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LEGISLATIVE ACTION

Senate

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House

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Senator Brandes moved the following:

1           **Senate Amendment to House Amendment (299739) (with title**  
2 **amendment)**

3  
4           Delete lines 5 - 1025

5 and insert:

6           Section 1. Subsection (5) of section 20.315, Florida  
7 Statutes, is amended to read

8           20.315 Department of Corrections.—There is created a  
9 Department of Corrections.

10           (5) ANNUAL REPORTING.—The department shall report annually  
11 to the Governor, the President of the Senate, and the Speaker of



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12 the House of Representatives recounting its activities and  
13 making recommendations for improvements to the performance of  
14 the department. The annual report must include information  
15 published under s. 945.041.

16 Section 2. Subsection (5) of section 23.1225, Florida  
17 Statutes, is amended to read:

18 23.1225 Mutual aid agreements.—

19 (5) In the event of a disaster or emergency such that a  
20 state of emergency is declared by the Governor pursuant to  
21 chapter 252, a mutual aid agreement may be used to increase the  
22 presence of law enforcement to aid in traffic and crowd control,  
23 emergency response, and evacuation support. The requirement that  
24 a requested operational assistance agreement be a written  
25 agreement for rendering of assistance in a law enforcement  
26 emergency may be waived by the participating agencies for a  
27 period of up to 90 days from the declaration of the disaster.

28 (a) When a law enforcement agency lends assistance pursuant  
29 to this subsection, all powers, privileges, and immunities  
30 listed in s. 23.127, except with regard to interstate mutual aid  
31 agreements, apply to the agency or entity, if the law  
32 enforcement employees rendering services are being requested and  
33 coordinated by the affected local law enforcement executive in  
34 charge of law enforcement operations.

35 (b) A listing of such agencies or entities and the officers  
36 and employees of such agencies or entities rendering assistance  
37 pursuant to this subsection must be maintained by the agency or  
38 entity requesting such assistance and filed at the end of the  
39 90-day period with the Florida Department of Law Enforcement.

40 Section 3. Subsection (1) of section 57.105, Florida



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41 Statutes, is amended to read:

42 57.105 Attorney's fee; sanctions for raising unsupported  
43 claims or defenses; exceptions; service of motions; damages for  
44 delay of litigation.—

45 (1) Unless otherwise provided, upon the court's initiative  
46 or motion of any party, the court shall award a reasonable  
47 attorney ~~attorney's~~ fee, including prejudgment interest, to be  
48 paid to the prevailing party in equal amounts by the losing  
49 party and the losing party's attorney on any claim or defense at  
50 any time during a civil proceeding or action in which the court  
51 finds that the losing party or the losing party's attorney knew  
52 or should have known that a claim or defense when initially  
53 presented to the court or at any time before trial:

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

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

58 Section 4. Section 322.75, Florida Statutes, is created to  
59 read:

60 322.75 Driver License Reinstatement Days.—

61 (1) Each judicial circuit shall establish a Driver License  
62 Reinstatement Days program and designate at least 1 day for  
63 reinstating suspended driver licenses. Participants shall  
64 include the Department of Highway Safety and Motor Vehicles, the  
65 state attorney's office, the public defender's office, the  
66 circuit and county courts, the clerk of court, and any  
67 interested community organization.

68 (2) The clerk of court, in consultation with other  
69 participants, shall annually select one or more days for an



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70 event at which a person may have his or her driver license  
71 reinstated. A person must pay the full license reinstatement  
72 fee; however, the clerk may reduce or waive other fees and costs  
73 to facilitate reinstatement.

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

- 76 1. Driving without a valid driver license;  
77 2. Driving with a suspended driver license;  
78 3. Failing to make a payment on penalties in collection;  
79 4. Failing to appear in court for a traffic violation; or  
80 5. Failing to comply with provisions of chapter 318 or this  
81 chapter.

82 (b) Notwithstanding paragraphs (4) (a) through (c), a person  
83 is eligible for reinstatement under the program if the period of  
84 suspension or revocation has elapsed, the person has completed  
85 any required course or program as described in paragraph (4) (c),  
86 and the person is otherwise eligible for reinstatement.

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

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

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

92 (c) Because the person has not completed a driver training  
93 program, driver improvement course, or alcohol or substance  
94 abuse education or evaluation program required under s. 316.192,  
95 s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;

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

97 (e) Because the person is a habitual traffic offender under  
98 s. 322.264.



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

102           Section 5. Paragraph (f) is added to subsection (2) of  
103 section 784.046, Florida Statutes, to read:

104           784.046 Action by victim of repeat violence, sexual  
105 violence, or dating violence for protective injunction; dating  
106 violence investigations, notice to victims, and reporting;  
107 pretrial release violations; public records exemption.—

108           (2) There is created a cause of action for an injunction  
109 for protection in cases of repeat violence, there is created a  
110 separate cause of action for an injunction for protection in  
111 cases of dating violence, and there is created a separate cause  
112 of action for an injunction for protection in cases of sexual  
113 violence.

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

116           Section 6. Paragraph (d) is added to subsection (2) of  
117 section 784.0485, Florida Statutes, to read:

118           784.0485 Stalking; injunction; powers and duties of court  
119 and clerk; petition; notice and hearing; temporary injunction;  
120 issuance of injunction; statewide verification system;  
121 enforcement.—

122           (2)

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

125           Section 7. Paragraphs (c), (d), and (e) of subsection (2)  
126 of section 812.014, Florida Statutes, are amended to read:

127           812.014 Theft.—



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128           (2)

129           (c) It is grand theft of the third degree and a felony of

130 the third degree, punishable as provided in s. 775.082, s.

131 775.083, or s. 775.084, if the property stolen is:

132           1. Valued at \$1,000 ~~\$300~~ or more, but less than \$5,000.

133           2. Valued at \$5,000 or more, but less than \$10,000.

134           3. Valued at \$10,000 or more, but less than \$20,000.

135           4. A will, codicil, or other testamentary instrument.

136           5. A firearm.

137           6. A motor vehicle, except as provided in paragraph (a).

138           7. Any commercially farmed animal, including any animal of

139 the equine, bovine, or swine class or other grazing animal; a

140 bee colony of a registered beekeeper; and aquaculture species

141 raised at a certified aquaculture facility. If the property

142 stolen is aquaculture species raised at a certified aquaculture

143 facility, then a \$10,000 fine shall be imposed.

144           ~~8. Any fire extinguisher.~~

145           ~~8.9.~~ Any amount of citrus fruit consisting of 2,000 or more

146 individual pieces of fruit.

147           ~~9.10.~~ Taken from a designated construction site identified

148 by the posting of a sign as provided for in s. 810.09(2)(d).

149           ~~10.11.~~ Any stop sign.

150           ~~11.12.~~ Anhydrous ammonia.

151           ~~12.13.~~ Any amount of a controlled substance as defined in

152 s. 893.02. Notwithstanding any other law, separate judgments and

153 sentences for theft of a controlled substance under this

154 subparagraph and for any applicable possession of controlled

155 substance offense under s. 893.13 or trafficking in controlled

156 substance offense under s. 893.135 may be imposed when all such



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157 offenses involve the same amount or amounts of a controlled  
158 substance.

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160 However, if the property is stolen within a county that is  
161 subject to a state of emergency declared by the Governor under  
162 chapter 252, the property is stolen after the declaration of  
163 emergency is made, and the perpetration of the theft is  
164 facilitated by conditions arising from the emergency, the  
165 offender commits a felony of the second degree, punishable as  
166 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
167 property is valued at \$5,000 or more, but less than \$10,000, as  
168 provided under subparagraph 2., or if the property is valued at  
169 \$10,000 or more, but less than \$20,000, as provided under  
170 subparagraph 3. As used in this paragraph, the term "conditions  
171 arising from the emergency" means civil unrest, power outages,  
172 curfews, voluntary or mandatory evacuations, or a reduction in  
173 the presence of or the response time for first responders or  
174 homeland security personnel. For purposes of sentencing under  
175 chapter 921, a felony offense that is reclassified under this  
176 paragraph is ranked one level above the ranking under s.  
177 921.0022 or s. 921.0023 of the offense committed.

178 (d) It is grand theft of the third degree and a felony of  
179 the third degree, punishable as provided in s. 775.082, s.  
180 775.083, or s. 775.084, if the property stolen is valued at  
181 \$1,000 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken  
182 from a dwelling as defined in s. 810.011(2) or from the  
183 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

184 (e) Except as provided in paragraph (d), if the property  
185 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,000



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186 ~~\$300~~, the offender commits petit theft of the first degree,  
187 punishable as a misdemeanor of the first degree, as provided in  
188 s. 775.082 or s. 775.083.

189 Section 8. Subsection (8) of section 812.015, Florida  
190 Statutes, is amended to read:

191 812.015 Retail and farm theft; transit fare evasion;  
192 mandatory fine; alternative punishment; detention and arrest;  
193 exemption from liability for false arrest; resisting arrest;  
194 penalties.—

195 (8) Except as provided in subsection (9), a person who  
196 commits retail theft commits a felony of the third degree,  
197 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
198 if the property stolen is valued at \$1,000 ~~\$300~~ or more, and the  
199 person:

200 (a) Individually, or in concert with one or more other  
201 persons, coordinates the activities of one or more individuals  
202 in committing the offense, in which case the amount of each  
203 individual theft is aggregated to determine the value of the  
204 property stolen;

205 (b) Commits theft from more than one location within a 48-  
206 hour period, in which case the amount of each individual theft  
207 is aggregated to determine the value of the property stolen;

208 (c) Acts in concert with one or more other individuals  
209 within one or more establishments to distract the merchant,  
210 merchant's employee, or law enforcement officer in order to  
211 carry out the offense, or acts in other ways to coordinate  
212 efforts to carry out the offense; or

213 (d) Commits the offense through the purchase of merchandise  
214 in a package or box that contains merchandise other than, or in





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215 addition to, the merchandise purported to be contained in the  
216 package or box.

217 Section 9. Paragraph (o) is added to subsection (1) of  
218 section 893.135, Florida Statutes, to read:

219 893.135 Trafficking; mandatory sentences; suspension or  
220 reduction of sentences; conspiracy to engage in trafficking.—

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

223 (o)1. For purposes of this subsection, the term "dosage  
224 unit" means an individual tablet, capsule, pill, transdermal  
225 patch, sublingual gelatin, or other visually distinctive form,  
226 with clear manufacturer marking on each unit, of a commercial  
227 drug product approved by the Food and Drug Administration and  
228 manufactured and distributed by a pharmaceutical company  
229 lawfully doing business in the United States.

230 2. If a controlled substance described in this section is  
231 sold, purchased, delivered, or brought into this state by a  
232 person in the form of a dosage unit, he or she may only be  
233 prosecuted under this paragraph.

234 3. Notwithstanding any other provision of this subsection,  
235 a person who knowingly sells, purchases, delivers, or brings  
236 into this state, or who is knowingly in actual or constructive  
237 possession of, 120 dosage units or more of a controlled  
238 substance described in this section, commits a felony of the  
239 first degree, which felony shall be known as "trafficking in  
240 pharmaceuticals," punishable as provided in s. 775.082, s.  
241 775.083, or s. 775.084. If the quantity involved:

242 a. Is 120 or more dosage units, but less than 500 dosage  
243 units, such person shall be sentenced to a mandatory minimum



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244 term of imprisonment of 3 years and may be ordered to pay a fine  
245 of up to \$25,000.

246 b. Is 500 or more dosage units, but less than 1,000 dosage  
247 units, such person shall be sentenced to a mandatory minimum  
248 term of imprisonment of 7 years and may be ordered to pay a fine  
249 of up to \$50,000.

250 c. Is 1,000 or more dosage units, such person shall be  
251 sentenced to a mandatory minimum term of imprisonment of 15  
252 years and may be ordered to pay a fine of up to \$100,000.

253 Section 10. Subsection (7) is added to section 893.147,  
254 Florida Statutes, to read:

255 893.147 Use, possession, manufacture, delivery,  
256 transportation, advertisement, or retail sale of drug  
257 paraphernalia, specified machines, and materials.—

258 (7) TABLETING MACHINES, ENCAPSULATING MACHINES, AND  
259 CONTROLLED SUBSTANCE COUNTERFEITING MATERIALS.—

260 (a) Except as provided in paragraph (b), it is unlawful for  
261 any person to possess, purchase, deliver, sell, or possess with  
262 intent to sell or deliver a tableting machine, encapsulating  
263 machine or controlled substance counterfeiting material knowing,  
264 intending, or having reasonable cause to believe that it will be  
265 used to manufacture a controlled substance or counterfeit  
266 controlled substance.

267 (b)1. A regulated person may possess, purchase, deliver,  
268 sell, or possess with intent to deliver or sell a tableting  
269 machine or encapsulating machine as part of a regulated  
270 transaction with a regular customer or regular importer, in  
271 compliance with 21 U.S.C. s. 830. For purposes of this  
272 paragraph, the terms "regulated person," "regulated



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273 transaction," "regular customer," and "regular importer" have  
274 the same meaning as defined in 21 U.S.C. s. 802.

275 2. A person registered under 21 U.S.C. s. 822 may possess,  
276 purchase, deliver, sell, or possess with intent to deliver or  
277 sell a tableting machine or encapsulating machine to manufacture  
278 a controlled substance pursuant to such registration.

279 3. A person who holds an active, unencumbered license or  
280 permit under s. 381.986 or chapter 465 may possess, purchase,  
281 deliver, sell, or possess with intent to sell or deliver a  
282 tableting machine or encapsulating machine to manufacture a  
283 controlled substance, if such person is performing functions in  
284 compliance with or under the authority of that license or  
285 permit.

286 (c) For the purpose of this subsection, the term:

287 1. "Controlled substance" has the same meaning as provided  
288 in s. 893.02(4).

289 2. "Controlled substance counterfeiting material" means a  
290 punch, die, plate, stone, or other item designed to print,  
291 imprint, or reproduce the trademark, trade name, or other  
292 identifying mark, imprint, or device of another or any likeness  
293 of any of the foregoing upon a drug or container or labeling  
294 thereof so as to render such drug a counterfeit controlled  
295 substance.

296 3. "Counterfeit controlled substance" has the same meaning  
297 as provided in s. 831.31(2).

298 4. "Encapsulating machine" means manual, semiautomatic, or  
299 fully automatic equipment used to fill shells or capsules with  
300 any powdered or granular solids or semisolid material to produce  
301 coherent solid tablets.



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302       5. "Tableting machine" means manual, semiautomatic, or  
303 fully automatic equipment use to compact or mold powdered or  
304 granular solids or semisolid material to produce coherent solid  
305 tablets.

306       (d)1. Except as provided in subparagraph 2., a person who  
307 violates this subsection commits a felony of the third degree,  
308 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

309       2. Any person who violates this subsection knowing,  
310 intending, or having reasonable cause to believe that such  
311 action will result in the unlawful manufacture of a controlled  
312 substance or counterfeit controlled substance that contains:

313       a. A controlled substance under s. 893.03(1);

314       b. Cocaine;

315       c. Opium or any synthetic or natural salt, compound,  
316 derivative, or preparation of opium;

317       d. Methadone;

318       e. Alfentanil;

319       f. Carfentanil;

320       g. Fentanyl;

321       h. Sufentanil; or

322       i. A controlled substance analog, as defined in s.  
323 893.0356, of any substance in sub-subparagraphs a. through h.,  
324 commits a felony of the second degree, punishable as provided in  
325 s. 775.082, s. 775.083, or s. 775.084.

326       Section 11. Section 893.21, Florida Statutes, is amended to  
327 read:

328       893.21 Alcohol- and drug-related overdoses; medical  
329 assistance; immunity from charge and prosecution.-

330       (1) A person acting in good faith who seeks medical



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331 assistance for an individual experiencing, or believed to be  
332 experiencing, an alcohol- or a drug-related overdose may not be  
333 charged, prosecuted, or penalized pursuant to this chapter for  
334 possession of a controlled substance or a violation of s.  
335 562.111, if the evidence ~~for possession of a controlled~~  
336 ~~substance~~ was obtained as a result of the person's seeking  
337 medical assistance.

338 (2) A person who experiences, or has a good faith belief  
339 that he or she is experiencing, an alcohol- or a drug-related  
340 overdose and is in need of medical assistance may not be  
341 charged, prosecuted, or penalized pursuant to this chapter for  
342 possession of a controlled substance or a violation of s.  
343 562.111, if the evidence for such offense ~~possession of a~~  
344 ~~controlled substance~~ was obtained as a result of the person's  
345 seeking the overdose and the need for medical assistance.

346 (3) A person who is experiencing, or has a good faith  
347 belief that he or she is experiencing, an alcohol- or a drug-  
348 related overdose and receives medical assistance, or a person  
349 acting in good faith who seeks medical assistance for an  
350 individual experiencing, or believed to be experiencing, an  
351 alcohol- or a drug-related overdose, may not be penalized for a  
352 violation of a condition of pretrial release, probation, or  
353 parole if the evidence for such a violation was obtained as a  
354 result of the person's seeking medical assistance.

355 (4) ~~(3)~~ Protection in this section from charge and  
356 prosecution ~~for possession offenses under this chapter~~ may not  
357 be grounds for suppression of evidence in other criminal  
358 prosecutions.

359 Section 12. Section 900.05, Florida Statutes, is created to



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360 read:

361 900.05 Criminal justice data collection.—It is the intent  
362 of the Legislature to create a model of uniform criminal justice  
363 data collection by requiring local and state criminal justice  
364 agencies to report complete, accurate, and timely data, and to  
365 make such data available to the public. The Legislature finds  
366 that it is an important state interest to implement a uniform  
367 data collection process and promote criminal justice data  
368 transparency.

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

370 (a) "Annual felony caseload" means the yearly caseload of  
371 each full-time state attorney and assistant state attorney,  
372 public defender and assistant public defender, or regional  
373 conflict counsel and assistant regional conflict counsel for  
374 cases assigned to the circuit criminal division, based on the  
375 number of felony cases reported to the Supreme Court under s.  
376 25.075. The term does not include the appellate caseload of a  
377 public defender, assistant public defender, regional conflict  
378 counsel, or assistant regional conflict counsel. Cases reported  
379 pursuant to this term must be associated with a case number and  
380 each case number must only be reported once regardless of the  
381 number of attorney assignments that occur during the course of  
382 litigation. The cases reported pursuant to this term is  
383 determined by the number of cases assigned to the relevant  
384 office as of June 30 each fiscal year and shall be reported once  
385 annually in the first reporting period upon the conclusion of  
386 the fiscal year.

387 (b) "Annual misdemeanor caseload" means the yearly caseload  
388 of each full-time state attorney and assistant state attorney,



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389 public defender and assistant public defender, or regional  
390 conflict counsel and assistant regional conflict counsel for  
391 cases assigned to the county criminal division, based on the  
392 number of misdemeanor cases reported to the Supreme Court under  
393 s. 25.075. The term does not include the appellate caseload of a  
394 public defender, assistant public defender, regional conflict  
395 counsel, or assistant regional conflict counsel. Cases reported  
396 pursuant to this term must be associated with a case number and  
397 each case number must only be reported once regardless of the  
398 number of attorney assignments that occur during the course of  
399 litigation. The cases reported pursuant to this term is  
400 determined by the number of cases assigned to the relevant  
401 office as of June 30 each fiscal year and shall be reported once  
402 annually in the first reporting period upon the conclusion of  
403 the fiscal year.

404 (c) "Attorney assignment date" means the date a court-  
405 appointed attorney is assigned to the case or, if privately  
406 retained, the date an attorney files a notice of appearance with  
407 the clerk of court.

408 (d) "Attorney withdrawal date" means the date the court  
409 removes court-appointed counsel from a case or, for a privately  
410 retained attorney, the date a motion to withdraw is granted by  
411 the court.

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

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

417 (g) "Charge description" means the statement of the conduct



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418 that is alleged to have been violated, the associated statutory  
419 section establishing such conduct as criminal, and the  
420 misdemeanor or felony classification that is provided for in the  
421 statutory section alleged to have been violated.

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

425 (i) "Concurrent or consecutive sentence flag" means an  
426 indication that a defendant is serving another sentence  
427 concurrently or consecutively in addition to the sentence for  
428 which data is being reported.

429 (j) "Daily number of correctional officers" means the  
430 number of full-time, part-time, and auxiliary correctional  
431 officers who are actively providing supervision, protection,  
432 care, custody, and control of inmates in a county detention  
433 facility or state correctional institution or facility each day.

434 (k) "Defense attorney type" means whether the attorney is a  
435 public defender, regional conflict counsel, or other counsel  
436 court-appointed for the defendant; the attorney is privately  
437 retained by the defendant; or the defendant is represented pro  
438 se.

439 (l) "Disciplinary violation and action" means any conduct  
440 performed by an inmate in violation of the rules of a county  
441 detention facility or state correctional institution or facility  
442 that results in the initiation of disciplinary proceedings by  
443 the custodial entity and the consequences of such disciplinary  
444 proceedings.

445 (m) "Disposition date" means the date of final judgment,  
446 adjudication, adjudication withheld, dismissal, or nolle





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447 prosecui for the case and if different dates apply, the  
448 disposition dates of each charge.

449 (n) "Domestic violence flag" means an indication that a  
450 charge involves domestic violence as defined in s. 741.28.

451 (o) "Gang affiliation flag" means an indication that a  
452 defendant is involved in or associated with a criminal gang as  
453 defined in s. 874.03.

454 (p) "Gain-time credit earned" means a credit of time  
455 awarded to an inmate in a county detention facility in  
456 accordance with s. 951.22 or a state correctional institution or  
457 facility in accordance with s. 944.275.

458 (q) "Habitual offender flag" means an indication that a  
459 defendant is eligible for designation as a habitual felony  
460 offender as defined in s. 775.084 or a habitual misdemeanor  
461 offender as defined in s. 775.0837.

462 (r) "Habitual violent felony offender flag" means an  
463 indication that a defendant is eligible for designation as a  
464 habitual violent felony offender as defined in s. 775.084.

465 (s) "Judicial transfer date" means a date on which a  
466 defendant's case is transferred to another court or presiding  
467 judge.

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

472 (u) "Pretrial release violation flag" means an indication  
473 that the defendant has violated the terms of his or her pretrial  
474 release.

475 (v) "Prior incarceration within the state" means any prior



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476 history of a defendant being incarcerated in a county detention  
477 facility or state correctional institution or facility.

478 (w) "Prison releasee reoffender flag" means an indication  
479 that a defendant is eligible for designation as a prison  
480 releasee reoffender as defined in s. 775.082.

481 (x) "Tentative release date" means the anticipated date  
482 that an inmate will be released from incarceration after the  
483 application of adjustments for any gain-time earned or credit  
484 for time served.

485 (y) "Sexual offender flag" means an indication that a  
486 defendant required to register as a sexual predator as defined  
487 in s. 775.21 or as a sexual offender as defined in s. 943.0435.

488 (z) "Three-time violent felony offender" means an  
489 indication that a defendant is eligible for designation as a  
490 three-time violent felony offender as defined in s. 775.084.

491 (aa) "Violent career criminal" means an indication that a  
492 defendant is eligible for designation as a violent career  
493 criminal as defined in s. 775.084.

494 (2) DATA COLLECTION AND REPORTING.—Beginning January 1,  
495 2019, each entity required to collect data under this subsection  
496 shall collect the specified data on a monthly basis and report  
497 the collected data to the Department of Law Enforcement on a  
498 quarterly basis.

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

- 501 1. Case number.
- 502 2. Date that the alleged offense occurred.
- 503 3. County in which the offense is alleged to have occurred.
- 504 4. Date the defendant is taken into physical custody by a



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505 law enforcement agency or is issued a notice to appear on a  
506 criminal charge, if such date is different from the date the  
507 offense is alleged to have occurred.

508 5. Date that the criminal prosecution of a defendant is  
509 formally initiated through the filing, with the clerk of the  
510 court, of an information by the state attorney or an indictment  
511 issued by a grand jury.

512 6. Arraignment date.

513 7. Attorney assignment date.

514 8. Attorney withdrawal date.

515 9. Case status.

516 10. Disposition date.

517 11. Information related to each defendant, including:

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

520 b. Zip code of primary residence.

521 c. Primary language.

522 d. Citizenship.

523 e. Immigration status, if applicable.

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

526 12. Information related to the formal charges filed against  
527 the defendant, including:

528 a. Charge description.

529 b. Charge modifier, if applicable.

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

531 d. Qualification for a flag designation as defined in this  
532 section, including a domestic violence flag, gang affiliation  
533 flag, habitual offender flag, habitual violent felony offender



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534 flag, pretrial release violation flag, prison releasee  
535 reoffender flag, sexual offender flag, three-time violent felony  
536 offender flag, or violent career criminal flag.

537 13. Information related to bail or bond and pretrial  
538 release determinations, including the dates of any such  
539 determinations:

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

543 b. Modification of bail or bond conditions made by a court  
544 having jurisdiction to try the defendant or, in the absence of  
545 the judge of the trial court, by the circuit court, including  
546 modifications to any monetary and nonmonetary conditions of  
547 release.

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

550 d. Date defendant is released on bail, bond, or pretrial  
551 release.

552 e. Bail or bond revocation due to a new offense, a failure  
553 to appear, or a violation of the terms of bail or bond, if  
554 applicable.

555 14. Information related to court dates and dates of motions  
556 and appearances, including:

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

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

560 c. Judicial transfer date, if applicable.

561 d. Trial date.

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



563 discovery.  
564 f. Speedy trial motion and hearing dates, if applicable.  
565 g. Dismissal motion and hearing dates, if applicable.  
566 15. Defense attorney type.  
567 16. Information related to sentencing, including:  
568 a. Date that a court enters a sentence against a defendant.  
569 b. Sentence type and length imposed by the court,  
570 including, but not limited to, the total duration of  
571 imprisonment in a county detention facility or state  
572 correctional institution or facility, and conditions of  
573 probation or community control supervision.  
574 c. Amount of time served in custody by the defendant  
575 awaiting disposition of the reported criminal case that is  
576 credited at the time of disposition.  
577 d. Total amount of court fees imposed by the court at the  
578 disposition of the case.  
579 e. Outstanding balance of the defendant's court fees  
580 imposed by the court at disposition of the case.  
581 f. Total amount of fines imposed by the court at the  
582 disposition of the case.  
583 g. Outstanding balance of the defendant's fines imposed by  
584 the court at disposition of the case.  
585 h. Restitution amount ordered, including the amount  
586 collected by the court and the amount paid to the victim, if  
587 applicable.  
588 i. Digitized sentencing scoresheet prepared in accordance  
589 with s. 921.0024.  
590 17. The number of judges or magistrates, or their  
591 equivalents, hearing cases in circuit or county criminal



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592 divisions of the circuit court. Judges or magistrates, or their  
593 equivalents, who solely hear appellate cases from the county  
594 criminal division are not to be reported under this  
595 subparagraph.

596 (b) State attorney.—Each state attorney shall collect the  
597 following data:

598 1. Information related to a human victim of a criminal  
599 offense, including:

600 a. Identifying information of the victim, including race or  
601 ethnicity, gender, and age.

602 b. Relationship to the offender, if any.

603 2. Number of full-time prosecutors.

604 3. Number of part-time prosecutors.

605 4. Annual felony caseload.

606 5. Annual misdemeanor caseload.

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

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

610 8. Information related to each defendant, including:

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

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

614 c. Qualification for a flag designation as defined in this  
615 section, including a domestic violence flag, gang affiliation  
616 flag, habitual offender flag, habitual violent felony offender  
617 flag, pretrial release violation flag, prison releasee  
618 reoffender flag, sexual offender flag, three-time violent felony  
619 offender flag, or violent career criminal flag.

620 d. The complete terms of any plea offer provided to the



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621 defendant by the state attorney.

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

624 1. Number of full-time public defenders.

625 2. Number of part-time public defenders.

626 3. Number of contract attorneys representing indigent  
627 defendants for the office of the public defender.

628 4. Annual felony caseload.

629 5. Annual misdemeanor caseload.

630 6. Number of cases of which the office of the public  
631 defender has conflicted off in each fiscal year as of June 30  
632 each fiscal year, which is to be reported in the first reporting  
633 period upon the conclusion of the fiscal year.

634 (d) Regional conflict counsel.—Each regional conflict  
635 counsel shall collect the following data for each criminal case:

636 1. Number of full-time assistant regional conflict counsel  
637 handling criminal cases.

638 2. Number of part-time assistant regional conflict counsel  
639 handling criminal cases.

640 3. Number of contract attorneys representing indigent  
641 defendants in criminal cases for the office of the regional  
642 conflict counsel.

643 4. Annual felony caseload.

644 5. Annual misdemeanor caseload.

645 (e) Justice Administrative Commission.—The Justice  
646 Administrative Commission shall collect the following data for  
647 each criminal case:

648 1. Number of contract or private court-appointed attorneys  
649 representing indigent defendants in criminal cases.



650 2. Number of privately retained attorneys where the  
651 defendant was declared indigent for costs.

652 3. Number of felony cases handled annually by contract or  
653 private court-appointed attorneys representing indigent  
654 defendants.

655 4. Number of misdemeanor cases handled annually by contract  
656 or private court-appointed attorneys representing indigent  
657 defendants.

658 5. Number of felony cases handled annually by privately  
659 retained attorneys where the defendant was declared indigent for  
660 costs.

661 6. Number of misdemeanor cases handled annually by  
662 privately retained attorneys where the defendant was declared  
663 indigent for costs.

664 (f) County detention facility.—The administrator of each  
665 county detention facility shall collect the following data:

666 1. Maximum capacity for the county detention facility.

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

669 3. Daily population of the county detention facility,  
670 including the specific number of inmates in the custody of the  
671 county that:

672 a. Are awaiting case disposition.

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

675 c. Have been sentenced by a court to a term of imprisonment  
676 with the Department of Corrections and who are awaiting  
677 transportation to the department.

678 d. Have a federal detainer or are awaiting disposition of a





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679 case in federal court.

680 4. Information related to each inmate, including the date a  
681 defendant is processed into the county detention facility  
682 subsequent to an arrest for a new violation of law or for a  
683 violation of probation or community control.

684 5. Total population of the county detention facility at  
685 year-end. This data must include the same specified  
686 classifications as subparagraph 3.

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

688 7. Daily number of correctional officers for the county  
689 detention facility.

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

693 9. Revenue generated for the county from the temporary  
694 incarceration of federal defendants or inmates.

695 (g) Department of Corrections.—The Department of  
696 Corrections shall collect the following data:

697 1. Information related to each inmate, including:

698 a. Identifying information, including name, date of birth,  
699 race or ethnicity, and identification number assigned by the  
700 department.

701 b. Number of children.

702 c. Education level, including any vocational training.

703 d. Date the inmate was admitted to the custody of the  
704 department.

705 e. Current institution placement and the security level  
706 assigned to the institution.

707 f. Custody level assignment.



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708 g. Qualification for a flag designation as defined in this  
709 section, including a domestic violence flag, gang affiliation  
710 flag, habitual offender flag, habitual violent felony offender  
711 flag, pretrial release violation flag, prison releasee  
712 reoffender flag, sexual offender flag, three-time violent felony  
713 offender flag, or violent career criminal flag.

714 h. County that committed the prisoner to the custody of the  
715 department.

716 i. Whether the reason for admission to the department is  
717 for a new conviction or a violation of probation, community  
718 control, or parole. For an admission for a probation, community  
719 control, or parole violation, the department shall report  
720 whether the violation was technical or based on a new violation  
721 of law.

722 j. Specific statutory citation for which the inmate was  
723 committed to the department, including, for an inmate convicted  
724 of a drug offense under s. 893.13 or s. 893.135, the weight and  
725 the statutory citation for each specific drug involved.

726 k. Length of sentence, including any concurrent or  
727 consecutive sentences served.

728 l. Tentative release date.

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

730 n. Prior incarceration within the state.

731 o. Disciplinary violation and action.

732 p. Participation in rehabilitative or educational programs  
733 while in the custody of the department.

734 2. Information about each state correctional institution or  
735 facility, including:

736 a. Budget for each state correctional institution or



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737 facility.

738 b. Daily prison population of all inmates incarcerated in a

739 state correctional institution or facility.

740 c. Daily number of correctional officers for each state

741 correctional institution or facility.

742 3. Information related to persons supervised by the

743 department on probation or community control, including:

744 a. Identifying information for each person supervised by

745 the department on probation or community control, including his

746 or her name, date of birth, race or ethnicity, sex, and

747 department-assigned case number.

748 b. Length of probation or community control sentence

749 imposed and amount of time that has been served on such

750 sentence.

751 c. Projected termination date for probation or community

752 control.

753 d. Revocation of probation or community control due to a

754 violation, including whether the revocation is due to a

755 technical violation of the conditions of supervision or from the

756 commission of a new law violation.

757 4. Per diem rates, reported once annually at the time the

758 most recent per diem rate is published, for:

759 a. Prison bed.

760 b. Probation.

761 c. Community control.

762 (3) DATA PUBLICLY AVAILABLE.—Beginning January 1, 2019, the

763 Department of Law Enforcement shall publish datasets in its

764 possession in a modern, open, electronic format that is machine-

765 readable and readily accessible by the public on the



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766 department's website. The published data must be searchable, at  
767 a minimum, by each data element, county, circuit, and unique  
768 identifier. Data that is in the department's possession as of  
769 January 1, 2019, shall be published in its entirety by July 1,  
770 2020. Beginning March 1, 2019, the department shall begin  
771 publishing the data received under subsection (2) in the same  
772 modern, open, electronic format that is machine-readable and  
773 readily accessible to the public on the department's website.  
774 The department shall publish all data received under subsection  
775 (2) no later than July 1, 2020.

776 (4) EXCEPTION TO PUBLIC AVAILABILITY.—In an effort to  
777 ensure the privacy of the specified information required to be  
778 collected under this section, including, but not limited to,  
779 protected health information, the Department of Law Enforcement  
780 may not publish data in a manner that allows the public to  
781 associate such data with a person's name, social security  
782 number, or date of birth. Any data collected and published under  
783 this section related to a person shall be solely identifiable by  
784 the unique identifier assigned to such person by the department  
785 pursuant to s. 943.687. Any information that is exempt or  
786 confidential and exempt under other provisions of law that is  
787 obtained by a local or state entity under this section retains  
788 its exempt or confidential and exempt status when held by the  
789 Department of Law Enforcement.

790 (5) NONCOMPLIANCE.—Notwithstanding any other law, an entity  
791 required to collect and transmit data under paragraph (2) (a) or  
792 paragraph (2) (f) which does not comply with the requirements of  
793 this section is ineligible to receive funding from the General  
794 Appropriations Act, any state grant program administered by the



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795 Department of Law Enforcement, or any other state agency for 3  
796 years after the date of noncompliance.

797 Section 13. A pilot project is established in the Sixth  
798 Judicial Circuit for the purpose of improving criminal justice  
799 data transparency and ensuring that data submitted under s.  
800 900.05, Florida Statutes, is accurate, valid, reliable, and  
801 structured. The clerk of court, the state attorney, the public  
802 defender, or a sheriff in the circuit may enter into a  
803 memorandum of understanding with a national, nonpartisan,  
804 nonprofit entity that provides data and measurement for county-  
805 level criminal justice systems to establish the duties and  
806 responsibilities of a data fellow, completely funded by the  
807 entity, to be embedded with the office or agency. The data  
808 fellow shall assist with data extraction, validation, and  
809 quality and shall publish such data consistent with the terms of  
810 the memorandum. The data fellow shall assist the office or  
811 agency in compiling and reporting data pursuant to s. 900.05,  
812 Florida Statutes, in compliance with rules established by the  
813 Department of Law Enforcement. The pilot project shall expire as  
814 provided in the memorandum of understanding.

815 Section 14. For the 2018-2019 fiscal year, nine full-time  
816 equivalent positions with associated salary rate of 476,163 are  
817 authorized and the recurring sum of \$665,884 and the  
818 nonrecurring sum of \$1,084,116 is appropriated from the General  
819 Revenue Fund to the Department of Law Enforcement for the  
820 purposes of implementing ss. 900.05(3) and 943.687, Florida  
821 Statutes, transitioning to incident-based crime reporting, and  
822 collecting and submitting crime statistics that meet the  
823 requirements of the Federal Bureau of Investigation under the



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824 National Incident-Based Reporting System.

825 Section 15. Section 907.0421, Florida Statutes, is created  
826 to read:

827 907.0421 Pretrial release; use of risk assessment  
828 instruments.-

829 (1) The Legislature finds that there is a need to use  
830 evidence-based methods to identify defendants that can  
831 successfully comply with specified pretrial release conditions.  
832 The Legislature finds that the use of actuarial instruments that  
833 classify offenders according to the likelihood of failure to  
834 appear at subsequent hearings or engage in criminal conduct  
835 while awaiting trial provides a more consistent and accurate  
836 assessment of a defendant's risk of noncompliance while on  
837 pretrial release pending trial. The Legislature also finds that  
838 research indicates that using accurate risk and needs assessment  
839 instruments ensures successful compliance with pretrial  
840 conditions imposed on a defendant and reduces the likelihood of  
841 defendants remaining unnecessarily in custody pending trial.

842 (2) The chief judge of each circuit, with the concurrence  
843 of the county's chief correctional officer, the state attorney,  
844 and the public defender, may enter an administrative order to  
845 administer a risk assessment instrument in preparation of first  
846 appearance for use in pretrial release decisions. The risk  
847 assessment instrument must be objective, standardized, and based  
848 on analysis of empirical data and risk factors relevant to  
849 pretrial failure, that evaluates the likelihood of failure to  
850 appear in court and the likelihood of rearrest during the  
851 pretrial release period, and that is validated on the pretrial  
852 population.



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853       (3) (a) The risk assessment instrument results must be used  
854 as supplemental factors for the court to consider when  
855 determining the appropriateness of pretrial release at first  
856 appearance or subsequent pretrial release determinations and, if  
857 applicable, the conditions of release that are appropriate based  
858 on predicted level of risk and pretrial failure. The court shall  
859 impose the least-restrictive conditions necessary, based on the  
860 results of the risk assessment instrument, to reasonably ensure  
861 the defendant's appearance at subsequent hearings.

862       (b) A court that uses the results from a risk assessment  
863 instrument in pretrial release determinations retains sole  
864 discretion to impose any pretrial release conditions that it  
865 deems necessary to ensure the defendant's appearance at  
866 subsequent hearings.

867       (4) A circuit that intends to use a risk assessment  
868 instrument in pretrial release decisions must have such  
869 instrument independently validated by the Department of  
870 Corrections. A circuit may begin to use such instrument in  
871 pretrial release decisions immediately upon validation of and  
872 implementation of training all local staff who will administer  
873 the risk assessment instrument.

874       (5) Each circuit that establishes an administrative order  
875 for the use of risk assessment instruments in pretrial release  
876 determinations shall provide an annual report to the Office of  
877 Program Policy Analysis and Government Accountability that  
878 details the risk assessment instrument used, results of the  
879 administration of the risk assessment instrument, including the  
880 results of defendants that were both detained in custody  
881 awaiting trial and released from custody awaiting trial, the



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882 frequency of released defendants that failed to appear at one or  
883 more subsequent court hearings, and the level of risk determined  
884 in the risk assessment instrument associated with a defendant  
885 that failed to appear for any court hearings. The annual report  
886 from the circuit must be submitted to OPPAGA by October 1 each  
887 year. OPPAGA shall compile the results of the counties reports  
888 for inclusion in an independent section of its annual report  
889 developed and submitted to the President of the Senate and  
890 Speaker of the House of Representatives in accordance with s.  
891 907.044.

892 (6) The Department of Corrections may adopt rules to  
893 implement the requirement to validate risk assessment  
894 instruments used in accordance with this section.

895 Section 16. Paragraph (b) of subsection (4) of section  
896 907.043, Florida Statutes, is amended to read:

897 907.043 Pretrial release; citizens' right to know.—

898 (4)

899 (b) The annual report must contain, but need not be limited  
900 to:

901 1. The name, location, and funding sources of the pretrial  
902 release program, including the amount of public funds, if any,  
903 received by the pretrial release program.

904 2. The operating and capital budget of each pretrial  
905 release program receiving public funds.

906 3.a. The percentage of the pretrial release program's total  
907 budget representing receipt of public funds.

908 b. The percentage of the total budget which is allocated to  
909 assisting defendants obtain release through a nonpublicly funded  
910 program.





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- 911 c. The amount of fees paid by defendants to the pretrial  
912 release program.
- 913 4. The number of persons employed by the pretrial release  
914 program.
- 915 5. The number of defendants assessed and interviewed for  
916 pretrial release.
- 917 6. The number of defendants recommended for pretrial  
918 release.
- 919 7. The number of defendants for whom the pretrial release  
920 program recommended against nonsecured release.
- 921 8. The number of defendants granted nonsecured release  
922 after the pretrial release program recommended nonsecured  
923 release.
- 924 9. The number of defendants assessed and interviewed for  
925 pretrial release who were declared indigent by the court.
- 926 10. The number of defendants accepted into a pretrial  
927 release program who paid a surety or cash bail or bond.
- 928 11. The number of defendants for whom a risk assessment  
929 tool was used in determining whether they should be released  
930 pending the disposition of their cases and the number of  
931 defendants for whom a risk assessment tool was not used.
- 932 12. The specific statutory citation for each criminal  
933 charge related to a defendant whose case is accepted into a  
934 pretrial release program, including, at a minimum, the number of  
935 defendants charged with dangerous crimes as defined in s.  
936 907.041; nonviolent felonies; or misdemeanors only. A  
937 "nonviolent felony" for purposes of this subparagraph excludes  
938 the commission of, an attempt to commit, or a conspiracy to  
939 commit any of the following:



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- 940        a. An offense enumerated in s. 775.084(1)(c);  
941        b. An offense that requires a person to register as a  
942 sexual predator in accordance with s. 775.21 or as a sexual  
943 offender in accordance with s. 943.0435;  
944        c. Failure to register as a sexual predator in violation of  
945 s. 775.21 or as a sexual offender in violation of s. 943.0435;  
946        d. Facilitating or furthering terrorism in violation of s.  
947 775.31;  
948        e. A forcible felony as described in s. 776.08;  
949        f. False imprisonment in violation of s. 787.02;  
950        g. Burglary of a dwelling or residence in violation of s.  
951 810.02(3);  
952        h. Abuse, aggravated abuse, and neglect of an elderly  
953 person or disabled adult in violation of s. 825.102;  
954        i. Abuse, aggravated abuse, and neglect of a child in  
955 violation of s. 827.03;  
956        j. Poisoning of food or water in violation of s. 859.01;  
957        k. Abuse of a dead human body in violation of s. 872.06;  
958        l. A capital offense in violation of chapter 893;  
959        m. An offense that results in serious bodily injury or  
960 death to another human; or  
961        n. A felony offense in which the defendant used a weapon or  
962 firearm in the commission of the offense.  
963        13. The number of defendants accepted into a pretrial  
964 release program with no prior criminal conviction.  
965        14.10. The name and case number of each person granted  
966 nonsecured release who:  
967            a. Failed to attend a scheduled court appearance.  
968            b. Was issued a warrant for failing to appear.



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969 c. Was arrested for any offense while on release through  
970 the pretrial release program.

971 ~~15.11.~~ Any additional information deemed necessary by the  
972 governing body to assess the performance and cost efficiency of  
973 the pretrial release program.

974 Section 17. Subsections (3) through (7) of section  
975 921.0024, Florida Statutes, are amended to read:

976 921.0024 Criminal Punishment Code; worksheet computations;  
977 scoresheets.—

978 (3) A single digitized scoresheet shall be prepared for  
979 each defendant to determine the permissible range for the  
980 sentence that the court may impose, except that if the defendant  
981 is before the court for sentencing for more than one felony and  
982 the felonies were committed under more than one version or  
983 revision of the guidelines or the code, separate digitized  
984 scoresheets must be prepared. The scoresheet or scoresheets must  
985 cover all the defendant's offenses pending before the court for  
986 sentencing. The state attorney shall prepare the digitized  
987 scoresheet or scoresheets, which must be presented to the  
988 defense counsel for review for accuracy in all cases unless the  
989 judge directs otherwise. The defendant's scoresheet or  
990 scoresheets must be approved and signed by the sentencing judge.

991 (4) The Department of Corrections, in consultation with the  
992 Office of the State Courts Administrator, state attorneys, and  
993 public defenders, must develop and submit the revised digitized  
994 Criminal Punishment Code scoresheet to the Supreme Court for  
995 approval by June 15 of each year, as necessary. The digitized  
996 scoresheet shall have individual, structured data cells for each  
997 data field on the scoresheet. Upon the Supreme Court's approval



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998 of the revised digitized scoresheet, the Department of  
999 Corrections shall produce and provide ~~sufficient copies of the~~  
1000 revised digitized scoresheets by September 30 of each year, as  
1001 necessary. Digitized scoresheets must include individual data  
1002 cells to indicate ~~item entries for the scoresheet preparer's use~~  
1003 ~~in indicating~~ whether any prison sentence imposed includes a  
1004 mandatory minimum sentence or the sentence imposed was a  
1005 downward departure from the lowest permissible sentence under  
1006 the Criminal Punishment Code.

1007 (5) The Department of Corrections shall make available  
1008 ~~distribute sufficient copies of the~~ digitized Criminal  
1009 Punishment Code scoresheets to those persons charged with the  
1010 responsibility for preparing scoresheets.

1011 (6) The clerk of the circuit court shall transmit a  
1012 complete ~~and,~~ accurate digitized, ~~and legible~~ copy of the  
1013 Criminal Punishment Code scoresheet used in each sentencing  
1014 proceeding to the Department of Corrections. Scoresheets must be  
1015 electronically transmitted no less frequently than monthly, by  
1016 the first of each month, and may be sent collectively.

1017 (7) A digitized sentencing scoresheet must be prepared for  
1018 every defendant who is sentenced for a felony offense. ~~A copy of~~  
1019 The individual offender's digitized Criminal Punishment Code  
1020 scoresheet and any attachments thereto prepared pursuant to Rule  
1021 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal  
1022 Procedure, or any other rule pertaining to the preparation and  
1023 submission of felony sentencing scoresheets, must be included  
1024 with ~~attached to the copy of~~ the uniform judgment and sentence  
1025 form provided to the Department of Corrections.

1026 Section 18. Subsection (1) of section 932.7061, Florida



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1027 Statutes, is amended to read:

1028 932.7061 Reporting seized property for forfeiture.—

1029 (1) Every law enforcement agency shall submit an annual  
1030 report to the Department of Law Enforcement indicating whether  
1031 the agency has seized or forfeited property under the Florida  
1032 Contraband Forfeiture Act. A law enforcement agency receiving or  
1033 expending forfeited property or proceeds from the sale of  
1034 forfeited property in accordance with the Florida Contraband  
1035 Forfeiture Act shall submit a completed annual report by  
1036 December 1 ~~October 10~~ documenting the receipts and expenditures.  
1037 The report shall be submitted in an electronic form, maintained  
1038 by the Department of Law Enforcement in consultation with the  
1039 Office of Program Policy Analysis and Government Accountability,  
1040 to the entity that has budgetary authority over such agency and  
1041 to the Department of Law Enforcement. The annual report must, at  
1042 a minimum, specify the type, approximate value, court case  
1043 number, type of offense, disposition of property received, and  
1044 amount of any proceeds received or expended.

1045 Section 19. Section 934.01, Florida Statutes, is amended to  
1046 read:

1047 934.01 Legislative findings.—On the basis of its own  
1048 investigations and of published studies, the Legislature makes  
1049 the following findings:

1050 (1) Wire communications are normally conducted through the  
1051 use of facilities which form part of an intrastate network. The  
1052 same facilities are used for interstate and intrastate  
1053 communications.

1054 (2) In order to protect effectively the privacy of wire,  
1055 ~~and~~ oral, and electronic communications, to protect the



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1056 integrity of court and administrative proceedings, and to  
1057 prevent the obstruction of intrastate commerce, it is necessary  
1058 for the Legislature to define the circumstances and conditions  
1059 under which the interception of wire, and oral, and electronic  
1060 communications may be authorized and to prohibit any  
1061 unauthorized interception of such communications and the use of  
1062 the contents thereof in evidence in courts and administrative  
1063 proceedings.

1064 (3) Organized criminals make extensive use of wire, and  
1065 oral, and electronic communications in their criminal  
1066 activities. The interception of such communications to obtain  
1067 evidence of the commission of crimes or to prevent their  
1068 commission is an indispensable aid to law enforcement and the  
1069 administration of justice.

1070 (4) To safeguard the privacy of innocent persons, the  
1071 interception of wire, ~~or~~ oral, or electronic communications when  
1072 none of the parties to the communication has consented to the  
1073 interception should be allowed only when authorized by a court  
1074 of competent jurisdiction and should remain under the control  
1075 and supervision of the authorizing court. Interception of wire,  
1076 and oral, and electronic communications should further be  
1077 limited to certain major types of offenses and specific  
1078 categories of crime with assurance that the interception is  
1079 justified and that the information obtained thereby will not be  
1080 misused.

1081 (5) To safeguard the privacy of innocent persons, the  
1082 Legislature recognizes that the subjective expectation of  
1083 privacy in real-time cell-site location data, real-time precise  
1084 global positioning system location data, and historical precise



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1085 global positioning system location data that society is now  
1086 prepared to accept is objectively reasonable. As such, the law  
1087 enforcement collection of the precise location of a person,  
1088 cellular phone, or portable electronic communication device  
1089 without the consent of the person or owner of the cellular phone  
1090 or portable electronic communication device should be allowed  
1091 only when authorized by a warrant issued by a court of competent  
1092 jurisdiction and should remain under the control and supervision  
1093 of the authorizing court.

1094 (6) The Legislature recognizes that the use of portable  
1095 electronic communication devices is growing at a rapidly  
1096 increasing rate. These devices can store, and encourage the  
1097 storing of, an almost limitless amount of personal and private  
1098 information. Often linked to the Internet, these devices are  
1099 commonly used to access personal and business information and  
1100 databases in computers and servers that can be located anywhere  
1101 in the world. The user of a portable electronic communication  
1102 device has a reasonable and justifiable expectation of privacy  
1103 in the information that these devices contain.

1104 (7) The Legislature recognizes that the use of household  
1105 electronic devices, including microphone-enabled household  
1106 devices, is growing at a rapidly increasing rate. These devices  
1107 often contain microphones that listen for and respond to  
1108 environmental cues. These household devices are generally  
1109 connected to and communicate through the Internet, resulting in  
1110 the storage of and accessibility to daily household information  
1111 in a device itself or in a remote computing service. Persons  
1112 should not have to choose between using household technological  
1113 enhancements and conveniences or preserving the right to privacy



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1114 in one's home.

1115 Section 20. Subsection (2) of section 934.02, Florida  
1116 Statutes, is amended, and subsections (27) and (28) are added to  
1117 that section, to read:

1118 934.02 Definitions.—As used in this chapter:

1119 (2) "Oral communication" means any oral communication  
1120 uttered by a person exhibiting an expectation that such  
1121 communication is not subject to interception under circumstances  
1122 justifying such expectation, including the use of a microphone-  
1123 enabled household device, and does not mean any public oral  
1124 communication uttered at a public meeting or any electronic  
1125 communication.

1126 (27) "Microphone-enabled household device" means a device,  
1127 sensor, or other physical object within a residence:

1128 (a) Capable of connecting to the Internet, directly or  
1129 indirectly, or to another connected device;

1130 (b) Capable of creating, receiving, accessing, processing,  
1131 or storing electronic data or communications;

1132 (c) Which communicates with, by any means, another entity  
1133 or individual; and

1134 (d) Which contains a microphone designed to listen for and  
1135 respond to environmental cues.

1136 (28) "Portable electronic communication device" means an  
1137 object capable of being easily transported or conveyed by a  
1138 person which is capable of creating, receiving, accessing, or  
1139 storing electronic data or communications and which communicates  
1140 with, by any means, another device, entity, or individual.

1141 Section 21. Section 934.21, Florida Statutes, is amended to  
1142 read:





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1143           934.21 Unlawful access to stored communications;  
1144 penalties.—  
1145           (1) Except as provided in subsection (3), whoever:  
1146           (a) Intentionally accesses without authorization a facility  
1147 through which an electronic communication service is provided,  
1148 or  
1149           (b) Intentionally exceeds an authorization to access such  
1150 facility,  
1151  
1152 and thereby obtains, alters, or prevents authorized access to a  
1153 wire or electronic communication while it is in electronic  
1154 storage in such system shall be punished as provided in  
1155 subsection (2).  
1156           (2) The punishment for an offense under subsection (1) is  
1157 as follows:  
1158           (a) If the offense is committed for purposes of commercial  
1159 advantage, malicious destruction or damage, or private  
1160 commercial gain, the person ~~is~~:  
1161           1. In the case of a first offense under this subsection,  
1162 commits ~~guilty of~~ a misdemeanor of the first degree, punishable  
1163 as provided in s. 775.082, s. 775.083, or s. 934.41.  
1164           2. In the case of any subsequent offense under this  
1165 subsection, commits ~~guilty of~~ a felony of the third degree,  
1166 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or  
1167 s. 934.41.  
1168           (b) In any other case, the person commits ~~is guilty of~~ a  
1169 misdemeanor of the second degree, punishable as provided in s.  
1170 775.082 or s. 775.083.  
1171           (3) Subsection (1) does not apply with respect to conduct



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1172 authorized:

1173 (a) By the person or entity providing a wire, oral, or  
1174 electronic communications service, including through cellular  
1175 phones, portable electronic communication devices, or  
1176 microphone-enabled household devices;

1177 (b) By a user of a wire, oral, or electronic communications  
1178 service, including through cellular phones, portable electronic  
1179 communication devices, or microphone-enabled household devices,  
1180 with respect to a communication of or intended for that user; ~~or~~

1181 (c) In s. 934.09 or, s. 934.23; ~~or s. 934.24~~

1182 (d) In chapter 933; or

1183 (e) For accessing for a legitimate business purpose  
1184 information that is not personally identifiable or that has been  
1185 collected in a way that prevents identification of the user of  
1186 the device.

1187 Section 22. Section 934.42, Florida Statutes, is amended to  
1188 read:

1189 934.42 Mobile tracking device and location tracking  
1190 authorization.—

1191 (1) As used in this section, the term:

1192 (a) "Mobile tracking device" means an electronic or  
1193 mechanical device which permits the tracking of the movement of  
1194 a person or object.

1195 (b) "Real-time location tracking" means:

1196 1. Installation and use of a mobile tracking device on the  
1197 object to be tracked;

1198 2. Acquisition of real-time cell-site location data; or

1199 3. Acquisition of real-time precise global positioning  
1200 system location data.



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1201           (c) "Historical location data" means the acquisition of  
1202 historical precise global positioning system location data in  
1203 the possession of a provider.

1204           (2)(1) An investigative or law enforcement officer may make  
1205 application to a judge of competent jurisdiction for a warrant  
1206 an order authorizing or approving real-time location tracking  
1207 the installation and use of a mobile tracking device or the  
1208 acquisition of historical location data in the possession of the  
1209 provider.

1210           (3)(2) An application under subsection (2) (1) of this  
1211 section must include:

1212           (a) A statement of the identity of the applicant and the  
1213 identity of the law enforcement agency conducting the  
1214 investigation.

1215           (b) A statement setting forth a reasonable period of time  
1216 that the mobile tracking device may be used or the location data  
1217 may be obtained in real-time, not to exceed 45 days after the  
1218 date the warrant is issued. The court may, for good cause, grant  
1219 one or more extensions for a reasonable period of time, not to  
1220 exceed 45 days each. When seeking historical location data, the  
1221 applicant must specify a data range for the data sought  
1222 certification by the applicant that the information likely to be  
1223 obtained is relevant to an ongoing criminal investigation being  
1224 conducted by the investigating agency.

1225           (c) A statement of the offense to which the information  
1226 likely to be obtained relates.

1227           (d) A statement as to whether it may be necessary to use  
1228 and monitor the mobile tracking device outside the jurisdiction  
1229 of the court from which authorization is being sought.



1230            (4)~~(3)~~ Upon application made as provided under subsection  
1231 (3) ~~(2)~~, the court, if it finds probable cause ~~that the~~  
1232 ~~certification~~ and finds that the statements required by  
1233 subsection (3) ~~(2)~~ have been made in the application, must grant  
1234 a warrant shall enter an ex parte order authorizing real-time  
1235 location tracking or the acquisition of historical location data  
1236 ~~the installation and use of a mobile tracking device~~. Such  
1237 warrant order may authorize the use of the mobile tracking  
1238 device within the jurisdiction of the court and outside that  
1239 jurisdiction but within the State of Florida if the mobile  
1240 tracking device is installed within the jurisdiction of the  
1241 court. The warrant must command the officer to complete any  
1242 installation authorized by the warrant within a specified period  
1243 of time not to exceed 10 calendar days.

1244            (5)~~(4)~~ A court may not require greater specificity or  
1245 additional information beyond that which is required by law and  
1246 this section as a requisite for issuing a warrant an order.

1247            (6) Within 10 days after the time period specified in  
1248 paragraph (3) (b) has ended, the officer executing a warrant must  
1249 return the warrant to the issuing judge. When the warrant is  
1250 authorizing historical location data, the officer executing the  
1251 warrant must return the warrant to the issuing judge within 10  
1252 days after receipt of the records. The officer may do so by  
1253 reliable electronic means.

1254            (7) Within 10 days after the time period specified in  
1255 paragraph (3) (b) has ended, the officer executing a warrant must  
1256 serve a copy of the warrant on the person who, or whose  
1257 property, was tracked. When the warrant is authorizing  
1258 historical location data, the officer executing the warrant must



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1259 serve a copy of the warrant on the person whose data was  
1260 obtained within 10 days after receipt of the records. Service  
1261 may be accomplished by delivering a copy to the person who, or  
1262 whose property, was tracked or data obtained or by leaving a  
1263 copy at the person's residence or usual place of abode with an  
1264 individual of suitable age and discretion who resides at that  
1265 location and by mailing a copy to the person's last known  
1266 address. Upon a showing of good cause to a court of competent  
1267 jurisdiction, the court may grant one or more postponements of  
1268 this notice for a period of 90 days each.

1269 (8) ~~(5)~~ The standards established by Florida courts and the  
1270 United States Supreme Court for the installation, use, or ~~and~~  
1271 monitoring of mobile tracking devices and the acquisition of  
1272 location data shall apply to the installation, use, or  
1273 monitoring ~~and use~~ of any device and the acquisition of location  
1274 data as authorized by this section.

1275 ~~(6) As used in this section, a "tracking device" means an~~  
1276 ~~electronic or mechanical device which permits the tracking of~~  
1277 ~~the movement of a person or object.~~

1278 (9) (a) Notwithstanding any other provision of this chapter,  
1279 any investigative or law enforcement officer specially  
1280 designated by the Governor, the Attorney General, the statewide  
1281 prosecutor, or a state attorney acting pursuant to this chapter  
1282 who reasonably determines that:

1283 1. An emergency exists which:

1284 a. Involves immediate danger of death or serious physical  
1285 injury to any person or the danger of escape of a prisoner; and

1286 b. Requires real-time location tracking before a warrant  
1287 authorizing such tracking can, with due diligence, be obtained;



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1288 and  
1289 2. There are grounds upon which a warrant could be issued  
1290 under this chapter to authorize such tracking,

1291  
1292 may engage in real-time location tracking if, within 48 hours  
1293 after the tracking has occurred or begins to occur, a warrant  
1294 approving the tracking is issued in accordance with this  
1295 section.

1296 (b) In the absence of an authorizing warrant, such tracking  
1297 must immediately terminate when the information sought is  
1298 obtained, when the application for the warrant is denied, or  
1299 when 48 hours have lapsed since the tracking began, whichever is  
1300 earlier.

1301 Section 23. Section 943.687, Florida Statutes, is created  
1302 to read:

1303 943.687 Criminal justice data transparency.—In order to  
1304 facilitate the availability of comparable and uniform criminal  
1305 justice data, the department shall:

1306 (1) Collect, compile, maintain, and manage the data  
1307 submitted by local and state entities pursuant to s. 900.05 and  
1308 coordinate related activities to collect and submit data. The  
1309 department shall create a unique identifier for each criminal  
1310 case received from the clerks of court which identifies the  
1311 person who is the subject of the criminal case. The unique  
1312 identifier must be the same for that person in any court case.  
1313 The department must compile all data collected and reported by  
1314 local or state entities associated with a person and maintain  
1315 all such relevant data under the unique identifier that is  
1316 assigned. The unique identifier shall be the sole data element



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1317 used to identify an individual in any public forum including an  
1318 Internet-based database created under this section. The unique  
1319 identifier shall be randomly created and may not include any  
1320 portion of the person's name, social security number, or date of  
1321 birth. Any information that is exempt or confidential and exempt  
1322 under other provisions of law that is obtained by a local or  
1323 state entity under s. 900.05 and required to be published by the  
1324 department under this section retains its exempt or confidential  
1325 and exempt status when held by the department.

1326 (2) Promote criminal justice data sharing by making such  
1327 data received under s. 900.05 comparable, transferable, and  
1328 readily usable.

1329 (3) Create and maintain an Internet-based database of  
1330 criminal justice data received under s. 900.05 in a modern,  
1331 open, electronic format that is machine-readable and readily  
1332 accessible through an application program interface. The  
1333 database must allow the public to search, at a minimum, by data  
1334 element, county, judicial circuit, and unique identifier, in  
1335 accordance with s. 900.05(4). The department may not require a  
1336 license or charge a fee to access or receive information from  
1337 the database.

1338 (4) Develop written agreements with local, state, and  
1339 federal agencies to facilitate criminal justice data sharing.

1340 (5) Establish by rule:

1341 (a) Requirements for the entities subject to the  
1342 requirements of s. 900.05 to submit data through an application  
1343 program interface.

1344 (b) A data catalog defining data objects, describing data  
1345 fields, and detailing the meaning of and options for each data



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1346 element reported pursuant to s. 900.05.

1347 (c) How data collected pursuant to s. 900.05 is compiled,  
1348 processed, structured, used, or shared. The rule shall provide  
1349 for the tagging of all information associated with each case  
1350 number and unique identifier.

1351 (d) Requirements for implementing and monitoring the  
1352 Internet-based database established under subsection (3).

1353 (e) How information contained in the Internet-based  
1354 database established under subsection (3) is accessed by the  
1355 public.

1356 (6) Consult with local, state, and federal criminal justice  
1357 agencies and other public and private users of the database  
1358 established under subsection (3) on the data elements collected  
1359 under s. 900.05, the use of such data, and adding data elements  
1360 to be collected.

1361 (7) Monitor data collection procedures and test data  
1362 quality to facilitate the dissemination of accurate, valid,  
1363 reliable, and complete criminal justice data.

1364 (8) Develop methods for archiving data, retrieving archived  
1365 data, and data editing and verification.

1366 Section 24. Subsection (1) of section 943.13, Florida  
1367 Statutes, is amended to read:

1368 943.13 Officers' minimum qualifications for employment or  
1369 appointment.—On or after October 1, 1984, any person employed or  
1370 appointed as a full-time, part-time, or auxiliary law  
1371 enforcement officer or correctional officer; on or after October  
1372 1, 1986, any person employed as a full-time, part-time, or  
1373 auxiliary correctional probation officer; and on or after  
1374 October 1, 1986, any person employed as a full-time, part-time,





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1375 or auxiliary correctional officer by a private entity under  
1376 contract to the Department of Corrections, to a county  
1377 commission, or to the Department of Management Services shall:

1378 (1) Be at least 19 years of age, except that any person  
1379 employed as a full-time, part-time, or auxiliary correctional  
1380 officer may be at least 18 years of age.

1381 Section 25. Section 944.145, Florida Statutes, is created  
1382 to read:

1383 944.145 Correctional officers under the age of 19.—A  
1384 correctional officer who is under the age of 19 years may not  
1385 supervise inmates, but may perform all of the other duties  
1386 performed by a full-time, part-time, or auxiliary correctional  
1387 officer.

1388 Section 26. Subsection (3) of section 944.704, Florida  
1389 Statutes, is amended to read:

1390 944.704 Staff who provide transition assistance; duties.—  
1391 The department shall provide a transition assistance specialist  
1392 at each of the major institutions whose duties include, but are  
1393 not limited to:

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

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

1401 Section 27. Present subsections (3), (4), (5), and (6) of  
1402 section 944.705, Florida Statutes, are renumbered as subsections  
1403 (4), (5), (6), and (10), respectively, and a new subsection (3)



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1404 and subsections (7), (8), (9), and (11) are added to that  
1405 section, to read:

1406 944.705 Release orientation program.—

1407 (3) Each inmate shall receive a comprehensive community  
1408 reentry resource directory organized by the county to which the  
1409 inmate is being released. The directory shall include the name,  
1410 address, and telephone number of each provider, and a  
1411 description of services offered. The directory must also include  
1412 the name, address, and telephone number of existing portals of  
1413 entry.

1414 (7) The department shall allow a nonprofit faith-based,  
1415 business and professional, civic, or community organization to  
1416 apply to be registered under this section to provide inmate  
1417 reentry services. Reentry services include, but are not limited  
1418 to, counseling; providing information on housing and job  
1419 placement; money management assistance; and programs addressing  
1420 substance abuse, mental health, or co-occurring conditions.

1421 (8) The department shall adopt policies and procedures for  
1422 screening, approving, and registering an organization that  
1423 applies to be registered to provide inmate reentry services  
1424 under subsection (7). The department may deny approval and  
1425 registration of an organization or a representative from an  
1426 organization if it determines that the organization or  
1427 representative does not meet the department's policies or  
1428 procedures.

1429 (9) The department may contract with a public or private  
1430 educational institution's Veteran's Advocacy Clinic or Veteran's  
1431 Legal Clinic to assist qualified veterans who are inmates in  
1432 applying for veteran's assistance benefits upon release.



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1433           (11) The department shall adopt rules to implement this  
1434 section.

1435           Section 28. Present subsections (4) and (5) of section  
1436 944.801, Florida Statutes, are renumbered as subsections (5) and  
1437 (6), respectively, and a new subsection (4) and subsection (7)  
1438 are added to that section, to read:

1439           944.801 Education for state prisoners.—

1440           (4) The department may only contract for 100 percent of the  
1441 cost to provide educational services under the Correctional  
1442 Education Program to state inmates with an appropriate entity,  
1443 including a district school board, the Florida Virtual School, a  
1444 Florida College System institution, a virtual education provider  
1445 approved by the State Board of Education, a charter school  
1446 authorized to operate under s. 1002.33, or an entity certified  
1447 under s. 445.06. The educational services may include any  
1448 educational, career, or workforce education training that is  
1449 authorized by the department.

1450           (7) The Correctional Education Program may develop a Prison  
1451 Entrepreneurship Program and adopt procedures for admitting  
1452 student inmates. If the department elects to develop the  
1453 program, it must include at least 180 days of in-prison  
1454 education. Program curriculum must include a component on  
1455 developing a business plan, procedures for graduation and  
1456 certification of successful student inmates, and at least 90  
1457 days of transitional and postrelease continuing education  
1458 services. Transitional and postrelease continuing education  
1459 services may be offered to graduate student inmates on a  
1460 voluntary basis and may not be a requirement for completion of  
1461 the program. The department shall enter into agreements with



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1462 public or private community colleges, junior colleges, colleges,  
1463 universities, or other nonprofit entities to implement the  
1464 program. The program shall be funded within existing resources.

1465 Section 29. Section 945.041, Florida Statutes, is created  
1466 to read:

1467 945.041 Department of Corrections reports.—The department  
1468 shall publish on its website and make available to the public  
1469 the following information, updated on a quarterly basis:

1470 (1) Inmate admissions by offense type. Burglary offenses  
1471 under s. 810.02(2), (3) (a), and (3) (b) must be reported as a  
1472 separate category from all other property crimes.

1473 (2) The rates of rearrest, reconviction, reincarceration,  
1474 and probation revocation, in this state within a 3-year time  
1475 period following an inmate's release from incarceration.

1476 Section 30. Paragraph (d) is added to subsection (1) of  
1477 section 945.091, Florida Statutes, to read:

1478 945.091 Extension of the limits of confinement; restitution  
1479 by employed inmates.—

1480 (1) The department may adopt rules permitting the extension  
1481 of the limits of the place of confinement of an inmate as to  
1482 whom there is reasonable cause to believe that the inmate will  
1483 honor his or her trust by authorizing the inmate, under  
1484 prescribed conditions and following investigation and approval  
1485 by the secretary, or the secretary's designee, who shall  
1486 maintain a written record of such action, to leave the confines  
1487 of that place unaccompanied by a custodial agent for a  
1488 prescribed period of time to:

1489 (d) Participate in supervised community release as  
1490 prescribed by the department by rule. The inmate's participation



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1491 may begin 90 days before his or her provisional or tentative  
1492 release date. Such supervised community release must include  
1493 electronic monitoring and community control as defined in s.  
1494 948.001. The department must administer a risk assessment  
1495 instrument to appropriately determine an inmate's ability to be  
1496 released pursuant to this paragraph.

1497 1. If a participating inmate fails to comply with the  
1498 conditions prescribed by the department by rule for supervised  
1499 community release, the department may terminate the inmate's  
1500 supervised community release and return him or her to the same  
1501 or another institution designated by the department. A law  
1502 enforcement officer or a probation officer may arrest the inmate  
1503 without a warrant in accordance with s. 948.06, if there are  
1504 reasonable grounds to believe he or she has violated the terms  
1505 and conditions of supervised community release. The law  
1506 enforcement officer or probation officer must report the  
1507 inmate's alleged violations to a correctional officer for  
1508 disposition of disciplinary charges as prescribed by the  
1509 department by rule.

1510 2. An inmate participating in supervised community release  
1511 under this paragraph remains eligible to earn or lose gain-time  
1512 in accordance with s. 944.275 and department rule, but may not  
1513 receive gain-time or other sentence credit in an amount that  
1514 would cause his or her sentence to expire, end, or terminate, or  
1515 that would result in his or her release, before serving a  
1516 minimum of 85 percent of the sentence imposed. The inmate may  
1517 not be counted in the population of the prison system and the  
1518 inmate's approved community-based housing location may not be  
1519 counted in the capacity figures for the prison system.



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1520           Section 31. Present subsections (4), (5), and (6) through  
1521 (15) of section 947.005, Florida Statutes, are redesignated as  
1522 subsections (5), (6), and (8) through (17), respectively, and  
1523 new subsections (4) and (7) are added to that section, to read:

1524           947.005 Definitions.—As used in this chapter, unless the  
1525 context clearly indicates otherwise:

1526           (4) "Conditional medical release" means the release from a  
1527 state correctional institution or facility under this chapter  
1528 for medical or mental health treatment pursuant to s. 947.149.

1529           (7) "Electronic monitoring device" means an electronic or  
1530 telecommunications device that is used to track and supervise  
1531 the location of a person. Such devices include, but are not  
1532 limited to, voice tracking systems, position tracking systems,  
1533 position location systems, or biometric tracking systems.

1534           Section 32. Subsection (1) of section 947.149, Florida  
1535 Statutes, is amended to read:

1536           947.149 Conditional medical release.—

1537           (1) The commission shall, in conjunction with the  
1538 department, establish the conditional medical release program.  
1539 An inmate is eligible for consideration for release under the  
1540 conditional medical release program when the inmate, because of  
1541 an existing medical or physical condition, is determined by the  
1542 department to be within one of the following designations:

1543           (a) "Permanently incapacitated inmate," which means an  
1544 inmate who has a condition caused by injury, disease, or illness  
1545 which, to a reasonable degree of medical certainty, renders the  
1546 inmate permanently and irreversibly physically incapacitated to  
1547 the extent that the inmate does not constitute a danger to  
1548 herself or himself or others.



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1549 (b) "Terminally ill inmate," which means an inmate who has  
1550 a condition caused by injury, disease, or illness which, to a  
1551 reasonable degree of medical certainty, renders the inmate  
1552 terminally ill to the extent that there can be no recovery and  
1553 death is expected within 12 months ~~is imminent~~, so that the  
1554 inmate does not constitute a danger to herself or himself or  
1555 others.

1556 Section 33. Subsection (1) of section 948.001, Florida  
1557 Statutes, is amended to read:

1558 948.001 Definitions.—As used in this chapter, the term:

1559 (1) "Administrative probation" means a form of no contact,  
1560 nonreporting supervision ~~in which an offender who presents a low~~  
1561 ~~risk of harm to the community may, upon satisfactory completion~~  
1562 ~~of half the term of probation, be transferred by the Department~~  
1563 ~~of Corrections to this type of reduced level of supervision, as~~  
1564 ~~provided in s. 948.013.~~

1565 Section 34. Subsection (1) of section 948.013, Florida  
1566 Statutes, is amended to read:

1567 948.013 Administrative probation.—

1568 (1) A court may sentence an offender to administrative  
1569 probation if he or she presents a low risk of harm to the  
1570 community. The Department of Corrections may transfer an  
1571 offender to administrative probation if he or she presents a low  
1572 risk of harm to the community and has satisfactorily completed  
1573 at least half of the probation term. The department ~~of~~  
1574 ~~Corrections~~ may establish procedures for transferring an  
1575 offender to administrative probation. The department may collect  
1576 an initial processing fee of up to \$50 for each probationer  
1577 transferred to administrative probation. The offender is exempt



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1578 from further payment for the cost of supervision as required in  
1579 s. 948.09.

1580 Section 35. Subsection (3) is added to section 948.03,  
1581 Florida Statutes, to read:

1582 948.03 Terms and conditions of probation.—

1583 (3) The Department of Corrections shall include all  
1584 conditions of probation for each probationer, as determined by  
1585 the court, in the Florida Crime Information Center database.

1586 Section 36. Subsection (1) of section 948.06, Florida  
1587 Statutes, is amended, and subsection (9) is added to that  
1588 section, to read:

1589 948.06 Violation of probation or community control;  
1590 revocation; modification; continuance; failure to pay  
1591 restitution or cost of supervision.—

1592 (1) (a) Whenever within the period of probation or community  
1593 control there are reasonable grounds to believe that a  
1594 probationer or offender in community control has violated his or  
1595 her probation or community control in a material respect, any  
1596 law enforcement officer who is aware of the probationary or  
1597 community control status of the probationer or offender in  
1598 community control or any probation officer may arrest or request  
1599 any county or municipal law enforcement officer to arrest such  
1600 probationer or offender without warrant wherever found and  
1601 return him or her to the court granting such probation or  
1602 community control.

1603 (b) Any committing trial court judge may issue a warrant,  
1604 upon the facts being made known to him or her by affidavit of  
1605 one having knowledge of such facts, for the arrest of the  
1606 probationer or offender, returnable forthwith before the court





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1607 granting such probation or community control. In lieu of issuing  
1608 a warrant for arrest, the committing trial court judge may issue  
1609 a notice to appear if the probationer or offender in community  
1610 control has never been convicted of committing, and is not  
1611 currently alleged to have committed, a qualifying offense as  
1612 defined in this section.

1613 (c) If a probationer or offender on community control  
1614 commits a technical violation, the probation officer must  
1615 determine whether he or she is eligible for the alternative  
1616 sanctioning program under subsection (9). If the probationer or  
1617 offender on community control is eligible, the probation officer  
1618 may proceed with the alternative sanctioning program in lieu of  
1619 filing an affidavit of violation with the court. For purposes of  
1620 this section, the term "technical violation" means an alleged  
1621 violation of supervision that is not a new felony offense,  
1622 misdemeanor offense, or criminal traffic offense.

1623 (d)~~(e)~~ If a judge finds reasonable grounds to believe that  
1624 a probationer or an offender has violated his or her probation  
1625 or community control in a material respect by committing a new  
1626 violation of law, the judge may issue a warrant for the arrest  
1627 of the person.

1628 (e)~~(d)~~1. At a first appearance hearing for an offender who  
1629 has been arrested for violating his or her probation or  
1630 community control in a material respect by committing a new  
1631 violation of law the court:

1632 a. Shall inform the person of the violation.

1633 b. May order the person to be taken before the court that  
1634 granted the probation or community control if the person admits  
1635 the violation.



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1636           2. If the probationer or offender does not admit the  
1637 violation at the first appearance hearing, the court:  
1638           a. May commit the probationer or offender or may release  
1639 the person with or without bail to await further hearing,  
1640 notwithstanding s. 907.041, relating to pretrial detention and  
1641 release; or

1642           b. May order the probationer or offender to be brought  
1643 before the court that granted the probation or community  
1644 control.

1645           3. In determining whether to require or set the amount of  
1646 bail, and notwithstanding s. 907.041, relating to pretrial  
1647 detention and release, the court may consider whether the  
1648 probationer or offender is more likely than not to receive a  
1649 prison sanction for the violation.

1650  
1651 This paragraph does not apply to a probationer or offender on  
1652 community control who is subject to the hearing requirements  
1653 under subsection (4) or paragraph (8) (e).

1654           ~~(f)~~ (f) Any probation officer, any officer authorized to  
1655 serve criminal process, or any peace officer of this state is  
1656 authorized to serve and execute such warrant. Any probation  
1657 officer is authorized to serve such notice to appear.

1658           ~~(g)~~ (g) Upon the filing of an affidavit alleging a violation  
1659 of probation or community control and following issuance of a  
1660 warrant for such violation, a warrantless arrest under this  
1661 section, or a notice to appear under this section, the  
1662 probationary period is tolled until the court enters a ruling on  
1663 the violation. Notwithstanding the tolling of probation, the  
1664 court shall retain jurisdiction over the offender for any



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1665 violation of the conditions of probation or community control  
1666 that is alleged to have occurred during the tolling period. The  
1667 probation officer is permitted to continue to supervise any  
1668 offender who remains available to the officer for supervision  
1669 until the supervision expires pursuant to the order of probation  
1670 or community control or until the court revokes or terminates  
1671 the probation or community control, whichever comes first.

1672 (h)~~(g)~~ The chief judge of each judicial circuit may direct  
1673 the department to use a notification letter of a technical  
1674 violation in appropriate cases in lieu of a violation report,  
1675 affidavit, and warrant or a notice to appear when the alleged  
1676 violation is not a new felony or misdemeanor offense. Such  
1677 direction must be in writing and must specify the types of  
1678 specific technical violations which are to be reported by a  
1679 notification letter of a technical violation, any exceptions to  
1680 those violations, and the required process for submission. At  
1681 the direction of the chief judge, the department shall send the  
1682 notification letter of a technical violation to the court.

1683 ~~(h)1. The chief judge of each judicial circuit, in~~  
1684 ~~consultation with the state attorney, the public defender, and~~  
1685 ~~the department, may establish an alternative sanctioning program~~  
1686 ~~in which the department, after receiving court approval, may~~  
1687 ~~enforce specified sanctions for certain technical violations of~~  
1688 ~~supervision. For purposes of this paragraph, the term "technical~~  
1689 ~~violation" means any alleged violation of supervision that is~~  
1690 ~~not a new felony offense, misdemeanor offense, or criminal~~  
1691 ~~traffic offense.~~

1692 ~~2. To establish an alternative sanctioning program, the~~  
1693 ~~chief judge must issue an administrative order specifying:~~



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- 1694           ~~a. Eligibility criteria.~~
- 1695           ~~b. The technical violations that are eligible for the~~
- 1696 ~~program.~~
- 1697           ~~c. The sanctions that may be recommended by a probation~~
- 1698 ~~officer for each technical violation.~~
- 1699           ~~d. The process for reporting technical violations through~~
- 1700 ~~the alternative sanctioning program, including approved forms.~~
- 1701           ~~3. If an offender is alleged to have committed a technical~~
- 1702 ~~violation of supervision that is eligible for the program, the~~
- 1703 ~~offender may:~~
- 1704           ~~a. Waive participation in the alternative sanctioning~~
- 1705 ~~program, in which case the probation officer may submit a~~
- 1706 ~~violation report, affidavit, and warrant to the court in~~
- 1707 ~~accordance with this section; or~~
- 1708           ~~b. Elect to participate in the alternative sanctioning~~
- 1709 ~~program after receiving written notice of an alleged technical~~
- 1710 ~~violation and a disclosure of the evidence against the offender,~~
- 1711 ~~admit to the technical violation, agree to comply with the~~
- 1712 ~~probation officer's recommended sanction if subsequently ordered~~
- 1713 ~~by the court, and agree to waive the right to:~~
- 1714           ~~(I) Be represented by legal counsel.~~
- 1715           ~~(II) Require the state to prove his or her guilt before a~~
- 1716 ~~neutral and detached hearing body.~~
- 1717           ~~(III) Subpoena witnesses and present to a judge evidence in~~
- 1718 ~~his or her defense.~~
- 1719           ~~(IV) Confront and cross-examine adverse witnesses.~~
- 1720           ~~(V) Receive a written statement from a factfinder as to the~~
- 1721 ~~evidence relied on and the reasons for the sanction imposed.~~
- 1722           ~~4. If the offender admits to committing the technical~~



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1723 ~~violation and agrees with the probation officer's recommended~~  
1724 ~~sanction, the probation officer must, before imposing the~~  
1725 ~~sanction, submit the recommended sanction to the court as well~~  
1726 ~~as documentation reflecting the offender's admission to the~~  
1727 ~~technical violation and agreement with the recommended sanction.~~

1728 ~~5. The court may impose the recommended sanction or may~~  
1729 ~~direct the department to submit a violation report, affidavit,~~  
1730 ~~and warrant to the court in accordance with this section.~~

1731 ~~6. An offender's participation in an alternative~~  
1732 ~~sanctioning program is voluntary. The offender may elect to~~  
1733 ~~waive or discontinue participation in an alternative sanctioning~~  
1734 ~~program at any time before the issuance of a court order~~  
1735 ~~imposing the recommended sanction.~~

1736 ~~7. If an offender waives or discontinues participation in~~  
1737 ~~an alternative sanctioning program, the probation officer may~~  
1738 ~~submit a violation report, affidavit, and warrant to the court~~  
1739 ~~in accordance with this section. The offender's prior admission~~  
1740 ~~to the technical violation may not be used as evidence in~~  
1741 ~~subsequent proceedings.~~

1742 ~~(i) The court may allow the department to file an~~  
1743 ~~affidavit, notification letter, violation report, or other~~  
1744 ~~report under this section by facsimile or electronic submission.~~

1745 ~~(9) (a) For a first or second low-risk violation, as defined~~  
1746 ~~in paragraph (b), within the current term of supervision, a~~  
1747 ~~probation officer may offer an eligible probationer one or more~~  
1748 ~~of the following as an alternative sanction:~~

- 1749 ~~1. Up to 5 days in the county detention facility;~~  
1750 ~~2. Up to 50 additional community service hours;~~  
1751 ~~3. Counseling or treatment;~~



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- 1752        4. Support group attendance;  
1753        5. Drug testing;  
1754        6. Loss of travel or other privileges;  
1755        7. Curfew for up to 30 days;  
1756        8. House arrest for up to 30 days; or  
1757        9. Any other sanction as determined by administrative order  
1758 by the chief judge of the circuit.

1759        (b) When committed by a probationer, a low-risk violation  
1760 includes:

- 1761        1. Positive drug or alcohol test result;  
1762        2. Failure to report to the probation office;  
1763        3. Failure to report a change in address or other required  
1764 information;  
1765        4. Failure to attend a required class, treatment or  
1766 counseling session, or meeting;  
1767        5. Failure to submit to a drug or alcohol test;  
1768        6. Violation of curfew;  
1769        7. Willful nonpayment of any financial obligations that are  
1770 required as a condition of probation, including, but not limited  
1771 to, making restitution payments or payment of court costs, or a  
1772 willful noncompliance with court ordered community service  
1773 hours;  
1774        8. Leaving the county without permission;  
1775        9. Failure to report a change in employment;  
1776        10. Associating with a person engaged in criminal activity;  
1777 or  
1778        11. Any other violation as determined by administrative  
1779 order of the chief judge of the circuit.

1780        (c) For a first moderate-risk violation, as defined in



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1781 paragraph (d), within the current term of supervision, a  
1782 probation officer, with supervisor approval, may offer an  
1783 eligible probationer or offender on community control one or  
1784 more of the following as an alternative sanction:

- 1785 1. Up to 21 days in the county detention facility;  
1786 2. Curfew for up to 90 days;  
1787 3. House arrest for up to 90 days;  
1788 4. Electronic monitoring for up to 90 days;  
1789 5. Residential treatment for up to 90 days;  
1790 6. Any other sanction available for a low-risk violation;

1791 or

1792 7. Any other sanction as determined by administrative order  
1793 of the chief judge of the circuit.

1794 (d) A moderate-risk violation includes:

- 1795 1. A violation listed under paragraph (b) when committed by  
1796 an offender on community control;  
1797 2. Failure to remain at an approved residence by an  
1798 offender on community control;  
1799 3. A third or subsequent violation listed under paragraph  
1800 (b) by a probationer within the current term of supervision; or  
1801 4. Any other violation as determined by administrative  
1802 order by the chief judge of the circuit.

1803 (e) A probationer or offender on community control is not  
1804 eligible for an alternative sanction if:

- 1805 1. He or she is a violent felony offender of special  
1806 concern, as defined in paragraph (8) (b).  
1807 2. The violation is due to the commission of a new felony,  
1808 a misdemeanor, or a criminal traffic offense.  
1809 3. The violation is absconding.



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- 1810        4. The violation is of a stay-away order or no-contact  
1811 order.
- 1812        5. The violation is not identified as low-risk or moderate-  
1813 risk under this subsection or by administrative order.
- 1814        6. He or she has a prior moderate-risk level violation  
1815 during the current term of supervision.
- 1816        7. He or she has three or more prior low-risk level  
1817 violations during the current term of supervision.
- 1818        8. The term of supervision is scheduled to terminate in  
1819 less than 90 days.
- 1820        9. The terms of the sentence prohibit alternative  
1821 sanctioning.
- 1822        (f) If a probationer or offender on community control is  
1823 eligible for the alternative sanctioning program, he or she may:
- 1824            1. Waive participation in the program, in which case the  
1825 probation officer may submit a violation report, affidavit, and  
1826 warrant to the court; or
- 1827            2. Elect to participate in the program after receiving  
1828 written notice of an alleged technical violation and disclosure  
1829 of the evidence against him or her, admit to the technical  
1830 violation, agree to comply with the probation officer's  
1831 recommended sanction if subsequently ordered by the court, and  
1832 agree to waive the right to:
- 1833                a. Be represented by legal counsel.
- 1834                b. Require the state to prove his or her guilt before a  
1835 neutral and detached hearing body.
- 1836                c. Subpoena witnesses and present to a judge evidence in  
1837 his or her defense.
- 1838                d. Confront and cross-examine adverse witnesses.





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1839 e. Receive a written statement from a judge as to the  
1840 evidence relied on and the reasons for the sanction imposed.

1841 3. If the probationer or offender on community control  
1842 admits to committing the technical violation and agrees with the  
1843 probation officer's recommended sanction, the probation officer  
1844 must, before imposing the sanction, submit the recommended  
1845 sanction to the court with documentation reflecting the  
1846 probationer's admission to the technical violation and agreement  
1847 with the recommended sanction.

1848 (g) The court may impose the recommended sanction or direct  
1849 the department to submit a violation report, affidavit, and  
1850 warrant to the court.

1851 (h) An offender's participation in the program is  
1852 voluntary. The probationer or offender on community control may  
1853 waive or discontinue participation in the program at any time  
1854 before the court imposes a recommended sanction.

1855 (i) If a probationer or offender on community control  
1856 waives or discontinues participation in the program or fails to  
1857 complete successfully all alternative sanctions within 90 days  
1858 of imposition or within the timeframe specified in the agreed  
1859 upon sanction, the probation officer may submit a violation  
1860 report, affidavit, and warrant to the court. A prior admission  
1861 by the probationer or offender on community control to a  
1862 technical violation may not be used as evidence in subsequent  
1863 proceedings.

1864 (j) Each judicial circuit shall establish an alternative  
1865 sanctioning program as provided in this subsection. The chief  
1866 judge of each judicial circuit may, by administrative order,  
1867 define additional sanctions or eligibility criteria and specify



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1868 the process for reporting technical violations through the  
1869 alternative sanctioning program.

1870 Section 37. Section 948.081, Florida Statutes, is created  
1871 to read:

1872 948.081 Community court programs.-

1873 (1) Each judicial circuit may establish a community court  
1874 program for defendants charged with certain misdemeanor and  
1875 third-degree felony offenses. Each community court shall, at a  
1876 minimum:

1877 (a) Adopt a nonadversarial approach.

1878 (b) Establish an advisory committee to recommend solutions  
1879 and sanctions in each case.

1880 (c) Consider the needs of the victim.

1881 (d) Consider individualized treatment services for the  
1882 defendant.

1883 (e) Provide for judicial leadership and interaction.

1884 (f) Monitor the defendant's compliance.

1885 (2) In the event a county elects to establish a community  
1886 court program pursuant to this section, the chief judge of the  
1887 judicial circuit shall, by administrative order, specify each  
1888 misdemeanor or felony crime eligible for the community court  
1889 program. In making such determination, the chief judge shall  
1890 consider the particular needs and concerns of the communities  
1891 within the judicial circuit.

1892 (3) The Department of Corrections, Department of Juvenile  
1893 Justice, Department of Health, Department of Law Enforcement,  
1894 Department of Education, law enforcement agencies, and other  
1895 government entities involved in the criminal justice system  
1896 shall support such community court programs.



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1897 (4) A defendant's entry into a community court program must  
1898 be voluntary.

1899 (5) Each community court program shall have a resource  
1900 coordinator who:

1901 (a) Coordinates the responsibilities of the participating  
1902 agencies and service providers;

1903 (b) Provides case management services;

1904 (c) Monitors compliance by defendants with court  
1905 requirements; and

1906 (d) Manages the collection of data for program evaluation  
1907 and accountability.

1908 (6) The chief judge of the judicial circuit shall appoint  
1909 an advisory committee for each community court. Membership must  
1910 include, at a minimum:

1911 (a) The chief judge or a community court judge designated  
1912 by the chief judge, who shall serve as chair;

1913 (b) The state attorney;

1914 (c) The public defender; and

1915 (d) The community court resource coordinator.

1916  
1917 The committee may also include community stakeholders, treatment  
1918 representatives, and other persons the chair deems appropriate.

1919 (7) The advisory committee shall review each defendant's  
1920 case. Each committee member may make recommendations to the  
1921 judge, including appropriate sanctions and treatment solutions  
1922 for the defendant. The judge shall consider such recommendations  
1923 and make the final decision concerning sanctions and treatment  
1924 with respect to each defendant.

1925 (8) Each judicial circuit that establishes a community



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1926 court program pursuant to this section shall report client-level  
1927 and programmatic data to the Office of the State Courts  
1928 Administrators annually for program evaluation. Client-level  
1929 data include primary offenses resulting in the community court  
1930 referral or sentence, treatment compliance, completion status,  
1931 reasons for failing to complete the program, offenses committed  
1932 during treatment and sanctions imposed, frequency of court  
1933 appearances, and units of service. Programmatic data include  
1934 referral and screening procedures, eligibility criteria, type  
1935 and duration of treatment offered, and residential treatment  
1936 resources.

1937 (9) Community court program funding must be secured from  
1938 sources other than the state for costs not assumed by the state  
1939 under s. 29.004. However, this subsection does not preclude the  
1940 use of funds provided for treatment and other services through  
1941 state executive branch agencies.

1942 Section 38. Section 948.33, Florida Statutes, is created to  
1943 read:

1944 948.33 Prosecution for violation of probation and community  
1945 control arrest warrants of state prisoners.—A prisoner in a  
1946 state prison in this state who has an unserved violation of  
1947 probation or an unserved violation of community control warrant  
1948 for his or her arrest may file a state prisoner's notice of  
1949 unserved warrant in the circuit court of the judicial circuit in  
1950 which the unserved warrant was issued. The prisoner must also  
1951 serve notice on the state attorney of that circuit. The circuit  
1952 court shall schedule the notice for a status hearing within 90  
1953 days after receipt of the notice. The state prisoner may not be  
1954 transported to the status hearing. At the status hearing, the



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1955 state attorney shall inform the court as to whether there is an  
1956 unserved violation of probation warrant or an unserved violation  
1957 of community control warrant for the arrest of the state  
1958 prisoner. If a warrant for either violation exists, the court  
1959 must enter an order within 30 days after the status hearing for  
1960 the transport of the state prisoner to the county jail of the  
1961 county that issued the warrant for prosecution of the violation,  
1962 and the court shall send the order to the county sheriff for  
1963 execution.

1964 Section 39. Section 951.176, Florida Statutes, is amended  
1965 to read:

1966 951.176 Provision of education ~~programs for youth.~~

1967 (1) Each county may contract with an appropriate entity,  
1968 including a district school board, the Florida Virtual School, a  
1969 Florida College System institution, a virtual education provider  
1970 approved by the State Board of Education, a charter school  
1971 authorized to operate under s. 1002.33, or an entity certified  
1972 under s. 445.06, to provide educational services for inmates in  
1973 county detention facilities. The educational services may  
1974 include any educational, career, or workforce education training  
1975 that is authorized by the sheriff or chief correctional officer,  
1976 or his or her designee.

1977 (2) Minors who have not graduated from high school and  
1978 eligible students with disabilities under the age of 22 who have  
1979 not graduated with a standard diploma or its equivalent who are  
1980 detained in a county or municipal detention facility as defined  
1981 in s. 951.23 shall be offered educational services by the local  
1982 school district in which the facility is located. These  
1983 educational services shall be based upon the estimated length of



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1984 time the youth will be in the facility and the youth's current  
1985 level of functioning. School district superintendents or their  
1986 designees shall be notified by the county sheriff or chief  
1987 correctional officer, or his or her designee, upon the  
1988 assignment of a youth under the age of 21 to the facility. A  
1989 cooperative agreement with the local school district and  
1990 applicable law enforcement units shall be developed to address  
1991 the notification requirement and the provision of educational  
1992 services to these youth.

1993 Section 40. Section 951.22, Florida Statutes, is amended to  
1994 read:

1995 951.22 County detention facilities; contraband articles.—

1996 (1) It is unlawful, except through regular channels as duly  
1997 authorized by the sheriff or officer in charge, to introduce  
1998 into or possess upon the grounds of any county detention  
1999 facility as defined in s. 951.23 or to give to or receive from  
2000 any inmate of any such facility wherever said inmate is located  
2001 at the time or to take or to attempt to take or send therefrom  
2002 any of the following articles which are hereby declared to be  
2003 contraband:

2004 ~~(a) for the purposes of this act, to wit:~~ Any written or  
2005 recorded communication.†

2006 ~~(b) Any currency or coin.†~~

2007 ~~(c) Any article of food or clothing.†~~

2008 ~~(d) Any tobacco products as defined in s. 210.25(12).†~~

2009 ~~(e) Any cigarette as defined in s. 210.01(1).†~~

2010 ~~(f) Any cigar.†~~

2011 ~~(g) Any intoxicating beverage or beverage which causes or~~  
2012 may cause an intoxicating effect.†



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2013           (h) Any narcotic, hypnotic, or excitative drug or drug of  
2014 any kind or nature, including nasal inhalators, sleeping pills,  
2015 barbiturates, and controlled substances as defined in s.  
2016 893.02(4).~~†~~

2017           (i) Any firearm or any instrumentality customarily used or  
2018 which is intended to be used as a dangerous weapon.~~†~~~~and~~

2019           (j) Any instrumentality of any nature that may be or is  
2020 intended to be used as an aid in effecting or attempting to  
2021 effect an escape from a county facility.

2022           (k) Any cellular telephone or other portable communication  
2023 device intentionally and unlawfully introduced inside the secure  
2024 perimeter of a county detention facility without prior  
2025 authorization or consent from the sheriff or officer in charge  
2026 of such detention facility. As used in this paragraph, the term  
2027 "portable communication device" means any device carried, worn,  
2028 or stored which is designed or intended to receive or transmit  
2029 verbal or written messages, access or store data, or connect  
2030 electronically to the Internet or any other electronic device  
2031 and which allows communications in any form. Such devices  
2032 include, but are not limited to, portable two-way pagers,  
2033 handheld radios, cellular telephones, Blackberry-type devices,  
2034 personal digital assistants or PDAs, laptop computers, or any  
2035 components of these devices which are intended to be used to  
2036 assemble such devices. The term also includes any new technology  
2037 that is developed for similar purposes. The term does not  
2038 include any device having communication capabilities which has  
2039 been approved or issued by the sheriff or officer in charge for  
2040 investigative or institutional security purposes or for  
2041 conducting other official business.



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2042           (2) A person who ~~Whoever~~ violates paragraph (1) (a), (b),  
2043 (c), (d), (e), (f), or (g) commits a misdemeanor of the first  
2044 degree, punishable as provided in s. 775.082 or s. 775.083. A  
2045 person who violates paragraph (1) (h), (i), (j), or (k) commits  
2046 subsection (1) shall be guilty of a felony of the third degree,  
2047 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2048           Section 41. Paragraph (b) of subsection (7) of section  
2049 1011.80, Florida Statutes, is amended to read:

2050           1011.80 Funds for operation of workforce education  
2051 programs.—

2052           (7)

2053           (b) State funds provided for the operation of postsecondary  
2054 workforce programs may not be expended for the education of  
2055 state inmates with more than 24 months of time remaining to  
2056 serve on their sentence or federal inmates.

2057           Section 42. Subsection (4) of section 1011.81, Florida  
2058 Statutes, is amended to read:

2059           1011.81 Florida College System Program Fund.—

2060           (4) State funds provided for the Florida College System  
2061 Program Fund may not be expended for the education of state  
2062 inmates with more than 24 months of time remaining on their  
2063 sentence or federal inmates.

2064           Section 43. Paragraph (e) of subsection (1) of section  
2065 1011.84, Florida Statutes, is amended to read:

2066           1011.84 Procedure for determining state financial support  
2067 and annual apportionment of state funds to each Florida College  
2068 System institution district.—The procedure for determining state  
2069 financial support and the annual apportionment to each Florida  
2070 College System institution district authorized to operate a





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2071 Florida College System institution under the provisions of s.  
2072 1001.61 shall be as follows:

2073 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE FLORIDA  
2074 COLLEGE SYSTEM PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

2075 (e) All state inmate education provided by Florida College  
2076 System institutions shall be reported by program, FTE  
2077 expenditure, and revenue source. These enrollments,  
2078 expenditures, and revenues shall be reported and projected  
2079 separately. Instruction of state inmates with more than 24  
2080 months of time remaining on their sentence may shall not be  
2081 included in the full-time equivalent student enrollment for  
2082 funding through the Florida College System Program Fund.

2083 Section 44. Paragraph (b) of subsection (11) of section  
2084 320.08058, Florida Statutes, is amended to read:

2085 320.08058 Specialty license plates.—

2086 (11) INVEST IN CHILDREN LICENSE PLATES.—

2087 (b) The proceeds of the Invest in Children license plate  
2088 annual use fee must be deposited into the Juvenile Crime  
2089 Prevention and Early Intervention Trust Fund within the  
2090 Department of Juvenile Justice. Based on the recommendations of  
2091 the juvenile justice councils, the department shall use the  
2092 proceeds of the fee to fund programs and services that are  
2093 designed to prevent juvenile delinquency. ~~The department shall~~  
2094 ~~allocate moneys for programs and services within each county~~  
2095 ~~based on that county's proportionate share of the license plate~~  
2096 ~~annual use fee collected by the county.~~

2097 Section 45. The Office of Program Policy Analysis and  
2098 Government Accountability shall conduct an analysis of the laws  
2099 and procedures pertaining to the transfer of juveniles to adult



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2100 courts for criminal prosecution. In conducting the analysis, the  
2101 office must consult with representatives from the state  
2102 attorneys, the public defenders, the judiciary, the Department  
2103 of Corrections, the Department of Juvenile Justice, members of  
2104 the private sector with expertise in child development, and  
2105 others it deems necessary. By January 1, 2019, the office shall  
2106 submit a report of its findings and recommendations to the  
2107 Speaker of the House of Representatives, the President of the  
2108 Senate, and the Governor. The report must include a review of  
2109 current applicable statutes and policies, an analysis of the  
2110 statewide use of the laws and procedures, and any  
2111 recommendations.

2112 Section 46. Effective July 1, 2019, subsection (18) of  
2113 section 985.03, Florida Statutes, is amended to read:

2114 985.03 Definitions.—As used in this chapter, the term:

2115 (18) "Detention care" means the temporary care of a child  
2116 in secure or supervised release ~~nonsecure~~ detention, pending a  
2117 court adjudication or disposition or execution of a court order.  
2118 There are two types of detention care, as follows:

2119 (a) "Secure detention" means temporary custody of the child  
2120 while the child is under the physical restriction of a secure  
2121 detention center or facility pending adjudication, disposition,  
2122 or placement.

2123 (b) "Supervised release ~~Nonsecure~~ detention" means  
2124 temporary, nonsecure custody of the child while the child is  
2125 released to the custody of the parent, guardian, or custodian in  
2126 a physically nonrestrictive environment under the supervision of  
2127 the department staff pending adjudication, or disposition,  
2128 through programs that ~~or placement. Forms of nonsecure detention~~



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2129 include, but are not limited to, ~~home detention,~~ electronic  
2130 monitoring, day reporting centers, ~~evening reporting centers,~~  
2131 and nonsecure shelters. Supervised release ~~Nonsecure~~ detention  
2132 may include other requirements imposed by the court.

2133 Section 47. Effective July 1, 2019, subsection (5) of  
2134 section 985.037, Florida Statutes, is amended to read:

2135 985.037 Punishment for contempt of court; alternative  
2136 sanctions.—

2137 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the  
2138 position of alternative sanctions coordinator within each  
2139 judicial circuit, pursuant to subsection (3). Each alternative  
2140 sanctions coordinator shall serve under the direction of the  
2141 chief administrative judge of the juvenile division as directed  
2142 by the chief judge of the circuit. The alternative sanctions  
2143 coordinator shall act as the liaison between the judiciary,  
2144 local department officials, district school board employees, and  
2145 local law enforcement agencies. The alternative sanctions  
2146 coordinator shall coordinate within the circuit community-based  
2147 alternative sanctions, including supervised release ~~nonsecure~~  
2148 detention programs, community service projects, and other  
2149 juvenile sanctions, in conjunction with the circuit plan  
2150 implemented in accordance with s. 790.22(4)(c).

2151 Section 48. Effective July 1, 2019, paragraph (a) of  
2152 subsection (1) of section 985.039, Florida Statutes, is amended  
2153 to read:

2154 985.039 Cost of supervision; cost of care.—

2155 (1) Except as provided in subsection (3) or subsection (4):

2156 (a) When any child is placed into supervised release  
2157 ~~nonsecure~~ detention, probation, or other supervision status with



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2158 the department, or is committed to the minimum-risk  
2159 nonresidential restrictiveness level, the court shall order the  
2160 parent of such child to pay to the department a fee for the cost  
2161 of the supervision of such child in the amount of \$1 per day for  
2162 each day that the child is in such status.

2163 Section 49. Effective July 1, 2019, paragraph (d) of  
2164 subsection (1) of section 985.101, Florida Statutes, is amended  
2165 to read:

2166 985.101 Taking a child into custody.—

2167 (1) A child may be taken into custody under the following  
2168 circumstances:

2169 (d) By a law enforcement officer who has probable cause to  
2170 believe that the child is in violation of the conditions of the  
2171 child's probation, supervised release ~~nonsecure~~ detention,  
2172 postcommitment probation, or conditional release supervision;  
2173 has absconded from nonresidential commitment; or has escaped  
2174 from residential commitment.

2175  
2176 Nothing in this subsection shall be construed to allow the  
2177 detention of a child who does not meet the detention criteria in  
2178 part V.

2179 Section 50. Section 901.41, Florida Statutes, is created to  
2180 read:

2181 901.41 Prearrest diversion of adults; program.—

2182 (1) LEGISLATIVE INTENT.—The Legislature intends to  
2183 encourage local communities and public or private educational  
2184 institutions to implement prearrest diversion programs that  
2185 afford certain adults who fulfill specified intervention and  
2186 community service obligations the opportunity to avoid an arrest



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2187 record. The Legislature does not mandate that a particular  
2188 prearrest diversion program for adults be adopted, but finds  
2189 that the adoption of the model program provided in this section  
2190 by local communities and public or private educational  
2191 institutions would allow certain adults to avoid an arrest  
2192 record, while ensuring that they receive appropriate services  
2193 and fulfill their community service obligations. The Legislature  
2194 intends that if a community or institution implements a  
2195 prearrest diversion program, it share information with other  
2196 prearrest diversion programs.

2197 (2) MODEL PREARREST DIVERSION PROGRAM.—The Legislature does  
2198 not mandate the adoption of a particular prearrest diversion  
2199 program for adults. However, local communities and public or  
2200 private educational institutions may adopt a prearrest diversion  
2201 program for adults in which:

2202 (a) Law enforcement officers, at their sole discretion, may  
2203 issue a civil citation or similar prearrest diversion program  
2204 notice to certain adults who commit a qualifying misdemeanor  
2205 offense, as specified under subsection (3). A civil citation or  
2206 similar prearrest diversion program notice may be issued if the  
2207 adult who commits the offense:

2208 1. Admits that he or she committed the offense or does not  
2209 contest the offense; and

2210 2. Has not previously been arrested and has not received an  
2211 adult civil citation or similar prearrest diversion program  
2212 notice, unless the terms of the local adult prearrest diversion  
2213 program allows otherwise. If previous program participation is  
2214 allowed, the program must establish a limit on the number of  
2215 times that an eligible adult may participate.



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2216           (b) An adult who receives a civil citation or similar  
2217 prearrest diversion program notice shall report for intake as  
2218 required by the local prearrest diversion program. Each  
2219 participant must be provided appropriate assessment,  
2220 intervention, education, and behavioral health care services by  
2221 the program and shall perform community service hours as  
2222 specified by the program and pay restitution due to the victim.  
2223 If the participant does not successfully complete the prearrest  
2224 diversion program, the law enforcement officer who issued the  
2225 citation or notice must determine whether good cause exists to  
2226 arrest him or her for the original misdemeanor offense and, if  
2227 the person is arrested, must refer the case to the state  
2228 attorney to determine whether prosecution is appropriate or, in  
2229 the absence of a finding of good cause, allow the adult to  
2230 continue in the program.

2231           (3) PROGRAM DEVELOPMENT; IMPLEMENTATION; OPERATION.—

2232           (a) If a local community or public or private educational  
2233 institution elects to develop and implement a prearrest  
2234 diversion program, it must involve representatives of  
2235 participating law enforcement agencies, a representative of the  
2236 program services provider, the public defender, the state  
2237 attorney, and the clerk of the circuit court in the coordination  
2238 of implementation. These representatives and officials must  
2239 adopt policies and procedures that include, but are not limited  
2240 to, eligibility criteria, a plan and timeframe for program  
2241 implementation and operation, and the determination of the fee,  
2242 if any, to be paid by adults participating in the program. In  
2243 developing the program's policies and procedures, which must  
2244 include the designation of the misdemeanor offenses that qualify



2245 adults for participation in the program, the representatives  
2246 must solicit input from other interested stakeholders. The  
2247 program may be operated by an entity such as a law enforcement  
2248 agency or a county or municipality, or another entity selected  
2249 by the county or municipality.

2250 (b) Upon intake of an adult participating in the prearrest  
2251 diversion program, the program operator shall electronically  
2252 provide the participant's personal identifying information to  
2253 the clerk of the circuit court for the county in which the  
2254 program provides services. The clerk of the circuit court shall  
2255 maintain such information in a statewide database, which must  
2256 serve as the single point of access for all such information. If  
2257 the program imposes a participation fee, the clerk of the  
2258 circuit court must receive a reasonable portion, to be  
2259 determined by the stakeholders creating the program, for receipt  
2260 and maintenance of the required information. The fee shall be  
2261 deposited by the clerk of the circuit court into the fine and  
2262 forfeiture fund established under s. 142.01.

2263 (4) APPLICABILITY.—This section does not preempt a county  
2264 or municipality from enacting noncriminal sanctions for a  
2265 violation of an ordinance or other violation, and it does not  
2266 preempt a county, a municipality, or a public or private  
2267 educational institution from creating its own model for a  
2268 prearrest diversion program for adults.

2269 (5) ELIGIBILITY.—A person who commits a violent  
2270 misdemeanor, a misdemeanor crime of domestic violence, as  
2271 defined in s. 741.28, or a misdemeanor under s. 741.29, s.  
2272 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or s.  
2273 784.049 does not qualify for a civil citation or prearrest



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2274 diversion program.

2275 Section 51. Section 943.0582, Florida Statutes, is amended  
2276 to read:

2277 943.0582 ~~Prearrest, postarrest, or teen court~~ Diversion  
2278 program expunction.-

2279 (1) Notwithstanding any law dealing generally with the  
2280 preservation and destruction of public records, the department  
2281 shall adopt rules to ~~may provide, by rule adopted pursuant to~~  
2282 ~~chapter 120,~~ for the expunction of a ~~any~~ nonjudicial record of  
2283 the arrest of a minor who has successfully completed a ~~prearrest~~  
2284 ~~or postarrest~~ diversion program for a misdemeanor offense ~~minors~~  
2285 ~~as authorized by s. 985.125.~~

2286 (2) ~~(a)~~ As used in this section, the term:

2287 (a) "Diversion program" means a program under s. 985.12, s.  
2288 985.125, s. 985.155, or s. 985.16 or a program to which a  
2289 referral is made by a state attorney under s. 985.15.

2290 (b) "Expunction" has the same meaning ascribed in and  
2291 effect as s. 943.0585, except that:

2292 1. The provisions of s. 943.0585(4) (a) do not apply, except  
2293 that the criminal history record of a person whose record is  
2294 expunged pursuant to this section shall be made available only  
2295 to criminal justice agencies for the purpose of:

2296 a. Determining eligibility for ~~prearrest, postarrest, or~~  
2297 ~~teen court~~ diversion programs;

2298 b. ~~when the record is sought as part of~~ A criminal  
2299 investigation; or

2300 c. Making a prosecutorial decision under s. 985.15 ~~when the~~  
2301 ~~subject of the record is a candidate for employment with a~~  
2302 ~~criminal justice agency. For all other purposes, a person whose~~





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2303 ~~record is expunged under this section may lawfully deny or fail~~  
2304 ~~to acknowledge the arrest and the charge covered by the expunged~~  
2305 ~~record.~~

2306       2. Records maintained by local criminal justice agencies in  
2307 the county in which the arrest occurred that are eligible for  
2308 expunction pursuant to this section shall be sealed as the term  
2309 is used in s. 943.059.

2310       ~~(b) As used in this section, the term "nonviolent~~  
2311 ~~misdemeanor" includes simple assault or battery when prearrest~~  
2312 ~~or postarrest diversion expunction is approved in writing by the~~  
2313 ~~state attorney for the county in which the arrest occurred.~~

2314       (3) The department shall expunge the nonjudicial arrest  
2315 record of a minor who has successfully completed a ~~prearrest or~~  
2316 ~~postarrest~~ diversion program if that minor:

2317       (a) Submits an application for ~~prearrest or postarrest~~  
2318 diversion expunction, on a form prescribed by the department,  
2319 signed by the minor's parent or legal guardian, or by the minor  
2320 if he or she has reached the age of majority at the time of  
2321 applying.

2322       (b) Submits to the department, with the application, an  
2323 official written statement from the state attorney for the  
2324 county in which the arrest occurred certifying that he or she  
2325 has successfully completed that county's ~~prearrest or postarrest~~  
2326 diversion program, that his or her participation in the program  
2327 was based on an arrest for a ~~nonviolent~~ misdemeanor, and that he  
2328 or she has not otherwise been charged by the state attorney  
2329 with, or found to have committed, any criminal offense or  
2330 comparable ordinance violation.

2331       ~~(c) Participated in a prearrest or postarrest diversion~~



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2332 ~~program that expressly authorizes or permits such expunction.~~

2333 ~~(d) Participated in a prearrest or postarrest diversion~~  
2334 ~~program based on an arrest for a nonviolent misdemeanor that~~  
2335 ~~would not qualify as an act of domestic violence as that term is~~  
2336 ~~defined in s. 741.28.~~

2337 ~~(c)~~ (e) Has never been, before filing the application for  
2338 expunction, charged by the state attorney with, or found to have  
2339 committed, any criminal offense or comparable ordinance  
2340 violation.

2341 ~~(4) The department is authorized to charge a \$75 processing~~  
2342 ~~fee for each request received for prearrest or postarrest~~  
2343 ~~diversion program expunction, for placement in the Department of~~  
2344 ~~Law Enforcement Operating Trust Fund, unless such fee is waived~~  
2345 ~~by the executive director.~~

2346 ~~(4)~~ (5) Expunction or sealing granted under this section  
2347 does not prevent the minor who receives such relief from  
2348 petitioning for the expunction or sealing of a later criminal  
2349 history record as provided for in ss. 943.0583, 943.0585, and  
2350 943.059, if the minor is otherwise eligible under those  
2351 sections.

2352 Section 52. Section 985.12, Florida Statutes, is amended to  
2353 read:

2354 985.12 Civil citation or similar prearrest diversion  
2355 programs.—

2356 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
2357 that the creation and implementation of civil citation or  
2358 similar prearrest diversion programs at the judicial circuit  
2359 level promotes public safety, aids interagency cooperation, and  
2360 provides the greatest chance of success for civil citation and



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2361 similar prearrest diversion programs. The Legislature further  
2362 finds that the widespread use of civil citation and similar  
2363 prearrest diversion programs has a positive effect on the  
2364 criminal justice system and contributes to an overall reduction  
2365 in the crime rate and recidivism in the state. The Legislature  
2366 encourages but does not mandate that counties, municipalities,  
2367 and public or private educational institutions participate in a  
2368 civil citation or similar prearrest diversion program created by  
2369 their judicial circuit under this section. There is established  
2370 a juvenile civil citation process for the purpose of providing  
2371 an efficient and innovative alternative to custody by the  
2372 Department of Juvenile Justice for children who commit  
2373 nonserious delinquent acts and to ensure swift and appropriate  
2374 consequences. The department shall encourage and assist in the  
2375 implementation and improvement of civil citation programs or  
2376 other similar diversion programs around the state.

2377 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST  
2378 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION AND OPERATION.—

2379 (a) A ~~The~~ civil citation or similar prearrest diversion  
2380 program for misdemeanor offenses shall be established in each  
2381 judicial circuit in the state. ~~The~~ at the local level with the  
2382 concurrence of the chief judge of the circuit, state attorney  
2383 and ~~public defender~~ of each circuit, the clerk of the court for  
2384 each county in the circuit, and representatives of participating  
2385 law enforcement agencies in the circuit shall create a civil  
2386 citation or similar prearrest diversion program and develop its  
2387 policies and procedures. In developing the program's policies  
2388 and procedures, input from other interested stakeholders may be  
2389 solicited. The department shall annually develop and provide



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2390 guidelines on best practice models for civil citation or similar  
2391 prearrest diversion programs to the judicial circuits as a  
2392 resource.

2393 (b) Each judicial circuit's civil citation or similar  
2394 prearrest diversion program must specify:

2395 1. The misdemeanor offenses that qualify a juvenile for  
2396 participation in the program;

2397 2. The eligibility criteria for the program;

2398 3. The program's implementation and operation;

2399 4. The program's requirements, including, but not limited  
2400 to, the completion of community service hours, the payment of  
2401 restitution, if applicable, and intervention services indicated  
2402 by a needs assessment of the juvenile, approved by the  
2403 department, such as family counseling, urinalysis monitoring,  
2404 and substance abuse and mental health treatment services;

2405 5. A program fee, if any, to be paid by a juvenile  
2406 participating in the program. If the program imposes a fee, the  
2407 clerk of the court of the applicable county must receive a  
2408 reasonable portion of the fee; and

2409 6. That law enforcement officers, at their sole discretion,  
2410 may issue a civil citation or similar prearrest diversion  
2411 program notice.

2412 (c) The state attorney of each circuit shall operate a  
2413 civil citation or similar prearrest diversion program in each  
2414 circuit. A sheriff, police department, county, municipality, or  
2415 public or private educational institution may continue to  
2416 operate an independent civil citation or similar prearrest  
2417 diversion program that is in operation as of October 1, 2018, if  
2418 the independent program is reviewed by the state attorney of the



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2419 applicable circuit and he or she determines that the independent  
2420 program is substantially similar to the civil citation or  
2421 similar prearrest diversion program developed by the circuit. If  
2422 the state attorney determines that the independent program is  
2423 not substantially similar to the civil citation or similar  
2424 prearrest diversion program developed by the circuit, the  
2425 operator of the independent diversion program may revise the  
2426 program and the state attorney may conduct an additional review  
2427 of the independent program.

2428 (d) A judicial circuit may model an existing sheriff,  
2429 police department, county, municipality, or public or private  
2430 educational institution's independent civil citation or similar  
2431 prearrest diversion program in developing the civil citation or  
2432 similar prearrest diversion program for the circuit.

2433 (e) If a juvenile does not successfully complete the civil  
2434 citation or similar prearrest diversion program, the arresting  
2435 law enforcement officer shall determine if there is good cause  
2436 to arrest the juvenile for the original misdemeanor offense and  
2437 refer the case to the state attorney to determine if prosecution  
2438 is appropriate or allow the juvenile to continue in the program  
2439 and the head of each local law enforcement agency involved. The  
2440 program may be operated by an entity such as a law enforcement  
2441 agency, the department, a juvenile assessment center, the county  
2442 or municipality, or another entity selected by the county or  
2443 municipality. An entity operating the civil citation or similar  
2444 diversion program must do so in consultation and agreement with  
2445 the state attorney and local law enforcement agencies. Under  
2446 such a juvenile civil citation or similar diversion program, a  
2447 law enforcement officer, upon making contact with a juvenile who



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2448 ~~admits having committed a misdemeanor, may choose to issue a~~  
2449 ~~simple warning or inform the child's guardian or parent of the~~  
2450 ~~child's infraction, or may issue a civil citation or require~~  
2451 ~~participation in a similar diversion program, and assess up to~~  
2452 ~~50 community service hours, and require participation in~~  
2453 ~~intervention services as indicated by an assessment of the needs~~  
2454 ~~of the juvenile, including family counseling, urinalysis~~  
2455 ~~monitoring, and substance abuse and mental health treatment~~  
2456 ~~services.~~

2457 (f) A copy of each civil citation or similar prearrest  
2458 diversion program notice issued under this section shall be  
2459 provided to the department, and the department shall enter  
2460 appropriate information into the juvenile offender information  
2461 system. ~~Use of the civil citation or similar diversion program~~  
2462 ~~is not limited to first-time misdemeanors and may be used in up~~  
2463 ~~to two subsequent misdemeanors. If an arrest is made, a law~~  
2464 ~~enforcement officer must provide written documentation as to why~~  
2465 ~~an arrest was warranted.~~

2466 (g) At the conclusion of a juvenile's civil citation  
2467 program or similar prearrest diversion program, the state  
2468 attorney or operator of the independent program agency operating  
2469 the program shall report the outcome to the department. The  
2470 issuance of a civil citation or similar prearrest diversion  
2471 program notice is not considered a referral to the department.

2472 ~~(2) The department shall develop guidelines for the civil~~  
2473 ~~citation program which include intervention services that are~~  
2474 ~~based upon proven civil citation or similar diversion programs~~  
2475 ~~within the state.~~

2476 (h) (3) Upon issuing such a civil citation or similar



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2477 ~~prearrest diversion program notice~~, the law enforcement officer  
2478 shall send a copy of ~~to~~ the civil citation or similar prearrest  
2479 diversion program notice to ~~county sheriff, state attorney, the~~  
2480 ~~appropriate intake office of the department, or the community~~  
2481 ~~service performance monitor designated by the department,~~ the  
2482 parent or guardian of the child, ~~and~~ to the victim.

2483 ~~(4) The child shall report to the community service~~  
2484 ~~performance monitor within 7 working days after the date of~~  
2485 ~~issuance of the citation. The work assignment shall be~~  
2486 ~~accomplished at a rate of not less than 5 hours per week. The~~  
2487 ~~monitor shall advise the intake office immediately upon~~  
2488 ~~reporting by the child to the monitor, that the child has in~~  
2489 ~~fact reported and the expected date upon which completion of the~~  
2490 ~~work assignment will be accomplished.~~

2491 ~~(5) If the child fails to report timely for a work~~  
2492 ~~assignment, complete a work assignment, or comply with assigned~~  
2493 ~~intervention services within the prescribed time, or if the~~  
2494 ~~juvenile commits a subsequent misdemeanor, the law enforcement~~  
2495 ~~officer shall issue a report alleging the child has committed a~~  
2496 ~~delinquent act, at which point a juvenile probation officer~~  
2497 ~~shall process the original delinquent act as a referral to the~~  
2498 ~~department and refer the report to the state attorney for~~  
2499 ~~review.~~

2500 ~~(6) At the time of issuance of the citation by the law~~  
2501 ~~enforcement officer, such officer shall advise the child that~~  
2502 ~~the child has the option to refuse the citation and to be~~  
2503 ~~referred to the intake office of the department. That option may~~  
2504 ~~be exercised at any time before completion of the work~~  
2505 ~~assignment.~~



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2506 Section 53. Subsection (3) of section 985.125, Florida  
2507 Statutes, is amended to read:

2508 985.125 Prearrest or postarrest diversion programs.—

2509 ~~(3) The prearrest or postarrest diversion program may, upon~~  
2510 ~~agreement of the agencies that establish the program, provide~~  
2511 ~~for the expunction of the nonjudicial arrest record of a minor~~  
2512 ~~who successfully completes such a program pursuant to s.~~  
2513 ~~943.0582.~~

2514 Section 54. Paragraphs (f) through (j) of subsection (1) of  
2515 section 985.145, Florida Statutes, are redesignated as  
2516 paragraphs (g) through (k), respectively, and a new paragraph  
2517 (f) is added to that subsection, to read:

2518 985.145 Responsibilities of the department during intake;  
2519 screenings and assessments.—

2520 (1) The department shall serve as the primary case manager  
2521 for the purpose of managing, coordinating, and monitoring the  
2522 services provided to the child. Each program administrator  
2523 within the Department of Children and Families shall cooperate  
2524 with the primary case manager in carrying out the duties and  
2525 responsibilities described in this section. In addition to  
2526 duties specified in other sections and through departmental  
2527 rules, the department shall be responsible for the following:

2528 (f) Prevention web.—For a child who has no prior referral  
2529 to the department or no prior or current participation in a  
2530 civil citation program, the department shall enter all related  
2531 information into the Juvenile Justice Information System  
2532 Prevention Web until such time as formal charges are filed. If  
2533 formal charges are not filed, the information must remain in the  
2534 Juvenile Justice Information System Prevention Web until removed





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2535 pursuant to department policies.

2536 Section 55. Section 985.126, Florida Statutes, is created  
2537 to read:

2538 985.126 Diversion programs; data collection; denial of  
2539 participation or expunged record.-

2540 (1) As used in this section, the term "diversion program"  
2541 has the same meaning as provided in s. 943.0582.

2542 (2) Upon issuance of documentation requiring a minor to  
2543 participate in a diversion program, before or without an arrest,  
2544 the issuing law enforcement officer shall send a copy of such  
2545 documentation to the entity designated to operate the diversion  
2546 program and to the department, which shall enter such  
2547 information into the Juvenile Justice Information System  
2548 Prevention Web.

2549 (3) (a) Beginning October 1, 2018, each diversion program  
2550 shall submit data to the department which identifies for each  
2551 minor participating in the diversion program:

2552 1. The race, ethnicity, gender, and age of that minor.

2553 2. The offense committed, including the specific law  
2554 establishing the offense.

2555 3. The judicial circuit and county in which the offense was  
2556 committed and the law enforcement agency that had contact with  
2557 the minor in connection with the offense.

2558 4. Other demographic information necessary to properly  
2559 register a case into the Juvenile Justice Information System  
2560 Prevention Web, as specified by the department.

2561 (b) Beginning October 1, 2018, each law enforcement agency  
2562 shall submit to the department data that identifies for each  
2563 minor who was eligible for a diversion program, but was instead



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2564 referred to the department, provided a notice to appear, or  
2565 arrested:

2566 1. The data required pursuant to paragraph (a).

2567 2. Information as to whether the minor was offered the  
2568 opportunity to participate in a diversion program. If the minor  
2569 was:

2570 a. Not offered such opportunity, the reason such offer was  
2571 not made.

2572 b. Offered such opportunity, whether the minor or his or  
2573 her parent or legal guardian declined to participate in the  
2574 diversion program.

2575 (c) The data required pursuant to paragraph (a) shall be  
2576 submitted to the department weekly.

2577 (d) The data required pursuant to paragraph (b) shall be  
2578 submitted on or with the arrest affidavit or notice to appear.

2579 (4) Beginning January 1, 2019, the department shall compile  
2580 and semiannually publish the data required by subsection (3) on  
2581 the department's website in a format that is, at a minimum,  
2582 sortable by judicial circuit, county, law enforcement agency,  
2583 race, ethnicity, gender, age, and offense committed.

2584 (5) A minor who successfully completes a diversion program  
2585 for a first-time misdemeanor offense may lawfully deny or fail  
2586 to acknowledge his or her participation in the program and an  
2587 expunction of a nonjudicial arrest record under s. 943.0582,  
2588 unless the inquiry is made by a criminal justice agency, as  
2589 defined in s. 943.045, for a purpose described in s.  
2590 943.0582(2)(b)1.

2591 (6) The department shall adopt rules to implement this  
2592 section.



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2593           Section 56. Effective July 1, 2019, subsections (2), (4),  
2594 and (5) of section 985.24, Florida Statutes, are amended to  
2595 read:

2596           985.24 Use of detention; prohibitions.-

2597           (2) A child alleged to have committed a delinquent act or  
2598 violation of law may not be placed into secure or supervised  
2599 release ~~nonsecure~~ detention care for any of the following  
2600 reasons:

2601           (a) To allow a parent to avoid his or her legal  
2602 responsibility.

2603           (b) To permit more convenient administrative access to the  
2604 child.

2605           (c) To facilitate further interrogation or investigation.

2606           (d) Due to a lack of more appropriate facilities.

2607           ~~(4) The department may, within its existing resources,~~  
2608 ~~develop nonsecure, nonresidential evening reporting centers as~~  
2609 ~~an alternative to placing a child in secure detention. Evening~~  
2610 ~~reporting centers may be collocated with a juvenile assessment~~  
2611 ~~center. If established, evening reporting centers shall serve~~  
2612 ~~children and families who are awaiting a child's court hearing~~  
2613 ~~and, at a minimum, operate during the afternoon and evening~~  
2614 ~~hours to provide a highly structured program of supervision.~~  
2615 ~~Evening reporting centers may also provide academic tutoring,~~  
2616 ~~counseling, family engagement programs, and other activities.~~

2617           (4)-(5) The department shall continue to identify and  
2618 develop supervised release detention options ~~alternatives to~~  
2619 ~~secure detention care and shall develop such alternatives and~~  
2620 annually submit them to the Legislature for authorization and  
2621 appropriation.



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2622           Section 57. Effective July 1, 2019, paragraph (b) of  
2623 subsection (2) and subsection (4) of section 985.245, Florida  
2624 Statutes, are amended to read:

2625           985.245 Risk assessment instrument.—

2626           (2)

2627           (b) The risk assessment instrument shall take into  
2628 consideration, but need not be limited to, pending felony and  
2629 misdemeanor offenses, offenses committed pending adjudication,  
2630 prior offenses, unlawful possession of a firearm, prior history  
2631 of failure to appear, violations of supervision ~~prior offenses,~~  
2632 ~~offenses committed pending adjudication, any unlawful possession~~  
2633 ~~of a firearm, theft of a motor vehicle or possession of a stolen~~  
2634 ~~motor vehicle, and supervision probation~~ status at the time the  
2635 child is taken into custody. The risk assessment instrument  
2636 shall also take into consideration all statutory mandates for  
2637 detention care ~~appropriate aggravating and mitigating~~  
2638 ~~circumstances, and shall be designed to target a narrower~~  
2639 ~~population of children than s. 985.255.~~ The risk assessment  
2640 instrument shall also include any information concerning the  
2641 child's history of abuse and neglect. The risk assessment shall  
2642 indicate whether detention care is warranted, and, if detention  
2643 care is warranted, whether the child should be placed into  
2644 secure or supervised release ~~nonsecure~~ detention care.

2645           (4) For a child who is under the supervision of the  
2646 department through probation, supervised release ~~nonsecure~~  
2647 detention, conditional release, postcommitment probation, or  
2648 commitment and who is charged with committing a new offense, the  
2649 risk assessment instrument may be completed and scored based on  
2650 the underlying charge for which the child was placed under the



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2651 supervision of the department ~~and the new offense.~~

2652 Section 58. Effective July 1, 2019, paragraph (b) of  
2653 subsection (1) of section 985.25, Florida Statutes, is amended  
2654 to read:

2655 985.25 Detention intake.—

2656 (1) The department shall receive custody of a child who has  
2657 been taken into custody from the law enforcement agency or court  
2658 and shall review the facts in the law enforcement report or  
2659 probable cause affidavit and make such further inquiry as may be  
2660 necessary to determine whether detention care is appropriate.

2661 (b) The department shall base the decision whether to place  
2662 the child into detention care on an assessment of risk in  
2663 accordance with the risk assessment instrument and procedures  
2664 developed by the department under s. 985.245, except that a  
2665 child shall be placed in secure detention care until the child's  
2666 detention hearing if the child meets the criteria specified in  
2667 s. 985.255(1)(f) or ~~985.255(1)(j)~~, is charged with possessing or  
2668 discharging a firearm on school property in violation of s.  
2669 790.115, ~~or has been taken into custody on three or more~~  
2670 ~~separate occasions within a 60-day period.~~

2671  
2672 Under no circumstances shall the department or the state  
2673 attorney or law enforcement officer authorize the detention of  
2674 any child in a jail or other facility intended or used for the  
2675 detention of adults, without an order of the court.

2676 Section 59. Effective July 1, 2019, subsection (1) and  
2677 paragraph (a) of subsection (3) of section 985.255, Florida  
2678 Statutes, are amended to read:

2679 985.255 Detention criteria; detention hearing.—



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2680 (1) Subject to s. 985.25(1), a child taken into custody and  
2681 placed into detention care shall be given a hearing within 24  
2682 hours after being taken into custody. At the hearing, the court  
2683 may order a continued detention status if:

2684 (a) The result of the risk assessment instrument pursuant  
2685 to s. 985.245 indicates secure or supervised release detention.

2686 (b) The child is alleged to be an escapee from a  
2687 residential commitment program; or an absconder from a  
2688 nonresidential commitment program, a probation program, or  
2689 conditional release supervision; or is alleged to have escaped  
2690 while being lawfully transported to or from a residential  
2691 commitment program.

2692 (c) ~~(b)~~ The child is wanted in another jurisdiction for an  
2693 offense which, if committed by an adult, would be a felony.

2694 (d) ~~(e)~~ The child is charged with a delinquent act or  
2695 violation of law and requests in writing through legal counsel  
2696 to be detained for protection from an imminent physical threat  
2697 to his or her personal safety.

2698 ~~(d) The child is charged with committing an offense of~~  
2699 ~~domestic violence as defined in s. 741.28 and is detained as~~  
2700 ~~provided in subsection (2).~~

2701 ~~(e) The child is charged with possession of or discharging~~  
2702 ~~a firearm on school property in violation of s. 790.115 or the~~  
2703 ~~illegal possession of a firearm.~~

2704 ~~(f) The child is charged with a capital felony, a life~~  
2705 ~~felony, a felony of the first degree, a felony of the second~~  
2706 ~~degree that does not involve a violation of chapter 893, or a~~  
2707 ~~felony of the third degree that is also a crime of violence,~~  
2708 ~~including any such offense involving the use or possession of a~~



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2709 ~~firearm.~~

2710 ~~(g) The child is charged with any second degree or third~~  
2711 ~~degree felony involving a violation of chapter 893 or any third~~  
2712 ~~degree felony that is not also a crime of violence, and the~~  
2713 ~~child:~~

2714 ~~1. Has a record of failure to appear at court hearings~~  
2715 ~~after being properly notified in accordance with the Rules of~~  
2716 ~~Juvenile Procedure;~~

2717 ~~2. Has a record of law violations prior to court hearings;~~

2718 ~~3. Has already been detained or has been released and is~~  
2719 ~~awaiting final disposition of the case;~~

2720 ~~4. Has a record of violent conduct resulting in physical~~  
2721 ~~injury to others; or~~

2722 ~~5. Is found to have been in possession of a firearm.~~

2723 ~~(h) The child is alleged to have violated the conditions of~~  
2724 ~~the child's probation or conditional release supervision.~~

2725 ~~However, a child detained under this paragraph may be held only~~  
2726 ~~in a consequence unit as provided in s. 985.439. If a~~  
2727 ~~consequence unit is not available, the child shall be placed on~~  
2728 ~~nonsecure detention with electronic monitoring.~~

2729 ~~(e)-(i)~~ The child is detained on a judicial order for  
2730 failure to appear and has previously willfully failed to appear,  
2731 after proper notice:

2732 1. For an adjudicatory hearing on the same case regardless  
2733 of the results of the risk assessment instrument; or

2734 2. At two or more court hearings of any nature on the same  
2735 case regardless of the results of the risk assessment  
2736 instrument.

2737



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2738 A child may be held in secure detention for up to 72 hours in  
2739 advance of the next scheduled court hearing pursuant to this  
2740 paragraph. The child's failure to keep the clerk of court and  
2741 defense counsel informed of a current and valid mailing address  
2742 where the child will receive notice to appear at court  
2743 proceedings does not provide an adequate ground for excusal of  
2744 the child's nonappearance at the hearings.

2745 (f)~~(j)~~ The child is a prolific juvenile offender. A child  
2746 is a prolific juvenile offender if the child:

2747 1. Is charged with a delinquent act that would be a felony  
2748 if committed by an adult;

2749 2. Has been adjudicated or had adjudication withheld for a  
2750 felony offense, or delinquent act that would be a felony if  
2751 committed by an adult, before the charge under subparagraph 1.;  
2752 and

2753 3. In addition to meeting the requirements of subparagraphs  
2754 1. and 2., has five or more of any of the following, at least  
2755 three of which must have been for felony offenses or delinquent  
2756 acts that would have been felonies if committed by an adult:

2757 a. An arrest event for which a disposition, as defined in  
2758 s. 985.26, has not been entered;

2759 b. An adjudication; or

2760 c. An adjudication withheld.

2761

2762 As used in this subparagraph, the term "arrest event" means an  
2763 arrest or referral for one or more criminal offenses or  
2764 delinquent acts arising out of the same episode, act, or  
2765 transaction.

2766 (3) (a) The purpose of the detention hearing required under





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2767 subsection (1) is to determine the existence of probable cause  
2768 that the child has committed the delinquent act or violation of  
2769 law that he or she is charged with and the need for continued  
2770 detention. ~~Unless a child is detained under paragraph (1)(d) or~~  
2771 ~~paragraph (1)(e),~~ The court shall use the results of the risk  
2772 assessment performed by the department and, based on the  
2773 criteria in subsection (1), shall determine the need for  
2774 continued detention. If the child is a prolific juvenile  
2775 offender who is detained under s. 985.26(2)(c), the court shall  
2776 use the results of the risk assessment performed by the  
2777 department and the criteria in subsection (1) or subsection (2)  
2778 only to determine whether the prolific juvenile offender should  
2779 be held in secure detention.

2780 Section 60. Paragraph (d) is added to subsection (2) of  
2781 section 985.26, Florida Statutes, to read:

2782 985.26 Length of detention.—

2783 (2)

2784 (d) A prolific juvenile offender under s. 985.255(1)(j) who  
2785 is taken into custody for a violation of the conditions of his  
2786 or her nonsecure detention must be held in secure detention  
2787 until a detention hearing is held.

2788 Section 61. Effective July 1, 2019, paragraphs (c) and (d)  
2789 of subsection (2) and paragraph (b) of subsection (4) of section  
2790 985.26, Florida Statutes, as amended by this act, are amended to  
2791 read:

2792 985.26 Length of detention.—

2793 (2)

2794 (c) A prolific juvenile offender under s. 985.255(1)(f)  
2795 ~~985.255(1)(j)~~ shall be placed on supervised release ~~nonsecure~~



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2796 detention care with electronic monitoring or in secure detention  
2797 care under a special detention order until disposition. If  
2798 secure detention care is ordered by the court, it must be  
2799 authorized under this part and may not exceed:

2800 1. Twenty-one days unless an adjudicatory hearing for the  
2801 case has been commenced in good faith by the court or the period  
2802 is extended by the court pursuant to paragraph (b); or

2803 2. Fifteen days after the entry of an order of  
2804 adjudication.

2805

2806 As used in this paragraph, the term "disposition" means a  
2807 declination to file under s. 985.15(1)(h), the entry of nolle  
2808 prosequi for the charges, the filing of an indictment under s.  
2809 985.56 or an information under s. 985.557, a dismissal of the  
2810 case, or an order of final disposition by the court.

2811 (d) A prolific juvenile offender under s. 985.255(1)(f)  
2812 ~~985.255(1)(j)~~ who is taken into custody for a violation of the  
2813 conditions of his or her supervised release ~~nonsecure~~ detention  
2814 must be held in secure detention until a detention hearing is  
2815 held.

2816 (4)

2817 (b) The period for supervised release ~~nonsecure~~ detention  
2818 care under this section is tolled on the date that the  
2819 department or a law enforcement officer alleges that the child  
2820 has violated a condition of the child's supervised release  
2821 ~~nonsecure~~ detention care until the court enters a ruling on the  
2822 violation. Notwithstanding the tolling of supervised release  
2823 ~~nonsecure~~ detention care, the court retains jurisdiction over  
2824 the child for a violation of a condition of supervised release



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2825 ~~nonsecure~~ detention care during the tolling period. If the court  
2826 finds that a child has violated his or her supervised release  
2827 ~~nonsecure~~ detention care, the number of days that the child  
2828 served in any type of detention care before commission of the  
2829 violation shall be excluded from the time limits under  
2830 subsections (2) and (3).

2831 Section 62. Effective July 1, 2019, subsection (1),  
2832 paragraph (b) of subsection (3), and paragraph (a) of subsection  
2833 (4) of section 985.265, Florida Statutes, are amended to read:

2834 985.265 Detention transfer and release; education; adult  
2835 jails.-

2836 (1) If a child is detained under this part, the department  
2837 may transfer the child from supervised release ~~nonsecure~~  
2838 detention care to secure detention care only if significantly  
2839 changed circumstances warrant such transfer.

2840 (3)

2841 (b) When a juvenile is released from secure detention or  
2842 transferred to supervised release ~~nonsecure~~ detention, detention  
2843 staff shall immediately notify the appropriate law enforcement  
2844 agency, school personnel, and victim if the juvenile is charged  
2845 with committing any of the following offenses or attempting to  
2846 commit any of the following offenses:

- 2847 1. Murder, under s. 782.04;  
2848 2. Sexual battery, under chapter 794;  
2849 3. Stalking, under s. 784.048; or  
2850 4. Domestic violence, as defined in s. 741.28.

2851 (4) (a) While a child who is currently enrolled in school is  
2852 in supervised release ~~nonsecure~~ detention care, the child shall  
2853 continue to attend school unless otherwise ordered by the court.



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2854 Section 63. Effective July 1, 2019, paragraph (b) of  
2855 subsection (1) of section 985.35, Florida Statutes, is amended  
2856 to read:

2857 985.35 Adjudicatory hearings; withheld adjudications;  
2858 orders of adjudication.-

2859 (1)

2860 (b) If the child is a prolific juvenile offender under s.  
2861 985.255(1)(f) ~~985.255(1)(j)~~, the adjudicatory hearing must be  
2862 held within 45 days after the child is taken into custody unless  
2863 a delay is requested by the child.

2864 Section 64. Effective July 1, 2019, subsections (2) and (4)  
2865 of section 985.439, Florida Statutes, are amended to read:

2866 985.439 Violation of probation or postcommitment  
2867 probation.-

2868 (2) A child taken into custody under s. 985.101 for  
2869 violating the conditions of probation shall be screened and  
2870 detained or released based on his or her risk assessment  
2871 instrument score ~~or postcommitment probation shall be held in a~~  
2872 ~~consequence unit if such a unit is available. The child shall be~~  
2873 ~~afforded a hearing within 24 hours after being taken into~~  
2874 ~~eustody to determine the existence of probable cause that the~~  
2875 ~~child violated the conditions of probation or postcommitment~~  
2876 ~~probation. A consequence unit is a secure facility specifically~~  
2877 ~~designated by the department for children who are taken into~~  
2878 ~~eustody under s. 985.101 for violating probation or~~  
2879 ~~postcommitment probation, or who have been found by the court to~~  
2880 ~~have violated the conditions of probation or postcommitment~~  
2881 ~~probation. If the violation involves a new charge of~~  
2882 ~~delinquency, the child may be detained under part V in a~~



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2883 ~~facility other than a consequence unit. If the child is not~~  
2884 ~~eligible for detention for the new charge of delinquency, the~~  
2885 ~~child may be held in the consequence unit pending a hearing and~~  
2886 ~~is subject to the time limitations specified in part V.~~

2887 (4) Upon the child's admission, or if the court finds after  
2888 a hearing that the child has violated the conditions of  
2889 probation or postcommitment probation, the court shall enter an  
2890 order revoking, modifying, or continuing probation or  
2891 postcommitment probation. In each such case, the court shall  
2892 enter a new disposition order and, in addition to the sanctions  
2893 set forth in this section, may impose any sanction the court  
2894 could have imposed at the original disposition hearing. If the  
2895 child is found to have violated the conditions of probation or  
2896 postcommitment probation, the court may:

2897 ~~(a) Place the child in a consequence unit in that judicial~~  
2898 ~~circuit, if available, for up to 5 days for a first violation~~  
2899 ~~and up to 15 days for a second or subsequent violation.~~

2900 ~~(a)(b)~~ Place the child in supervised release nonsecure  
2901 detention with electronic monitoring. ~~However, this sanction may~~  
2902 ~~be used only if a residential consequence unit is not available.~~

2903 ~~(b)(c)~~ If the violation of probation is technical in nature  
2904 and not a new violation of law, place the child in an  
2905 alternative consequence program designed to provide swift and  
2906 appropriate consequences to any further violations of probation.

2907 1. Alternative consequence programs shall be established,  
2908 within existing resources, at the local level in coordination  
2909 with law enforcement agencies, the chief judge of the circuit,  
2910 the state attorney, and the public defender.

2911 2. Alternative consequence programs may be operated by an



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2912 entity such as a law enforcement agency, the department, a  
2913 juvenile assessment center, a county or municipality, or another  
2914 entity selected by the department.

2915 3. Upon placing a child in an alternative consequence  
2916 program, the court must approve specific consequences for  
2917 specific violations of the conditions of probation.

2918 (c) ~~(d)~~ Modify or continue the child's probation program or  
2919 postcommitment probation program.

2920 (d) ~~(e)~~ Revoke probation or postcommitment probation and  
2921 commit the child to the department.

2922 Section 65. Effective July 1, 2019, paragraph (a) of  
2923 subsection (9) of section 985.601, Florida Statutes, is amended  
2924 to read:

2925 985.601 Administering the juvenile justice continuum.—

2926 (9) (a) The department shall operate a statewide, regionally  
2927 administered system of detention services for children, in  
2928 accordance with a comprehensive plan for the regional  
2929 administration of all detention services in the state. The plan  
2930 must provide for the maintenance of adequate availability of  
2931 detention services for all counties. The plan must cover all the  
2932 department's operating circuits, with each operating circuit  
2933 having access to a secure facility and supervised release  
2934 ~~nonsecure~~ detention programs, and the plan may be altered or  
2935 modified by the Department of Juvenile Justice as necessary.

2936 Section 66. Subsections (3) and (7) of section 985.672,  
2937 Florida Statutes, are amended to read:

2938 985.672 Direct-support organization; definition; use of  
2939 property; board of directors; audit.—

2940 (3) BOARD OF DIRECTORS.—The Secretary of Juvenile Justice



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2941 shall appoint a board of directors of the direct-support  
2942 organization. The board members shall be appointed according to  
2943 the organization's bylaws ~~Members of the organization must~~  
2944 ~~include representatives from businesses, representatives from~~  
2945 ~~each of the juvenile justice service districts, and one~~  
2946 ~~representative appointed at large.~~

2947 ~~(7) REPEAL. This section is repealed October 1, 2018,~~  
2948 ~~unless reviewed and saved from repeal by the Legislature.~~

2949 Section 67. Paragraphs (b), (e), and (f) of subsection (3)  
2950 of section 921.0022, Florida Statutes, are amended to read:

2951 921.0022 Criminal Punishment Code; offense severity ranking  
2952 chart.-

2953 (3) OFFENSE SEVERITY RANKING CHART

2954 (b) LEVEL 2

2955

Florida Statute	Felony Degree	Description
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2956

379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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2957

379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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2958

403.413 (6) (c)	3rd	Dumps waste litter exceeding
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2959			500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
2960	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
2961	590.28(1)	3rd	Intentional burning of lands.
2962	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2963	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2964	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2965	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.





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2966	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
2967	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; <u>\$1,000</u> <del>\$300</del> or more but less than \$5,000.
2968	812.014(2)(d)	3rd	Grand theft, 3rd degree; <u>\$1,000</u> <del>\$100</del> or more but less than <u>\$5,000</u> <del>\$300</del> , taken from unenclosed curtilage of dwelling.
2969	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2970	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
2971	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
	817.52(3)	3rd	Failure to redeliver hired vehicle.



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2972	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2973	817.60 (5)	3rd	Dealing in credit cards of another.
2974	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
2975	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
2976	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2977	831.01	3rd	Forgery.
2978	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2979	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2980	831.08	3rd	Possessing 10 or more forged



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2981			notes, bills, checks, or drafts.
2982	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2983	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
2984	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
2985	843.08	3rd	False personation.
2986	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs other than cannabis.
2987	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
2988			
2989	(e) LEVEL 5		
2990			



	Florida Statute	Felony Degree	Description
2991	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
2992	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
2993	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
2994	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2995	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
2996	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving



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2997			away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
2998			
	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
2999			
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3000			
	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
3001			
	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3002			
	440.381(2)	2nd	Submission of false,



3003			misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3004			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
3005			
	790.01 (2)	3rd	Carrying a concealed firearm.
3006			
	790.162	2nd	Threat to throw or discharge destructive device.
3007			
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3008			
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
3009			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.



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3010	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
3011	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3012	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3013	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
3014	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3015	812.015(8)	3rd	Retail theft; property stolen is valued at <u>\$1,000</u> <del>\$300</del> or more and one or more specified acts.
3016	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
3017			



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3018	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3019	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
3020	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3021	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3022	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
3023	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.





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3024	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3025	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
3026	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
3027	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
3028	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.



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3029	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
3030	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
3031	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
3032	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
3033	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
3034	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
3035	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.



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3036

893.13(1)(c)2.            2nd    Sell, manufacture, or deliver  
cannabis (or other s.  
893.03(1)(c), (2)(c)1.,  
(2)(c)2., (2)(c)3., (2)(c)5.,  
(2)(c)6., (2)(c)7., (2)(c)8.,  
(2)(c)9., (3), or (4) drugs)  
within 1,000 feet of a child  
care facility, school, or  
state, county, or municipal  
park or publicly owned  
recreational facility or  
community center.

3037

893.13(1)(d)1.           1st    Sell, manufacture, or deliver  
cocaine (or other s.  
893.03(1)(a), (1)(b), (1)(d),  
(2)(a), (2)(b), or (2)(c)4.  
drugs) within 1,000 feet of  
university.

3038

893.13(1)(e)2.           2nd    Sell, manufacture, or deliver  
cannabis or other drug  
prohibited under s.  
893.03(1)(c), (2)(c)1.,  
(2)(c)2., (2)(c)3., (2)(c)5.,  
(2)(c)6., (2)(c)7., (2)(c)8.,  
(2)(c)9., (3), or (4) within



3039			1,000 feet of property used for religious services or a specified business site.
	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.
3040			
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
3041			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
3042			
3043			
3044	(f) LEVEL 6		
3045			
	Florida Statute	Felony Degree	Description
3046			
	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
3047			



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3048	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
3049	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3050	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
3051	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
3052	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3053	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3054	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3055	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.



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3056	784.041	3rd	Felony battery; domestic battery by strangulation.
3057	784.048 (3)	3rd	Aggravated stalking; credible threat.
3058	784.048 (5)	3rd	Aggravated stalking of person under 16.
3059	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3060	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3061	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3062	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3063	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3064	784.083 (2)	2nd	Aggravated assault on code inspector.



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3065	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3066	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
3067	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3068	790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
3069	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
3070	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
	794.05(1)	2nd	Unlawful sexual activity with specified minor.



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3071	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
3072	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3073	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
3074	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3075	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3076	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3077	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
3078			





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3079	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
3080	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
3081	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3082	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
3083	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
3084	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3085	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
3086	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
	825.103 (3) (c)	3rd	Exploiting an elderly person or



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3087			disabled adult and property is valued at less than \$10,000.
3088	827.03 (2) (c)	3rd	Abuse of a child.
3089	827.03 (2) (d)	3rd	Neglect of a child.
3090	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3091	836.05	2nd	Threats; extortion.
3092	836.10	2nd	Written threats to kill or do bodily injury.
3093	843.12	3rd	Aids or assists person to escape.
3094	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3095	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
	847.0135 (2)	3rd	Facilitates sexual conduct of



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3096			or with a minor or the visual depiction of such conduct.
914.23	2nd		Retaliation against a witness, victim, or informant, with bodily injury.
3097			
944.35 (3) (a) 2.	3rd		Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
3098			
944.40	2nd		Escapes.
3099			
944.46	3rd		Harboring, concealing, aiding escaped prisoners.
3100			
944.47 (1) (a) 5.	2nd		Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
3101			
<u>951.22</u>	3rd		<u>Introduction of contraband into county detention facility</u>
<u>(1) (h) - (k)</u>			
<del>951.22(1)</del>			<del>Intoxicating drug, firearm, or weapon introduced into county facility.</del>
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Section 68. Paragraph (a) of subsection (1) and paragraph (c) of subsection (2) of section 985.557, Florida Statutes, are amended to read:

985.557 Direct filing of an information; discretionary and mandatory criteria.—

(1) DISCRETIONARY DIRECT FILE.—

(a) With respect to any child who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is for the commission of, attempt to commit, or conspiracy to commit:

1. Arson;
2. Sexual battery;
3. Robbery;
4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary in violation of s. 810.02(2)(b) or specified burglary of a dwelling or structure in violation of s. 810.02(2)(c), or burglary with an assault or battery in violation of s. 810.02(2)(a);



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3132 12. Aggravated battery;

3133 13. Any lewd or lascivious offense committed upon or in the  
3134 presence of a person less than 16 years of age;

3135 14. Carrying, displaying, using, threatening, or attempting  
3136 to use a weapon or firearm during the commission of a felony;

3137 15. Grand theft in violation of s. 812.014(2)(a);

3138 16. Possessing or discharging any weapon or firearm on  
3139 school property in violation of s. 790.115;

3140 17. Home invasion robbery;

3141 18. Carjacking; or

3142 19. Grand theft of a motor vehicle in violation of s.  
3143 812.014(2)(c)5. ~~s. 812.014(2)(e)6.~~ or grand theft of a motor  
3144 vehicle valued at \$20,000 or more in violation of s.  
3145 812.014(2)(b) if the child has a previous adjudication for grand  
3146 theft of a motor vehicle in violation of s. 812.014(2)(c)5. ~~s.~~  
3147 ~~812.014(2)(e)6.~~ or s. 812.014(2)(b).

3148 (2) MANDATORY DIRECT FILE.—

3149 (c) The state attorney must file an information if a child,  
3150 regardless of the child's age at the time the alleged offense  
3151 was committed, is alleged to have committed an act that would be  
3152 a violation of law if the child were an adult, that involves  
3153 stealing a motor vehicle, including, but not limited to, a  
3154 violation of s. 812.133, relating to carjacking, or s.  
3155 812.014(2)(c)5. ~~s. 812.014(2)(e)6.~~, relating to grand theft of a  
3156 motor vehicle, and while the child was in possession of the  
3157 stolen motor vehicle the child caused serious bodily injury to  
3158 or the death of a person who was not involved in the underlying  
3159 offense. For purposes of this section, the driver and all  
3160 willing passengers in the stolen motor vehicle at the time such



3161 serious bodily injury or death is inflicted shall also be  
3162 subject to mandatory transfer to adult court. "Stolen motor  
3163 vehicle," for the purposes of this section, means a motor  
3164 vehicle that has been the subject of any criminal wrongful  
3165 taking. For purposes of this section, "willing passengers" means  
3166 all willing passengers who have participated in the underlying  
3167 offense.

3168 Section 69. For the purpose of incorporating the amendment  
3169 made by this act to section 812.014, Florida Statutes, in a  
3170 reference thereto, subsection (10) of section 95.18, Florida  
3171 Statutes, is reenacted to read:

3172 95.18 Real property actions; adverse possession without  
3173 color of title.—

3174 (10) A person who occupies or attempts to occupy a  
3175 residential structure solely by claim of adverse possession  
3176 under this section and offers the property for lease to another  
3177 commits theft under s. 812.014.

3178 Section 70. For the purpose of incorporating the amendment  
3179 made by this act to section 812.014, Florida Statutes, in a  
3180 reference thereto, paragraph (c) of subsection (3) of section  
3181 373.6055, Florida Statutes, is reenacted to read:

3182 373.6055 Criminal history checks for certain water  
3183 management district employees and others.—

3184 (3)

3185 (c) In addition to other requirements for employment or  
3186 access established by any water management district pursuant to  
3187 its water management district's security plan for buildings,  
3188 facilities, and structures, each water management district's  
3189 security plan shall provide that:



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3190           1. Any person who has within the past 7 years been  
3191 convicted, regardless of whether adjudication was withheld, for  
3192 a forcible felony as defined in s. 776.08; an act of terrorism  
3193 as defined in s. 775.30; planting of a hoax bomb as provided in  
3194 s. 790.165; any violation involving the manufacture, possession,  
3195 sale, delivery, display, use, or attempted or threatened use of  
3196 a weapon of mass destruction or hoax weapon of mass destruction  
3197 as provided in s. 790.166; dealing in stolen property; any  
3198 violation of s. 893.135; any violation involving the sale,  
3199 manufacturing, delivery, or possession with intent to sell,  
3200 manufacture, or deliver a controlled substance; burglary;  
3201 robbery; any felony violation of s. 812.014; any violation of s.  
3202 790.07; any crime an element of which includes use or possession  
3203 of a firearm; any conviction for any similar offenses under the  
3204 laws of another jurisdiction; or conviction for conspiracy to  
3205 commit any of the listed offenses may not be qualified for  
3206 initial employment within or authorized regular access to  
3207 buildings, facilities, or structures defined in the water  
3208 management district's security plan as restricted access areas.

3209           2. Any person who has at any time been convicted of any of  
3210 the offenses listed in subparagraph 1. may not be qualified for  
3211 initial employment within or authorized regular access to  
3212 buildings, facilities, or structures defined in the water  
3213 management district's security plan as restricted access areas  
3214 unless, after release from incarceration and any supervision  
3215 imposed as a sentence, the person remained free from a  
3216 subsequent conviction, regardless of whether adjudication was  
3217 withheld, for any of the listed offenses for a period of at  
3218 least 7 years prior to the employment or access date under



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3219 consideration.

3220 Section 71. For the purpose of incorporating the amendment  
3221 made by this act to section 812.014, Florida Statutes, in a  
3222 reference thereto, subsection (3) of section 400.9935, Florida  
3223 Statutes, is reenacted to read:

3224 400.9935 Clinic responsibilities.—

3225 (3) A charge or reimbursement claim made by or on behalf of  
3226 a clinic that is required to be licensed under this part but  
3227 that is not so licensed, or that is otherwise operating in  
3228 violation of this part, regardless of whether a service is  
3229 rendered or whether the charge or reimbursement claim is paid,  
3230 is an unlawful charge and is noncompensable and unenforceable. A  
3231 person who knowingly makes or causes to be made an unlawful  
3232 charge commits theft within the meaning of and punishable as  
3233 provided in s. 812.014.

3234 Section 72. For the purpose of incorporating the amendment  
3235 made by this act to section 812.014, Florida Statutes, in a  
3236 reference thereto, paragraph (g) of subsection (17) of section  
3237 409.910, Florida Statutes, is reenacted to read:

3238 409.910 Responsibility for payments on behalf of Medicaid-  
3239 eligible persons when other parties are liable.—

3240 (17)

3241 (g) The agency may investigate and request appropriate  
3242 officers or agencies of the state to investigate suspected  
3243 criminal violations or fraudulent activity related to third-  
3244 party benefits, including, without limitation, ss. 414.39 and  
3245 812.014. Such requests may be directed, without limitation, to  
3246 the Medicaid Fraud Control Unit of the Office of the Attorney  
3247 General or to any state attorney. Pursuant to s. 409.913, the





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3248 Attorney General has primary responsibility to investigate and  
3249 control Medicaid fraud.

3250 Section 73. For the purpose of incorporating the amendment  
3251 made by this act to section 812.014, Florida Statutes, in a  
3252 reference thereto, subsection (4) of section 489.126, Florida  
3253 Statutes, is reenacted to read:

3254 489.126 Moneys received by contractors.—

3255 (4) Any person who violates any provision of this section  
3256 is guilty of theft and shall be prosecuted and punished under s.  
3257 812.014.

3258 Section 74. For the purpose of incorporating the amendment  
3259 made by this act to section 812.015, Florida Statutes, in a  
3260 reference thereto, subsection (5) of section 538.09, Florida  
3261 Statutes, is reenacted to read:

3262 538.09 Registration.—

3263 (5) In addition to the fine provided in subsection (4),  
3264 registration under this section may be denied or any  
3265 registration granted may be revoked, restricted, or suspended by  
3266 the department if the department determines that the applicant  
3267 or registrant:

3268 (a) Has violated any provision of this chapter or any rule  
3269 or order made pursuant to this chapter;

3270 (b) Has made a material false statement in the application  
3271 for registration;

3272 (c) Has been guilty of a fraudulent act in connection with  
3273 any purchase or sale or has been or is engaged in or is about to  
3274 engage in any practice, purchase, or sale which is fraudulent or  
3275 in violation of the law;

3276 (d) Has made a misrepresentation or false statement to, or



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3277 concealed any essential or material fact from, any person in  
3278 making any purchase or sale;

3279 (e) Is making purchases or sales through any business  
3280 associate not registered in compliance with the provisions of  
3281 this chapter;

3282 (f) Has, within the preceding 10-year period for new  
3283 registrants who apply for registration on or after October 1,  
3284 2006, been convicted of, or has entered a plea of guilty or nolo  
3285 contendere to, or had adjudication withheld for, a crime against  
3286 the laws of this state or any other state or of the United  
3287 States which relates to registration as a secondhand dealer or  
3288 which involves theft, larceny, dealing in stolen property,  
3289 receiving stolen property, burglary, embezzlement, obtaining  
3290 property by false pretenses, possession of altered property, any  
3291 felony drug offense, any violation of s. 812.015, or any  
3292 fraudulent dealing;

3293 (g) Has had a final judgment entered against her or him in  
3294 a civil action upon grounds of fraud, embezzlement,  
3295 misrepresentation, or deceit; or

3296 (h) Has failed to pay any sales tax owed to the Department  
3297 of Revenue.

3298

3299 In the event the department determines to deny an application or  
3300 revoke a registration, it shall enter a final order with its  
3301 findings on the register of secondhand dealers and their  
3302 business associates, if any; and denial, suspension, or  
3303 revocation of the registration of a secondhand dealer shall also  
3304 deny, suspend, or revoke the registration of such secondhand  
3305 dealer's business associates.



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3306           Section 75. For the purpose of incorporating the amendment  
3307 made by this act to section 812.014, Florida Statutes, in a  
3308 reference thereto, subsection (2) of section 538.23, Florida  
3309 Statutes, is reenacted to read:

3310           538.23 Violations and penalties.—

3311           (2) A secondary metals recycler is presumed to know upon  
3312 receipt of stolen regulated metals property in a purchase  
3313 transaction that the regulated metals property has been stolen  
3314 from another if the secondary metals recycler knowingly and  
3315 intentionally fails to maintain the information required in s.  
3316 538.19 and shall, upon conviction of a violation of s. 812.015,  
3317 be punished as provided in s. 812.014(2) or (3).

3318           Section 76. For the purpose of incorporating the amendment  
3319 made by this act to section 812.014, Florida Statutes, in a  
3320 reference thereto, subsection (10) of section 550.6305, Florida  
3321 Statutes, is reenacted to read:

3322           550.6305 Intertrack wagering; guest track payments;  
3323 accounting rules.—

3324           (10) All races or games conducted at a permitholder's  
3325 facility, all broadcasts of such races or games, and all  
3326 broadcast rights relating thereto are owned by the permitholder  
3327 at whose facility such races or games are conducted and  
3328 constitute the permitholder's property as defined in s.  
3329 812.012(4). Transmission, reception of a transmission,  
3330 exhibition, use, or other appropriation of such races or games,  
3331 broadcasts of such races or games, or broadcast rights relating  
3332 thereto without the written consent of the permitholder  
3333 constitutes a theft of such property under s. 812.014; and in  
3334 addition to the penal sanctions contained in s. 812.014, the



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3335 permitholder has the right to avail itself of the civil remedies  
3336 specified in ss. 772.104, 772.11, and 812.035 in addition to any  
3337 other remedies available under applicable state or federal law.

3338 Section 77. For the purpose of incorporating the amendment  
3339 made by this act to section 812.014, Florida Statutes, in a  
3340 reference thereto, subsection (2) of section 634.319, Florida  
3341 Statutes, is reenacted to read:

3342 634.319 Reporting and accounting for funds.—

3343 (2) Any sales representative who, not being entitled  
3344 thereto, diverts or appropriates such funds or any portion  
3345 thereof to her or his own use is, upon conviction, guilty of  
3346 theft, punishable as provided in s. 812.014.

3347 Section 78. For the purpose of incorporating the amendment  
3348 made by this act to section 812.014, Florida Statutes, in a  
3349 reference thereto, subsection (2) of section 634.421, Florida  
3350 Statutes, is reenacted to read:

3351 634.421 Reporting and accounting for funds.—

3352 (2) Any sales representative who, not being entitled  
3353 thereto, diverts or appropriates funds or any portion thereof to  
3354 her or his own use commits theft as provided in s. 812.014.

3355 Section 79. For the purpose of incorporating the amendment  
3356 made by this act to section 812.014, Florida Statutes, in a  
3357 reference thereto, subsection (3) of section 636.238, Florida  
3358 Statutes, is reenacted to read:

3359 636.238 Penalties for violation of this part.—

3360 (3) A person who collects fees for purported membership in  
3361 a discount plan but purposefully fails to provide the promised  
3362 benefits commits a theft, punishable as provided in s. 812.014.

3363 Section 80. For the purpose of incorporating the amendment



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3364 made by this act to section 812.014, Florida Statutes, in a  
3365 reference thereto, subsection (2) of section 642.038, Florida  
3366 Statutes, is reenacted to read:

3367 642.038 Reporting and accounting for funds.—

3368 (2) Any sales representative who, not being entitled  
3369 thereto, diverts or appropriates such funds or any portion  
3370 thereof to his or her own use commits theft as provided in s.  
3371 812.014.

3372 Section 81. For the purpose of incorporating the amendment  
3373 made by this act to section 812.014, Florida Statutes, in a  
3374 reference thereto, subsection (4) of section 705.102, Florida  
3375 Statutes, is reenacted to read:

3376 705.102 Reporting lost or abandoned property.—

3377 (4) Any person who unlawfully appropriates such lost or  
3378 abandoned property to his or her own use or refuses to deliver  
3379 such property when required commits theft as defined in s.  
3380 812.014, punishable as provided in s. 775.082, s. 775.083, or s.  
3381 775.084.

3382 Section 82. For the purpose of incorporating the amendment  
3383 made by this act to section 812.014, Florida Statutes, in a  
3384 reference thereto, paragraph (d) of subsection (1) of section  
3385 718.111, Florida Statutes, is reenacted to read:

3386 718.111 The association.—

3387 (1) CORPORATE ENTITY.—

3388 (d) As required by s. 617.0830, an officer, director, or  
3389 agent shall discharge his or her duties in good faith, with the  
3390 care an ordinarily prudent person in a like position would  
3391 exercise under similar circumstances, and in a manner he or she  
3392 reasonably believes to be in the interests of the association.



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3393 An officer, director, or agent shall be liable for monetary  
3394 damages as provided in s. 617.0834 if such officer, director, or  
3395 agent breached or failed to perform his or her duties and the  
3396 breach of, or failure to perform, his or her duties constitutes  
3397 a violation of criminal law as provided in s. 617.0834;  
3398 constitutes a transaction from which the officer or director  
3399 derived an improper personal benefit, either directly or  
3400 indirectly; or constitutes recklessness or an act or omission  
3401 that was in bad faith, with malicious purpose, or in a manner  
3402 exhibiting wanton and willful disregard of human rights, safety,  
3403 or property. Forgery of a ballot envelope or voting certificate  
3404 used in a condominium association election is punishable as  
3405 provided in s. 831.01, the theft or embezzlement of funds of a  
3406 condominium association is punishable as provided in s. 812.014,  
3407 and the destruction of or the refusal to allow inspection or  
3408 copying of an official record of a condominium association that  
3409 is accessible to unit owners within the time periods required by  
3410 general law in furtherance of any crime is punishable as  
3411 tampering with physical evidence as provided in s. 918.13 or as  
3412 obstruction of justice as provided in chapter 843. An officer or  
3413 director charged by information or indictment with a crime  
3414 referenced in this paragraph must be removed from office, and  
3415 the vacancy shall be filled as provided in s. 718.112(2)(d)2.  
3416 until the end of the officer's or director's period of  
3417 suspension or the end of his or her term of office, whichever  
3418 occurs first. If a criminal charge is pending against the  
3419 officer or director, he or she may not be appointed or elected  
3420 to a position as an officer or a director of any association and  
3421 may not have access to the official records of any association,



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3422 except pursuant to a court order. However, if the charges are  
3423 resolved without a finding of guilt, the officer or director  
3424 must be reinstated for the remainder of his or her term of  
3425 office, if any.

3426 Section 83. For the purpose of incorporating the amendment  
3427 made by this act to section 812.014, Florida Statutes, in a  
3428 reference thereto, subsection (2) of section 812.015, Florida  
3429 Statutes, is reenacted to read:

3430 812.015 Retail and farm theft; transit fare evasion;  
3431 mandatory fine; alternative punishment; detention and arrest;  
3432 exemption from liability for false arrest; resisting arrest;  
3433 penalties.—

3434 (2) Upon a second or subsequent conviction for petit theft  
3435 from a merchant, farmer, or transit agency, the offender shall  
3436 be punished as provided in s. 812.014(3), except that the court  
3437 shall impose a fine of not less than \$50 or more than \$1,000.  
3438 However, in lieu of such fine, the court may require the  
3439 offender to perform public services designated by the court. In  
3440 no event shall any such offender be required to perform fewer  
3441 than the number of hours of public service necessary to satisfy  
3442 the fine assessed by the court, as provided by this subsection,  
3443 at the minimum wage prevailing in the state at the time of  
3444 sentencing.

3445 Section 84. For the purpose of incorporating the amendment  
3446 made by this act to section 812.014, Florida Statutes, in  
3447 references thereto, subsections (1) and (2) of section 812.0155,  
3448 Florida Statutes, are reenacted to read:

3449 812.0155 Suspension of driver license following an  
3450 adjudication of guilt for theft.—



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3451 (1) Except as provided in subsections (2) and (3), the  
3452 court may order the suspension of the driver license of each  
3453 person adjudicated guilty of any misdemeanor violation of s.  
3454 812.014 or s. 812.015, regardless of the value of the property  
3455 stolen. Upon ordering the suspension of the driver license of  
3456 the person adjudicated guilty, the court shall forward the  
3457 driver license of the person adjudicated guilty to the  
3458 Department of Highway Safety and Motor Vehicles in accordance  
3459 with s. 322.25.

3460 (a) The first suspension of a driver license under this  
3461 subsection shall be for a period of up to 6 months.

3462 (b) A second or subsequent suspension of a driver license  
3463 under this subsection shall be for 1 year.

3464 (2) The court may revoke, suspend, or withhold issuance of  
3465 a driver license of a person less than 18 years of age who  
3466 violates s. 812.014 or s. 812.015 as an alternative to  
3467 sentencing the person to:

3468 (a) Probation as defined in s. 985.03 or commitment to the  
3469 Department of Juvenile Justice, if the person is adjudicated  
3470 delinquent for such violation and has not previously been  
3471 convicted of or adjudicated delinquent for any criminal offense,  
3472 regardless of whether adjudication was withheld.

3473 (b) Probation as defined in s. 985.03, commitment to the  
3474 Department of Juvenile Justice, probation as defined in chapter  
3475 948, community control, or incarceration, if the person is  
3476 convicted as an adult of such violation and has not previously  
3477 been convicted of or adjudicated delinquent for any criminal  
3478 offense, regardless of whether adjudication was withheld.

3479 Section 85. For the purpose of incorporating the amendment





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3480 made by this act to section 812.014, Florida Statutes, in  
3481 references thereto, subsections (4), (7), and (8) of section  
3482 812.14, Florida Statutes, are reenacted to read:

3483       812.14 Trespass and larceny with relation to utility  
3484 fixtures; theft of utility services.-

3485       (4) A person who willfully violates subsection (2) commits  
3486 theft, punishable as provided in s. 812.014.

3487       (7) An owner, lessor, or sublessor who willfully violates  
3488 subsection (5) commits a misdemeanor of the first degree,  
3489 punishable as provided in s. 775.082 or s. 775.083. Prosecution  
3490 for a violation of subsection (5) does not preclude prosecution  
3491 for theft pursuant to subsection (8) or s. 812.014.

3492       (8) Theft of utility services for the purpose of  
3493 facilitating the manufacture of a controlled substance is theft,  
3494 punishable as provided in s. 812.014.

3495       Section 86. For the purpose of incorporating the amendment  
3496 made by this act to section 812.014, Florida Statutes, in a  
3497 reference thereto, subsection (3) of section 893.138, Florida  
3498 Statutes, is reenacted to read:

3499       893.138 Local administrative action to abate drug-related,  
3500 prostitution-related, or stolen-property-related public  
3501 nuisances and criminal gang activity.-

3502       (3) Any pain-management clinic, as described in s. 458.3265  
3503 or s. 459.0137, which has been used on more than two occasions  
3504 within a 6-month period as the site of a violation of:

3505       (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,  
3506 relating to assault and battery;

3507       (b) Section 810.02, relating to burglary;

3508       (c) Section 812.014, relating to theft;



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3509 (d) Section 812.131, relating to robbery by sudden  
3510 snatching; or

3511 (e) Section 893.13, relating to the unlawful distribution  
3512 of controlled substances,

3513  
3514 may be declared to be a public nuisance, and such nuisance may  
3515 be abated pursuant to the procedures provided in this section.

3516 Section 87. For the purpose of incorporating the amendment  
3517 made by this act to section 812.014, Florida Statutes, in a  
3518 reference thereto, paragraph (b) of subsection (3) of section  
3519 943.051, Florida Statutes, is reenacted to read:

3520 943.051 Criminal justice information; collection and  
3521 storage; fingerprinting.—

3522 (3)

3523 (b) A minor who is charged with or found to have committed  
3524 the following offenses shall be fingerprinted and the  
3525 fingerprints shall be submitted electronically to the  
3526 department, unless the minor is issued a civil citation pursuant  
3527 to s. 985.12:

3528 1. Assault, as defined in s. 784.011.

3529 2. Battery, as defined in s. 784.03.

3530 3. Carrying a concealed weapon, as defined in s. 790.01(1).

3531 4. Unlawful use of destructive devices or bombs, as defined  
3532 in s. 790.1615(1).

3533 5. Neglect of a child, as defined in s. 827.03(1)(e).

3534 6. Assault or battery on a law enforcement officer, a  
3535 firefighter, or other specified officers, as defined in s.  
3536 784.07(2)(a) and (b).

3537 7. Open carrying of a weapon, as defined in s. 790.053.



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- 3538           8. Exposure of sexual organs, as defined in s. 800.03.
- 3539           9. Unlawful possession of a firearm, as defined in s.
- 3540 790.22(5).
- 3541           10. Petit theft, as defined in s. 812.014(3).
- 3542           11. Cruelty to animals, as defined in s. 828.12(1).
- 3543           12. Arson, as defined in s. 806.031(1).
- 3544           13. Unlawful possession or discharge of a weapon or firearm
- 3545 at a school-sponsored event or on school property, as provided
- 3546 in s. 790.115.
- 3547           Section 88. For the purpose of incorporating the amendment
- 3548 made by this act to section 812.014, Florida Statutes, in a
- 3549 reference thereto, paragraph (b) of subsection (1) of section
- 3550 985.11, Florida Statutes, is reenacted to read:
- 3551           985.11 Fingerprinting and photographing.—
- 3552           (1)
- 3553           (b) Unless the child is issued a civil citation or is
- 3554 participating in a similar diversion program pursuant to s.
- 3555 985.12, a child who is charged with or found to have committed
- 3556 one of the following offenses shall be fingerprinted, and the
- 3557 fingerprints shall be submitted to the Department of Law
- 3558 Enforcement as provided in s. 943.051(3)(b):
- 3559           1. Assault, as defined in s. 784.011.
- 3560           2. Battery, as defined in s. 784.03.
- 3561           3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 3562           4. Unlawful use of destructive devices or bombs, as defined
- 3563 in s. 790.1615(1).
- 3564           5. Neglect of a child, as defined in s. 827.03(1)(e).
- 3565           6. Assault on a law enforcement officer, a firefighter, or
- 3566 other specified officers, as defined in s. 784.07(2)(a).



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- 3567 7. Open carrying of a weapon, as defined in s. 790.053.
- 3568 8. Exposure of sexual organs, as defined in s. 800.03.
- 3569 9. Unlawful possession of a firearm, as defined in s.
- 3570 790.22(5).
- 3571 10. Petit theft, as defined in s. 812.014.
- 3572 11. Cruelty to animals, as defined in s. 828.12(1).
- 3573 12. Arson, resulting in bodily harm to a firefighter, as
- 3574 defined in s. 806.031(1).
- 3575 13. Unlawful possession or discharge of a weapon or firearm
- 3576 at a school-sponsored event or on school property as defined in
- 3577 s. 790.115.

3578

3579 A law enforcement agency may fingerprint and photograph a child  
3580 taken into custody upon probable cause that such child has  
3581 committed any other violation of law, as the agency deems  
3582 appropriate. Such fingerprint records and photographs shall be  
3583 retained by the law enforcement agency in a separate file, and  
3584 these records and all copies thereof must be marked "Juvenile  
3585 Confidential." These records are not available for public  
3586 disclosure and inspection under s. 119.07(1) except as provided  
3587 in ss. 943.053 and 985.04(2), but shall be available to other  
3588 law enforcement agencies, criminal justice agencies, state  
3589 attorneys, the courts, the child, the parents or legal  
3590 custodians of the child, their attorneys, and any other person  
3591 authorized by the court to have access to such records. In  
3592 addition, such records may be submitted to the Department of Law  
3593 Enforcement for inclusion in the state criminal history records  
3594 and used by criminal justice agencies for criminal justice  
3595 purposes. These records may, in the discretion of the court, be



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3596 open to inspection by anyone upon a showing of cause. The  
3597 fingerprint and photograph records shall be produced in the  
3598 court whenever directed by the court. Any photograph taken  
3599 pursuant to this section may be shown by a law enforcement  
3600 officer to any victim or witness of a crime for the purpose of  
3601 identifying the person who committed such crime.

3602 Section 89. For the purpose of incorporating the amendment  
3603 made by this act to section 893.135, Florida Statutes, in a  
3604 reference thereto, subsection (2) of section 772.12, Florida  
3605 Statutes, is reenacted to read:

3606 772.12 Drug Dealer Liability Act.—

3607 (2) A person, including any governmental entity, has a  
3608 cause of action for threefold the actual damages sustained and  
3609 is entitled to minimum damages in the amount of \$1,000 and  
3610 reasonable attorney's fees and court costs in the trial and  
3611 appellate courts, if the person proves by the greater weight of  
3612 the evidence that:

3613 (a) The person was injured because of the defendant's  
3614 actions that resulted in the defendant's conviction for:

3615 1. A violation of s. 893.13, except for a violation of s.  
3616 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

3617 2. A violation of s. 893.135; and

3618 (b) The person was not injured by reason of his or her  
3619 participation in the same act or transaction that resulted in  
3620 the defendant's conviction for any offense described in  
3621 subparagraph (a)1.

3622 Section 90. For the purpose of incorporating the amendment  
3623 made by this act to section 893.135, Florida Statutes, in  
3624 references thereto, paragraph (a) of subsection (2) and



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3625 paragraph (a) of subsection (3) of section 775.087, Florida  
3626 Statutes, are reenacted to read:  
3627       775.087 Possession or use of weapon; aggravated battery;  
3628 felony reclassification; minimum sentence.-  
3629       (2) (a) 1. Any person who is convicted of a felony or an  
3630 attempt to commit a felony, regardless of whether the use of a  
3631 weapon is an element of the felony, and the conviction was for:  
3632       a. Murder;  
3633       b. Sexual battery;  
3634       c. Robbery;  
3635       d. Burglary;  
3636       e. Arson;  
3637       f. Aggravated battery;  
3638       g. Kidnapping;  
3639       h. Escape;  
3640       i. Aircraft piracy;  
3641       j. Aggravated child abuse;  
3642       k. Aggravated abuse of an elderly person or disabled adult;  
3643       l. Unlawful throwing, placing, or discharging of a  
3644 destructive device or bomb;  
3645       m. Carjacking;  
3646       n. Home-invasion robbery;  
3647       o. Aggravated stalking;  
3648       p. Trafficking in cannabis, trafficking in cocaine, capital  
3649 importation of cocaine, trafficking in illegal drugs, capital  
3650 importation of illegal drugs, trafficking in phencyclidine,  
3651 capital importation of phencyclidine, trafficking in  
3652 methaqualone, capital importation of methaqualone, trafficking  
3653 in amphetamine, capital importation of amphetamine, trafficking



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3654 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
3655 (GHB), trafficking in 1,4-Butanediol, trafficking in  
3656 Phenethylamines, or other violation of s. 893.135(1); or  
3657 q. Possession of a firearm by a felon  
3658

3659 and during the commission of the offense, such person actually  
3660 possessed a "firearm" or "destructive device" as those terms are  
3661 defined in s. 790.001, shall be sentenced to a minimum term of  
3662 imprisonment of 10 years, except that a person who is convicted  
3663 for possession of a firearm by a felon or burglary of a  
3664 conveyance shall be sentenced to a minimum term of imprisonment  
3665 of 3 years if such person possessed a "firearm" or "destructive  
3666 device" during the commission of the offense. However, if an  
3667 offender who is convicted of the offense of possession of a  
3668 firearm by a felon has a previous conviction of committing or  
3669 attempting to commit a felony listed in s. 775.084(1)(b)1. and  
3670 actually possessed a firearm or destructive device during the  
3671 commission of the prior felony, the offender shall be sentenced  
3672 to a minimum term of imprisonment of 10 years.

3673 2. Any person who is convicted of a felony or an attempt to  
3674 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
3675 regardless of whether the use of a weapon is an element of the  
3676 felony, and during the course of the commission of the felony  
3677 such person discharged a "firearm" or "destructive device" as  
3678 defined in s. 790.001 shall be sentenced to a minimum term of  
3679 imprisonment of 20 years.

3680 3. Any person who is convicted of a felony or an attempt to  
3681 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
3682 regardless of whether the use of a weapon is an element of the



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3683 felony, and during the course of the commission of the felony  
3684 such person discharged a "firearm" or "destructive device" as  
3685 defined in s. 790.001 and, as the result of the discharge, death  
3686 or great bodily harm was inflicted upon any person, the  
3687 convicted person shall be sentenced to a minimum term of  
3688 imprisonment of not less than 25 years and not more than a term  
3689 of imprisonment of life in prison.

3690 (3) (a) 1. Any person who is convicted of a felony or an  
3691 attempt to commit a felony, regardless of whether the use of a  
3692 firearm is an element of the felony, and the conviction was for:

- 3693 a. Murder;
- 3694 b. Sexual battery;
- 3695 c. Robbery;
- 3696 d. Burglary;
- 3697 e. Arson;
- 3698 f. Aggravated battery;
- 3699 g. Kidnapping;
- 3700 h. Escape;
- 3701 i. Sale, manufacture, delivery, or intent to sell,  
3702 manufacture, or deliver any controlled substance;
- 3703 j. Aircraft piracy;
- 3704 k. Aggravated child abuse;
- 3705 l. Aggravated abuse of an elderly person or disabled adult;
- 3706 m. Unlawful throwing, placing, or discharging of a  
3707 destructive device or bomb;
- 3708 n. Carjacking;
- 3709 o. Home-invasion robbery;
- 3710 p. Aggravated stalking; or
- 3711 q. Trafficking in cannabis, trafficking in cocaine, capital





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3712 importation of cocaine, trafficking in illegal drugs, capital  
3713 importation of illegal drugs, trafficking in phencyclidine,  
3714 capital importation of phencyclidine, trafficking in  
3715 methaqualone, capital importation of methaqualone, trafficking  
3716 in amphetamine, capital importation of amphetamine, trafficking  
3717 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
3718 (GHB), trafficking in 1,4-Butanediol, trafficking in  
3719 Phenethylamines, or other violation of s. 893.135(1);

3720

3721 and during the commission of the offense, such person possessed  
3722 a semiautomatic firearm and its high-capacity detachable box  
3723 magazine or a machine gun as defined in s. 790.001, shall be  
3724 sentenced to a minimum term of imprisonment of 15 years.

3725         2. Any person who is convicted of a felony or an attempt to  
3726 commit a felony listed in subparagraph (a)1., regardless of  
3727 whether the use of a weapon is an element of the felony, and  
3728 during the course of the commission of the felony such person  
3729 discharged a semiautomatic firearm and its high-capacity box  
3730 magazine or a "machine gun" as defined in s. 790.001 shall be  
3731 sentenced to a minimum term of imprisonment of 20 years.

3732         3. Any person who is convicted of a felony or an attempt to  
3733 commit a felony listed in subparagraph (a)1., regardless of  
3734 whether the use of a weapon is an element of the felony, and  
3735 during the course of the commission of the felony such person  
3736 discharged a semiautomatic firearm and its high-capacity box  
3737 magazine or a "machine gun" as defined in s. 790.001 and, as the  
3738 result of the discharge, death or great bodily harm was  
3739 inflicted upon any person, the convicted person shall be  
3740 sentenced to a minimum term of imprisonment of not less than 25



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3741 years and not more than a term of imprisonment of life in  
3742 prison.

3743 Section 91. For the purpose of incorporating the amendment  
3744 made by this act to section 893.135, Florida Statutes, in a  
3745 reference thereto, paragraph (f) of subsection (3) of section  
3746 810.02, Florida Statutes, is reenacted to read:

3747 810.02 Burglary.-

3748 (3) Burglary is a felony of the second degree, punishable  
3749 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
3750 course of committing the offense, the offender does not make an  
3751 assault or battery and is not and does not become armed with a  
3752 dangerous weapon or explosive, and the offender enters or  
3753 remains in a:

3754 (f) Structure or conveyance when the offense intended to be  
3755 committed therein is theft of a controlled substance as defined  
3756 in s. 893.02. Notwithstanding any other law, separate judgments  
3757 and sentences for burglary with the intent to commit theft of a  
3758 controlled substance under this paragraph and for any applicable  
3759 possession of controlled substance offense under s. 893.13 or  
3760 trafficking in controlled substance offense under s. 893.135 may  
3761 be imposed when all such offenses involve the same amount or  
3762 amounts of a controlled substance.

3763

3764 However, if the burglary is committed within a county that is  
3765 subject to a state of emergency declared by the Governor under  
3766 chapter 252 after the declaration of emergency is made and the  
3767 perpetration of the burglary is facilitated by conditions  
3768 arising from the emergency, the burglary is a felony of the  
3769 first degree, punishable as provided in s. 775.082, s. 775.083,



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3770 or s. 775.084. As used in this subsection, the term "conditions  
3771 arising from the emergency" means civil unrest, power outages,  
3772 curfews, voluntary or mandatory evacuations, or a reduction in  
3773 the presence of or response time for first responders or  
3774 homeland security personnel. A person arrested for committing a  
3775 burglary within a county that is subject to such a state of  
3776 emergency may not be released until the person appears before a  
3777 committing magistrate at a first appearance hearing. For  
3778 purposes of sentencing under chapter 921, a felony offense that  
3779 is reclassified under this subsection is ranked one level above  
3780 the ranking under s. 921.0022 or s. 921.0023 of the offense  
3781 committed.

3782 Section 92. For the purpose of incorporating the amendment  
3783 made by this act to section 893.135, Florida Statutes, in a  
3784 reference thereto, paragraph (c) of subsection (2) of section  
3785 812.014, Florida Statutes, is reenacted to read:

3786 812.014 Theft.—

3787 (2)

3788 (c) It is grand theft of the third degree and a felony of  
3789 the third degree, punishable as provided in s. 775.082, s.  
3790 775.083, or s. 775.084, if the property stolen is:

- 3791 1. Valued at \$300 or more, but less than \$5,000.
- 3792 2. Valued at \$5,000 or more, but less than \$10,000.
- 3793 3. Valued at \$10,000 or more, but less than \$20,000.
- 3794 4. A will, codicil, or other testamentary instrument.
- 3795 5. A firearm.
- 3796 6. A motor vehicle, except as provided in paragraph (a).
- 3797 7. Any commercially farmed animal, including any animal of  
3798 the equine, bovine, or swine class or other grazing animal; a



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3799 bee colony of a registered beekeeper; and aquaculture species  
3800 raised at a certified aquaculture facility. If the property  
3801 stolen is aquaculture species raised at a certified aquaculture  
3802 facility, then a \$10,000 fine shall be imposed.

3803 8. Any fire extinguisher.

3804 9. Any amount of citrus fruit consisting of 2,000 or more  
3805 individual pieces of fruit.

3806 10. Taken from a designated construction site identified by  
3807 the posting of a sign as provided for in s. 810.09(2)(d).

3808 11. Any stop sign.

3809 12. Anhydrous ammonia.

3810 13. Any amount of a controlled substance as defined in s.  
3811 893.02. Notwithstanding any other law, separate judgments and  
3812 sentences for theft of a controlled substance under this  
3813 subparagraph and for any applicable possession of controlled  
3814 substance offense under s. 893.13 or trafficking in controlled  
3815 substance offense under s. 893.135 may be imposed when all such  
3816 offenses involve the same amount or amounts of a controlled  
3817 substance.

3818  
3819 However, if the property is stolen within a county that is  
3820 subject to a state of emergency declared by the Governor under  
3821 chapter 252, the property is stolen after the declaration of  
3822 emergency is made, and the perpetration of the theft is  
3823 facilitated by conditions arising from the emergency, the  
3824 offender commits a felony of the second degree, punishable as  
3825 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
3826 property is valued at \$5,000 or more, but less than \$10,000, as  
3827 provided under subparagraph 2., or if the property is valued at



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3828 \$10,000 or more, but less than \$20,000, as provided under  
3829 subparagraph 3. As used in this paragraph, the term "conditions  
3830 arising from the emergency" means civil unrest, power outages,  
3831 curfews, voluntary or mandatory evacuations, or a reduction in  
3832 the presence of or the response time for first responders or  
3833 homeland security personnel. For purposes of sentencing under  
3834 chapter 921, a felony offense that is reclassified under this  
3835 paragraph is ranked one level above the ranking under s.  
3836 921.0022 or s. 921.0023 of the offense committed.

3837 Section 93. For the purpose of incorporating the amendment  
3838 made by this act to section 893.135, Florida Statutes, in a  
3839 reference thereto, paragraph (d) of subsection (8) of section  
3840 893.13, Florida Statutes, is reenacted to read:

3841 893.13 Prohibited acts; penalties.—

3842 (8)

3843 (d) Notwithstanding paragraph (c), if a prescribing  
3844 practitioner has violated paragraph (a) and received \$1,000 or  
3845 more in payment for writing one or more prescriptions or, in the  
3846 case of a prescription written for a controlled substance  
3847 described in s. 893.135, has written one or more prescriptions  
3848 for a quantity of a controlled substance which, individually or  
3849 in the aggregate, meets the threshold for the offense of  
3850 trafficking in a controlled substance under s. 893.135, the  
3851 violation is reclassified as a felony of the second degree and  
3852 ranked in level 4 of the Criminal Punishment Code.

3853 Section 94. For the purpose of incorporating the amendment  
3854 made by this act to section 893.135, Florida Statutes, in  
3855 references thereto, subsections (1) and (2) of section 893.1351,  
3856 Florida Statutes, are reenacted to read:



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3857 893.1351 Ownership, lease, rental, or possession for  
3858 trafficking in or manufacturing a controlled substance.—

3859 (1) A person may not own, lease, or rent any place,  
3860 structure, or part thereof, trailer, or other conveyance with  
3861 the knowledge that the place, structure, trailer, or conveyance  
3862 will be used for the purpose of trafficking in a controlled  
3863 substance, as provided in s. 893.135; for the sale of a  
3864 controlled substance, as provided in s. 893.13; or for the  
3865 manufacture of a controlled substance intended for sale or  
3866 distribution to another. A person who violates this subsection  
3867 commits a felony of the third degree, punishable as provided in  
3868 s. 775.082, s. 775.083, or s. 775.084.

3869 (2) A person may not knowingly be in actual or constructive  
3870 possession of any place, structure, or part thereof, trailer, or  
3871 other conveyance with the knowledge that the place, structure,  
3872 or part thereof, trailer, or conveyance will be used for the  
3873 purpose of trafficking in a controlled substance, as provided in  
3874 s. 893.135; for the sale of a controlled substance, as provided  
3875 in s. 893.13; or for the manufacture of a controlled substance  
3876 intended for sale or distribution to another. A person who  
3877 violates this subsection commits a felony of the second degree,  
3878 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3879 Section 95. For the purpose of incorporating the amendment  
3880 made by this act to section 893.135, Florida Statutes, in a  
3881 reference thereto, section 903.133, Florida Statutes, is  
3882 reenacted to read:

3883 903.133 Bail on appeal; prohibited for certain felony  
3884 convictions.—Notwithstanding the provisions of s. 903.132, no  
3885 person adjudged guilty of a felony of the first degree for a



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3886 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
3887 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
3888 violation of s. 794.011(2) or (3), shall be admitted to bail  
3889 pending review either by posttrial motion or appeal.

3890 Section 96. For the purpose of incorporating the amendment  
3891 made by this act to section 893.135, Florida Statutes, in a  
3892 reference thereto, paragraph (c) of subsection (4) of section  
3893 907.041, Florida Statutes, is reenacted to read:

3894 907.041 Pretrial detention and release.—

3895 (4) PRETRIAL DETENTION.—

3896 (c) The court may order pretrial detention if it finds a  
3897 substantial probability, based on a defendant's past and present  
3898 patterns of behavior, the criteria in s. 903.046, and any other  
3899 relevant facts, that any of the following circumstances exist:

3900 1. The defendant has previously violated conditions of  
3901 release and that no further conditions of release are reasonably  
3902 likely to assure the defendant's appearance at subsequent  
3903 proceedings;

3904 2. The defendant, with the intent to obstruct the judicial  
3905 process, has threatened, intimidated, or injured any victim,  
3906 potential witness, juror, or judicial officer, or has attempted  
3907 or conspired to do so, and that no condition of release will  
3908 reasonably prevent the obstruction of the judicial process;

3909 3. The defendant is charged with trafficking in controlled  
3910 substances as defined by s. 893.135, that there is a substantial  
3911 probability that the defendant has committed the offense, and  
3912 that no conditions of release will reasonably assure the  
3913 defendant's appearance at subsequent criminal proceedings;

3914 4. The defendant is charged with DUI manslaughter, as



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3915 defined by s. 316.193, and that there is a substantial  
3916 probability that the defendant committed the crime and that the  
3917 defendant poses a threat of harm to the community; conditions  
3918 that would support a finding by the court pursuant to this  
3919 subparagraph that the defendant poses a threat of harm to the  
3920 community include, but are not limited to, any of the following:

3921       a. The defendant has previously been convicted of any crime  
3922 under s. 316.193, or of any crime in any other state or  
3923 territory of the United States that is substantially similar to  
3924 any crime under s. 316.193;

3925       b. The defendant was driving with a suspended driver  
3926 license when the charged crime was committed; or

3927       c. The defendant has previously been found guilty of, or  
3928 has had adjudication of guilt withheld for, driving while the  
3929 defendant's driver license was suspended or revoked in violation  
3930 of s. 322.34;

3931       5. The defendant poses the threat of harm to the community.  
3932 The court may so conclude, if it finds that the defendant is  
3933 presently charged with a dangerous crime, that there is a  
3934 substantial probability that the defendant committed such crime,  
3935 that the factual circumstances of the crime indicate a disregard  
3936 for the safety of the community, and that there are no  
3937 conditions of release reasonably sufficient to protect the  
3938 community from the risk of physical harm to persons;

3939       6. The defendant was on probation, parole, or other release  
3940 pending completion of sentence or on pretrial release for a  
3941 dangerous crime at the time the current offense was committed;

3942       7. The defendant has violated one or more conditions of  
3943 pretrial release or bond for the offense currently before the





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3944 court and the violation, in the discretion of the court,  
3945 supports a finding that no conditions of release can reasonably  
3946 protect the community from risk of physical harm to persons or  
3947 assure the presence of the accused at trial; or

3948 8.a. The defendant has ever been sentenced pursuant to s.  
3949 775.082(9) or s. 775.084 as a prison releasee reoffender,  
3950 habitual violent felony offender, three-time violent felony  
3951 offender, or violent career criminal, or the state attorney  
3952 files a notice seeking that the defendant be sentenced pursuant  
3953 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
3954 habitual violent felony offender, three-time violent felony  
3955 offender, or violent career criminal;

3956 b. There is a substantial probability that the defendant  
3957 committed the offense; and

3958 c. There are no conditions of release that can reasonably  
3959 protect the community from risk of physical harm or ensure the  
3960 presence of the accused at trial.

3961 Section 97. For the purpose of incorporating the amendment  
3962 made by this act to section 893.135, Florida Statutes, in a  
3963 reference thereto, paragraph (b) of subsection (1) of section  
3964 921.0024, Florida Statutes, is reenacted to read:

3965 921.0024 Criminal Punishment Code; worksheet computations;  
3966 scoresheets.-

3967 (1)

3968 (b) WORKSHEET KEY:

3969

3970 Legal status points are assessed when any form of legal status  
3971 existed at the time the offender committed an offense before the  
3972 court for sentencing. Four (4) sentence points are assessed for



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3973 an offender's legal status.

3974

3975 Community sanction violation points are assessed when a  
3976 community sanction violation is before the court for sentencing.  
3977 Six (6) sentence points are assessed for each community sanction  
3978 violation and each successive community sanction violation,  
3979 unless any of the following apply:

3980 1. If the community sanction violation includes a new  
3981 felony conviction before the sentencing court, twelve (12)  
3982 community sanction violation points are assessed for the  
3983 violation, and for each successive community sanction violation  
3984 involving a new felony conviction.

3985 2. If the community sanction violation is committed by a  
3986 violent felony offender of special concern as defined in s.  
3987 948.06:

3988 a. Twelve (12) community sanction violation points are  
3989 assessed for the violation and for each successive violation of  
3990 felony probation or community control where:

3991 I. The violation does not include a new felony conviction;  
3992 and

3993 II. The community sanction violation is not based solely on  
3994 the probationer or offender's failure to pay costs or fines or  
3995 make restitution payments.

3996 b. Twenty-four (24) community sanction violation points are  
3997 assessed for the violation and for each successive violation of  
3998 felony probation or community control where the violation  
3999 includes a new felony conviction.

4000

4001 Multiple counts of community sanction violations before the



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4002 sentencing court shall not be a basis for multiplying the  
4003 assessment of community sanction violation points.

4004

4005 Prior serious felony points: If the offender has a primary  
4006 offense or any additional offense ranked in level 8, level 9, or  
4007 level 10, and one or more prior serious felonies, a single  
4008 assessment of thirty (30) points shall be added. For purposes of  
4009 this section, a prior serious felony is an offense in the  
4010 offender's prior record that is ranked in level 8, level 9, or  
4011 level 10 under s. 921.0022 or s. 921.0023 and for which the  
4012 offender is serving a sentence of confinement, supervision, or  
4013 other sanction or for which the offender's date of release from  
4014 confinement, supervision, or other sanction, whichever is later,  
4015 is within 3 years before the date the primary offense or any  
4016 additional offense was committed.

4017

4018 Prior capital felony points: If the offender has one or more  
4019 prior capital felonies in the offender's criminal record, points  
4020 shall be added to the subtotal sentence points of the offender  
4021 equal to twice the number of points the offender receives for  
4022 the primary offense and any additional offense. A prior capital  
4023 felony in the offender's criminal record is a previous capital  
4024 felony offense for which the offender has entered a plea of nolo  
4025 contendere or guilty or has been found guilty; or a felony in  
4026 another jurisdiction which is a capital felony in that  
4027 jurisdiction, or would be a capital felony if the offense were  
4028 committed in this state.

4029

4030 Possession of a firearm, semiautomatic firearm, or machine gun:



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4031 If the offender is convicted of committing or attempting to  
4032 commit any felony other than those enumerated in s. 775.087(2)  
4033 while having in his or her possession: a firearm as defined in  
4034 s. 790.001(6), an additional eighteen (18) sentence points are  
4035 assessed; or if the offender is convicted of committing or  
4036 attempting to commit any felony other than those enumerated in  
4037 s. 775.087(3) while having in his or her possession a  
4038 semiautomatic firearm as defined in s. 775.087(3) or a machine  
4039 gun as defined in s. 790.001(9), an additional twenty-five (25)  
4040 sentence points are assessed.

4041  
4042 Sentencing multipliers:

4043  
4044 Drug trafficking: If the primary offense is drug trafficking  
4045 under s. 893.135, the subtotal sentence points are multiplied,  
4046 at the discretion of the court, for a level 7 or level 8  
4047 offense, by 1.5. The state attorney may move the sentencing  
4048 court to reduce or suspend the sentence of a person convicted of  
4049 a level 7 or level 8 offense, if the offender provides  
4050 substantial assistance as described in s. 893.135(4).

4051  
4052 Law enforcement protection: If the primary offense is a  
4053 violation of the Law Enforcement Protection Act under s.  
4054 775.0823(2), (3), or (4), the subtotal sentence points are  
4055 multiplied by 2.5. If the primary offense is a violation of s.  
4056 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
4057 are multiplied by 2.0. If the primary offense is a violation of  
4058 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
4059 Protection Act under s. 775.0823(10) or (11), the subtotal



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4060 sentence points are multiplied by 1.5.

4061

4062 Grand theft of a motor vehicle: If the primary offense is grand  
4063 theft of the third degree involving a motor vehicle and in the  
4064 offender's prior record, there are three or more grand thefts of  
4065 the third degree involving a motor vehicle, the subtotal  
4066 sentence points are multiplied by 1.5.

4067

4068 Offense related to a criminal gang: If the offender is convicted  
4069 of the primary offense and committed that offense for the  
4070 purpose of benefiting, promoting, or furthering the interests of  
4071 a criminal gang as defined in s. 874.03, the subtotal sentence  
4072 points are multiplied by 1.5. If applying the multiplier results  
4073 in the lowest permissible sentence exceeding the statutory  
4074 maximum sentence for the primary offense under chapter 775, the  
4075 court may not apply the multiplier and must sentence the  
4076 defendant to the statutory maximum sentence.

4077

4078 Domestic violence in the presence of a child: If the offender is  
4079 convicted of the primary offense and the primary offense is a  
4080 crime of domestic violence, as defined in s. 741.28, which was  
4081 committed in the presence of a child under 16 years of age who  
4082 is a family or household member as defined in s. 741.28(3) with  
4083 the victim or perpetrator, the subtotal sentence points are  
4084 multiplied by 1.5.

4085

4086 Adult-on-minor sex offense: If the offender was 18 years of age  
4087 or older and the victim was younger than 18 years of age at the  
4088 time the offender committed the primary offense, and if the



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4089 primary offense was an offense committed on or after October 1,  
4090 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
4091 violation involved a victim who was a minor and, in the course  
4092 of committing that violation, the defendant committed a sexual  
4093 battery under chapter 794 or a lewd act under s. 800.04 or s.  
4094 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
4095 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
4096 800.04; or s. 847.0135(5), the subtotal sentence points are  
4097 multiplied by 2.0. If applying the multiplier results in the  
4098 lowest permissible sentence exceeding the statutory maximum  
4099 sentence for the primary offense under chapter 775, the court  
4100 may not apply the multiplier and must sentence the defendant to  
4101 the statutory maximum sentence.

4102 Section 98. For the purpose of incorporating the amendment  
4103 made by this act to section 932.7061, Florida Statutes, in a  
4104 reference thereto, section 932.7062, Florida Statutes, is  
4105 reenacted to read:

4106 932.7062 Penalty for noncompliance with reporting  
4107 requirements.—A seizing agency that fails to comply with the  
4108 reporting requirements in s. 932.7061 is subject to a civil fine  
4109 of \$5,000, to be determined by the Chief Financial Officer and  
4110 payable to the General Revenue Fund. However, such agency is not  
4111 subject to the fine if, within 60 days after receipt of written  
4112 notification from the Department of Law Enforcement of  
4113 noncompliance with the reporting requirements of the Florida  
4114 Contraband Forfeiture Act, the agency substantially complies  
4115 with those requirements. The Department of Law Enforcement shall  
4116 submit any substantial noncompliance to the office of Chief  
4117 Financial Officer, which shall be responsible for the



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4118 enforcement of this section.

4119 Section 99. For the purpose of incorporating the amendment  
4120 made by this act to section 944.704, Florida Statutes, in a  
4121 reference thereto, subsection (3) of section 944.026, Florida  
4122 Statutes, is reenacted to read:

4123 944.026 Community-based facilities and programs.—

4124 (3) (a) The department shall develop and implement  
4125 procedures to diagnose offenders prior to sentencing, for the  
4126 purpose of recommending to the sentencing court suitable  
4127 candidates for placement in a community-based residential drug  
4128 treatment facility or probation and restitution center as  
4129 provided in this section. The department shall also develop and  
4130 implement procedures to properly identify inmates prior to  
4131 release who demonstrate the need for or interest in and  
4132 suitability for placement in a community-based substance abuse  
4133 transition housing program as provided in this section and  
4134 pursuant to ss. 944.4731 and 944.704.

4135 (b) Pretrial intervention programs in appropriate counties  
4136 to provide early counseling and supervision services to  
4137 specified offenders as provided in s. 948.08.

4138 Section 100. For the purpose of incorporating the amendment  
4139 made by this act to section 944.801, Florida Statutes, in a  
4140 reference thereto, subsection (2) of section 447.203, Florida  
4141 Statutes, is reenacted to read:

4142 447.203 Definitions.—As used in this part:

4143 (2) "Public employer" or "employer" means the state or any  
4144 county, municipality, or special district or any subdivision or  
4145 agency thereof which the commission determines has sufficient  
4146 legal distinctiveness properly to carry out the functions of a



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4147 public employer. With respect to all public employees determined  
4148 by the commission as properly belonging to a statewide  
4149 bargaining unit composed of State Career Service System  
4150 employees or Selected Professional Service employees, the  
4151 Governor shall be deemed to be the public employer; and the  
4152 Board of Governors of the State University System, or the  
4153 board's designee, shall be deemed to be the public employer with  
4154 respect to all public employees of each constituent state  
4155 university. The board of trustees of a community college shall  
4156 be deemed to be the public employer with respect to all  
4157 employees of the community college. The district school board  
4158 shall be deemed to be the public employer with respect to all  
4159 employees of the school district. The Board of Trustees of the  
4160 Florida School for the Deaf and the Blind shall be deemed to be  
4161 the public employer with respect to the academic and academic  
4162 administrative personnel of the Florida School for the Deaf and  
4163 the Blind. The Governor shall be deemed to be the public  
4164 employer with respect to all employees in the Correctional  
4165 Education Program of the Department of Corrections established  
4166 pursuant to s. 944.801.

4167 Section 101. For the purpose of incorporating the amendment  
4168 made by this act to section 947.149, Florida Statutes, in a  
4169 reference thereto, subsection (6) of section 316.1935, Florida  
4170 Statutes, is reenacted to read:

4171 316.1935 Fleeing or attempting to elude a law enforcement  
4172 officer; aggravated fleeing or eluding.—

4173 (6) Notwithstanding s. 948.01, no court may suspend, defer,  
4174 or withhold adjudication of guilt or imposition of sentence for  
4175 any violation of this section. A person convicted and sentenced





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4176 to a mandatory minimum term of incarceration under paragraph  
4177 (3) (b) or paragraph (4) (b) is not eligible for statutory gain-  
4178 time under s. 944.275 or any form of discretionary early  
4179 release, other than pardon or executive clemency or conditional  
4180 medical release under s. 947.149, prior to serving the mandatory  
4181 minimum sentence.

4182 Section 102. For the purpose of incorporating the amendment  
4183 made by this act to section 947.149, Florida Statutes, in a  
4184 reference thereto, paragraph (k) of subsection (4) of section  
4185 775.084, Florida Statutes, is reenacted to read:

4186 775.084 Violent career criminals; habitual felony offenders  
4187 and habitual violent felony offenders; three-time violent felony  
4188 offenders; definitions; procedure; enhanced penalties or  
4189 mandatory minimum prison terms.—

4190 (4)

4191 (k)1. A defendant sentenced under this section as a  
4192 habitual felony offender, a habitual violent felony offender, or  
4193 a violent career criminal is eligible for gain-time granted by  
4194 the Department of Corrections as provided in s. 944.275(4) (b).

4195 2. For an offense committed on or after October 1, 1995, a  
4196 defendant sentenced under this section as a violent career  
4197 criminal is not eligible for any form of discretionary early  
4198 release, other than pardon or executive clemency, or conditional  
4199 medical release granted pursuant to s. 947.149.

4200 3. For an offense committed on or after July 1, 1999, a  
4201 defendant sentenced under this section as a three-time violent  
4202 felony offender shall be released only by expiration of sentence  
4203 and shall not be eligible for parole, control release, or any  
4204 form of early release.



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4205           Section 103. For the purpose of incorporating the amendment  
4206 made by this act to section 947.149, Florida Statutes, in  
4207 references thereto, paragraph (b) of subsection (2) and  
4208 paragraph (b) of subsection (3) of section 775.087, Florida  
4209 Statutes, are reenacted to read:

4210           775.087 Possession or use of weapon; aggravated battery;  
4211 felony reclassification; minimum sentence.-

4212           (2)

4213           (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
4214 (a)3. does not prevent a court from imposing a longer sentence  
4215 of incarceration as authorized by law in addition to the minimum  
4216 mandatory sentence, or from imposing a sentence of death  
4217 pursuant to other applicable law. Subparagraph (a)1.,  
4218 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
4219 court to impose a lesser sentence than otherwise required by  
4220 law.

4221  
4222 Notwithstanding s. 948.01, adjudication of guilt or imposition  
4223 of sentence shall not be suspended, deferred, or withheld, and  
4224 the defendant is not eligible for statutory gain-time under s.  
4225 944.275 or any form of discretionary early release, other than  
4226 pardon or executive clemency, or conditional medical release  
4227 under s. 947.149, prior to serving the minimum sentence.

4228           (3)

4229           (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
4230 (a)3. does not prevent a court from imposing a longer sentence  
4231 of incarceration as authorized by law in addition to the minimum  
4232 mandatory sentence, or from imposing a sentence of death  
4233 pursuant to other applicable law. Subparagraph (a)1.,



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4234 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
4235 court to impose a lesser sentence than otherwise required by  
4236 law.

4237  
4238 Notwithstanding s. 948.01, adjudication of guilt or imposition  
4239 of sentence shall not be suspended, deferred, or withheld, and  
4240 the defendant is not eligible for statutory gain-time under s.  
4241 944.275 or any form of discretionary early release, other than  
4242 pardon or executive clemency, or conditional medical release  
4243 under s. 947.149, prior to serving the minimum sentence.

4244 Section 104. For the purpose of incorporating the amendment  
4245 made by this act to section 947.149, Florida Statutes, in a  
4246 reference thereto, subsection (3) of section 784.07, Florida  
4247 Statutes, is reenacted to read:

4248 784.07 Assault or battery of law enforcement officers,  
4249 firefighters, emergency medical care providers, public transit  
4250 employees or agents, or other specified officers;  
4251 reclassification of offenses; minimum sentences.—

4252 (3) Any person who is convicted of a battery under  
4253 paragraph (2)(b) and, during the commission of the offense, such  
4254 person possessed:

4255 (a) A "firearm" or "destructive device" as those terms are  
4256 defined in s. 790.001, shall be sentenced to a minimum term of  
4257 imprisonment of 3 years.

4258 (b) A semiautomatic firearm and its high-capacity  
4259 detachable box magazine, as defined in s. 775.087(3), or a  
4260 machine gun as defined in s. 790.001, shall be sentenced to a  
4261 minimum term of imprisonment of 8 years.

4262



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4263 Notwithstanding s. 948.01, adjudication of guilt or imposition  
4264 of sentence shall not be suspended, deferred, or withheld, and  
4265 the defendant is not eligible for statutory gain-time under s.  
4266 944.275 or any form of discretionary early release, other than  
4267 pardon or executive clemency, or conditional medical release  
4268 under s. 947.149, prior to serving the minimum sentence.

4269 Section 105. For the purpose of incorporating the amendment  
4270 made by this act to section 947.149, Florida Statutes, in a  
4271 reference thereto, subsection (1) of section 790.235, Florida  
4272 Statutes, is reenacted to read:

4273 790.235 Possession of firearm or ammunition by violent  
4274 career criminal unlawful; penalty.—

4275 (1) Any person who meets the violent career criminal  
4276 criteria under s. 775.084(1)(d), regardless of whether such  
4277 person is or has previously been sentenced as a violent career  
4278 criminal, who owns or has in his or her care, custody,  
4279 possession, or control any firearm, ammunition, or electric  
4280 weapon or device, or carries a concealed weapon, including a  
4281 tear gas gun or chemical weapon or device, commits a felony of  
4282 the first degree, punishable as provided in s. 775.082, s.  
4283 775.083, or s. 775.084. A person convicted of a violation of  
4284 this section shall be sentenced to a mandatory minimum of 15  
4285 years' imprisonment; however, if the person would be sentenced  
4286 to a longer term of imprisonment under s. 775.084(4)(d), the  
4287 person must be sentenced under that provision. A person  
4288 convicted of a violation of this section is not eligible for any  
4289 form of discretionary early release, other than pardon,  
4290 executive clemency, or conditional medical release under s.  
4291 947.149.



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4292           Section 106. For the purpose of incorporating the amendment  
4293 made by this act to section 947.149, Florida Statutes, in a  
4294 reference thereto, subsection (7) of section 794.0115, Florida  
4295 Statutes, is reenacted to read:

4296           794.0115 Dangerous sexual felony offender; mandatory  
4297 sentencing.—

4298           (7) A defendant sentenced to a mandatory minimum term of  
4299 imprisonment under this section is not eligible for statutory  
4300 gain-time under s. 944.275 or any form of discretionary early  
4301 release, other than pardon or executive clemency, or conditional  
4302 medical release under s. 947.149, before serving the minimum  
4303 sentence.

4304           Section 107. For the purpose of incorporating the amendment  
4305 made by this act to section 947.149, Florida Statutes, in  
4306 references thereto, paragraphs (b), (c), and (g) of subsection  
4307 (1) and subsection (3) of section 893.135, Florida Statutes, are  
4308 reenacted to read:

4309           893.135 Trafficking; mandatory sentences; suspension or  
4310 reduction of sentences; conspiracy to engage in trafficking.—

4311           (1) Except as authorized in this chapter or in chapter 499  
4312 and notwithstanding the provisions of s. 893.13:

4313           (b)1. Any person who knowingly sells, purchases,  
4314 manufactures, delivers, or brings into this state, or who is  
4315 knowingly in actual or constructive possession of, 28 grams or  
4316 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
4317 mixture containing cocaine, but less than 150 kilograms of  
4318 cocaine or any such mixture, commits a felony of the first  
4319 degree, which felony shall be known as "trafficking in cocaine,"  
4320 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



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4321 If the quantity involved:

4322       a. Is 28 grams or more, but less than 200 grams, such  
4323 person shall be sentenced to a mandatory minimum term of  
4324 imprisonment of 3 years, and the defendant shall be ordered to  
4325 pay a fine of \$50,000.

4326       b. Is 200 grams or more, but less than 400 grams, such  
4327 person shall be sentenced to a mandatory minimum term of  
4328 imprisonment of 7 years, and the defendant shall be ordered to  
4329 pay a fine of \$100,000.

4330       c. Is 400 grams or more, but less than 150 kilograms, such  
4331 person shall be sentenced to a mandatory minimum term of  
4332 imprisonment of 15 calendar years and pay a fine of \$250,000.

4333       2. Any person who knowingly sells, purchases, manufactures,  
4334 delivers, or brings into this state, or who is knowingly in  
4335 actual or constructive possession of, 150 kilograms or more of  
4336 cocaine, as described in s. 893.03(2)(a)4., commits the first  
4337 degree felony of trafficking in cocaine. A person who has been  
4338 convicted of the first degree felony of trafficking in cocaine  
4339 under this subparagraph shall be punished by life imprisonment  
4340 and is ineligible for any form of discretionary early release  
4341 except pardon or executive clemency or conditional medical  
4342 release under s. 947.149. However, if the court determines that,  
4343 in addition to committing any act specified in this paragraph:

4344       a. The person intentionally killed an individual or  
4345 counseled, commanded, induced, procured, or caused the  
4346 intentional killing of an individual and such killing was the  
4347 result; or

4348       b. The person's conduct in committing that act led to a  
4349 natural, though not inevitable, lethal result,



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4350  
4351 such person commits the capital felony of trafficking in  
4352 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
4353 person sentenced for a capital felony under this paragraph shall  
4354 also be sentenced to pay the maximum fine provided under  
4355 subparagraph 1.

4356         3. Any person who knowingly brings into this state 300  
4357 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
4358 and who knows that the probable result of such importation would  
4359 be the death of any person, commits capital importation of  
4360 cocaine, a capital felony punishable as provided in ss. 775.082  
4361 and 921.142. Any person sentenced for a capital felony under  
4362 this paragraph shall also be sentenced to pay the maximum fine  
4363 provided under subparagraph 1.

4364         (c)1. A person who knowingly sells, purchases,  
4365 manufactures, delivers, or brings into this state, or who is  
4366 knowingly in actual or constructive possession of, 4 grams or  
4367 more of any morphine, opium, hydromorphone, or any salt,  
4368 derivative, isomer, or salt of an isomer thereof, including  
4369 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
4370 (3)(c)4., or 4 grams or more of any mixture containing any such  
4371 substance, but less than 30 kilograms of such substance or  
4372 mixture, commits a felony of the first degree, which felony  
4373 shall be known as "trafficking in illegal drugs," punishable as  
4374 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
4375 quantity involved:

4376             a. Is 4 grams or more, but less than 14 grams, such person  
4377 shall be sentenced to a mandatory minimum term of imprisonment  
4378 of 3 years and shall be ordered to pay a fine of \$50,000.



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4379           b. Is 14 grams or more, but less than 28 grams, such person  
4380 shall be sentenced to a mandatory minimum term of imprisonment  
4381 of 15 years and shall be ordered to pay a fine of \$100,000.

4382           c. Is 28 grams or more, but less than 30 kilograms, such  
4383 person shall be sentenced to a mandatory minimum term of  
4384 imprisonment of 25 years and shall be ordered to pay a fine of  
4385 \$500,000.

4386           2. A person who knowingly sells, purchases, manufactures,  
4387 delivers, or brings into this state, or who is knowingly in  
4388 actual or constructive possession of, 14 grams or more of  
4389 hydrocodone, as described in s. 893.03(2)(a)1.j., codeine, as  
4390 described in s. 893.03(2)(a)1.g., or any salt thereof, or 14  
4391 grams or more of any mixture containing any such substance,  
4392 commits a felony of the first degree, which felony shall be  
4393 known as "trafficking in hydrocodone," punishable as provided in  
4394 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

4395           a. Is 14 grams or more, but less than 28 grams, such person  
4396 shall be sentenced to a mandatory minimum term of imprisonment  
4397 of 3 years and shall be ordered to pay a fine of \$50,000.

4398           b. Is 28 grams or more, but less than 50 grams, such person  
4399 shall be sentenced to a mandatory minimum term of imprisonment  
4400 of 7 years and shall be ordered to pay a fine of \$100,000.

4401           c. Is 50 grams or more, but less than 200 grams, such  
4402 person shall be sentenced to a mandatory minimum term of  
4403 imprisonment of 15 years and shall be ordered to pay a fine of  
4404 \$500,000.

4405           d. Is 200 grams or more, but less than 30 kilograms, such  
4406 person shall be sentenced to a mandatory minimum term of  
4407 imprisonment of 25 years and shall be ordered to pay a fine of





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4408 \$750,000.

4409         3. A person who knowingly sells, purchases, manufactures,  
4410 delivers, or brings into this state, or who is knowingly in  
4411 actual or constructive possession of, 7 grams or more of  
4412 oxycodone, as described in s. 893.03(2)(a)1.o., or any salt  
4413 thereof, or 7 grams or more of any mixture containing any such  
4414 substance, commits a felony of the first degree, which felony  
4415 shall be known as "trafficking in oxycodone," punishable as  
4416 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
4417 quantity involved:

4418             a. Is 7 grams or more, but less than 14 grams, such person  
4419 shall be sentenced to a mandatory minimum term of imprisonment  
4420 of 3 years and shall be ordered to pay a fine of \$50,000.

4421             b. Is 14 grams or more, but less than 25 grams, such person  
4422 shall be sentenced to a mandatory minimum term of imprisonment  
4423 of 7 years and shall be ordered to pay a fine of \$100,000.

4424             c. Is 25 grams or more, but less than 100 grams, such  
4425 person shall be sentenced to a mandatory minimum term of  
4426 imprisonment of 15 years and shall be ordered to pay a fine of  
4427 \$500,000.

4428             d. Is 100 grams or more, but less than 30 kilograms, such  
4429 person shall be sentenced to a mandatory minimum term of  
4430 imprisonment of 25 years and shall be ordered to pay a fine of  
4431 \$750,000.

4432         4.a. A person who knowingly sells, purchases, manufactures,  
4433 delivers, or brings into this state, or who is knowingly in  
4434 actual or constructive possession of, 4 grams or more of:

4435             (I) Alfentanil, as described in s. 893.03(2)(b)1.;

4436             (II) Carfentanil, as described in s. 893.03(2)(b)6.;



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4437 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

4438 (IV) Sufentanil, as described in s. 893.03(2)(b)29.;

4439 (V) A fentanyl derivative, as described in s.

4440 893.03(1)(a)62.;

4441 (VI) A controlled substance analog, as described in s.

4442 893.0356, of any substance described in sub-sub-subparagraphs

4443 (I)-(V); or

4444 (VII) A mixture containing any substance described in sub-

4445 sub-subparagraphs (I)-(VI),

4446

4447 commits a felony of the first degree, which felony shall be

4448 known as "trafficking in fentanyl," punishable as provided in s.

4449 775.082, s. 775.083, or s. 775.084.

4450 b. If the quantity involved under sub-subparagraph a.:

4451 (I) Is 4 grams or more, but less than 14 grams, such person

4452 shall be sentenced to a mandatory minimum term of imprisonment

4453 of 3 years, and shall be ordered to pay a fine of \$50,000.

4454 (II) Is 14 grams or more, but less than 28 grams, such

4455 person shall be sentenced to a mandatory minimum term of

4456 imprisonment of 15 years, and shall be ordered to pay a fine of

4457 \$100,000.

4458 (III) Is 28 grams or more, such person shall be sentenced

4459 to a mandatory minimum term of imprisonment of 25 years, and

4460 shall be ordered to pay a fine of \$500,000.

4461 5. A person who knowingly sells, purchases, manufactures,

4462 delivers, or brings into this state, or who is knowingly in

4463 actual or constructive possession of, 30 kilograms or more of

4464 any morphine, opium, oxycodone, hydrocodone, codeine,

4465 hydromorphone, or any salt, derivative, isomer, or salt of an



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4466 isomer thereof, including heroin, as described in s.  
4467 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
4468 more of any mixture containing any such substance, commits the  
4469 first degree felony of trafficking in illegal drugs. A person  
4470 who has been convicted of the first degree felony of trafficking  
4471 in illegal drugs under this subparagraph shall be punished by  
4472 life imprisonment and is ineligible for any form of  
4473 discretionary early release except pardon or executive clemency  
4474 or conditional medical release under s. 947.149. However, if the  
4475 court determines that, in addition to committing any act  
4476 specified in this paragraph:

4477       a. The person intentionally killed an individual or  
4478 counseled, commanded, induced, procured, or caused the  
4479 intentional killing of an individual and such killing was the  
4480 result; or

4481       b. The person's conduct in committing that act led to a  
4482 natural, though not inevitable, lethal result,  
4483  
4484 such person commits the capital felony of trafficking in illegal  
4485 drugs, punishable as provided in ss. 775.082 and 921.142. A  
4486 person sentenced for a capital felony under this paragraph shall  
4487 also be sentenced to pay the maximum fine provided under  
4488 subparagraph 1.

4489       6. A person who knowingly brings into this state 60  
4490 kilograms or more of any morphine, opium, oxycodone,  
4491 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
4492 isomer, or salt of an isomer thereof, including heroin, as  
4493 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
4494 60 kilograms or more of any mixture containing any such



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4495 substance, and who knows that the probable result of such  
4496 importation would be the death of a person, commits capital  
4497 importation of illegal drugs, a capital felony punishable as  
4498 provided in ss. 775.082 and 921.142. A person sentenced for a  
4499 capital felony under this paragraph shall also be sentenced to  
4500 pay the maximum fine provided under subparagraph 1.

4501 (g)1. Any person who knowingly sells, purchases,  
4502 manufactures, delivers, or brings into this state, or who is  
4503 knowingly in actual or constructive possession of, 4 grams or  
4504 more of flunitrazepam or any mixture containing flunitrazepam as  
4505 described in s. 893.03(1)(a) commits a felony of the first  
4506 degree, which felony shall be known as "trafficking in  
4507 flunitrazepam," punishable as provided in s. 775.082, s.  
4508 775.083, or s. 775.084. If the quantity involved:

4509 a. Is 4 grams or more but less than 14 grams, such person  
4510 shall be sentenced to a mandatory minimum term of imprisonment  
4511 of 3 years, and the defendant shall be ordered to pay a fine of  
4512 \$50,000.

4513 b. Is 14 grams or more but less than 28 grams, such person  
4514 shall be sentenced to a mandatory minimum term of imprisonment  
4515 of 7 years, and the defendant shall be ordered to pay a fine of  
4516 \$100,000.

4517 c. Is 28 grams or more but less than 30 kilograms, such  
4518 person shall be sentenced to a mandatory minimum term of  
4519 imprisonment of 25 calendar years and pay a fine of \$500,000.

4520 2. Any person who knowingly sells, purchases, manufactures,  
4521 delivers, or brings into this state or who is knowingly in  
4522 actual or constructive possession of 30 kilograms or more of  
4523 flunitrazepam or any mixture containing flunitrazepam as



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4524 described in s. 893.03(1)(a) commits the first degree felony of  
4525 trafficking in flunitrazepam. A person who has been convicted of  
4526 the first degree felony of trafficking in flunitrazepam under  
4527 this subparagraph shall be punished by life imprisonment and is  
4528 ineligible for any form of discretionary early release except  
4529 pardon or executive clemency or conditional medical release  
4530 under s. 947.149. However, if the court determines that, in  
4531 addition to committing any act specified in this paragraph:

4532 a. The person intentionally killed an individual or  
4533 counseled, commanded, induced, procured, or caused the  
4534 intentional killing of an individual and such killing was the  
4535 result; or

4536 b. The person's conduct in committing that act led to a  
4537 natural, though not inevitable, lethal result,

4538  
4539 such person commits the capital felony of trafficking in  
4540 flunitrazepam, punishable as provided in ss. 775.082 and  
4541 921.142. Any person sentenced for a capital felony under this  
4542 paragraph shall also be sentenced to pay the maximum fine  
4543 provided under subparagraph 1.

4544 (3) Notwithstanding the provisions of s. 948.01, with  
4545 respect to any person who is found to have violated this  
4546 section, adjudication of guilt or imposition of sentence shall  
4547 not be suspended, deferred, or withheld, nor shall such person  
4548 be eligible for parole prior to serving the mandatory minimum  
4549 term of imprisonment prescribed by this section. A person  
4550 sentenced to a mandatory minimum term of imprisonment under this  
4551 section is not eligible for any form of discretionary early  
4552 release, except pardon or executive clemency or conditional



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4553 medical release under s. 947.149, prior to serving the mandatory  
4554 minimum term of imprisonment.

4555 Section 108. For the purpose of incorporating the amendment  
4556 made by this act to section 947.149, Florida Statutes, in a  
4557 reference thereto, subsection (2) of section 921.0024, Florida  
4558 Statutes, is reenacted to read:

4559 921.0024 Criminal Punishment Code; worksheet computations;  
4560 scoresheets.—

4561 (2) The lowest permissible sentence is the minimum sentence  
4562 that may be imposed by the trial court, absent a valid reason  
4563 for departure. The lowest permissible sentence is any nonstate  
4564 prison sanction in which the total sentence points equals or is  
4565 less than 44 points, unless the court determines within its  
4566 discretion that a prison sentence, which may be up to the  
4567 statutory maximums for the offenses committed, is appropriate.  
4568 When the total sentence points exceeds 44 points, the lowest  
4569 permissible sentence in prison months shall be calculated by  
4570 subtracting 28 points from the total sentence points and  
4571 decreasing the remaining total by 25 percent. The total sentence  
4572 points shall be calculated only as a means of determining the  
4573 lowest permissible sentence. The permissible range for  
4574 sentencing shall be the lowest permissible sentence up to and  
4575 including the statutory maximum, as defined in s. 775.082, for  
4576 the primary offense and any additional offenses before the court  
4577 for sentencing. The sentencing court may impose such sentences  
4578 concurrently or consecutively. However, any sentence to state  
4579 prison must exceed 1 year. If the lowest permissible sentence  
4580 under the code exceeds the statutory maximum sentence as  
4581 provided in s. 775.082, the sentence required by the code must



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4582 be imposed. If the total sentence points are greater than or  
4583 equal to 363, the court may sentence the offender to life  
4584 imprisonment. An offender sentenced to life imprisonment under  
4585 this section is not eligible for any form of discretionary early  
4586 release, except executive clemency or conditional medical  
4587 release under s. 947.149.

4588 Section 109. For the purpose of incorporating the amendment  
4589 made by this act to section 947.149, Florida Statutes, in a  
4590 reference thereto, paragraph (b) of subsection (7) of section  
4591 944.605, Florida Statutes, is reenacted to read:

4592 944.605 Inmate release; notification; identification card.-  
4593 (7)

4594 (b) Paragraph (a) does not apply to inmates who:

4595 1. The department determines have a valid driver license or  
4596 state identification card, except that the department shall  
4597 provide these inmates with a replacement state identification  
4598 card or replacement driver license, if necessary.

4599 2. Have an active detainer, unless the department  
4600 determines that cancellation of the detainer is likely or that  
4601 the incarceration for which the detainer was issued will be less  
4602 than 12 months in duration.

4603 3. Are released due to an emergency release or a  
4604 conditional medical release under s. 947.149.

4605 4. Are not in the physical custody of the department at or  
4606 within 180 days before release.

4607 5. Are subject to sex offender residency restrictions, and  
4608 who, upon release under such restrictions, do not have a  
4609 qualifying address.

4610 Section 110. For the purpose of incorporating the amendment



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4611 made by this act to section 947.149, Florida Statutes, in a  
4612 reference thereto, paragraph (b) of subsection (1) of section  
4613 944.70, Florida Statutes, is reenacted to read:

4614 944.70 Conditions for release from incarceration.—

4615 (1)

4616 (b) A person who is convicted of a crime committed on or  
4617 after January 1, 1994, may be released from incarceration only:

4618 1. Upon expiration of the person's sentence;

4619 2. Upon expiration of the person's sentence as reduced by  
4620 accumulated meritorious or incentive gain-time;

4621 3. As directed by an executive order granting clemency;

4622 4. Upon placement in a conditional release program pursuant  
4623 to s. 947.1405 or a conditional medical release program pursuant  
4624 to s. 947.149; or

4625 5. Upon the granting of control release, including  
4626 emergency control release, pursuant to s. 947.146.

4627 Section 111. For the purpose of incorporating the amendment  
4628 made by this act to section 947.149, Florida Statutes, in a  
4629 reference thereto, paragraph (h) of subsection (1) of section  
4630 947.13, Florida Statutes, is reenacted to read:

4631 947.13 Powers and duties of commission.—

4632 (1) The commission shall have the powers and perform the  
4633 duties of:

4634 (h) Determining what persons will be released on  
4635 conditional medical release under s. 947.149, establishing the  
4636 conditions of conditional medical release, and determining  
4637 whether a person has violated the conditions of conditional  
4638 medical release and taking action with respect to such a  
4639 violation.





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4640           Section 112. For the purpose of incorporating the amendment  
4641 made by this act to section 947.149, Florida Statutes, in  
4642 references thereto, subsections (1), (2), and (7) of section  
4643 947.141, Florida Statutes, are reenacted to read:

4644           947.141 Violations of conditional release, control release,  
4645 or conditional medical release or addiction-recovery  
4646 supervision.—

4647           (1) If a member of the commission or a duly authorized  
4648 representative of the commission has reasonable grounds to  
4649 believe that an offender who is on release supervision under s.  
4650 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
4651 the terms and conditions of the release in a material respect,  
4652 such member or representative may cause a warrant to be issued  
4653 for the arrest of the releasee; if the offender was found to be  
4654 a sexual predator, the warrant must be issued.

4655           (2) Upon the arrest on a felony charge of an offender who  
4656 is on release supervision under s. 947.1405, s. 947.146, s.  
4657 947.149, or s. 944.4731, the offender must be detained without  
4658 bond until the initial appearance of the offender at which a  
4659 judicial determination of probable cause is made. If the trial  
4660 court judge determines that there was no probable cause for the  
4661 arrest, the offender may be released. If the trial court judge  
4662 determines that there was probable cause for the arrest, such  
4663 determination also constitutes reasonable grounds to believe  
4664 that the offender violated the conditions of the release. Within  
4665 24 hours after the trial court judge's finding of probable  
4666 cause, the detention facility administrator or designee shall  
4667 notify the commission and the department of the finding and  
4668 transmit to each a facsimile copy of the probable cause



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4669 affidavit or the sworn offense report upon which the trial court  
4670 judge's probable cause determination is based. The offender must  
4671 continue to be detained without bond for a period not exceeding  
4672 72 hours excluding weekends and holidays after the date of the  
4673 probable cause determination, pending a decision by the  
4674 commission whether to issue a warrant charging the offender with  
4675 violation of the conditions of release. Upon the issuance of the  
4676 commission's warrant, the offender must continue to be held in  
4677 custody pending a revocation hearing held in accordance with  
4678 this section.

4679 (7) If a law enforcement officer has probable cause to  
4680 believe that an offender who is on release supervision under s.  
4681 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
4682 the terms and conditions of his or her release by committing a  
4683 felony offense, the officer shall arrest the offender without a  
4684 warrant, and a warrant need not be issued in the case.

4685 Section 113. Except as otherwise expressly provided in this  
4686 act, this act shall take effect October 1, 2018.

4687  
4688 ===== T I T L E A M E N D M E N T =====

4689 And the title is amended as follows:

4690 Delete lines 1031 - 1190

4691 and insert:

4692 An act relating to public safety; amending s. 20.315,  
4693 F.S.; requiring an annual report from the Department  
4694 of Corrections to the Governor and the Legislature to  
4695 include specified information; amending s. 23.1225,  
4696 F.S.; authorizing the use of a mutual aid agreement in  
4697 the event of a declared state of emergency for certain



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4698 purposes; amending s. 57.105, F.S.; providing that  
4699 attorney fees must be awarded and paid to the  
4700 prevailing party in certain civil actions unless  
4701 otherwise provided; creating s. 322.75, F.S.;

4702 requiring each judicial circuit to establish a Driver  
4703 License Reinstatement Days program and designate at  
4704 least 1 day for reinstating suspended driver licenses  
4705 under certain circumstances; requiring participation  
4706 by certain state agencies and that interested  
4707 community organizations be included in the program;

4708 providing duties of the clerks of court and the  
4709 Department of Highway Safety and Motor Vehicles;

4710 authorizing the clerk of court to reduce or waive  
4711 certain fees and costs; providing for program  
4712 eligibility; amending ss. 784.046 and 784.0485, F.S.;

4713 prohibiting the awarding of attorney fees in certain  
4714 proceedings; amending s. 812.014, F.S.; increasing the  
4715 threshold amounts for certain theft offenses; revising  
4716 the list of items the theft of which constitutes a  
4717 felony of the third degree; amending s. 812.015, F.S.;

4718 increasing threshold amounts for certain theft  
4719 offenses; amending s. 893.135, F.S.; defining the term  
4720 "dosage unit"; providing applicability; creating a new  
4721 offense of "trafficking in pharmaceuticals"; requiring  
4722 that a person trafficking in specified drug products  
4723 approved by the Food and Drug Administration and  
4724 manufactured and distributed lawfully by a  
4725 pharmaceutical company be prosecuted under certain  
4726 provisions; providing criminal penalties; amending s.



4727 893.147, F.S.; prohibiting the use, possession,  
4728 manufacture, delivery, transportation, advertisement,  
4729 or retail sale of specified paraphernalia, machines,  
4730 and counterfeiting materials; defining terms;  
4731 providing exceptions to the prohibition; providing  
4732 criminal penalties; amending s. 893.21, F.S.;

4733 prohibiting the charging, prosecution, or penalizing  
4734 under specified provisions of a person acting in good  
4735 faith who seeks medical assistance for an individual  
4736 experiencing, or believed to be experiencing, an  
4737 alcohol- or a drug-related overdose; prohibiting the  
4738 charging, prosecution, or penalizing under specified  
4739 provisions of a person who experiences, or has a good  
4740 faith belief that he or she is experiencing, an  
4741 alcohol- or a drug-related overdose; prohibiting a  
4742 person from being penalized for a violation of a  
4743 condition of certain programs if that person in good  
4744 faith seeks medical assistance for himself or herself  
4745 or an individual experiencing, or believed to be  
4746 experiencing, an alcohol- or a drug-related overdose;  
4747 prohibiting the protection from charge and prosecution  
4748 for certain offenses from being grounds for  
4749 suppression of evidence in other criminal  
4750 prosecutions; creating s. 900.05, F.S.; providing  
4751 legislative intent; defining terms; requiring  
4752 specified entities to collect specified data on a  
4753 monthly basis, beginning on a certain date; requiring  
4754 specified entities to transmit certain collected data  
4755 to the Department of Law Enforcement on a quarterly



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4756 basis; requiring the Department of Law Enforcement to  
4757 compile, maintain, and make publicly accessible such  
4758 data on its website beginning on certain dates;  
4759 prohibiting certain identifying information from being  
4760 publicly accessible; providing that specified entities  
4761 are ineligible for a certain time to receive state  
4762 funding if they do not comply with data collection and  
4763 transmittal requirements; establishing a pilot project  
4764 in a specified judicial circuit to improve criminal  
4765 justice data transparency and ensure that submitted  
4766 data is accurate, valid, reliable, and structured;  
4767 authorizing certain persons to enter into a memorandum  
4768 of understanding with a national, nonpartisan,  
4769 nonprofit entity that meets certain criteria for the  
4770 purpose of embedding a data fellow in the office or  
4771 agency; establishing data fellow duties and  
4772 responsibilities; providing for the expiration of the  
4773 pilot project; providing an appropriation; creating s.  
4774 907.0421, F.S.; providing legislative findings;  
4775 authorizing the chief judge of each circuit, with  
4776 concurrence of specified persons, to enter an  
4777 administrative order for the use of a risk assessment  
4778 instrument in pretrial release determinations;  
4779 requiring the risk assessment instrument results to be  
4780 used as supplemental factors for the court's  
4781 evaluation of appropriate pretrial release conditions;  
4782 requiring the court to impose the least restrictive  
4783 conditions necessary to reasonably ensure the  
4784 defendant's appearance at subsequent hearings;



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4785 providing that a court retains sole discretion to  
4786 determine the appropriateness of pretrial release and  
4787 any necessary pretrial release conditions; requiring a  
4788 circuit that uses a risk assessment instrument under  
4789 this section to have the instrument validated by the  
4790 Department of Corrections; authorizing the circuit to  
4791 implement the risk assessment instrument upon  
4792 validation; requiring implementation to include proper  
4793 training of any local staff that will administer the  
4794 risk assessment instrument; requiring each circuit  
4795 that enters an administrative order to use risk  
4796 assessment instruments in pretrial determinations to  
4797 submit a report annually by a certain date to OPPAGA;  
4798 requiring OPPAGA to compile the reports and include  
4799 such information in a specified report sent to the  
4800 President of the Senate and Speaker of the House of  
4801 Representatives; authorizing the department to adopt  
4802 rules; amending s. 907.043, F.S.; requiring each  
4803 pretrial release program to include specified  
4804 additional information in its annual report; amending  
4805 s. 921.0024, F.S.; requiring scoresheets prepared for  
4806 all criminal defendants to be digitized; requiring the  
4807 Department of Corrections to develop and submit  
4808 revised digitized scoresheets to the Supreme Court for  
4809 approval; requiring digitized scoresheets to include  
4810 individual data cells for each field on the  
4811 scoresheet; requiring the clerk of court to  
4812 electronically transmit the digitized scoresheet used  
4813 in each sentencing proceeding to the Department of



4814 Corrections; amending s. 932.7061, F.S.; revising the  
4815 deadline for submitting an annual report by law  
4816 enforcement agencies concerning property seized or  
4817 forfeited under the Florida Contraband Forfeiture Act;  
4818 amending s. 934.01, F.S.; revising and providing  
4819 legislative findings; amending s. 934.02, F.S.;  
4820 redefining the term "oral communication"; defining the  
4821 terms "microphone-enabled household device" and  
4822 "portable electronic communication device"; amending  
4823 s. 934.21, F.S.; revising the exceptions to conduct  
4824 that constitutes unlawful access to stored  
4825 communications; conforming a provision to changes made  
4826 by the act; amending s. 934.42, F.S.; defining the  
4827 terms "mobile tracking device," "real-time location  
4828 tracking," and "historical location data"; authorizing  
4829 an investigative or law enforcement officer to apply  
4830 to a judge of competent jurisdiction for a warrant,  
4831 rather than an order, authorizing real-time location  
4832 tracking or acquisition of historical location data;  
4833 requiring an application for a warrant to include a  
4834 statement of a reasonable period of time that the  
4835 mobile tracking device may be used or the location  
4836 data may be obtained in real time, not to exceed a  
4837 specified limit; authorizing a court to grant  
4838 extensions that do not individually exceed a specified  
4839 limit, for good cause; deleting a provision requiring  
4840 a certification to be included in the application;  
4841 providing that the court, if it finds probable cause  
4842 and finds the required statements in the application,



4843 must grant a warrant; specifying that the warrant may  
4844 authorize real-time location tracking or acquisition  
4845 of historical location data; providing the warrant may  
4846 authorize the use of the mobile tracking device as  
4847 specified; requiring the warrant to command the  
4848 officer to complete any installation authorized by the  
4849 warrant within a certain timeframe; providing  
4850 requirements for the return of the warrant to the  
4851 judge and service of a copy of the warrant on the  
4852 person who was tracked or whose property was tracked;  
4853 specifying how a warrant authorizing historical  
4854 location data must be returned and served; authorizing  
4855 a court, for good cause, to postpone the notice  
4856 requirement for a specified time period; deleting the  
4857 definition of "tracking device"; requiring that the  
4858 standards established by Florida courts for the  
4859 installation, use, or monitoring of mobile tracking  
4860 devices and the acquisition of location data apply to  
4861 the installation, use, or monitoring of any devices  
4862 and the acquisition of location data as authorized;  
4863 authorizing any investigative or law enforcement  
4864 officer who is specially designated by certain persons  
4865 and who makes specified determinations to engage in  
4866 real-time location tracking if a warrant is later  
4867 obtained as specified; providing requirements for  
4868 engaging in real-time location tracking; specifying  
4869 when real-time location tracking must terminate;  
4870 creating s. 943.687, F.S.; requiring the Department of  
4871 Law Enforcement to collect, compile, maintain, and





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4872 manage certain data; requiring the Department of Law  
4873 Enforcement to make that data comparable,  
4874 transferable, and readily usable; requiring the  
4875 department to create a unique identifier for each  
4876 criminal case received from the clerks of court;  
4877 requiring the department to compile all data collected  
4878 and reported by local or state entities associated  
4879 with a person and to maintain all such relevant data  
4880 under the unique identifier assigned; requiring the  
4881 unique identifier to be the sole data element used to  
4882 identify an individual in any public forum; requiring  
4883 the department to create and maintain a certain  
4884 Internet-based database; providing requirements for  
4885 data searchability and sharing; requiring the  
4886 department to adopt certain rules; requiring the  
4887 department to monitor data collection procedures and  
4888 test data quality; providing for data archiving,  
4889 editing, retrieval, and verification; amending s.  
4890 943.13, F.S.; requiring that certain correctional  
4891 officers be at least 18 years of age; creating s.  
4892 944.145, F.S.; prohibiting a correctional officer who  
4893 is under 19 years of age from supervising inmates;  
4894 authorizing a correctional officer who is under 19  
4895 years of age to perform all other tasks performed by a  
4896 full-time, part-time, or auxiliary correctional  
4897 officer; amending s. 944.704, F.S.; requiring  
4898 transition assistance staff to include information  
4899 about job assignment credentialing and industry  
4900 certification in job placement information given to an



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4901 inmate; amending s. 944.705, F.S.; requiring the  
4902 Department of Corrections to provide a comprehensive  
4903 community reentry resource directory to each inmate  
4904 prior to release; requiring the department to allow  
4905 nonprofit faith-based, business and professional,  
4906 civic, and community organizations to apply to be  
4907 registered to provide inmate reentry services;  
4908 requiring the department to adopt policies for  
4909 screening, approving, and registering such  
4910 organizations; authorizing the department to contract  
4911 with public or private educational institutions to  
4912 assist veterans who are inmates in applying for  
4913 certain benefits; requiring the department to adopt  
4914 rules; amending s. 944.801, F.S.; specifying that the  
4915 department may only contract for 100 percent of the  
4916 cost to provide educational services under certain  
4917 programs; authorizing the department to develop a  
4918 Prison Entrepreneurship Program and adopt procedures  
4919 for student inmate admission; specifying requirements  
4920 for the program; requiring the department to enter  
4921 into agreements with certain entities to carry out  
4922 duties associated with the program; authorizing the  
4923 department to contract with certain entities to  
4924 provide education services for the Correctional  
4925 Education Program; creating s. 945.041, F.S.;  
4926 requiring the Department of Corrections to publish on  
4927 its website inmate admissions based on offense type  
4928 and the rates of rearrest, reconviction,  
4929 reincarceration, and probation revocation within a



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4930 specified period after release from incarceration;  
4931 requiring that the information be updated quarterly;  
4932 amending s. 945.091, F.S.; authorizing the department  
4933 to extend the limits of confinement to allow an inmate  
4934 to participate in supervised community release,  
4935 subject to certain requirements, as prescribed by the  
4936 department by rule; requiring the department to  
4937 administer a risk assessment instrument to determine  
4938 an inmate's appropriateness for release on electronic  
4939 monitoring; authorizing the department to terminate an  
4940 inmate's participation under certain circumstances;  
4941 authorizing a law enforcement or probation officer to  
4942 arrest such an inmate without a warrant in accordance  
4943 with specified authority; requiring the law  
4944 enforcement or probation officer to report alleged  
4945 violations to a correctional officer for disposition  
4946 of disciplinary charges as prescribed by the  
4947 department by rule; providing that participating  
4948 inmates remain eligible to earn or lose gain-time, but  
4949 not in an amount that results in an inmate being  
4950 released prior to serving 85 percent of the sentence  
4951 imposed; providing that such inmates may not be  
4952 counted in the population of the prison system and  
4953 that their approved community-based housing location  
4954 may not be counted in the capacity figures for the  
4955 prison system; amending s. 947.005, F.S.; defining the  
4956 terms "conditional medical release" and "electronic  
4957 monitoring device"; amending s. 947.149, F.S.;

4958 redefining the term "terminally ill inmate"; amending



4959 s. 948.001, F.S.; revising the definition of the term  
4960 "administrative probation"; amending s. 948.013, F.S.;  
4961 authorizing the court to sentence an offender to  
4962 administrative probation in certain circumstances;  
4963 authorizing the Department of Corrections to transfer  
4964 an offender to administrative probation in certain  
4965 circumstances; amending s. 948.03, F.S.; requiring the  
4966 Department of Corrections to include conditions of  
4967 probation in the Florida Crime Information Center  
4968 database; amending s. 948.06, F.S.; requiring each  
4969 judicial circuit to establish an alternative  
4970 sanctioning program; defining low- and moderate-risk  
4971 level technical violations of probation; establishing  
4972 permissible sanctions for low- and moderate-risk  
4973 violations of probation under the program;  
4974 establishing eligibility criteria; authorizing a  
4975 probationer who allegedly committed a technical  
4976 violation to waive participation in or elect to  
4977 participate in the program, admit to the violation,  
4978 agree to comply with the recommended sanction, and  
4979 agree to waive certain rights; requiring a probation  
4980 officer to submit the recommended sanction and certain  
4981 documentation to the court if the probationer admits  
4982 to committing the violation; authorizing the court to  
4983 impose the recommended sanction or direct the  
4984 department to submit a violation report, affidavit,  
4985 and warrant to the court; specifying that a  
4986 probationer's participation in the program is  
4987 voluntary; authorizing a probation officer to submit a



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4988 violation report, affidavit, and warrant to the court  
4989 in certain circumstances; creating s. 948.081, F.S.;  
4990 authorizing each judicial circuit to establish  
4991 community court programs for defendants charged with  
4992 certain offenses; providing requirements for community  
4993 courts; requiring the chief judge in a participating  
4994 county to specify eligible offenses taking into  
4995 consideration the community's needs and concerns;  
4996 requiring that certain agencies and entities support  
4997 community court programs; providing that a defendant's  
4998 entry into a community court program is voluntary;  
4999 requiring that programs have a resource coordinator  
5000 charged with certain responsibilities; requiring the  
5001 appointment of advisory committees with at least a  
5002 specified membership; requiring the advisory committee  
5003 to review cases and authorizing members to make  
5004 recommendations to the judge; requiring the judge to  
5005 consider such recommendations; requiring programs to  
5006 report certain data; requiring that funding be secured  
5007 from sources other than the state for certain costs;  
5008 creating s. 948.33, F.S.; authorizing a prisoner in a  
5009 state prison who has an unserved violation of  
5010 probation or an unserved violation of community  
5011 control warrant to file a notice of unserved warrant  
5012 in the circuit court where the warrant was issued and  
5013 to serve notice on the state attorney; requiring the  
5014 circuit court to schedule a status hearing within a  
5015 certain timeframe after receiving notice; specifying  
5016 procedures and requirements for the status hearing;



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5017 providing for prosecution of the violation; requiring  
5018 that if the court enters an order, it send the order  
5019 to the county sheriff; amending s. 951.176, F.S.;  
5020 authorizing counties to contract with certain entities  
5021 to provide educational services for inmates in county  
5022 detention facilities; amending s. 951.22, F.S.;  
5023 prohibiting introduction into, or possession of any  
5024 cellular telephone or other portable communication  
5025 device on, the grounds of any county detention  
5026 facility,; defining the term "portable communication  
5027 device"; providing criminal penalties; amending ss.  
5028 1011.80 and 1011.81, F.S.; revising provisions  
5029 prohibiting state funds for the operation of  
5030 postsecondary workforce programs and funds for the  
5031 Florida College System Program Fund, respectively,  
5032 from being used for the education of certain state  
5033 inmates; amending s. 1011.84, F.S.; conforming a  
5034 provision to changes made by the act; amending s.  
5035 320.08058, F.S.; allowing the Department of Highway  
5036 Safety and Motor Vehicles to distribute proceeds from  
5037 the Invest in Children license plate annual use fee on  
5038 a statewide basis; requiring the Office of Program  
5039 Policy Analysis and Government Accountability (OPPAGA)  
5040 to conduct an analysis of the laws and procedures  
5041 pertaining to the transfer of juveniles to adult  
5042 courts for criminal prosecution; requiring OPPAGA to  
5043 consult with specified representatives in conducting  
5044 the analysis; requiring OPPAGA to submit by a certain  
5045 date submit a report to the Legislature and the



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5046 Governor; providing requirements for the report;  
5047 providing requirements of the report; amending s.  
5048 985.03, F.S.; replacing the term "nonsecure detention"  
5049 with the term "supervised release detention"; defining  
5050 the term "supervised release detention"; amending ss.  
5051 985.037, 985.039, and 985.101, F.S.; conforming  
5052 provisions to changes made by the act; creating s.  
5053 901.41, F.S.; providing legislative intent;  
5054 encouraging local communities and public or private  
5055 educational institutions to implement prearrest  
5056 diversion programs for certain offenders; encouraging  
5057 prearrest diversion programs to share information with  
5058 other prearrest diversion programs; authorizing local  
5059 communities and public or private educational  
5060 institutions to adopt prearrest diversion programs;  
5061 authorizing law enforcement officers, at their sole  
5062 discretion, to issue a civil citation or similar  
5063 prearrest diversion program notice under specified  
5064 circumstances to adults who commit certain misdemeanor  
5065 offenses; requiring an adult who receives a civil  
5066 citation or similar prearrest diversion program notice  
5067 to report for intake as required by the prearrest  
5068 diversion program; requiring that the prearrest  
5069 diversion program provide specified services to adults  
5070 who participate, as appropriate; requiring that an  
5071 adult who is issued a civil citation or similar  
5072 prearrest diversion program notice fulfill a community  
5073 service requirement; requiring the adult to pay  
5074 restitution to a victim; requiring law enforcement



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5075 officers to determine whether there is good cause to  
5076 arrest participants who do not successfully complete a  
5077 prearrest diversion program and, if so, to refer the  
5078 case to the state attorney, or, in the absence of good  
5079 cause, to allow the participant to continue in the  
5080 program; requiring representatives of specified  
5081 entities to create the prearrest diversion program;  
5082 requiring the entities to develop policies and  
5083 procedures for the development and operation of the  
5084 program, including designation of the misdemeanor  
5085 offenses that qualify persons for participation, and  
5086 to solicit input from other interested stakeholders;  
5087 authorizing specified entities to operate programs;  
5088 requiring prearrest diversion program operators to  
5089 electronically provide participants' personal  
5090 identifying information to the clerk of the circuit  
5091 court; specifying requirements for the clerks'  
5092 handling and maintenance of certain information;  
5093 requiring that a portion of any participation fee go  
5094 to the appropriate clerk of the circuit court;  
5095 requiring fees received by the clerks of the circuit  
5096 court to be deposited in a certain fund; providing  
5097 applicability; specifying that persons who commit  
5098 certain offenses are ineligible for such programs;  
5099 amending s. 943.0582, F.S.; requiring, rather than  
5100 authorizing, the Department of Law Enforcement to  
5101 adopt rules for the expunction of certain nonjudicial  
5102 records of the arrest of a minor upon successful  
5103 completion by the minor of certain diversion programs;





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5104 defining the term "diversion program; redefining  
5105 terms; revising the circumstances under which the  
5106 department must expunge certain nonjudicial arrest  
5107 records; deleting the department's authority to charge  
5108 a processing fee for the expunction; amending s.  
5109 985.12, F.S.; providing legislative findings and  
5110 intent; deleting provisions establishing a juvenile  
5111 civil citation process with a certain purpose;  
5112 requiring the establishment of a civil citation or  
5113 similar prearrest diversion program in each judicial  
5114 circuit, rather than at the local level, with the  
5115 concurrence of specified persons; requiring that the  
5116 state attorney and public defender of each circuit,  
5117 the clerk of the court for each county in the circuit,  
5118 and representatives of participating law enforcement  
5119 agencies create a civil citation or similar prearrest  
5120 diversion program and develop its policies and  
5121 procedures; authorizing such entities to solicit  
5122 stakeholders for input in developing the program's  
5123 policies and procedures; requiring the Department of  
5124 Juvenile Justice to annually develop and provide  
5125 guidelines on civil citation or similar prearrest  
5126 diversion programs to the judicial circuits; providing  
5127 requirements for the civil citation or similar  
5128 prearrest diversion program; requiring the state  
5129 attorney of each judicial circuit to operate the civil  
5130 citation or similar prearrest diversion program;  
5131 providing an exception; providing construction;  
5132 requiring the arresting law enforcement officer to



5133 make a determination if a juvenile does not  
5134 successfully complete the civil citation or similar  
5135 prearrest diversion program; deleting provisions  
5136 relating to the operation of and requirements for a  
5137 civil citation or similar prearrest diversion program;  
5138 requiring that a copy of each civil citation or  
5139 similar prearrest diversion program notice be provided  
5140 to the Department of Juvenile Justice; conforming  
5141 provisions to changes made by the act; deleting  
5142 provisions relating to requirements for a civil  
5143 citation or similar prearrest diversion program;  
5144 amending s. 985.125, F.S.; conforming a provision to  
5145 changes made by the act; amending s. 985.145, F.S.;  
5146 requiring the department to enter certain information  
5147 into the Juvenile Justice Information System  
5148 Prevention Web until formal charges are filed;  
5149 requiring the department to retain such records  
5150 according to its policies in the Prevention Web if  
5151 formal charges are not filed; creating s. 985.126,  
5152 F.S.; defining the term "diversion program"; requiring  
5153 a diversion program to submit, beginning on a certain  
5154 date, to the department specified data relating to  
5155 diversion programs; requiring a law enforcement agency  
5156 to submit, beginning on a certain date, to the  
5157 department specified data about diversion programs;  
5158 requiring the department to compile and publish,  
5159 beginning on a certain date, such data in a specified  
5160 manner; authorizing a minor to deny or fail to  
5161 acknowledge his or her expunction of a certain



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5162 nonjudicial arrest record under certain circumstances  
5163 unless an exception applies; requiring the department  
5164 to adopt rules; amending s. 985.24, F.S.; deleting  
5165 provisions authorizing the Department of Juvenile  
5166 Justice to develop evening reporting centers;  
5167 conforming provisions to changes made by the act;  
5168 amending s. 985.245, F.S.; revising risk assessment  
5169 instrument considerations; conforming provisions to  
5170 changes made by the act; amending s. 985.25, F.S.;  
5171 deleting a provision requiring mandatory detention for  
5172 children taken into custody on three or more separate  
5173 occasions within a 60-day period; amending s. 985.255,  
5174 F.S.; revising the circumstances under which a  
5175 continued detention status may be ordered; amending s.  
5176 985.26, F.S.; requiring the Department of Juvenile  
5177 Justice to hold a prolific juvenile offender in secure  
5178 detention pending a detention hearing following a  
5179 violation of nonsecure detention; amending s. 985.26,  
5180 F.S.; revising the definition of the term  
5181 "disposition"; conforming provisions to changes made  
5182 by the act; amending ss. 985.265 and 985.35, F.S.;  
5183 conforming provisions to changes made by the act;  
5184 amending s. 985.439, F.S.; deleting an authorization  
5185 for placement of a child in a consequence unit in  
5186 certain circumstances; allowing a child who violates  
5187 conditions of probation to be detained or released  
5188 based on the results of the detention risk assessment  
5189 instrument; conforming provisions to changes made by  
5190 the act; amending s. 985.601, F.S.; conforming



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5191 provisions to changes made by the act; amending s.  
5192 985.672, F.S.; requiring the board of directors of the  
5193 department's direct-support organization to be  
5194 appointed according to the organization's bylaws;  
5195 deleting the scheduled repeal of provisions governing  
5196 the direct-support organization established by the  
5197 department; amending s. 921.0022, F.S.; conforming  
5198 provisions to changes made by the act; conforming a  
5199 cross-reference; amending s. 985.557, F.S.; conforming  
5200 cross-references; reenacting ss. 95.18(10),  
5201 373.6055(3)(c), 400.9935(3), 409.910(17)(g),  
5202 489.126(4), 538.09(5), 538.23(2), 550.6305(10),  
5203 634.319(2), 634.421(2), 636.238(3), 642.038(2),  
5204 705.102(4), 718.111(1)(d), 812.015(2), 812.0155(1) and  
5205 (2), 812.14(4), (7), and (8), 893.138(3),  
5206 943.051(3)(b), and 985.11(1)(b), F.S., relating to  
5207 adverse possession without color of title, criminal  
5208 history checks for certain water management district  
5209 employees and others, clinic responsibilities,  
5210 responsibility for payments on behalf of Medicaid-  
5211 eligible persons when other parties are liable, moneys  
5212 received by contractors, secondhand dealer  
5213 registration, secondary metals recycler violations and  
5214 penalties, intertrack wagering, diversion or  
5215 appropriation of funds by warranty association sales  
5216 representatives, collection of fees for purported  
5217 membership in discount plan organizations, diversion  
5218 or appropriation of funds by legal expense insurance  
5219 sales representatives, reporting lost or abandoned



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5220 property, condominium associations, retail and farm  
5221 theft, suspension of driver license following an  
5222 adjudication of guilt for theft, trespass and larceny  
5223 with relation to utility fixtures and theft of utility  
5224 services, local administrative action to abate drug-  
5225 related, prostitution-related, or stolen-property-  
5226 related public nuisances and criminal gang activity,  
5227 fingerprinting of certain minors, and fingerprinting  
5228 and photographing of certain children, respectively,  
5229 to incorporate the amendment made to s. 812.014, F.S.,  
5230 in references thereto; reenacting s. 932.7062, F.S.,  
5231 relating to a penalty for noncompliance with reporting  
5232 requirements, to incorporate the amendment made to s.  
5233 932.7061, F.S., in a reference thereto; reenacting s.  
5234 944.026(3), F.S., relating to community-based  
5235 facilities and programs, to incorporate the amendment  
5236 made to s. 944.704, F.S., in a reference thereto;  
5237 reenacting s. 447.203(3), F.S., relating to  
5238 definitions, to incorporate the amendment made to s.  
5239 944.801, F.S., in a reference thereto; reenacting ss.  
5240 316.1935(6), 772.12(2), 775.084(4)(k), 775.087(2)(b)  
5241 and(3)(b), 784.07(3), 790.235(1), 794.0115(7),  
5242 893.135(1)(b), (c), and (g) and (3), 921.0024(2),  
5243 944.605(7)(b), 944.70(1)(b), 947.13(1)(h), and  
5244 947.141(1), (2), and (7), F.S., all relating to  
5245 authorized conditional medical release granted under  
5246 s. 947.149, F.S., to incorporate the amendment made to  
5247 s. 947.149, F.S., in references thereto; providing  
5248 effective dates.