

1                   A bill to be entitled  
2           An act relating to criminal justice; repealing s.  
3           843.085, F.S.; deleting a prohibition against wearing  
4           or displaying certain badges or indicia of authority  
5           of certain federal, state, county, or municipal  
6           agencies without authorization; deleting a prohibition  
7           against owning or operating a motor vehicle marked or  
8           identified with certain indicia of a criminal justice  
9           agency; deleting a prohibition against selling,  
10          transferring, or giving away an authorized badge of a  
11          criminal justice agency; deleting an exception;  
12          deleting a penalty; repealing s. 918.19, F.S.;  
13          deleting a requirement that the prosecuting attorney  
14          open the closing arguments after the closing of  
15          evidence in a criminal prosecution; deleting a  
16          provision authorizing the accused or the accused's  
17          attorney to reply; deleting a provision authorizing  
18          the prosecuting attorney to reply in rebuttal;  
19          deleting a provision requiring such criminal  
20          procedures method to control under certain  
21          circumstances; repealing s. 922.095, F.S.; deleting a  
22          requirement that a person convicted and sentenced to  
23          death pursue all possible collateral remedies in state  
24          court in accordance with specified rules; repealing s.  
25          922.108, F.S.; deleting prohibitions against

26 specifying a particular method of execution in a  
27 sentence of death and against reversing any sentence  
28 over the wording or form of the sentencing order;  
29 repealing s. 924.051, F.S.; deleting definitions;  
30 deleting requirements that the terms and conditions of  
31 direct appeals and collateral review in criminal cases  
32 be strictly enforced; amending s. 925.12, F.S.;

33 deleting provisions specifying that the Legislature  
34 intends that the Supreme Court adopt certain rules of  
35 procedure; amending s. 948.01, F.S.; deleting a  
36 requirement that the Department of Corrections, in  
37 consultation with the Office of the State Courts  
38 Administrator, revise and make available uniform order  
39 of supervision forms annually for the courts to use  
40 for persons placed on community supervision; amending  
41 s. 948.06, F.S.; deleting a provision authorizing a  
42 court to impose a sanction with a term of a certain  
43 duration upon the revocation or modification of  
44 probation or community control; amending s. 948.09,  
45 F.S.; deleting provisions authorizing the department,  
46 at its discretion, to require offenders under any form  
47 of supervision to submit to and pay for urinalysis  
48 testing; deleting a provision that makes a failure to  
49 make such payment grounds for revocation of  
50 supervision or removal from a pretrial intervention

51 program; deleting an exemption to the payment  
 52 requirement; deleting a requirement that the  
 53 department establish a payment plan for all costs  
 54 ordered by a court for collection by the department  
 55 and a priority order for victim restitution payments  
 56 over all other court-ordered payments; deleting a  
 57 provision authorizing the department not to disburse  
 58 cumulative amounts of less than a specified value to  
 59 certain payees; amending s. 985.534, F.S.; correcting  
 60 a cross-reference; providing an effective date.

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

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64 Section 1. Section 843.085, Florida Statutes, is repealed.

65 Section 2. Section 918.19, Florida Statutes, is repealed.

66 Section 3. Section 922.095, Florida Statutes, is repealed.

67 Section 4. Section 922.108, Florida Statutes, is repealed.

68 Section 5. Section 924.051, Florida Statutes, is repealed.

69 Section 6. Subsections (3) and (4) of section 925.12,

70 Florida Statutes, are amended to read:

71 925.12 DNA testing; defendants entering pleas.-

72 ~~(3) It is the intent of the Legislature that the Supreme~~  
 73 ~~Court adopt rules of procedure consistent with this section for~~  
 74 ~~a court, prior to the acceptance of a plea, to make an inquiry~~  
 75 ~~into the following matters:~~

76 ~~(a) Whether counsel for the defense has reviewed the~~  
 77 ~~discovery disclosed by the state and whether such discovery~~  
 78 ~~included a listing or description of physical items of evidence.~~

79 ~~(b) Whether the nature of the evidence against the~~  
 80 ~~defendant disclosed through discovery has been reviewed with the~~  
 81 ~~defendant.~~

82 ~~(c) Whether the defendant or counsel for the defendant is~~  
 83 ~~aware of any physical evidence disclosed by the state for which~~  
 84 ~~DNA testing may exonerate the defendant.~~

85 ~~(d) Whether the state is aware of any physical evidence~~  
 86 ~~for which DNA testing may exonerate the defendant.~~

87 ~~(4) It is the intent of the Legislature that the~~  
 88 ~~postponement of the proceedings by the court on the defendant's~~  
 89 ~~behalf under subsection (2) constitute an extension attributable~~  
 90 ~~to the defendant for purposes of the defendant's right to a~~  
 91 ~~speedy trial.~~

92 Section 7. Subsection (1) of section 948.01, Florida  
 93 Statutes, is amended to read:

94 948.01 When court may place defendant on probation or into  
 95 community control.—

96 (1) Any state court having original jurisdiction of  
 97 criminal actions may at a time to be determined by the court,  
 98 with or without an adjudication of the guilt of the defendant,  
 99 hear and determine the question of the probation of a defendant  
 100 in a criminal case, except for an offense punishable by death,

101 who has been found guilty by the verdict of a jury, has entered  
102 a plea of guilty or a plea of nolo contendere, or has been found  
103 guilty by the court trying the case without a jury.

104 ~~(a)~~ If the court places the defendant on probation or into  
105 community control for a felony, the department shall provide  
106 immediate supervision by an officer employed in compliance with  
107 the minimum qualifications for officers as provided in s.  
108 943.13. A private entity may not provide probationary or  
109 supervision services to felony or misdemeanor offenders  
110 sentenced or placed on probation or other supervision by the  
111 circuit court.

112 ~~(b) The department, in consultation with the Office of the~~  
113 ~~State Courts Administrator, shall revise and make available to~~  
114 ~~the courts uniform order of supervision forms by July 1 of each~~  
115 ~~year or as necessary. The courts shall use the uniform order of~~  
116 ~~supervision forms provided by the department for all persons~~  
117 ~~placed on community supervision.~~

118 Section 8. Paragraph (f) of subsection (2) of section  
119 948.06, Florida Statutes, is amended to read:

120 948.06 Violation of probation or community control;  
121 revocation; modification; continuance; failure to pay  
122 restitution or cost of supervision.—

123 (2)

124 ~~(f) Notwithstanding s. 775.082, when a period of probation~~  
125 ~~or community control has been tolled, upon revocation or~~

126 ~~modification of the probation or community control, the court~~  
127 ~~may impose a sanction with a term that when combined with the~~  
128 ~~amount of supervision served and tolled, exceeds the term~~  
129 ~~permissible pursuant to s. 775.082 for a term up to the amount~~  
130 ~~of the tolled period of supervision.~~

131 Section 9. Subsections (5) and (6) of section 948.09,  
132 Florida Statutes, are amended to read:

133 948.09 Payment for cost of supervision and other monetary  
134 obligations.-

135 ~~(5) In addition to any other required contributions, the~~  
136 ~~department, at its discretion, may require offenders under any~~  
137 ~~form of supervision to submit to and pay for urinalysis testing~~  
138 ~~to identify drug usage as part of the rehabilitation program.~~  
139 ~~Any failure to make such payment, or participate, may be~~  
140 ~~considered a ground for revocation by the court, the Florida~~  
141 ~~Commission on Offender Review, or the Control Release Authority,~~  
142 ~~or for removal from the pretrial intervention program by the~~  
143 ~~state attorney. The department may exempt a person from such~~  
144 ~~payment if it determines that any of the factors specified in~~  
145 ~~subsection (3) exist.~~

146 ~~(6) The department shall establish a payment plan for all~~  
147 ~~costs ordered by the courts for collection by the department and~~  
148 ~~a priority order for payments, except that victim restitution~~  
149 ~~payments authorized under s. 948.03(1)(f) take precedence over~~  
150 ~~all other court-ordered payments. The department is not required~~

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151 ~~to disburse cumulative amounts of less than \$10 to individual~~  
152 ~~payees established on this payment plan.~~

153 Section 10. Subsection (1) of section 985.534, Florida  
154 Statutes, is amended to read:

155 985.534 Appeal.—

156 (1) An appeal from an order of the court affecting a party  
157 to a case involving a child under this chapter may be taken to  
158 the appropriate district court of appeal within the time and in  
159 the manner prescribed by ~~s. 924.051~~ and the Florida Rules of  
160 Appellate Procedure by:

161 (a) Any child, and any parent or legal guardian or  
162 custodian of any child.

163 (b) The state, which may appeal from:

- 164 1. An order dismissing a petition or any section thereof;
- 165 2. An order granting a new adjudicatory hearing;
- 166 3. An order arresting judgment;
- 167 4. A ruling on a question of law when the child is  
168 adjudicated delinquent and appeals from the judgment;
- 169 5. The disposition, on the ground that it is illegal;
- 170 6. A judgment discharging a child on habeas corpus;
- 171 7. An order adjudicating a child insane under the Florida  
172 Rules of Juvenile Procedure; and
- 173 8. All other preadjudicatory hearings, except that the  
174 state may not take more than one appeal under this subsection in  
175 any case.

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176  
177 In the case of an appeal by the state, the notice of appeal  
178 shall be filed by the appropriate state attorney or his or her  
179 authorized assistant under s. 27.18. Such an appeal shall embody  
180 all assignments of error in each preadjudicatory hearing order  
181 that the state seeks to have reviewed. The state shall pay all  
182 costs of the appeal except for the child's attorney's fee.

183 Section 11. This act shall take effect upon becoming a  
184 law.