

1 A bill to be entitled
2 An act relating to public safety; amending s. 23.1225,
3 F.S.; authorizing a mutual aid agreement for certain
4 law enforcement purposes during a declared state of
5 emergency; amending s. 30.15, F.S.; requiring sheriffs
6 to provide security for trial court facilities in
7 their respective counties and coordinate such security
8 with certain judges; providing that sheriffs and their
9 deputies, employees, and contractors are officers of
10 the court when providing such security; granting
11 certain judges decisionmaking authority to protect due
12 process rights in certain circumstances; amending s.
13 57.105, F.S.; limiting attorney fees in civil
14 proceedings in certain circumstances; creating s.
15 322.75, F.S.; requiring each judicial circuit to
16 establish a Driver License Reinstatement Days program
17 for reinstating suspended driver licenses in certain
18 circumstances; providing duties of the clerks of the
19 circuit courts and the Department of Highway Safety
20 and Motor Vehicles; authorizing such clerks to
21 compromise on or waive certain fees and costs;
22 providing eligibility requirements for such program;
23 amending ss. 784.046 and 784.0485, F.S.; prohibiting
24 attorney fees from being awarded in certain
25 proceedings; amending s. 800.03, F.S.; providing

26 increased penalties for a second or subsequent
27 violation of exposing or exhibiting one's sexual
28 organs; providing a definition; amending s. 921.0022,
29 F.S.; ranking such violation on the Offense Severity
30 Ranking Chart of the Criminal Punishment Code;
31 amending s. 944.704, F.S.; requiring transition
32 assistance specialists to identify job assignment
33 credentialing or industry certifications for which
34 inmates are eligible; amending s. 944.705, F.S.;

35 requiring the Department of Corrections to provide a
36 reentry resource directory to each inmate before his
37 or her release; authorizing certain organizations to
38 apply for registration with the department to provide
39 inmate reentry services; requiring the department to
40 adopt policies and procedures for screening,
41 approving, and registering such organizations;

42 authorizing the department to contract with certain
43 clinics at public or private educational institutions
44 to assist veteran inmates in applying for benefits;
45 requiring the department to adopt rules; amending s.
46 944.801, F.S.; authorizing the Correctional Education
47 Program to establish a Prison Entrepreneurship Program
48 and adopt certain procedures; authorizing the
49 department to develop such program; providing
50 requirements for such program; requiring the

51 department to enter into agreements with certain
52 entities to implement the program; providing for
53 funding for such program; creating s. 944.805, F.S.;
54 providing definitions relating to a certificate of
55 achievement and employability; creating s. 944.8055,
56 F.S.; providing eligibility requirements and an
57 application timeframe for such certificate; requiring
58 the department to notify a licensing agency in certain
59 circumstances; authorizing the department to issue
60 such certificate; providing that such certificate does
61 not affect certain mandatory civil impacts; providing
62 for funding for such certificate; requiring the
63 department to adopt rules; creating s. 944.806, F.S.;
64 providing that such certificate converts a mandatory
65 civil impact into a discretionary civil impact for
66 certain purposes; creating s. 944.8065, F.S.;
67 requiring the department to adopt certain rules;
68 amending s. 948.001, F.S.; revising a definition;
69 amending s. 948.013, F.S.; authorizing the department
70 to transfer an offender to administrative probation in
71 certain circumstances; amending s. 948.03, F.S.;
72 requiring the department to include conditions of
73 probation in the Florida Crime Information Center
74 system; amending s. 948.06, F.S.; requiring each
75 judicial circuit to establish an alternative

76 | sanctioning program; providing definitions;
77 | establishing permissible sanctions for low-risk and
78 | moderate-risk violations of probation under such
79 | program; providing eligibility requirements for such
80 | program; authorizing certain actions by a probationer
81 | or offender on community control who is eligible for
82 | such program; requiring a probation officer to submit
83 | the recommended sanction and certain documentation to
84 | the court in certain circumstances; authorizing the
85 | court to impose the recommended sanction or direct the
86 | department to perform certain actions; specifying that
87 | participation in such program is voluntary;
88 | authorizing a probation officer to perform certain
89 | actions in certain circumstances; creating s. 948.081,
90 | F.S.; authorizing the establishment of community court
91 | programs; providing requirements for such programs;
92 | reenacting ss. 447.203(2), 794.056(1), 914.16,
93 | 933.18(7), 938.085, 943.051(3)(b), 944.026(3)(a),
94 | 944.4731(6), 985.11(1)(b), and 985.441(2)(c), F.S.,
95 | relating to definitions regarding labor organizations,
96 | the Rape Crisis Program Trust Fund, limits on
97 | interviews of child abuse and sexual abuse victims
98 | under age 16 or who have an intellectual disability,
99 | when a warrant may be issued for search of a private
100 | dwelling, additional cost to fund rape crisis centers,

101 the collection and storage of criminal justice
 102 information and fingerprinting of minors, community-
 103 based facilities and programs, the Addiction-Recovery
 104 Supervision Program, fingerprinting and photographing
 105 of children, and commitment, respectively, to
 106 incorporate amendments made by the act; providing an
 107 effective date.

108

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

110

111 Section 1. Subsection (5) of section 23.1225, Florida
 112 Statutes, is amended to read:

113 23.1225 Mutual aid agreements.—

114 (5) In the event of a disaster or emergency such that a
 115 state of emergency is declared by the Governor pursuant to
 116 chapter 252, a mutual aid agreement may be used to increase the
 117 presence of law enforcement to aid in traffic and crowd control,
 118 emergency response, and evacuation support. The requirement that
 119 a requested operational assistance agreement be a written
 120 agreement for rendering of assistance in a law enforcement
 121 emergency may be waived by the participating agencies for a
 122 period of up to 90 days from the declaration of the disaster.

123 (a) When a law enforcement agency lends assistance
 124 pursuant to this subsection, all powers, privileges, and
 125 immunities listed in s. 23.127, except with regard to interstate

126 mutual aid agreements, apply to the agency or entity, if the law
 127 enforcement employees rendering services are being requested and
 128 coordinated by the affected local law enforcement executive in
 129 charge of law enforcement operations.

130 (b) A listing of such agencies or entities and the
 131 officers and employees of such agencies or entities rendering
 132 assistance pursuant to this subsection must be maintained by the
 133 agency or entity requesting such assistance and filed at the end
 134 of the 90-day period with the Florida Department of Law
 135 Enforcement.

136 Section 2. Subsection (4) is added to section 30.15,
 137 Florida Statutes, to read:

138 30.15 Powers, duties, and obligations.—

139 (4) (a) Sheriffs, in their respective counties, shall
 140 provide security for trial court facilities. Sheriffs shall
 141 coordinate with the chief judge of the judicial circuit in which
 142 their county is located on all security matters for such
 143 facilities, but they shall retain operational control over the
 144 manner in which such security is provided.

145 (b) Pursuant to s. 26.49, sheriffs and their deputies,
 146 employees, and contractors are officers of the court when
 147 providing security for trial court facilities under this
 148 subsection.

149 (c) The chief judge of the judicial circuit shall have
 150 decisionmaking authority to ensure the protection of due process

151 rights, including, but not limited to, the scheduling and
152 conduct of trials and other judicial proceedings, as part of his
153 or her responsibility for the administrative supervision of the
154 trial courts pursuant to s. 43.26.

155 Section 3. Subsection (1) of section 57.105, Florida
156 Statutes, is amended to read:

157 57.105 Attorney ~~Attorney's~~ fee; sanctions for raising
158 unsupported claims or defenses; exceptions; service of motions;
159 damages for delay of litigation.—

160 (1) Unless otherwise provided, upon the court's initiative
161 or motion of any party, the court shall award a reasonable
162 attorney's fee, including prejudgment interest, to be paid to
163 the prevailing party in equal amounts by the losing party and
164 the losing party's attorney on any claim or defense at any time
165 during a civil proceeding or action in which the court finds
166 that the losing party or the losing party's attorney knew or
167 should have known that a claim or defense when initially
168 presented to the court or at any time before trial:

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

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

173 Section 4. Section 322.75, Florida Statutes, is created to
174 read:

175 322.75 Driver License Reinstatement Days.—

176 (1) Each judicial circuit shall establish a Driver License
177 Reinstatement Days program for reinstating suspended driver
178 licenses. Participants shall include the Department of Highway
179 Safety and Motor Vehicles, the state attorney's office, the
180 public defender's office, the circuit and county courts, the
181 clerk of the circuit court, and any interested community
182 organization.

183 (2) The clerk of the circuit court, in consultation with
184 other participants, shall select one or more days for an event
185 at which a person may have his or her driver license reinstated.
186 A person must pay the full license reinstatement fee; however,
187 the clerk may compromise on or waive other fees and costs to
188 facilitate reinstatement.

189 (3) (a) A person is eligible for reinstatement under the
190 program if his or her driver license was suspended due to:
191 1. Driving without a valid driver license;
192 2. Driving with a suspended driver license;
193 3. Failing to make a payment on penalties in collection;
194 4. Failing to appear in court for a traffic violation; or
195 5. Failing to comply with provisions of chapter 318 or
196 this chapter.

197 (b) Notwithstanding paragraphs (4) (a)-(c), a person is
198 eligible for reinstatement under the program if the period of
199 suspension or revocation has elapsed, the person has completed
200 any required course or program as described in paragraph (4) (c),

201 and the person is otherwise eligible for reinstatement.

202 (4) A person is not eligible for reinstatement under the
203 program if his or her driver license is suspended or revoked due
204 to:

205 (a) Failing to fulfill a court-ordered child support
206 obligation;

207 (b) A violation of s. 316.193;

208 (c) Not completing a driver training program, driver
209 improvement course, or alcohol or substance abuse education or
210 evaluation program required under s. 316.192, s. 316.193, s.
211 322.2616, s. 322.264, or s. 322.271;

212 (d) A traffic-related felony; or

213 (e) Being a habitual traffic offender under s. 322.264.

214 (5) The clerk of the circuit court and the Department of
215 Highway Safety and Motor Vehicles shall verify any information
216 necessary for reinstatement of a driver license under the
217 program.

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

220 784.046 Action by victim of repeat violence, sexual
221 violence, or dating violence for protective injunction; dating
222 violence investigations, notice to victims, and reporting;
223 pretrial release violations; public records exemption.—

224 (2) There is created a cause of action for an injunction
225 for protection in cases of repeat violence, there is created a

226 separate cause of action for an injunction for protection in
 227 cases of dating violence, and there is created a separate cause
 228 of action for an injunction for protection in cases of sexual
 229 violence.

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

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

234 784.0485 Stalking; injunction; powers and duties of court
 235 and clerk; petition; notice and hearing; temporary injunction;
 236 issuance of injunction; statewide verification system;
 237 enforcement.—

238 (2)

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

241 Section 7. Section 800.03, Florida Statutes, is amended to
 242 read:

243 800.03 Exposure of sexual organs.—

244 (1) (a) It is unlawful to expose or exhibit one's sexual
 245 organs in public or on the private premises of another, or so
 246 near thereto as to be seen from such private premises, in a
 247 vulgar or indecent manner, or to be naked in public except in
 248 any place provided or set apart for that purpose. A mother's
 249 breastfeeding of her baby does not under any circumstances
 250 violate this section.

251 (b) Except as provided in subsection (2), a violation of
 252 this section is a misdemeanor of the first degree, punishable as
 253 provided in s. 775.082 or s. 775.083. ~~A mother's breastfeeding~~
 254 ~~of her baby does not under any circumstance violate this~~
 255 ~~section.~~

256 (2) A person who commits a second or subsequent violation
 257 of this section commits a felony of the third degree, punishable
 258 as provided in s. 775.082, s. 775.083, or s. 775.084. For
 259 purposes of this subsection, the term "conviction" means a
 260 determination of guilt that is the result of a plea or a trial,
 261 regardless of whether adjudication is withheld or a plea of nolo
 262 contendere is entered.

263 Section 8. Paragraph (c) of subsection (3) of section
 264 921.0022, Florida Statutes, is amended to read:

265 921.0022 Criminal Punishment Code; offense severity
 266 ranking chart.—

267 (3) OFFENSE SEVERITY RANKING CHART

268 (c) LEVEL 3

269

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

270

271	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
272	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
273	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
274	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
275	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
276	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
277	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained

title or registration.

278

327.35 (2) (b) 3rd Felony BUI.

279

328.05 (2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

280

328.07 (4) 3rd Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.

281

376.302 (5) 3rd Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.

282

379.2431 3rd Taking, disturbing, mutilating,
(1) (e) 5. destroying, causing to be
destroyed, transferring,
selling, offering to sell,
molesting, or harassing marine
turtles, marine turtle eggs, or
marine turtle nests in
violation of the Marine Turtle

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Protection Act.

283

379.2431 3rd Possessing any marine turtle
 (1) (e) 6. species or hatchling, or parts
 thereof, or the nest of any
 marine turtle species described
 in the Marine Turtle Protection
 Act.

284

379.2431 3rd Soliciting to commit or
 (1) (e) 7. conspiring to commit a
 violation of the Marine Turtle
 Protection Act.

285

400.9935 (4) (a) 3rd Operating a clinic, or offering
 or (b) services requiring licensure,
 without a license.

286

400.9935 (4) (e) 3rd Filing a false license
 application or other required
 information or failing to
 report information.

287

440.1051 (3) 3rd False report of workers'
 compensation fraud or

retaliation for making such a report.

288

501.001 (2) (b) 2nd Tampers with a consumer product or the container using materially false/misleading information.

289

624.401 (4) (a) 3rd Transacting insurance without a certificate of authority.

290

624.401 (4) (b) 1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

291

626.902 (1) (a) & (b) 3rd Representing an unauthorized insurer.

292

697.08 3rd Equity skimming.

293

790.15 (3) 3rd Person directs another to discharge firearm from a vehicle.

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295	<u>800.03(2)</u>	<u>3rd</u>	<u>Second or subsequent exposure of sexual organs.</u>
296	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
297	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
298	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
299	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
300	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.

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301	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
302	817.233	3rd	Burning to defraud insurer.
303	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
304	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
305	817.236	3rd	Filing a false motor vehicle insurance application.
306	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
307	817.413 (2)	3rd	Sale of used goods as new.
308			

309	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
310	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
311	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
312	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
313	843.19	3rd	Injure, disable, or kill police dog or horse.
314	860.15 (3)	3rd	Overcharging for repairs and parts.
315	870.01 (2)	3rd	Riot; inciting or encouraging.

316	893.13(1)(a)2.	3rd	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).
317	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver 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 university.
318	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver 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 public housing facility.
318	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled

substances.

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893.13 (6) (a) 3rd Possession of any controlled substance other than felony possession of cannabis.

893.13 (7) (a) 8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

893.13 (7) (a) 9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

893.13 (7) (a) 10. 3rd Affix false or forged label to package of controlled substance.

893.13 (7) (a) 11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

- 325 893.13(8)(a)1. 3rd Knowingly assist a patient,
other person, or owner of an
animal in obtaining a
controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.
- 326 893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to
assist a patient, other person,
or owner of an animal in
obtaining a controlled
substance.
- 327 893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.
- 893.13(8)(a)4. 3rd Write a prescription for a
controlled substance for a
patient, other person, or an
animal if the sole purpose of
writing the prescription is a

monetary benefit for the practitioner.

328

918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

329

944.47 (1)(a)1. & 2. 3rd Introduce contraband to correctional facility.

330

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

331

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

332

333 Section 9. Subsection (3) of section 944.704, Florida
334 Statutes, is amended to read:

335 944.704 Staff who provide transition assistance; duties.-
336 The department shall provide a transition assistance specialist
337 at each of the major institutions whose duties include, but are
338 not limited to:

339 (3) Obtaining job placement information, which must

340 include identifying any job assignment credentialing or industry
341 certifications for which an inmate is eligible.

342
343 The transition assistance specialist may not be a correctional
344 officer or correctional probation officer as defined in s.
345 943.10.

346 Section 10. Subsections (3) through (5) of section
347 944.705, Florida Statutes, are renumbered as subsections (4)
348 through (6), respectively, subsection (6) is renumbered as
349 subsection (10), and new subsections (3), (7), (8), (9), and
350 (11) are added to that section to read:

351 944.705 Release orientation program.—

352 (3) Before an inmate's release, the department shall
353 provide the inmate with a comprehensive community reentry
354 resource directory organized by county that includes the name,
355 address, and telephone number of each provider and a description
356 of services offered by each provider. The directory must also
357 include the name, address, and telephone number of existing
358 starting points for using such resources.

359 (7) A nonprofit faith-based business and professional,
360 civic, or community organization may apply for registration with
361 the department to provide inmate reentry services. Reentry
362 services include, but are not limited to, counseling; providing
363 information on housing and job placement; money management
364 assistance; and programs addressing substance abuse, mental

365 health, or co-occurring conditions.

366 (8) The department shall adopt policies and procedures for
367 screening, approving, and registering an organization that
368 applies under subsection (7). The department may deny approval
369 and registration of an organization or a representative of an
370 organization if it determines that the organization or
371 representative does not meet the department's policies or
372 procedures.

373 (9) The department may contract with a public or private
374 educational institution's Veterans Advocacy Clinic or Veterans
375 Legal Clinic to assist qualified veteran inmates in applying for
376 veteran's benefits upon release.

377 (11) The department shall adopt rules to implement this
378 section.

379 Section 11. Subsections (4) and (5) of section 944.801,
380 Florida Statutes, are renumbered as subsections (5) and (6),
381 respectively, and a new subsection (4) is added to that section
382 to read:

383 944.801 Education for state prisoners.—

384 (4) The Correctional Education Program may establish a
385 Prison Entrepreneurship Program and adopt procedures for
386 admitting student inmates. If the department elects to develop
387 the program, it must include at least 180 days of in-prison
388 education. Program curriculum must include a component on
389 developing a business plan, procedures for graduation and

390 certification of successful student inmates, and at least 90
391 days of transitional and postrelease continuing education
392 services. Transitional and postrelease continuing education
393 services may be offered to graduate student inmates on a
394 voluntary basis and shall not be a requirement for completion of
395 the program. The department shall enter into agreements with
396 public or private colleges, universities, or other nonprofit
397 entities to implement the program. The program shall be funded
398 within existing resources.

399 Section 12. Section 944.805, Florida Statutes, is created
400 to read:

401 944.805 Certificate of achievement and employability;
402 definitions.—

403 (1) As used in this section and ss. 944.8055-944.8065, the
404 term:

405 (a) "Discretionary civil impact" means any state statute
406 or rule that creates a penalty, disability, or disadvantage to
407 which all of the following apply:

408 1. The impact is triggered in whole or in part by a
409 person's conviction of an offense, whether or not the penalty,
410 disability, or disadvantage is included in the judgment or
411 sentence.

412 2. The impact is imposed on a person, licensing agency, or
413 employer.

414 3. The impact permits, but does not require, a convicted

415 person's license to be denied or revoked, permits a licensing
416 agency to deny or revoke a convicted person's license or
417 certification, or permits a business to refuse to employ a
418 convicted person.

419
420 The term does not include imprisonment, probation, parole,
421 supervised release, forfeiture, restitution, fine, assessment,
422 or costs of prosecution.

423 (b) "Eligible inmate" means a person serving a prison term
424 in a state correctional institution, or a person under the
425 supervision of the department on probation or under a
426 postrelease control sanction, who is eligible to apply to the
427 department for a certificate of achievement and employability.

428 (c) "Licensing agency" means any regulatory or licensing
429 entity with authority to issue, suspend, or revoke any
430 professional license or certification.

431 (d) "Mandatory civil impact" means any state statute or
432 rule that creates a penalty, disability, or disadvantage to
433 which all of the following apply:

434 1. The impact is triggered automatically solely by a
435 person's conviction of an offense, whether or not the penalty,
436 disability, or disadvantage is included in the judgment or
437 sentence.

438 2. The impact is imposed on a person, licensing agency, or
439 employer.

440 3. The impact precludes a convicted person from
441 maintaining or obtaining licensure or employment, precludes a
442 licensing agency from issuing a license or certification to a
443 convicted person, or precludes a business from being certified
444 or from employing a convicted person.

445
446 The term does not include imprisonment, probation, parole,
447 supervised release, forfeiture, restitution, fine, assessment,
448 or costs of prosecution.

449 Section 13. Section 944.8055, Florida Statutes, is created
450 to read:

451 944.8055 Certificate of achievement and employability;
452 eligibility.-

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

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

458 (b) Has demonstrated exemplary performance as determined
459 by completion of one or more cognitive or behavioral improvement
460 programs approved by the department while incarcerated in a
461 state correctional institution or under supervision, or during
462 both periods of time.

463 (c) Shows other evidence of achievement and
464 rehabilitation.

465 (d) Is not currently serving a sentence for or has not
466 been previously convicted of a violation of a dangerous crime as
467 defined in s. 907.041, or a violation specified as a predicate
468 offense for registration as a sexual predator under s. 775.21 or
469 for registration as a sexual offender under s. 943.0435.

470 (2) (a) An eligible inmate may apply for a certificate of
471 achievement and employability no earlier than 1 year before the
472 date of his or her release from department custody and no later
473 than the actual date of his or her release.

474 (b) An inmate released from a state correctional
475 institution, or a person under the supervision of the department
476 on probation or postrelease control sanction, who satisfies all
477 the criteria set forth in subsection (1) is eligible to apply to
478 the department for a certificate of achievement and
479 employability at any time while under supervision or postrelease
480 control sanction.

481 (3) When applying for a certificate of achievement and
482 employability, an eligible inmate shall specify the mandatory
483 civil impacts for which he or she is seeking relief through such
484 certificate. If a mandatory civil impact of a licensing agency
485 is affected by issuing such certificate, the department shall
486 notify the licensing agency, provide the licensing agency with a
487 copy of the application and documentation that the department
488 has concerning the eligible inmate, and afford the licensing
489 agency an opportunity to object in writing to issuing such

490 certificate.

491 (4) The department shall consider the eligible inmate's
 492 application and all objections to issuing the certificate of
 493 achievement and employability. If the department determines that
 494 the inmate is eligible, the application was filed timely, and
 495 all objections to issuing such certificate are insufficient, it
 496 shall issue such certificate to the eligible inmate.

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

500 (6) The department is not liable for a claim for damages
 501 arising from issuing, denying, or revoking a certificate of
 502 achievement and employability or for failing to revoke such
 503 certificate under the circumstances described in s. 944.8065.

504 (7) The certificate of achievement and employability
 505 program shall be funded within existing resources.

506 (8) The department shall adopt rules to implement this
 507 section.

508 Section 14. Section 944.806, Florida Statutes, is created
 509 to read:

510 944.806 Certificate of achievement and employability;
 511 effect.—

512 (1) A certificateholder who applies to a licensing agency
 513 and has a conviction or guilty plea that otherwise would bar
 514 licensure or certification because of a mandatory civil impact

515 shall be given individualized consideration by the licensing
516 agency. Such certificate constitutes a rebuttable presumption
517 that the certificateholder's conviction alone is insufficient
518 evidence that he or she is unfit for the license or
519 certification. Notwithstanding the presumption established under
520 this section, the licensing agency may deny the license or
521 certification if it determines that the certificateholder is
522 unfit for licensure or certification after considering all
523 relevant facts and circumstances.

524 (2) If an employer that has hired a certificateholder
525 applies to a licensing agency and the certificateholder has a
526 conviction or guilty plea that otherwise would bar his or her
527 employment with the employer, or would bar the employer's
528 licensure or certification because of a mandatory civil impact,
529 the agency shall give the certificateholder individualized
530 consideration for licensure or certification. The mandatory
531 civil impact shall be deemed a discretionary civil impact, and
532 such certificate constitutes a rebuttable presumption that the
533 certificateholder's criminal convictions are insufficient
534 evidence that he or she is unfit for the employment, or that the
535 employer is unfit for the licensure or certification. The agency
536 may deny the employer licensure or certification if it
537 determines that the certificateholder is unfit for employment or
538 that the employer is unfit for licensure or certification.

539 Section 15. Section 944.8065, Florida Statutes, is created

540 to read:

541 944.8065 Certificate of achievement and employability;
542 revocation.—The department shall adopt rules governing
543 revocation of a certificate of achievement and employability
544 issued under s. 944.8055. The rules shall, at a minimum, require
545 revocation if a certificateholder is convicted of or pleads
546 guilty to a felony. The department shall determine which
547 additional offenses require revocation taking into consideration
548 the nature of the offense and the employment of a
549 certificateholder.

550 Section 16. Subsection (1) of section 948.001, Florida
551 Statutes, is amended to read:

552 948.001 Definitions.—As used in this chapter, the term:

553 (1) "Administrative probation" means a form of no contact,
554 nonreporting supervision that may be imposed by order of the
555 court or transfer by the Department of Corrections as provided
556 in s. 948.013 in which an offender who presents a low risk of
557 harm to the community may, upon satisfactory completion of half
558 the term of probation, be transferred by the Department of
559 Corrections to this type of reduced level of supervision, as
560 provided in s. 948.013.

561 Section 17. Subsection (1) of section 948.013, Florida
562 Statutes, is amended to read:

563 948.013 Administrative probation.—

564 (1) The Department of Corrections may transfer an offender

565 to administrative probation if he or she presents a low risk of
566 harm to the community and has satisfactorily completed at least
567 half of his or her probation term. The department ~~of Corrections~~
568 may establish procedures for transferring an offender to
569 administrative probation. The department may collect an initial
570 processing fee of up to \$50 for each probationer transferred to
571 administrative probation. The offender is exempt from further
572 payment for the cost of supervision as required in s. 948.09.

573 Section 18. Subsection (3) is added to section 948.03,
574 Florida Statutes, to read:

575 948.03 Terms and conditions of probation.—

576 (3) The Department of Corrections shall include all
577 conditions of probation for each probationer, as determined by
578 the court, in the Florida Crime Information Center system.

579 Section 19. Paragraphs (c) through (g) of subsection (1)
580 of section 948.06, Florida Statutes, are redesignated as
581 paragraphs (d) through (h), respectively, present paragraph (h)
582 of that subsection is amended, paragraph (c) is added to
583 subsection (1), and subsection (9) is added to that section, to
584 read:

585 948.06 Violation of probation or community control;
586 revocation; modification; continuance; failure to pay
587 restitution or cost of supervision.—

588 (1)

589 (c) If a probationer or offender on community control

590 commits a technical violation, the probation officer shall
591 determine whether he or she is eligible for the alternative
592 sanctioning program under subsection (9). If the probationer or
593 offender on community control is eligible, the probation officer
594 may proceed with the alternative sanctioning program in lieu of
595 filing an affidavit of violation with the court. For purposes of
596 this section, the term "technical violation" means an alleged
597 violation of supervision that is not a new felony offense,
598 misdemeanor offense, or criminal traffic offense.

599 ~~(h)1. The chief judge of each judicial circuit, in~~
600 ~~consultation with the state attorney, the public defender, and~~
601 ~~the department, may establish an alternative sanctioning program~~
602 ~~in which the department, after receiving court approval, may~~
603 ~~enforce specified sanctions for certain technical violations of~~
604 ~~supervision. For purposes of this paragraph, the term "technical~~
605 ~~violation" means any alleged violation of supervision that is~~
606 ~~not a new felony offense, misdemeanor offense, or criminal~~
607 ~~traffic offense.~~

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

610 ~~a. Eligibility criteria.~~

611 ~~b. The technical violations that are eligible for the~~
612 ~~program.~~

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

615 ~~d. The process for reporting technical violations through~~
616 ~~the alternative sanctioning program, including approved forms.~~
617 ~~3. If an offender is alleged to have committed a technical~~
618 ~~violation of supervision that is eligible for the program, the~~
619 ~~offender may:~~
620 ~~a. Waive participation in the alternative sanctioning~~
621 ~~program, in which case the probation officer may submit a~~
622 ~~violation report, affidavit, and warrant to the court in~~
623 ~~accordance with this section; or~~
624 ~~b. Elect to participate in the alternative sanctioning~~
625 ~~program after receiving written notice of an alleged technical~~
626 ~~violation and a disclosure of the evidence against the offender,~~
627 ~~admit to the technical violation, agree to comply with the~~
628 ~~probation officer's recommended sanction if subsequently ordered~~
629 ~~by the court, and agree to waive the right to:~~
630 ~~(I) Be represented by legal counsel.~~
631 ~~(II) Require the state to prove his or her guilt before a~~
632 ~~neutral and detached hearing body.~~
633 ~~(III) Subpoena witnesses and present to a judge evidence~~
634 ~~in his or her defense.~~
635 ~~(IV) Confront and cross-examine adverse witnesses.~~
636 ~~(V) Receive a written statement from a factfinder as to~~
637 ~~the evidence relied on and the reasons for the sanction imposed.~~
638 ~~4. If the offender admits to committing the technical~~
639 ~~violation and agrees with the probation officer's recommended~~

640 ~~sanction, the probation officer must, before imposing the~~
641 ~~sanction, submit the recommended sanction to the court as well~~
642 ~~as documentation reflecting the offender's admission to the~~
643 ~~technical violation and agreement with the recommended sanction.~~

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

647 ~~6. An offender's participation in an alternative~~
648 ~~sanctioning program is voluntary. The offender may elect to~~
649 ~~waive or discontinue participation in an alternative sanctioning~~
650 ~~program at any time before the issuance of a court order~~
651 ~~imposing the recommended sanction.~~

652 ~~7. If an offender waives or discontinues participation in~~
653 ~~an alternative sanctioning program, the probation officer may~~
654 ~~submit a violation report, affidavit, and warrant to the court~~
655 ~~in accordance with this section. The offender's prior admission~~
656 ~~to the technical violation may not be used as evidence in~~
657 ~~subsequent proceedings.~~

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

- 663 1. Up to 5 days in the county jail.
664 2. Up to 50 additional community service hours.

- 665 3. Counseling or treatment.
 666 4. Support group attendance.
 667 5. Drug testing.
 668 6. Loss of travel or other privileges.
 669 7. Curfew for up to 30 days.
 670 8. House arrest for up to 30 days.
 671 9. Any other sanction as determined by administrative
 672 order by the chief judge of the circuit.
 673 (b) When committed by a probationer, a low-risk violation
 674 includes any of the following:
 675 1. A positive drug or alcohol test result.
 676 2. Failure to report to the probation office.
 677 3. Failure to report a change in address or other required
 678 information.
 679 4. Failure to attend a required class, treatment or
 680 counseling session, or meeting.
 681 5. Failure to submit to a drug or alcohol test.
 682 6. A violation of curfew.
 683 7. Failure to meet a monthly quota on any required
 684 probation condition, including, but not limited to, making
 685 restitution payments, paying court costs, or completing
 686 community service hours.
 687 8. Leaving the county without permission.
 688 9. Failure to report a change in employment.
 689 10. Associating with a person engaged in criminal

690 activity.

691 11. Any other violation as determined by administrative
 692 order of the chief judge of the circuit.

693 (c) For a first moderate-risk violation, as defined in
 694 paragraph (d), within the current term of supervision, a
 695 probation officer, with a supervisor's approval, may offer an
 696 eligible probationer or offender on community control one or
 697 more of the following as an alternative sanction:

- 698 1. Up to 21 days in the county jail.
- 699 2. Curfew for up to 90 days.
- 700 3. House arrest for up to 90 days.
- 701 4. Electronic monitoring for up to 90 days.
- 702 5. Residential treatment for up to 90 days.
- 703 6. Any other sanction available for a low-risk violation.
- 704 7. Any other sanction as determined by administrative
 705 order of the chief judge of the circuit.

706 (d) A moderate-risk violation includes any of the
 707 following:

- 708 1. A violation listed in paragraph (b) when committed by
 709 an offender on community control.
- 710 2. Failure to remain at an approved residence by an
 711 offender on community control.
- 712 3. A third violation listed in paragraph (b) by a
 713 probationer within the current term of supervision.
- 714 4. Any other violation as determined by administrative

715 order by the chief judge of the circuit.

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

718 1. He or she is a violent felony offender of special
719 concern as defined in paragraph (8) (b);

720 2. The violation is a felony, misdemeanor, or criminal
721 traffic offense;

722 3. The violation is absconding;

723 4. The violation is of a stay-away order or no-contact
724 order;

725 5. The violation is not identified as low-risk or
726 moderate-risk under this subsection or by administrative order;

727 6. He or she has a prior moderate-risk level violation
728 during the current term of supervision;

729 7. He or she has three prior low-risk level violations
730 during the same term of supervision;

731 8. The term of supervision is scheduled to terminate in
732 less than 90 days; or

733 9. The terms of the sentence prohibit alternative
734 sanctioning.

735 (f) If a probationer or offender on community control is
736 eligible for the alternative sanctioning program under this
737 subsection, he or she may:

738 1. Waive participation in the program, in which case the
739 probation officer may submit a violation report, affidavit, and

740 warrant to the court; or

741 2. Elect to participate in the program after receiving
742 written notice of an alleged technical violation and disclosure
743 of the evidence against him or her, admit to the technical
744 violation, agree to comply with the probation officer's
745 recommended sanction if subsequently ordered by the court, and
746 agree to waive the right to:

747 a. Be represented by legal counsel.

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

750 c. Subpoena witnesses and present to a judge evidence in
751 his or her defense.

752 d. Confront and cross-examine adverse witnesses.

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

755 3. If the probationer or offender on community control
756 admits to committing the technical violation and agrees with the
757 probation officer's recommended sanction, the probation officer
758 must, before imposing the sanction, submit the recommended
759 sanction to the court with documentation reflecting the
760 probationer's admission to the technical violation and agreement
761 with the recommended sanction.

762 (g) The court may impose the recommended sanction or
763 direct the department to submit a violation report, affidavit,
764 and warrant to the court.

765 (h) A probationer's or offender on community control's
766 participation in the program is voluntary. The probationer or
767 offender on community control may waive or discontinue
768 participation in the program at any time before the court
769 imposes a recommended sanction.

770 (i) If a probationer or offender on community control
771 waives or discontinues participation in the program or fails to
772 successfully complete all alternative sanctions within 90 days
773 after imposition or within the timeframe specified in the agreed
774 upon sanction, the probation officer may submit a violation
775 report, affidavit, and warrant to the court. A prior admission
776 by the probationer or offender on community control to a
777 technical violation may not be used as evidence in subsequent
778 proceedings.

779 (j) Each judicial circuit shall establish an alternative
780 sanctioning program as provided in this subsection. The chief
781 judge of each judicial circuit may, by administrative order,
782 define additional sanctions or eligibility criteria and specify
783 the process for reporting technical violations through the
784 alternative sanctioning program.

785 Section 20. Section 948.081, Florida Statutes, is created
786 to read:

787 948.081 Community court programs.-

788 (1) Each judicial circuit may establish a community court
789 program for defendants charged with certain misdemeanor

790 offenses. Each community court shall, at a minimum:

791 (a) Adopt a nonadversarial approach.

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

794 (c) Consider the needs of the victim.

795 (d) Consider individualized treatment services for the
796 defendant.

797 (e) Provide for judicial leadership and interaction.

798 (f) Monitor the defendant's compliance.

799 (2) The chief judge of the judicial circuit shall, by
800 administrative order, specify each misdemeanor crime eligible
801 for the community court program. In making such determination,
802 the chief judge shall consider the particular needs and concerns
803 of the communities within the judicial circuit.

804 (3) The Department of Corrections, the Department of
805 Juvenile Justice, the Department of Health, the Department of
806 Law Enforcement, the Department of Education, law enforcement
807 agencies, and other governmental entities involved in the
808 criminal justice system shall support such community court
809 programs.

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

812 (5) Each community court program shall have a resource
813 coordinator who:

814 (a) Coordinates the responsibilities of the participating

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815 agencies and service providers;
816 (b) Provides case management services;
817 (c) Monitors compliance by defendants with court
818 requirements; and
819 (d) Manages the collection of data for program evaluation
820 and accountability.
821 (6) The chief judge of the judicial circuit shall appoint
822 an advisory committee for each community court program.
823 Membership must include, at a minimum:
824 (a) The chief judge or a community court judge designated
825 by the chief judge, who shall serve as chair;
826 (b) The state attorney;
827 (c) The public defender; and
828 (d) The community court program resource coordinator.
829
830 The committee may also include community stakeholders, treatment
831 representatives, and other persons deemed appropriate by the
832 chair.
833 (7) The advisory committee shall review each defendant's
834 case. Each committee member may make recommendations to the
835 judge, including appropriate sanctions and treatment solutions
836 for the defendant. The judge shall consider such recommendations
837 and make the final decision concerning sanctions and treatment
838 with respect to each defendant.
839 (8) Each judicial circuit shall annually report client-

840 level and programmatic data to the Office of State Courts
841 Administrator for program evaluation. Client-level data include
842 data relating to primary offenses resulting in the community
843 court referral or sentence, treatment compliance, completion
844 status, reasons for failing to complete the program, offenses
845 committed during treatment and sanctions imposed, frequency of
846 court appearances, and units of service. Programmatic data
847 include data relating to referral and screening procedures,
848 eligibility criteria, type and duration of treatment offered,
849 and residential treatment resources.

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

855 Section 21. For the purpose of incorporating the amendment
856 made by this act to section 944.801, Florida Statutes, in a
857 reference thereto, subsection (2) of section 447.203, Florida
858 Statutes, is reenacted to read:

859 447.203 Definitions.—As used in this part:

860 (2) "Public employer" or "employer" means the state or any
861 county, municipality, or special district or any subdivision or
862 agency thereof which the commission determines has sufficient
863 legal distinctiveness properly to carry out the functions of a
864 public employer. With respect to all public employees determined

865 | by the commission as properly belonging to a statewide
866 | bargaining unit composed of State Career Service System
867 | employees or Selected Professional Service employees, the
868 | Governor shall be deemed to be the public employer; and the
869 | Board of Governors of the State University System, or the
870 | board's designee, shall be deemed to be the public employer with
871 | respect to all public employees of each constituent state
872 | university. The board of trustees of a community college shall
873 | be deemed to be the public employer with respect to all
874 | employees of the community college. The district school board
875 | shall be deemed to be the public employer with respect to all
876 | employees of the school district. The Board of Trustees of the
877 | Florida School for the Deaf and the Blind shall be deemed to be
878 | the public employer with respect to the academic and academic
879 | administrative personnel of the Florida School for the Deaf and
880 | the Blind. The Governor shall be deemed to be the public
881 | employer with respect to all employees in the Correctional
882 | Education Program of the Department of Corrections established
883 | pursuant to s. 944.801.

884 | Section 22. For the purpose of incorporating the amendment
885 | made by this act to section 800.03, Florida Statutes, in a
886 | reference thereto, subsection (1) of section 794.056, Florida
887 | Statutes, is reenacted to read:

888 | 794.056 Rape Crisis Program Trust Fund.—

889 | (1) The Rape Crisis Program Trust Fund is created within

890 the Department of Health for the purpose of providing funds for
 891 rape crisis centers in this state. Trust fund moneys shall be
 892 used exclusively for the purpose of providing services for
 893 victims of sexual assault. Funds credited to the trust fund
 894 consist of those funds collected as an additional court
 895 assessment in each case in which a defendant pleads guilty or
 896 nolo contendere to, or is found guilty of, regardless of
 897 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 898 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 899 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 900 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 901 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 902 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 903 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 904 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 905 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
 906 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
 907 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
 908 fund also shall include revenues provided by law, moneys
 909 appropriated by the Legislature, and grants from public or
 910 private entities.

911 Section 23. For the purpose of incorporating the amendment
 912 made by this act to section 800.03, Florida Statutes, in a
 913 reference thereto, section 914.16, Florida Statutes, is
 914 reenacted to read:

915 914.16 Child abuse and sexual abuse of victims under age
 916 16 or who have an intellectual disability; limits on
 917 interviews.—The chief judge of each judicial circuit, after
 918 consultation with the state attorney and the public defender for
 919 the judicial circuit, the appropriate chief law enforcement
 920 officer, and any other person deemed appropriate by the chief
 921 judge, shall order reasonable limits on the number of interviews
 922 which a victim of a violation of s. 794.011, s. 800.04, s.
 923 827.03, or s. 847.0135(5) who is under 16 years of age or a
 924 victim of a violation of s. 794.011, s. 800.02, s. 800.03, or s.
 925 825.102 who has an intellectual disability as defined in s.
 926 393.063 must submit to for law enforcement or discovery
 927 purposes. To the extent possible, the order must protect the
 928 victim from the psychological damage of repeated interrogations
 929 while preserving the rights of the public, the victim, and the
 930 person charged with the violation.

931 Section 24. For the purpose of incorporating the amendment
 932 made by this act to section 800.03, Florida Statutes, in a
 933 reference thereto, subsection (7) of section 933.18, Florida
 934 Statutes, is reenacted to read:

935 933.18 When warrant may be issued for search of private
 936 dwelling.—No search warrant shall issue under this chapter or
 937 under any other law of this state to search any private dwelling
 938 occupied as such unless:

939 (7) One or more of the following child abuse offenses is

940 being committed there:

941 (a) Interference with custody, in violation of s. 787.03.

942 (b) Commission of an unnatural and lascivious act with a
943 child, in violation of s. 800.02.

944 (c) Exposure of sexual organs to a child, in violation of
945 s. 800.03.

946

947 If, during a search pursuant to a warrant issued under this
948 section, a child is discovered and appears to be in imminent
949 danger, the law enforcement officer conducting such search may
950 remove the child from the private dwelling and take the child
951 into protective custody pursuant to chapter 39. The term
952 "private dwelling" shall be construed to include the room or
953 rooms used and occupied, not transiently but solely as a
954 residence, in an apartment house, hotel, boardinghouse, or
955 lodginghouse. No warrant shall be issued for the search of any
956 private dwelling under any of the conditions hereinabove
957 mentioned except on sworn proof by affidavit of some creditable
958 witness that he or she has reason to believe that one of said
959 conditions exists, which affidavit shall set forth the facts on
960 which such reason for belief is based.

961 Section 25. For the purpose of incorporating the amendment
962 made by this act to section 800.03, Florida Statutes, in a
963 reference thereto, section 938.085, Florida Statutes, is
964 reenacted to read:

965 938.085 Additional cost to fund rape crisis centers.—In
966 addition to any sanction imposed when a person pleads guilty or
967 nolo contendere to, or is found guilty of, regardless of
968 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
969 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
970 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
971 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
972 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
973 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
974 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
975 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
976 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
977 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
978 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
979 \$151. Payment of the surcharge shall be a condition of
980 probation, community control, or any other court-ordered
981 supervision. The sum of \$150 of the surcharge shall be deposited
982 into the Rape Crisis Program Trust Fund established within the
983 Department of Health by chapter 2003-140, Laws of Florida. The
984 clerk of the court shall retain \$1 of each surcharge that the
985 clerk of the court collects as a service charge of the clerk's
986 office.

987 Section 26. For the purpose of incorporating the amendment
988 made by this act to section 800.03, Florida Statutes, in a
989 reference thereto, paragraph (b) of subsection (3) of section

990 943.051, Florida Statutes, is reenacted to read:

991 943.051 Criminal justice information; collection and
 992 storage; fingerprinting.—

993 (3)

994 (b) A minor who is charged with or found to have committed
 995 the following offenses shall be fingerprinted and the
 996 fingerprints shall be submitted electronically to the
 997 department, unless the minor is issued a civil citation pursuant
 998 to s. 985.12:

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

1000 2. Battery, as defined in s. 784.03.

1001 3. Carrying a concealed weapon, as defined in s.
 1002 790.01(1).

1003 4. Unlawful use of destructive devices or bombs, as
 1004 defined in s. 790.1615(1).

1005 5. Neglect of a child, as defined in s. 827.03(1)(e).

1006 6. Assault or battery on a law enforcement officer, a
 1007 firefighter, or other specified officers, as defined in s.
 1008 784.07(2)(a) and (b).

1009 7. Open carrying of a weapon, as defined in s. 790.053.

1010 8. Exposure of sexual organs, as defined in s. 800.03.

1011 9. Unlawful possession of a firearm, as defined in s.
 1012 790.22(5).

1013 10. Petit theft, as defined in s. 812.014(3).

1014 11. Cruelty to animals, as defined in s. 828.12(1).

1015 12. Arson, as defined in s. 806.031(1).

1016 13. Unlawful possession or discharge of a weapon or
 1017 firearm at a school-sponsored event or on school property, as
 1018 provided in s. 790.115.

1019 Section 27. For the purpose of incorporating the amendment
 1020 made by this act to section 944.704, Florida Statutes, in a
 1021 reference thereto, paragraph (a) of subsection (3) of section
 1022 944.026, Florida Statutes, is reenacted to read:

1023 944.026 Community-based facilities and programs.—

1024 (3)(a) The department shall develop and implement
 1025 procedures to diagnose offenders prior to sentencing, for the
 1026 purpose of recommending to the sentencing court suitable
 1027 candidates for placement in a community-based residential drug
 1028 treatment facility or probation and restitution center as
 1029 provided in this section. The department shall also develop and
 1030 implement procedures to properly identify inmates prior to
 1031 release who demonstrate the need for or interest in and
 1032 suitability for placement in a community-based substance abuse
 1033 transition housing program as provided in this section and
 1034 pursuant to ss. 944.4731 and 944.704.

1035 Section 28. For the purpose of incorporating the amendment
 1036 made by this act to section 944.705, Florida Statutes, in a
 1037 reference thereto, subsection (6) of section 944.4731, Florida
 1038 Statutes, is reenacted to read:

1039 944.4731 Addiction-Recovery Supervision Program.—

1040 (6) Six months before an offender is released, the
1041 chaplain and transition assistance specialist at the institution
1042 where the offender is incarcerated shall initiate the prerelease
1043 screening process in addition to the basic release orientation
1044 required under s. 944.705.

1045 (a) The transition assistance specialist and the chaplain
1046 shall provide a list of contracted private providers, including
1047 faith-based providers, to the offender and facilitate the
1048 application process. The transition assistance specialist shall
1049 inform the offender of program availability and assess the
1050 offender's need and suitability for substance abuse transition
1051 housing assistance. If an offender is approved for placement,
1052 the specialist shall assist the offender and coordinate the
1053 release of the offender with the selected program. If an
1054 offender requests and is approved for placement in a contracted
1055 faith-based substance abuse transition housing program, the
1056 specialist must consult with the chaplain prior to such
1057 placement. A right to substance abuse program services is not
1058 stated, intended, or otherwise implied by this section.

1059 (b) If an offender has participated in a faith-based
1060 program while incarcerated or housed at a community correctional
1061 center and the same or a similar faith-based provider offers a
1062 contracted substance abuse transition housing program, the
1063 department shall make every attempt to maintain this continuum
1064 of care.

1065 Section 29. For the purpose of incorporating the amendment
 1066 made by this act to section 800.03, Florida Statutes, in a
 1067 reference thereto, paragraph (b) of subsection (1) of section
 1068 985.11, Florida Statutes, is reenacted to read:

1069 985.11 Fingerprinting and photographing.—

1070 (1)

1071 (b) Unless the child is issued a civil citation or is
 1072 participating in a similar diversion program pursuant to s.
 1073 985.12, a child who is charged with or found to have committed
 1074 one of the following offenses shall be fingerprinted, and the
 1075 fingerprints shall be submitted to the Department of Law
 1076 Enforcement as provided in s. 943.051(3)(b):

1077 1. Assault, as defined in s. 784.011.

1078 2. Battery, as defined in s. 784.03.

1079 3. Carrying a concealed weapon, as defined in s.
 1080 790.01(1).

1081 4. Unlawful use of destructive devices or bombs, as
 1082 defined in s. 790.1615(1).

1083 5. Neglect of a child, as defined in s. 827.03(1)(e).

1084 6. Assault on a law enforcement officer, a firefighter, or
 1085 other specified officers, as defined in s. 784.07(2)(a).

1086 7. Open carrying of a weapon, as defined in s. 790.053.

1087 8. Exposure of sexual organs, as defined in s. 800.03.

1088 9. Unlawful possession of a firearm, as defined in s.
 1089 790.22(5).

- 1090 10. Petit theft, as defined in s. 812.014.
- 1091 11. Cruelty to animals, as defined in s. 828.12(1).
- 1092 12. Arson, resulting in bodily harm to a firefighter, as
- 1093 defined in s. 806.031(1).
- 1094 13. Unlawful possession or discharge of a weapon or
- 1095 firearm at a school-sponsored event or on school property as
- 1096 defined in s. 790.115.

1097

1098 A law enforcement agency may fingerprint and photograph a child

1099 taken into custody upon probable cause that such child has

1100 committed any other violation of law, as the agency deems

1101 appropriate. Such fingerprint records and photographs shall be

1102 retained by the law enforcement agency in a separate file, and

1103 these records and all copies thereof must be marked "Juvenile

1104 Confidential." These records are not available for public

1105 disclosure and inspection under s. 119.07(1) except as provided

1106 in ss. 943.053 and 985.04(2), but shall be available to other

1107 law enforcement agencies, criminal justice agencies, state

1108 attorneys, the courts, the child, the parents or legal

1109 custodians of the child, their attorneys, and any other person

1110 authorized by the court to have access to such records. In

1111 addition, such records may be submitted to the Department of Law

1112 Enforcement for inclusion in the state criminal history records

1113 and used by criminal justice agencies for criminal justice

1114 purposes. These records may, in the discretion of the court, be

1115 open to inspection by anyone upon a showing of cause. The
1116 fingerprint and photograph records shall be produced in the
1117 court whenever directed by the court. Any photograph taken
1118 pursuant to this section may be shown by a law enforcement
1119 officer to any victim or witness of a crime for the purpose of
1120 identifying the person who committed such crime.

1121 Section 30. For the purpose of incorporating the amendment
1122 made by this act to section 800.03, Florida Statutes, in a
1123 reference thereto, paragraph (c) of subsection (2) of section
1124 985.441, Florida Statutes, is reenacted to read:

1125 985.441 Commitment.—

1126 (2) Notwithstanding subsection (1), the court having
1127 jurisdiction over an adjudicated delinquent child whose offense
1128 is a misdemeanor, or a child who is currently on probation for a
1129 misdemeanor, may not commit the child for any misdemeanor
1130 offense or any probation violation that is technical in nature
1131 and not a new violation of law at a restrictiveness level other
1132 than minimum-risk nonresidential. However, the court may commit
1133 such child to a nonsecure residential placement if:

1134 (c) The child is before the court for disposition for a
1135 violation of s. 800.03, s. 806.031, or s. 828.12; or

1136 Section 31. This act shall take effect October 1, 2018.