485 Supervision of the medical releasee must include a release plan
1486 as proposed by the department and approved by the commission and
1487 periodic medical evaluations. Supervision may also include
1488 electronic monitoring at intervals determined by the commission
1489 at the time of release.



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1490 ~~(9)-(5)-(a)~~ REVOCATION AND RECOMMITMENT.—

1491 (a) If it is discovered during the conditional medical
1492 release that the medical or physical condition of the medical
1493 releasee has improved to the extent that she or he would no
1494 longer be eligible for conditional medical release under this
1495 section, the commission may order that the releasee be returned
1496 to the custody of the department for a conditional medical
1497 release revocation hearing, in accordance with s. 947.141. If
1498 conditional medical release is revoked due to improvement in the
1499 medical or physical condition of the releasee, she or he shall
1500 serve the balance of her or his sentence with credit for the
1501 time served on conditional medical release and without
1502 forfeiture of any gain-time accrued prior to conditional medical
1503 release. If the person whose conditional medical release is
1504 revoked due to an improvement in medical or physical condition
1505 would otherwise be eligible for parole or any other release
1506 program, the person may be considered for such release program
1507 pursuant to law.

1508 (b) In addition to revocation of conditional medical
1509 release pursuant to paragraph (a), conditional medical release
1510 may also be revoked for violation of any condition of the
1511 release established by the commission, in accordance with s.
1512 947.141, and the releasee's gain-time may be forfeited pursuant
1513 to s. 944.28(1).

1514 ~~(10)-(6)~~ RULEMAKING.—The department and the commission shall
1515 adopt rules as necessary to implement the conditional medical
1516 release program.

1517 Section 29. Subsection (1) of section 948.001, Florida
1518 Statutes, is amended to read:



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1519 948.001 Definitions.—As used in this chapter, the term:
1520 (1) “Administrative probation” means a form of no contact,
1521 nonreporting supervision in which an offender who presents a low
1522 risk of harm to the community may, upon satisfactory completion
1523 of half the term of probation, be transferred by the Department
1524 of Corrections to this type of reduced level of supervision, as
1525 provided in s. 948.013.

1526 Section 30. Subsection (1) of section 948.013, Florida
1527 Statutes, is amended to read:

1528 948.013 Administrative probation.—

1529 (1) The Department of Corrections may transfer an offender
1530 to administrative probation if he or she presents a low risk of
1531 harm to the community and has satisfactorily completed at least
1532 half of the probation term. The department ~~of Corrections~~ may
1533 establish procedures for transferring an offender to
1534 administrative probation. The department may collect an initial
1535 processing fee of up to \$50 for each probationer transferred to
1536 administrative probation. The offender is exempt from further
1537 payment for the cost of supervision as required in s. 948.09.

1538 Section 31. Subsection (3) is added to section 948.03,
1539 Florida Statutes, to read:

1540 948.03 Terms and conditions of probation.—

1541 (3) The Department of Corrections shall include all
1542 conditions of probation for each probationer, as determined by
1543 the court, in the Florida Crime Information Center database.

1544 Section 32. Subsection (1) of section 948.06, Florida
1545 Statutes, is amended, and subsection (9) is added to that
1546 section, to read:

1547 948.06 Violation of probation or community control;



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1548 revocation; modification; continuance; failure to pay
1549 restitution or cost of supervision.—

1550 (1)

1551 (c) If a probationer or offender on community control
1552 commits a technical violation, the probation officer shall
1553 determine whether he or she is eligible for the alternative
1554 sanctioning program under subsection (9). If the probationer or
1555 offender on community control is eligible, the probation officer
1556 may proceed with the alternative sanctioning program in lieu of
1557 filing an affidavit of violation with the court. For purposes of
1558 this section, the term "technical violation" means an alleged
1559 violation of supervision that is not a new felony offense,
1560 misdemeanor offense, or criminal traffic offense.

1561 (d)~~(e)~~ If a judge finds reasonable grounds to believe that
1562 a probationer or an offender has violated his or her probation
1563 or community control in a material respect by committing a new
1564 violation of law, the judge may issue a warrant for the arrest
1565 of the person.

1566 (e)~~(d)~~ 1. At a first appearance hearing for an offender who
1567 has been arrested for violating his or her probation or
1568 community control in a material respect by committing a new
1569 violation of law the court:

1570 a. Shall inform the person of the violation.

1571 b. May order the person to be taken before the court that
1572 granted the probation or community control if the person admits
1573 the violation.

1574 2. If the probationer or offender does not admit the
1575 violation at the first appearance hearing, the court:

1576 a. May commit the probationer or offender or may release



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1577 the person with or without bail to await further hearing,
1578 notwithstanding s. 907.041, relating to pretrial detention and
1579 release; or

1580 b. May order the probationer or offender to be brought
1581 before the court that granted the probation or community
1582 control.

1583 3. In determining whether to require or set the amount of
1584 bail, and notwithstanding s. 907.041, relating to pretrial
1585 detention and release, the court may consider whether the
1586 probationer or offender is more likely than not to receive a
1587 prison sanction for the violation.

1588
1589 This paragraph does not apply to a probationer or offender on
1590 community control who is subject to the hearing requirements
1591 under subsection (4) or paragraph (8) (e).

1592 (f)~~(e)~~ Any probation officer, any officer authorized to
1593 serve criminal process, or any peace officer of this state is
1594 authorized to serve and execute such warrant. Any probation
1595 officer is authorized to serve such notice to appear.

1596 (g)~~(f)~~ Upon the filing of an affidavit alleging a violation
1597 of probation or community control and following issuance of a
1598 warrant for such violation, a warrantless arrest under this
1599 section, or a notice to appear under this section, the
1600 probationary period is tolled until the court enters a ruling on
1601 the violation. Notwithstanding the tolling of probation, the
1602 court shall retain jurisdiction over the offender for any
1603 violation of the conditions of probation or community control
1604 that is alleged to have occurred during the tolling period. The
1605 probation officer is permitted to continue to supervise any



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1606 offender who remains available to the officer for supervision
1607 until the supervision expires pursuant to the order of probation
1608 or community control or until the court revokes or terminates
1609 the probation or community control, whichever comes first.

1610 ~~(h)~~ ~~(g)~~ The chief judge of each judicial circuit may direct
1611 the department to use a notification letter of a technical
1612 violation in appropriate cases in lieu of a violation report,
1613 affidavit, and warrant or a notice to appear when the alleged
1614 violation is not a new felony or misdemeanor offense. Such
1615 direction must be in writing and must specify the types of
1616 specific technical violations which are to be reported by a
1617 notification letter of a technical violation, any exceptions to
1618 those violations, and the required process for submission. At
1619 the direction of the chief judge, the department shall send the
1620 notification letter of a technical violation to the court.

1621 ~~(h)1. The chief judge of each judicial circuit, in~~
1622 ~~consultation with the state attorney, the public defender, and~~
1623 ~~the department, may establish an alternative sanctioning program~~
1624 ~~in which the department, after receiving court approval, may~~
1625 ~~enforce specified sanctions for certain technical violations of~~
1626 ~~supervision. For purposes of this paragraph, the term "technical~~
1627 ~~violation" means any alleged violation of supervision that is~~
1628 ~~not a new felony offense, misdemeanor offense, or criminal~~
1629 ~~traffic offense.~~

1630 ~~2. To establish an alternative sanctioning program, the~~
1631 ~~chief judge must issue an administrative order specifying:~~

1632 ~~a. Eligibility criteria.~~

1633 ~~b. The technical violations that are eligible for the~~
1634 ~~program.~~



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1635 ~~e. The sanctions that may be recommended by a probation~~
1636 ~~officer for each technical violation.~~

1637 ~~d. The process for reporting technical violations through~~
1638 ~~the alternative sanctioning program, including approved forms.~~

1639 ~~3. If an offender is alleged to have committed a technical~~
1640 ~~violation of supervision that is eligible for the program, the~~
1641 ~~offender may:~~

1642 ~~a. Waive participation in the alternative sanctioning~~
1643 ~~program, in which case the probation officer may submit a~~
1644 ~~violation report, affidavit, and warrant to the court in~~
1645 ~~accordance with this section; or~~

1646 ~~b. Elect to participate in the alternative sanctioning~~
1647 ~~program after receiving written notice of an alleged technical~~
1648 ~~violation and a disclosure of the evidence against the offender,~~
1649 ~~admit to the technical violation, agree to comply with the~~
1650 ~~probation officer's recommended sanction if subsequently ordered~~
1651 ~~by the court, and agree to waive the right to:~~

1652 ~~(I) Be represented by legal counsel.~~

1653 ~~(II) Require the state to prove his or her guilt before a~~
1654 ~~neutral and detached hearing body.~~

1655 ~~(III) Subpoena witnesses and present to a judge evidence in~~
1656 ~~his or her defense.~~

1657 ~~(IV) Confront and cross-examine adverse witnesses.~~

1658 ~~(V) Receive a written statement from a factfinder as to the~~
1659 ~~evidence relied on and the reasons for the sanction imposed.~~

1660 ~~4. If the offender admits to committing the technical~~
1661 ~~violation and agrees with the probation officer's recommended~~
1662 ~~sanction, the probation officer must, before imposing the~~
1663 ~~sanction, submit the recommended sanction to the court as well~~



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1664 ~~as documentation reflecting the offender's admission to the~~
1665 ~~technical violation and agreement with the recommended sanction.~~

1666 ~~5. The court may impose the recommended sanction or may~~
1667 ~~direct the department to submit a violation report, affidavit,~~
1668 ~~and warrant to the court in accordance with this section.~~

1669 ~~6. An offender's participation in an alternative~~
1670 ~~sanctioning program is voluntary. The offender may elect to~~
1671 ~~waive or discontinue participation in an alternative sanctioning~~
1672 ~~program at any time before the issuance of a court order~~
1673 ~~imposing the recommended sanction.~~

1674 ~~7. If an offender waives or discontinues participation in~~
1675 ~~an alternative sanctioning program, the probation officer may~~
1676 ~~submit a violation report, affidavit, and warrant to the court~~
1677 ~~in accordance with this section. The offender's prior admission~~
1678 ~~to the technical violation may not be used as evidence in~~
1679 ~~subsequent proceedings.~~

1680 ~~(i) The court may allow the department to file an~~
1681 ~~affidavit, notification letter, violation report, or other~~
1682 ~~report under this section by facsimile or electronic submission.~~

1683 ~~(9) (a) For a first or second low-risk violation, as defined~~
1684 ~~in paragraph (b), within the current term of supervision, a~~
1685 ~~probation officer may offer an eligible probationer one or more~~
1686 ~~of the following as an alternative sanction:~~

- 1687 ~~1. Up to five days in the county detention facility;~~
1688 ~~2. Up to fifty additional community service hours;~~
1689 ~~3. Counseling or treatment;~~
1690 ~~4. Support group attendance;~~
1691 ~~5. Drug testing;~~
1692 ~~6. Loss of travel or other privileges;~~



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1693 7. Curfew for up to thirty days;
1694 8. House arrest for up to thirty days; or
1695 9. Any other sanction as determined by administrative order
1696 by the chief judge of the circuit.

1697 (b) When committed by a probationer, a low-risk violation
1698 includes:

1699 1. Positive drug or alcohol test result;
1700 2. Failure to report to the probation office;
1701 3. Failure to report a change in address or other required
1702 information;

1703 4. Failure to attend a required class, treatment or
1704 counseling session, or meeting;

1705 5. Failure to submit to a drug or alcohol test;

1706 6. Violation of curfew;

1707 7. Failure to meet a monthly quota on any required
1708 probation condition, including, but not limited to, making
1709 restitution payments, payment of court costs, and completing
1710 community service hours;

1711 8. Leaving the county without permission;

1712 9. Failure to report a change in employment;

1713 10. Associating with a person engaged in criminal activity;

1714 or

1715 11. Any other violation as determined by administrative
1716 order of the chief judge of the circuit.

1717 (c) For a first time moderate-risk violation, as defined in
1718 paragraph (d), within the current term of supervision, a
1719 probation officer, with supervisor approval, may offer an
1720 eligible probationer or offender on community control one or
1721 more of the following as an alternative sanction:



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- 1722 1. Up to 21 days in the county detention facility;
1723 2. Curfew for up to 90 days;
1724 3. House arrest for up to 90 days;
1725 4. Electronic monitoring for up to 90 days;
1726 5. Residential treatment for up to 90 days;
1727 6. Any other sanction available for a low-risk violation;
1728 or
1729 7. Any other sanction as determined by administrative order
1730 of the chief judge of the circuit.
1731 (d) A moderate-risk violation includes:
1732 1. A violation listed under paragraph (b) when committed by
1733 an offender on community control;
1734 2. Failure to remain at an approved residence by an
1735 offender on community control;
1736 3. A third violation listed under paragraph (b) by a
1737 probationer within the current term of supervision; or
1738 4. Any other violation as determined by administrative
1739 order by the chief judge of the circuit.
1740 (e) A probationer or offender on community control is not
1741 eligible for an alternative sanction if:
1742 1. He or she is a violent felony offender of special
1743 concern, as defined in paragraph (8) (b).
1744 2. The violation is a felony, misdemeanor, or criminal
1745 traffic offense.
1746 3. The violation is absconding.
1747 4. The violation is of a stay-away order or no-contact
1748 order.
1749 5. The violation is not identified as low-risk or moderate-
1750 risk under this paragraph or by administrative order.



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- 1751 6. He or she has a prior moderate-risk level violation
1752 during the current term of supervision.
- 1753 7. He or she has three prior low-risk level violations
1754 during the same term of supervision.
- 1755 8. The term of supervision is scheduled to terminate in
1756 less than 90 days.
- 1757 9. The terms of the sentence prohibit alternative
1758 sanctioning.
- 1759 (f) If a probationer or offender on community control is
1760 eligible for the alternative sanctioning program, he or she may:
- 1761 1. Waive participation in the program, in which case the
1762 probation officer may submit a violation report, affidavit, and
1763 warrant to the court; or
- 1764 2. Elect to participate in the program after receiving
1765 written notice of an alleged technical violation and disclosure
1766 of the evidence against him or her, admit to the technical
1767 violation, agree to comply with the probation officer's
1768 recommended sanction if subsequently ordered by the court, and
1769 agree to waive the right to:
- 1770 a. Be represented by legal counsel.
- 1771 b. Require the state to prove his or her guilt before a
1772 neutral and detached hearing body.
- 1773 c. Subpoena witnesses and present to a judge evidence in
1774 his or her defense.
- 1775 d. Confront and cross-examine adverse witnesses.
- 1776 e. Receive a written statement from a judge as to the
1777 evidence relied on and the reasons for the sanction imposed.
- 1778 3. If the probationer or offender on community control
1779 admits to committing the technical violation and agrees with the



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1780 probation officer's recommended sanction, the probation officer
1781 must, before imposing the sanction, submit the recommended
1782 sanction to the court with documentation reflecting the
1783 probationer's admission to the technical violation and agreement
1784 with the recommended sanction.

1785 (g) The court may impose the recommended sanction or direct
1786 the department to submit a violation report, affidavit, and
1787 warrant to the court.

1788 (h) An offender's participation in the program is
1789 voluntary. The probationer or offender on community control may
1790 waive or discontinue participation in the program at any time
1791 before the court imposes a recommended sanction.

1792 (i) If a probationer or offender on community control
1793 waives or discontinues participation in the program or fails to
1794 complete successfully all alternative sanctions within 90 days
1795 of imposition or within the timeframe specified in the agreed
1796 upon sanction, the probation officer may submit a violation
1797 report, affidavit, and warrant to the court. A prior admission
1798 by the probationer or offender on community control to a
1799 technical violation may not be used as evidence in subsequent
1800 proceedings.

1801 (j) Each judicial circuit shall establish an alternative
1802 sanctioning program as provided in this subsection. The chief
1803 judge of each judicial circuit may, by administrative order,
1804 define additional sanctions or eligibility criteria and specify
1805 the process for reporting technical violations through the
1806 alternative sanctioning program.

1807 Section 33. Section 948.081, Florida Statutes, is created
1808 to read:



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1809 948.081 Community court programs.-
1810 (1) Each judicial circuit may establish a community court
1811 program for defendants charged with certain misdemeanor
1812 offenses. Each community court shall, at a minimum:
1813 (a) Adopt a nonadversarial approach.
1814 (b) Establish an advisory committee to recommend solutions
1815 and sanctions in each case.
1816 (c) Consider the needs of the victim.
1817 (d) Consider individualized treatment services for the
1818 defendant.
1819 (e) Provide for judicial leadership and interaction.
1820 (f) Monitor the defendant's compliance.
1821 (2) In the event a county elects to establish a community
1822 court program pursuant to this section, the chief judge of the
1823 judicial circuit shall, by administrative order, specify each
1824 misdemeanor crime eligible for the community court program. In
1825 making such determination, the chief judge shall consider the
1826 particular needs and concerns of the communities within the
1827 judicial circuit.
1828 (3) The Department of Corrections, Department of Juvenile
1829 Justice, Department of Health, Department of Law Enforcement,
1830 Department of Education, law enforcement agencies, and other
1831 government entities involved in the criminal justice system
1832 shall support such community court programs.
1833 (4) A defendant's entry into a community court program
1834 shall be voluntary.
1835 (5) Each community court program shall have a resource
1836 coordinator who:
1837 (a) Coordinates the responsibilities of the participating



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1838 agencies and service providers;
1839 (b) Provides case management services;
1840 (c) Monitors compliance by defendants with court
1841 requirements; and
1842 (d) Manages the collection of data for program evaluation
1843 and accountability.
1844 (6) The chief judge of the judicial circuit shall appoint
1845 an advisory committee for each community court. Membership must
1846 include, at a minimum:
1847 (a) The chief judge or a community court judge designated
1848 by the chief judge, who shall serve as chair;
1849 (b) The state attorney;
1850 (c) The public defender; and
1851 (d) The community court resource coordinator.
1852
1853 The committee may also include community stakeholders, treatment
1854 representatives, and other persons the chair deems appropriate.
1855 (7) The advisory committee shall review each defendant's
1856 case. Each committee member may make recommendations to the
1857 judge, including appropriate sanctions and treatment solutions
1858 for the defendant. The judge shall consider such recommendations
1859 and make the final decision concerning sanctions and treatment
1860 with respect to each defendant.
1861 (8) Each judicial circuit that establishes a community
1862 court program pursuant to this section shall report client-level
1863 and programmatic data to the Office of State Courts
1864 Administrator annually for program evaluation. Client-level data
1865 include primary offenses resulting in the community court
1866 referral or sentence, treatment compliance, completion status,



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1867 reasons for failing to complete the program, offenses committed
1868 during treatment and sanctions imposed, frequency of court
1869 appearances, and units of service. Programmatic data include
1870 referral and screening procedures, eligibility criteria, type
1871 and duration of treatment offered, and residential treatment
1872 resources.

1873 (9) Community court program funding must be secured from
1874 sources other than the state for costs not assumed by the state
1875 under s. 29.004. However, this subsection does not preclude the
1876 use of funds provided for treatment and other services through
1877 state executive branch agencies.

1878 Section 34. For the purpose of incorporating the amendment
1879 made by this act to section 944.801, Florida Statutes, in a
1880 reference thereto, subsection (3) of section 447.203, Florida
1881 Statutes, is reenacted to read:

1882 447.203 Definitions.—As used in this part:

1883 (2) "Public employer" or "employer" means the state or any
1884 county, municipality, or special district or any subdivision or
1885 agency thereof which the commission determines has sufficient
1886 legal distinctiveness properly to carry out the functions of a
1887 public employer. With respect to all public employees determined
1888 by the commission as properly belonging to a statewide
1889 bargaining unit composed of State Career Service System
1890 employees or Selected Professional Service employees, the
1891 Governor shall be deemed to be the public employer; and the
1892 Board of Governors of the State University System, or the
1893 board's designee, shall be deemed to be the public employer with
1894 respect to all public employees of each constituent state
1895 university. The board of trustees of a community college shall



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1896 be deemed to be the public employer with respect to all
1897 employees of the community college. The district school board
1898 shall be deemed to be the public employer with respect to all
1899 employees of the school district. The Board of Trustees of the
1900 Florida School for the Deaf and the Blind shall be deemed to be
1901 the public employer with respect to the academic and academic
1902 administrative personnel of the Florida School for the Deaf and
1903 the Blind. The Governor shall be deemed to be the public
1904 employer with respect to all employees in the Correctional
1905 Education Program of the Department of Corrections established
1906 pursuant to s. 944.801.

1907 Section 35. For the purpose of incorporating the amendment
1908 made by this act to section 944.704, Florida Statutes, in a
1909 reference thereto, subsection (3) of section 944.026, Florida
1910 Statutes, is reenacted to read:

1911 944.026 Community-based facilities and programs.—

1912 (3) (a) The department shall develop and implement
1913 procedures to diagnose offenders prior to sentencing, for the
1914 purpose of recommending to the sentencing court suitable
1915 candidates for placement in a community-based residential drug
1916 treatment facility or probation and restitution center as
1917 provided in this section. The department shall also develop and
1918 implement procedures to properly identify inmates prior to
1919 release who demonstrate the need for or interest in and
1920 suitability for placement in a community-based substance abuse
1921 transition housing program as provided in this section and
1922 pursuant to ss. 944.4731 and 944.704.

1923 (b) Pretrial intervention programs in appropriate counties
1924 to provide early counseling and supervision services to



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1925 specified offenders as provided in s. 948.08.

1926 Section 36. For the purpose of incorporating the amendment
1927 made by this act to section 947.149, Florida Statutes, in a
1928 reference thereto, subsection (6) of section 316.1935, Florida
1929 Statutes, is reenacted to read:

1930 316.1935 Fleeing or attempting to elude a law enforcement
1931 officer; aggravated fleeing or eluding.-

1932 (6) Notwithstanding s. 948.01, no court may suspend, defer,
1933 or withhold adjudication of guilt or imposition of sentence for
1934 any violation of this section. A person convicted and sentenced
1935 to a mandatory minimum term of incarceration under paragraph
1936 (3) (b) or paragraph (4) (b) is not eligible for statutory gain-
1937 time under s. 944.275 or any form of discretionary early
1938 release, other than pardon or executive clemency or conditional
1939 medical release under s. 947.149, prior to serving the mandatory
1940 minimum sentence.

1941 Section 37. For the purpose of incorporating the amendment
1942 made by this act to section 947.149, Florida Statutes, in a
1943 reference thereto, paragraph (k) of subsection (4) of section
1944 775.084, Florida Statutes, is reenacted to read:

1945 775.084 Violent career criminals; habitual felony offenders
1946 and habitual violent felony offenders; three-time violent felony
1947 offenders; definitions; procedure; enhanced penalties or
1948 mandatory minimum prison terms.-

1949 (4)

1950 (k)1. A defendant sentenced under this section as a
1951 habitual felony offender, a habitual violent felony offender, or
1952 a violent career criminal is eligible for gain-time granted by
1953 the Department of Corrections as provided in s. 944.275(4) (b).



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1954 2. For an offense committed on or after October 1, 1995, a
1955 defendant sentenced under this section as a violent career
1956 criminal is not eligible for any form of discretionary early
1957 release, other than pardon or executive clemency, or conditional
1958 medical release granted pursuant to s. 947.149.

1959 3. For an offense committed on or after July 1, 1999, a
1960 defendant sentenced under this section as a three-time violent
1961 felony offender shall be released only by expiration of sentence
1962 and shall not be eligible for parole, control release, or any
1963 form of early release.

1964 Section 38. For the purpose of incorporating the amendment
1965 made by this act to section 947.149, Florida Statutes, in
1966 references thereto, paragraph (b) of subsection (2) and
1967 paragraph (b) of subsection (3) of section 775.087, Florida
1968 Statutes, are reenacted to read:

1969 775.087 Possession or use of weapon; aggravated battery;
1970 felony reclassification; minimum sentence.-

1971 (2)

1972 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
1973 (a)3. does not prevent a court from imposing a longer sentence
1974 of incarceration as authorized by law in addition to the minimum
1975 mandatory sentence, or from imposing a sentence of death
1976 pursuant to other applicable law. Subparagraph (a)1.,
1977 subparagraph (a)2., or subparagraph (a)3. does not authorize a
1978 court to impose a lesser sentence than otherwise required by
1979 law.

1980
1981 Notwithstanding s. 948.01, adjudication of guilt or imposition
1982 of sentence shall not be suspended, deferred, or withheld, and



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1983 the defendant is not eligible for statutory gain-time under s.
1984 944.275 or any form of discretionary early release, other than
1985 pardon or executive clemency, or conditional medical release
1986 under s. 947.149, prior to serving the minimum sentence.

1987 (3)

1988 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
1989 (a)3. does not prevent a court from imposing a longer sentence
1990 of incarceration as authorized by law in addition to the minimum
1991 mandatory sentence, or from imposing a sentence of death
1992 pursuant to other applicable law. Subparagraph (a)1.,
1993 subparagraph (a)2., or subparagraph (a)3. does not authorize a
1994 court to impose a lesser sentence than otherwise required by
1995 law.

1996
1997 Notwithstanding s. 948.01, adjudication of guilt or imposition
1998 of sentence shall not be suspended, deferred, or withheld, and
1999 the defendant is not eligible for statutory gain-time under s.
2000 944.275 or any form of discretionary early release, other than
2001 pardon or executive clemency, or conditional medical release
2002 under s. 947.149, prior to serving the minimum sentence.

2003 Section 39. For the purpose of incorporating the amendment
2004 made by this act to section 947.149, Florida Statutes, in a
2005 reference thereto, subsection (3) of section 784.07, Florida
2006 Statutes, is reenacted to read:

2007 784.07 Assault or battery of law enforcement officers,
2008 firefighters, emergency medical care providers, public transit
2009 employees or agents, or other specified officers;
2010 reclassification of offenses; minimum sentences.-

2011 (3) Any person who is convicted of a battery under



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2012 paragraph (2)(b) and, during the commission of the offense, such
2013 person possessed:

2014 (a) A "firearm" or "destructive device" as those terms are
2015 defined in s. 790.001, shall be sentenced to a minimum term of
2016 imprisonment of 3 years.

2017 (b) A semiautomatic firearm and its high-capacity
2018 detachable box magazine, as defined in s. 775.087(3), or a
2019 machine gun as defined in s. 790.001, shall be sentenced to a
2020 minimum term of imprisonment of 8 years.

2021
2022 Notwithstanding s. 948.01, adjudication of guilt or imposition
2023 of sentence shall not be suspended, deferred, or withheld, and
2024 the defendant is not eligible for statutory gain-time under s.
2025 944.275 or any form of discretionary early release, other than
2026 pardon or executive clemency, or conditional medical release
2027 under s. 947.149, prior to serving the minimum sentence.

2028 Section 40. For the purpose of incorporating the amendment
2029 made by this act to section 947.149, Florida Statutes, in a
2030 reference thereto, subsection (1) of section 790.235, Florida
2031 Statutes, is reenacted to read:

2032 790.235 Possession of firearm or ammunition by violent
2033 career criminal unlawful; penalty.—

2034 (1) Any person who meets the violent career criminal
2035 criteria under s. 775.084(1)(d), regardless of whether such
2036 person is or has previously been sentenced as a violent career
2037 criminal, who owns or has in his or her care, custody,
2038 possession, or control any firearm, ammunition, or electric
2039 weapon or device, or carries a concealed weapon, including a
2040 tear gas gun or chemical weapon or device, commits a felony of



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2041 the first degree, punishable as provided in s. 775.082, s.
2042 775.083, or s. 775.084. A person convicted of a violation of
2043 this section shall be sentenced to a mandatory minimum of 15
2044 years' imprisonment; however, if the person would be sentenced
2045 to a longer term of imprisonment under s. 775.084(4)(d), the
2046 person must be sentenced under that provision. A person
2047 convicted of a violation of this section is not eligible for any
2048 form of discretionary early release, other than pardon,
2049 executive clemency, or conditional medical release under s.
2050 947.149.

2051 Section 41. For the purpose of incorporating the amendment
2052 made by this act to section 947.149, Florida Statutes, in a
2053 reference thereto, subsection (7) of section 794.0115, Florida
2054 Statutes, is reenacted to read:

2055 794.0115 Dangerous sexual felony offender; mandatory
2056 sentencing.—

2057 (7) A defendant sentenced to a mandatory minimum term of
2058 imprisonment under this section is not eligible for statutory
2059 gain-time under s. 944.275 or any form of discretionary early
2060 release, other than pardon or executive clemency, or conditional
2061 medical release under s. 947.149, before serving the minimum
2062 sentence.

2063 Section 42. For the purpose of incorporating the amendment
2064 made by this act to section 947.149, Florida Statutes, in a
2065 reference thereto, paragraphs (b), (c), and (g) of subsection
2066 (1) and subsection (3) of section 893.135, Florida Statutes, are
2067 reenacted to read:

2068 893.135 Trafficking; mandatory sentences; suspension or
2069 reduction of sentences; conspiracy to engage in trafficking.—



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2070 (1) Except as authorized in this chapter or in chapter 499
2071 and notwithstanding the provisions of s. 893.13:

2072 (b)1. Any person who knowingly sells, purchases,
2073 manufactures, delivers, or brings into this state, or who is
2074 knowingly in actual or constructive possession of, 28 grams or
2075 more of cocaine, as described in s. 893.03(2)(a)4., or of any
2076 mixture containing cocaine, but less than 150 kilograms of
2077 cocaine or any such mixture, commits a felony of the first
2078 degree, which felony shall be known as "trafficking in cocaine,"
2079 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2080 If the quantity involved:

2081 a. Is 28 grams or more, but less than 200 grams, such
2082 person shall be sentenced to a mandatory minimum term of
2083 imprisonment of 3 years, and the defendant shall be ordered to
2084 pay a fine of \$50,000.

2085 b. Is 200 grams or more, but less than 400 grams, such
2086 person shall be sentenced to a mandatory minimum term of
2087 imprisonment of 7 years, and the defendant shall be ordered to
2088 pay a fine of \$100,000.

2089 c. Is 400 grams or more, but less than 150 kilograms, such
2090 person shall be sentenced to a mandatory minimum term of
2091 imprisonment of 15 calendar years and pay a fine of \$250,000.

2092 2. Any person who knowingly sells, purchases, manufactures,
2093 delivers, or brings into this state, or who is knowingly in
2094 actual or constructive possession of, 150 kilograms or more of
2095 cocaine, as described in s. 893.03(2)(a)4., commits the first
2096 degree felony of trafficking in cocaine. A person who has been
2097 convicted of the first degree felony of trafficking in cocaine
2098 under this subparagraph shall be punished by life imprisonment



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2099 and is ineligible for any form of discretionary early release
2100 except pardon or executive clemency or conditional medical
2101 release under s. 947.149. However, if the court determines that,
2102 in addition to committing any act specified in this paragraph:

2103 a. The person intentionally killed an individual or
2104 counseled, commanded, induced, procured, or caused the
2105 intentional killing of an individual and such killing was the
2106 result; or

2107 b. The person's conduct in committing that act led to a
2108 natural, though not inevitable, lethal result,

2109
2110 such person commits the capital felony of trafficking in
2111 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
2112 person sentenced for a capital felony under this paragraph shall
2113 also be sentenced to pay the maximum fine provided under
2114 subparagraph 1.

2115 3. Any person who knowingly brings into this state 300
2116 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
2117 and who knows that the probable result of such importation would
2118 be the death of any person, commits capital importation of
2119 cocaine, a capital felony punishable as provided in ss. 775.082
2120 and 921.142. Any person sentenced for a capital felony under
2121 this paragraph shall also be sentenced to pay the maximum fine
2122 provided under subparagraph 1.

2123 (c)1. A person who knowingly sells, purchases,
2124 manufactures, delivers, or brings into this state, or who is
2125 knowingly in actual or constructive possession of, 4 grams or
2126 more of any morphine, opium, hydromorphone, or any salt,
2127 derivative, isomer, or salt of an isomer thereof, including



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2128 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
2129 (3)(c)4., or 4 grams or more of any mixture containing any such
2130 substance, but less than 30 kilograms of such substance or
2131 mixture, commits a felony of the first degree, which felony
2132 shall be known as "trafficking in illegal drugs," punishable as
2133 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2134 quantity involved:

2135 a. Is 4 grams or more, but less than 14 grams, such person
2136 shall be sentenced to a mandatory minimum term of imprisonment
2137 of 3 years and shall be ordered to pay a fine of \$50,000.

2138 b. Is 14 grams or more, but less than 28 grams, such person
2139 shall be sentenced to a mandatory minimum term of imprisonment
2140 of 15 years and shall be ordered to pay a fine of \$100,000.

2141 c. Is 28 grams or more, but less than 30 kilograms, such
2142 person shall be sentenced to a mandatory minimum term of
2143 imprisonment of 25 years and shall be ordered to pay a fine of
2144 \$500,000.

2145 2. A person who knowingly sells, purchases, manufactures,
2146 delivers, or brings into this state, or who is knowingly in
2147 actual or constructive possession of, 14 grams or more of
2148 hydrocodone, as described in s. 893.03(2)(a)1.j., codeine, as
2149 described in s. 893.03(2)(a)1.g., or any salt thereof, or 14
2150 grams or more of any mixture containing any such substance,
2151 commits a felony of the first degree, which felony shall be
2152 known as "trafficking in hydrocodone," punishable as provided in
2153 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

2154 a. Is 14 grams or more, but less than 28 grams, such person
2155 shall be sentenced to a mandatory minimum term of imprisonment
2156 of 3 years and shall be ordered to pay a fine of \$50,000.



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2157 b. Is 28 grams or more, but less than 50 grams, such person
2158 shall be sentenced to a mandatory minimum term of imprisonment
2159 of 7 years and shall be ordered to pay a fine of \$100,000.

2160 c. Is 50 grams or more, but less than 200 grams, such
2161 person shall be sentenced to a mandatory minimum term of
2162 imprisonment of 15 years and shall be ordered to pay a fine of
2163 \$500,000.

2164 d. Is 200 grams or more, but less than 30 kilograms, such
2165 person shall be sentenced to a mandatory minimum term of
2166 imprisonment of 25 years and shall be ordered to pay a fine of
2167 \$750,000.

2168 3. A person who knowingly sells, purchases, manufactures,
2169 delivers, or brings into this state, or who is knowingly in
2170 actual or constructive possession of, 7 grams or more of
2171 oxycodone, as described in s. 893.03(2)(a)1.o., or any salt
2172 thereof, or 7 grams or more of any mixture containing any such
2173 substance, commits a felony of the first degree, which felony
2174 shall be known as "trafficking in oxycodone," punishable as
2175 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2176 quantity involved:

2177 a. Is 7 grams or more, but less than 14 grams, such person
2178 shall be sentenced to a mandatory minimum term of imprisonment
2179 of 3 years and shall be ordered to pay a fine of \$50,000.

2180 b. Is 14 grams or more, but less than 25 grams, such person
2181 shall be sentenced to a mandatory minimum term of imprisonment
2182 of 7 years and shall be ordered to pay a fine of \$100,000.

2183 c. Is 25 grams or more, but less than 100 grams, such
2184 person shall be sentenced to a mandatory minimum term of
2185 imprisonment of 15 years and shall be ordered to pay a fine of



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2186 \$500,000.

2187 d. Is 100 grams or more, but less than 30 kilograms, such
2188 person shall be sentenced to a mandatory minimum term of
2189 imprisonment of 25 years and shall be ordered to pay a fine of
2190 \$750,000.

2191 4.a. A person who knowingly sells, purchases, manufactures,
2192 delivers, or brings into this state, or who is knowingly in
2193 actual or constructive possession of, 4 grams or more of:

2194 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2195 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2196 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2197 (IV) Sufentanil, as described in s. 893.03(2)(b)29.;

2198 (V) A fentanyl derivative, as described in s.

2199 893.03(1)(a)62.;

2200 (VI) A controlled substance analog, as described in s.

2201 893.0356, of any substance described in sub-sub-subparagraphs

2202 (I)-(V); or

2203 (VII) A mixture containing any substance described in sub-
2204 sub-subparagraphs (I)-(VI),

2205

2206 commits a felony of the first degree, which felony shall be
2207 known as "trafficking in fentanyl," punishable as provided in s.
2208 775.082, s. 775.083, or s. 775.084.

2209 b. If the quantity involved under sub-subparagraph a.:

2210 (I) Is 4 grams or more, but less than 14 grams, such person
2211 shall be sentenced to a mandatory minimum term of imprisonment
2212 of 3 years, and shall be ordered to pay a fine of \$50,000.

2213 (II) Is 14 grams or more, but less than 28 grams, such
2214 person shall be sentenced to a mandatory minimum term of



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2215 imprisonment of 15 years, and shall be ordered to pay a fine of
2216 \$100,000.

2217 (III) Is 28 grams or more, such person shall be sentenced
2218 to a mandatory minimum term of imprisonment of 25 years, and
2219 shall be ordered to pay a fine of \$500,000.

2220 5. A person who knowingly sells, purchases, manufactures,
2221 delivers, or brings into this state, or who is knowingly in
2222 actual or constructive possession of, 30 kilograms or more of
2223 any morphine, opium, oxycodone, hydrocodone, codeine,
2224 hydromorphone, or any salt, derivative, isomer, or salt of an
2225 isomer thereof, including heroin, as described in s.
2226 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
2227 more of any mixture containing any such substance, commits the
2228 first degree felony of trafficking in illegal drugs. A person
2229 who has been convicted of the first degree felony of trafficking
2230 in illegal drugs under this subparagraph shall be punished by
2231 life imprisonment and is ineligible for any form of
2232 discretionary early release except pardon or executive clemency
2233 or conditional medical release under s. 947.149. However, if the
2234 court determines that, in addition to committing any act
2235 specified in this paragraph:

2236 a. The person intentionally killed an individual or
2237 counseled, commanded, induced, procured, or caused the
2238 intentional killing of an individual and such killing was the
2239 result; or

2240 b. The person's conduct in committing that act led to a
2241 natural, though not inevitable, lethal result,
2242
2243 such person commits the capital felony of trafficking in illegal



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2244 drugs, punishable as provided in ss. 775.082 and 921.142. A
2245 person sentenced for a capital felony under this paragraph shall
2246 also be sentenced to pay the maximum fine provided under
2247 subparagraph 1.

2248 6. A person who knowingly brings into this state 60
2249 kilograms or more of any morphine, opium, oxycodone,
2250 hydrocodone, codeine, hydromorphone, or any salt, derivative,
2251 isomer, or salt of an isomer thereof, including heroin, as
2252 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
2253 60 kilograms or more of any mixture containing any such
2254 substance, and who knows that the probable result of such
2255 importation would be the death of a person, commits capital
2256 importation of illegal drugs, a capital felony punishable as
2257 provided in ss. 775.082 and 921.142. A person sentenced for a
2258 capital felony under this paragraph shall also be sentenced to
2259 pay the maximum fine provided under subparagraph 1.

2260 (g)1. Any person who knowingly sells, purchases,
2261 manufactures, delivers, or brings into this state, or who is
2262 knowingly in actual or constructive possession of, 4 grams or
2263 more of flunitrazepam or any mixture containing flunitrazepam as
2264 described in s. 893.03(1)(a) commits a felony of the first
2265 degree, which felony shall be known as "trafficking in
2266 flunitrazepam," punishable as provided in s. 775.082, s.
2267 775.083, or s. 775.084. If the quantity involved:

2268 a. Is 4 grams or more but less than 14 grams, such person
2269 shall be sentenced to a mandatory minimum term of imprisonment
2270 of 3 years, and the defendant shall be ordered to pay a fine of
2271 \$50,000.

2272 b. Is 14 grams or more but less than 28 grams, such person



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2273 shall be sentenced to a mandatory minimum term of imprisonment
2274 of 7 years, and the defendant shall be ordered to pay a fine of
2275 \$100,000.

2276 c. Is 28 grams or more but less than 30 kilograms, such
2277 person shall be sentenced to a mandatory minimum term of
2278 imprisonment of 25 calendar years and pay a fine of \$500,000.

2279 2. Any person who knowingly sells, purchases, manufactures,
2280 delivers, or brings into this state or who is knowingly in
2281 actual or constructive possession of 30 kilograms or more of
2282 flunitrazepam or any mixture containing flunitrazepam as
2283 described in s. 893.03(1)(a) commits the first degree felony of
2284 trafficking in flunitrazepam. A person who has been convicted of
2285 the first degree felony of trafficking in flunitrazepam under
2286 this subparagraph shall be punished by life imprisonment and is
2287 ineligible for any form of discretionary early release except
2288 pardon or executive clemency or conditional medical release
2289 under s. 947.149. However, if the court determines that, in
2290 addition to committing any act specified in this paragraph:

2291 a. The person intentionally killed an individual or
2292 counseled, commanded, induced, procured, or caused the
2293 intentional killing of an individual and such killing was the
2294 result; or

2295 b. The person's conduct in committing that act led to a
2296 natural, though not inevitable, lethal result,

2297
2298 such person commits the capital felony of trafficking in
2299 flunitrazepam, punishable as provided in ss. 775.082 and
2300 921.142. Any person sentenced for a capital felony under this
2301 paragraph shall also be sentenced to pay the maximum fine



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2302 provided under subparagraph 1.

2303 (3) Notwithstanding the provisions of s. 948.01, with
2304 respect to any person who is found to have violated this
2305 section, adjudication of guilt or imposition of sentence shall
2306 not be suspended, deferred, or withheld, nor shall such person
2307 be eligible for parole prior to serving the mandatory minimum
2308 term of imprisonment prescribed by this section. A person
2309 sentenced to a mandatory minimum term of imprisonment under this
2310 section is not eligible for any form of discretionary early
2311 release, except pardon or executive clemency or conditional
2312 medical release under s. 947.149, prior to serving the mandatory
2313 minimum term of imprisonment.

2314 Section 43. For the purpose of incorporating the amendment
2315 made by this act to section 947.149, Florida Statutes, in a
2316 reference thereto, subsection (2) of section 921.0024, Florida
2317 Statutes, is reenacted to read:

2318 921.0024 Criminal Punishment Code; worksheet computations;
2319 scoresheets.-

2320 (2) The lowest permissible sentence is the minimum sentence
2321 that may be imposed by the trial court, absent a valid reason
2322 for departure. The lowest permissible sentence is any nonstate
2323 prison sanction in which the total sentence points equals or is
2324 less than 44 points, unless the court determines within its
2325 discretion that a prison sentence, which may be up to the
2326 statutory maximums for the offenses committed, is appropriate.
2327 When the total sentence points exceeds 44 points, the lowest
2328 permissible sentence in prison months shall be calculated by
2329 subtracting 28 points from the total sentence points and
2330 decreasing the remaining total by 25 percent. The total sentence



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2331 points shall be calculated only as a means of determining the
2332 lowest permissible sentence. The permissible range for
2333 sentencing shall be the lowest permissible sentence up to and
2334 including the statutory maximum, as defined in s. 775.082, for
2335 the primary offense and any additional offenses before the court
2336 for sentencing. The sentencing court may impose such sentences
2337 concurrently or consecutively. However, any sentence to state
2338 prison must exceed 1 year. If the lowest permissible sentence
2339 under the code exceeds the statutory maximum sentence as
2340 provided in s. 775.082, the sentence required by the code must
2341 be imposed. If the total sentence points are greater than or
2342 equal to 363, the court may sentence the offender to life
2343 imprisonment. An offender sentenced to life imprisonment under
2344 this section is not eligible for any form of discretionary early
2345 release, except executive clemency or conditional medical
2346 release under s. 947.149.

2347 Section 44. For the purpose of incorporating the amendment
2348 made by this act to section 947.149, Florida Statutes, in a
2349 reference thereto, paragraph (b) of subsection (7) of section
2350 944.605, Florida Statutes, is reenacted to read:

2351 944.605 Inmate release; notification; identification card.-

2352 (7)

2353 (b) Paragraph (a) does not apply to inmates who:

2354 1. The department determines have a valid driver license or
2355 state identification card, except that the department shall
2356 provide these inmates with a replacement state identification
2357 card or replacement driver license, if necessary.

2358 2. Have an active detainer, unless the department
2359 determines that cancellation of the detainer is likely or that



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2360 the incarceration for which the detainer was issued will be less
2361 than 12 months in duration.

2362 3. Are released due to an emergency release or a
2363 conditional medical release under s. 947.149.

2364 4. Are not in the physical custody of the department at or
2365 within 180 days before release.

2366 5. Are subject to sex offender residency restrictions, and
2367 who, upon release under such restrictions, do not have a
2368 qualifying address.

2369 Section 45. For the purpose of incorporating the amendment
2370 made by this act to section 947.149, Florida Statutes, in a
2371 reference thereto, paragraph (b) of subsection (1) of section
2372 944.70, Florida Statutes, is reenacted to read:

2373 944.70 Conditions for release from incarceration.—

2374 (1)

2375 (b) A person who is convicted of a crime committed on or
2376 after January 1, 1994, may be released from incarceration only:

2377 1. Upon expiration of the person's sentence;

2378 2. Upon expiration of the person's sentence as reduced by
2379 accumulated meritorious or incentive gain-time;

2380 3. As directed by an executive order granting clemency;

2381 4. Upon placement in a conditional release program pursuant
2382 to s. 947.1405 or a conditional medical release program pursuant
2383 to s. 947.149; or

2384 5. Upon the granting of control release, including
2385 emergency control release, pursuant to s. 947.146.

2386 Section 46. For the purpose of incorporating the amendment
2387 made by this act to section 947.149, Florida Statutes, in a
2388 reference thereto, paragraph (h) of subsection (1) of section



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2389 947.13, Florida Statutes, is reenacted to read:

2390 947.13 Powers and duties of commission.—

2391 (1) The commission shall have the powers and perform the
2392 duties of:

2393 (h) Determining what persons will be released on
2394 conditional medical release under s. 947.149, establishing the
2395 conditions of conditional medical release, and determining
2396 whether a person has violated the conditions of conditional
2397 medical release and taking action with respect to such a
2398 violation.

2399 Section 47. For the purpose of incorporating the amendment
2400 made by this act to section 947.149, Florida Statutes, in a
2401 reference thereto, subsections (1), (2), and (7) of section
2402 947.141, Florida Statutes, are reenacted to read:

2403 947.141 Violations of conditional release, control release,
2404 or conditional medical release or addiction-recovery
2405 supervision.—

2406 (1) If a member of the commission or a duly authorized
2407 representative of the commission has reasonable grounds to
2408 believe that an offender who is on release supervision under s.
2409 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
2410 the terms and conditions of the release in a material respect,
2411 such member or representative may cause a warrant to be issued
2412 for the arrest of the releasee; if the offender was found to be
2413 a sexual predator, the warrant must be issued.

2414 (2) Upon the arrest on a felony charge of an offender who
2415 is on release supervision under s. 947.1405, s. 947.146, s.
2416 947.149, or s. 944.4731, the offender must be detained without
2417 bond until the initial appearance of the offender at which a



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2418 judicial determination of probable cause is made. If the trial
2419 court judge determines that there was no probable cause for the
2420 arrest, the offender may be released. If the trial court judge
2421 determines that there was probable cause for the arrest, such
2422 determination also constitutes reasonable grounds to believe
2423 that the offender violated the conditions of the release. Within
2424 24 hours after the trial court judge's finding of probable
2425 cause, the detention facility administrator or designee shall
2426 notify the commission and the department of the finding and
2427 transmit to each a facsimile copy of the probable cause
2428 affidavit or the sworn offense report upon which the trial court
2429 judge's probable cause determination is based. The offender must
2430 continue to be detained without bond for a period not exceeding
2431 72 hours excluding weekends and holidays after the date of the
2432 probable cause determination, pending a decision by the
2433 commission whether to issue a warrant charging the offender with
2434 violation of the conditions of release. Upon the issuance of the
2435 commission's warrant, the offender must continue to be held in
2436 custody pending a revocation hearing held in accordance with
2437 this section.

2438 (7) If a law enforcement officer has probable cause to
2439 believe that an offender who is on release supervision under s.
2440 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
2441 the terms and conditions of his or her release by committing a
2442 felony offense, the officer shall arrest the offender without a
2443 warrant, and a warrant need not be issued in the case.

2444 Section 48. This act shall take effect October 1, 2018.

2445
2446 ===== T I T L E A M E N D M E N T =====



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2447 And the title is amended as follows:

2448 Delete everything before the enacting clause
2449 and insert:

2450 A bill to be entitled

2451 An act relating to public safety; amending s. 14.32,
2452 F.S.; creating the council within the Office of Chief
2453 Inspector General; specifying the purpose of the
2454 council; requiring the Office of Chief Inspector
2455 General to provide administrative support to the
2456 council; specifying the composition of the council;
2457 providing terms of office and requirements regarding
2458 the council's membership; prescribing the duties and
2459 responsibilities of the council; prohibiting the
2460 council from interfering with the operations of the
2461 Department of Corrections or the Department of
2462 Juvenile Justice; authorizing the council to appoint
2463 an executive director; authorizing reimbursement for
2464 per diem and travel expenses for members of the
2465 council; establishing certain restrictions applicable
2466 to members of the council and council staff; providing
2467 an appropriation; amending s. 23.1225, F.S.;
2468 authorizing a mutual aid agreement in the event of a
2469 declared state of emergency for certain law
2470 enforcement purposes; amending s. 30.15, F.S.; making
2471 sheriffs responsible for providing security for trial
2472 court facilities in their respective counties;
2473 requiring a sheriff to coordinate with the chief judge
2474 of the judicial circuit on trial court facility
2475 security matters; deeming sheriffs and their deputies,



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2476 employees, and contractors officers of the court when
2477 providing security; granting the chief judge of the
2478 judicial circuit authority to protect due process
2479 rights in certain circumstances; amending s. 57.105,
2480 F.S.; limiting attorney fee awards in civil
2481 proceedings in certain circumstances; creating s.
2482 322.75, F.S.; requiring each judicial circuit to
2483 establish a Driver License Reinstatement Days program
2484 for reinstating suspended driver licenses in certain
2485 circumstances; providing duties of the clerks of court
2486 and the Department of Highway Safety and Motor
2487 Vehicles; authorizing the clerk of court to compromise
2488 on certain fees and costs; providing for program
2489 eligibility; amending 784.046, F.S.; prohibiting
2490 attorney fee awards in certain proceedings; amending
2491 s. 784.0485, F.S.; prohibiting attorney fee awards in
2492 certain proceedings; amending s. 893.135, F.S.;
2493 authorizing a court to impose a sentence other than a
2494 mandatory minimum term of imprisonment and mandatory
2495 fine for a person convicted of trafficking if the
2496 court makes certain findings on the record; creating
2497 s. 900.05, F.S.; providing legislative intent;
2498 providing definitions; requiring specified entities to
2499 collect specific data monthly beginning on a certain
2500 date; requiring specified entities to transmit certain
2501 collected data to the Department of Law Enforcement
2502 quarterly; requiring the Department of Law Enforcement
2503 to compile, maintain, and make publicly accessible
2504 such data beginning on a certain date; creating a



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2505 pilot project in a specified judicial circuit to
2506 improve criminal justice data transparency and ensure
2507 data submitted under s. 900.05, F.S., is accurate,
2508 valid, reliable, and structured; authorizing certain
2509 persons to enter into a memorandum of understanding
2510 with a national, nonpartisan, not-for-profit entity
2511 meeting certain criteria for the purpose of embedding
2512 a data fellow in the office or agency; establishing
2513 data fellow duties and responsibilities; providing for
2514 the expiration of the pilot project; providing an
2515 appropriation; creating s. 907.042, F.S.; authorizing
2516 each county to create a supervised bond release
2517 program; providing legislative findings; providing a
2518 supervised bond program must be created with the
2519 concurrence of the chief judge, county's chief
2520 correctional officer, state attorney, and public
2521 defender; providing an exception to a county that has
2522 already established and implemented a supervised bond
2523 program that utilizes a risk assessment instrument;
2524 providing specified program components; providing
2525 guidelines for the risk assessment instrument;
2526 authorizing the county to contract with the Department
2527 of Corrections to develop or modify a risk assessment
2528 instrument if such instrument meets certain
2529 requirements; authorizing a county to develop or use
2530 an existing risk assessment instrument if validated by
2531 the department and such instrument meets certain
2532 requirements; authorizing a county to contract with
2533 another county for the use of a risk assessment



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2534 instrument if validated and such instrument meets
2535 certain requirements; authorizing the county to
2536 contract with an independent entity for use of a risk
2537 assessment instrument if validated and such instrument
2538 meets certain requirements; specifying requirements
2539 for the use, implementation, and distribution of the
2540 risk assessment instrument; requiring each county that
2541 establishes a supervised bond program to submit a
2542 report annually by a certain date to the Office of
2543 Program Policy Analysis and Government Accountability
2544 (OPPAGA); requiring OPPAGA to compile the reports and
2545 include such information in a report sent to the
2546 Governor, President of the Senate, and Speaker of the
2547 House of Representatives in accordance with s.
2548 907.044, F.S.; creating s. 907.0421, F.S.; providing
2549 legislative findings; requiring the Department of
2550 Corrections to develop a risk assessment instrument;
2551 authorizing the department to use or modify an
2552 existing risk assessment instrument; requiring the
2553 department to develop or modify the risk assessment
2554 instrument by a certain date; specifying requirements
2555 for the use, implementation, and distribution of the
2556 risk assessment instrument; creating the Risk
2557 Assessment Pilot Program for a specified period;
2558 specifying the participating counties; requiring each
2559 participating county's chief correctional officer to
2560 contract with the department to administer the risk
2561 assessment instrument; requiring all counties to
2562 administer the risk assessment instrument to all



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2563 persons arrested for a felony; requiring each
2564 participating county to submit a report annually by a
2565 certain date to the department with specified
2566 information; requiring the department to compile the
2567 information of the findings from the participating
2568 counties and submit an annual report by a certain date
2569 to the Governor and the Legislature; authorizing the
2570 department, in consultation with specified persons, to
2571 adopt rules; amending s. 907.043, F.S.; requiring each
2572 pretrial release program to include in its annual
2573 report the types of criminal charges of defendants
2574 accepted into a pretrial release program, the number
2575 of defendants accepted into a pretrial release program
2576 who paid a bail or bond, the number of defendants
2577 accepted into a pretrial release program with no prior
2578 criminal conviction, and the number of defendants for
2579 whom a pretrial risk assessment tool was used or was
2580 not used; creating a pilot project in a specified
2581 judicial circuit to improve criminal justice data
2582 transparency and ensure data submitted under s.
2583 900.05, F.S., is accurate, valid, reliable, and
2584 structured; authorizing certain persons to enter into
2585 a memorandum of understanding with a national,
2586 nonpartisan, not-for-profit entity meeting certain
2587 criteria for the purpose of embedding a data fellow in
2588 the office or agency; establishing data fellow duties
2589 and responsibilities; providing for the expiration of
2590 the pilot project; providing an appropriation;
2591 amending s. 921.0024, F.S.; requiring scoresheets



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2592 prepared for all criminal defendants to be digitized;
2593 requiring the Department of Corrections to develop and
2594 submit revised digitized scoresheets to the Supreme
2595 Court for approval; requiring digitized scoresheets to
2596 include individual data cells for each field on the
2597 scoresheet; requiring the clerk of court to
2598 electronically transmit the digitized scoresheet used
2599 in each sentencing proceeding to the Department of
2600 Corrections; amending s. 932.7061, F.S.; revising the
2601 deadline for submitting an annual report by law
2602 enforcement agencies concerning property seized or
2603 forfeited under the Florida Contraband Forfeiture Act;
2604 creating s. 943.687, F.S.; requiring the Department of
2605 Law Enforcement to collect, compile, maintain, and
2606 manage data collected pursuant to s. 900.05, F.S.;
2607 requiring the Department of Law Enforcement to make
2608 data comparable, transferable, and readily usable;
2609 requiring the department to create a unique identifier
2610 for each criminal case received from the clerks of
2611 court; requiring the department to create and maintain
2612 a certain Internet-based database; providing
2613 requirements for data searchability and sharing;
2614 requiring the department to establish certain rules;
2615 requiring the department to monitor data collection
2616 procedures and test data quality; providing for data
2617 archiving, editing, retrieval, and verification;
2618 amending s. 944.704, F.S.; requiring transition
2619 assistance staff to include information about job
2620 assignment credentialing and industry certification in



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2621 job placement information given to an inmate; amending
2622 s. 944.705, F.S.; requiring the Department of
2623 Corrections to provide a comprehensive community
2624 reentry resource directory to each inmate prior to
2625 release; requiring the department to allow nonprofit
2626 faith-based, business and professional, civic, and
2627 community organizations to apply to be registered to
2628 provide inmate reentry services; requiring the
2629 department to adopt policies for screening, approving,
2630 and registering organizations that apply; authorizing
2631 the department to contract with public or private
2632 educational institutions to assist veteran inmates in
2633 applying for certain benefits; amending s. 944.801,
2634 F.S.; requiring the department to develop a Prison
2635 Entrepreneurship Program and adopt procedures for
2636 student inmate admission; specifying requirements for
2637 the program; requiring the department to enter into
2638 agreements with certain entities to carry out duties
2639 associated with the program; authorizing the
2640 department to contract with certain entities to
2641 provide education services for the Correctional
2642 Education Program; creating s. 944.805, F.S.; creating
2643 definitions relating to a certificate of achievement
2644 and employability; creating s. 944.8055, F.S.;
2645 establishing eligibility requirements; establishing a
2646 timeframe for an eligible inmate to apply for a
2647 certificate; establishing eligibility requirements for
2648 an inmate under probation or post-control sanction;
2649 establishing a timeframe for an eligible inmate under



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2650 probation or post-control sanction to apply for a
2651 certificate; requiring the department to notify a
2652 licensing agency upon the filing of an application and
2653 provide the opportunity to object to issuing a
2654 certificate; authorizing the department to issue a
2655 certificate; excluding mandatory civil impacts for
2656 which a certificate will not provide relief; requiring
2657 the department to adopt rules; creating s. 944.806,
2658 F.S.; providing a certificate of achievement and
2659 employability shall convert a mandatory civil impact
2660 into a discretionary civil impact for purposes of
2661 determining licensure or certification; providing a
2662 certificate shall convert a mandatory civil impact
2663 into a discretionary civil impact for purposes of
2664 determining licensure or certification for an employer
2665 who has hired a certificate holder; creating s.
2666 944.8065, F.S.; requiring the department to adopt
2667 rules governing revocation of a certificate of
2668 achievement and employability; creating s. 945.041,
2669 F.S.; requiring the Department of Corrections to
2670 publish quarterly on its website inmate admissions
2671 based on offense type and the recidivism rate and rate
2672 of probation revocation within a specified period
2673 after release from incarceration; amending s. 947.005,
2674 F.S.; defining the terms "electronic monitoring
2675 device" and "conditional medical release"; amending s.
2676 947.149, F.S.; defining the terms "inmate with a
2677 debilitating illness" and "medically frail inmate";
2678 amending the definition of "terminally ill inmate";



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2679 expanding eligibility for conditional medical release
2680 to include inmates with debilitating illnesses;
2681 entitling the current conditional medical release
2682 process as "permissive conditional medical release";
2683 requiring the Department of Corrections to refer
2684 eligible inmates; authorizing the Florida Commission
2685 on Offender Review to release eligible inmates;
2686 creating mandatory conditional medical release;
2687 specifying eligibility criteria for mandatory
2688 conditional medical release; requiring the department
2689 to refer an eligible inmate to the commission;
2690 requiring that certain inmates whose eligibility is
2691 verified by the commission be placed on conditional
2692 medical release; requiring the commission to review
2693 the information and verify an inmate's eligibility
2694 within a certain timeframe; requiring that the
2695 department's referral for release include certain
2696 information; requiring that release consider specified
2697 factors related to placement upon release; authorizing
2698 electronic monitoring for an inmate on conditional
2699 medical release; amending s. 948.001, F.S.; revising a
2700 definition; amending s. 948.013, F.S.; authorizing the
2701 Department of Corrections to transfer an offender to
2702 administrative probation in certain circumstances;
2703 amending s. 948.03, F.S.; requiring the Department of
2704 Corrections to include conditions of probation in the
2705 Florida Crime Information Center database; amending s.
2706 948.06, F.S.; requiring each judicial circuit to
2707 establish an alternative sanctioning program; defining



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2708 low- and moderate-risk level technical violations of
2709 probation; establishing permissible sanctions for low-
2710 and moderate-risk violations of probation under the
2711 program; establishing eligibility criteria;
2712 authorizing a probationer who allegedly committed a
2713 technical violation to waive participation in or elect
2714 to participate in the program, admit to the violation,
2715 agree to comply with the recommended sanction, and
2716 agree to waive certain rights; requiring a probation
2717 officer to submit the recommended sanction and certain
2718 documentation to the court if the probationer admits
2719 to committing the violation; authorizing the court to
2720 impose the recommended sanction or direct the
2721 department to submit a violation report, affidavit,
2722 and warrant to the court; specifying that a
2723 probationer's participation in the program is
2724 voluntary; authorizing a probation officer to submit a
2725 violation report, affidavit, and warrant to the court
2726 in certain circumstances; creating s. 948.081, F.S.;
2727 authorizing the establishment of community court
2728 programs; detailing program criteria; reenacting s.
2729 932.7062, F.S., relating to a penalty for
2730 noncompliance with reporting requirements, to
2731 incorporate the amendment made to s. 932.7061, F.S.,
2732 in a reference thereto; reenacting ss. 447.203(3),
2733 F.S., and 944.026(3), F.S., relating to definitions
2734 and community-based facilities, to incorporate the
2735 amendment made to s. 944.801, F.S., in references
2736 thereto; reenacting ss. 316.1935(6), 775.084(4)(k),



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2737 775.087(2)(b) and(3)(b), 784.07(3), 790.235(1),
2738 794.0115(7), 893.135(1)(b), (c), and (g) and (3),
2739 921.0024(2), 944.605(7)(b), 944.70(1)(b),
2740 947.13(1)(h), and 947.141(1), (2), and (7), F.S., all
2741 relating to authorized conditional medical release
2742 granted under s. 947.149, F.S., to incorporate the
2743 amendment made to s. 947.149, F.S., in references
2744 thereto; providing an effective date.