



793174

576-04422-19

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

A bill to be entitled

An act relating to public safety; creating s. 25.025, F.S.; authorizing certain Supreme Court justices to have an appropriate facility in their district of residence designated as their official headquarters; providing that an official headquarters may serve only as a justice's private chambers; providing that such justices are eligible for a certain subsistence allowance and reimbursement for certain transportation expenses; requiring that such allowance and reimbursement be made to the extent appropriated funds are available, as determined by the Chief Justice; requiring the Chief Justice to coordinate with certain persons in designating official headquarters; providing that a county is not required to provide space for a justice in a county courthouse; authorizing counties to enter into agreements with the Supreme Court for the use of county courthouse space; prohibiting the Supreme Court from using state funds to lease space in specified facilities to allow a justice to establish an official headquarters; amending s. 26.031, F.S.; increasing the number of circuit judges in certain judicial circuits; creating s. 43.51, F.S.; requiring the Office of the State Courts Administrator to provide an annual report containing certain information to the Legislature; defining the term "problem-solving court"; amending s.



793174

576-04422-19

28           212.15, F.S.; increasing threshold amounts for certain  
29           theft offenses; amending s. 322.055, F.S.; reducing  
30           the length of driver license revocation for possession  
31           or sale of, trafficking in, or conspiracy to possess,  
32           sell, or traffic in a controlled substance; deleting  
33           provisions authorizing a driver to petition the  
34           Department of Highway Safety and Motor Vehicles for  
35           restoration of his or her driving privilege; amending  
36           s. 322.056, F.S.; reducing the period for revocation  
37           or suspension of, or delay of eligibility for, driver  
38           licenses or driving privileges for certain persons  
39           found guilty of certain drug offenses; deleting  
40           requirements relating to the revocation or suspension  
41           of, or delay of eligibility for, driver licenses or  
42           driving privileges for certain persons found guilty of  
43           certain alcohol or tobacco offenses; deleting  
44           provisions relating to the suspension or revocation of  
45           certain person's driver licenses; repealing s.  
46           322.057, F.S., relating to discretionary revocation or  
47           suspension of a driver license for certain persons who  
48           provide alcohol to persons under a specified age;  
49           amending s. 322.34, F.S.; revising criminal penalties  
50           for the third or subsequent offense of driving while  
51           license suspended, revoked, canceled, or disqualified;  
52           creating s. 322.75, F.S.; requiring each clerk of  
53           court to establish a Driver License Reinstatement Days  
54           program for reinstating suspended driver licenses in  
55           certain circumstances; providing duties of the clerks  
56           of the circuit courts and the department; authorizing



793174

576-04422-19

57 such clerks to compromise on or waive certain fees and  
58 costs; providing eligibility requirements; requiring  
59 the clerks of court to collect specified data and  
60 report such data to the Florida Clerks of Court  
61 Operations Corporation; requiring the Florida Clerks  
62 of Court Operations Corporation to report specified  
63 information in the annual report required by s. 28.35,  
64 F.S.; amending s. 394.47891, F.S.; requiring, rather  
65 than authorizing, the chief judge of each judicial  
66 circuit to establish a Military Veterans and  
67 Servicemembers Court Program; revising the list of  
68 individuals who, if charged or convicted of certain  
69 criminal offenses, may participate in a Military  
70 Veterans and Servicemembers Court Program under  
71 certain circumstances; amending s. 394.917, F.S.;  
72 requiring the Department of Children and Families to  
73 provide rehabilitation to criminal offenders  
74 designated as sexually violent predators; amending s.  
75 397.334, F.S.; conforming provisions to changes made  
76 by the act; amending s. 455.213, F.S.; conforming a  
77 cross-reference; requiring the Department of Business  
78 and Professional Regulation or applicable board to use  
79 a specified process for the review of an applicant's  
80 criminal history record to determine the applicant's  
81 eligibility for certain licenses; prohibiting the  
82 conviction of a crime before a specified date from  
83 being grounds for denial of certain licenses; defining  
84 the term "conviction"; authorizing a person to apply  
85 for a license before his or her lawful release from



793174

576-04422-19

86 confinement or supervision; prohibiting additional  
87 fees for an applicant confined or under supervision;  
88 prohibiting the department or applicable board from  
89 basing a denial of a license application solely on the  
90 applicant's current confinement or supervision;  
91 authorizing the department or applicable board to stay  
92 the issuance of an approved license under certain  
93 circumstances; requiring the department or applicable  
94 board to verify an applicant's release with the  
95 Department of Corrections or other applicable  
96 authority; providing requirements for the appearance  
97 of certain applicants at certain meetings; requiring  
98 the department or applicable board to provide an  
99 annually updated list on its website specifying how  
100 certain crimes affect an applicant's eligibility for  
101 licensure; providing that certain information be  
102 identified for each crime on the list; requiring that  
103 such list be available to the public upon request;  
104 amending s. 474.2165, F.S.; authorizing a veterinarian  
105 to report certain suspected criminal violations  
106 without notice to or authorization from a client;  
107 providing an exception; amending s. 489.126, F.S.;  
108 providing that a contractor has a just cause defense  
109 for criminal offenses and disciplinary violations;  
110 providing an inference; deleting an intent requirement  
111 for contractor offenses; revising elements of  
112 offenses; revising criminal penalties for contractor  
113 offenses; amending s. 489.553, F.S.; prohibiting the  
114 conviction of a crime from being grounds for the



793174

576-04422-19

115 denial of registration after a specified time has  
116 passed under certain circumstances; defining the term  
117 "conviction"; authorizing a person to apply for  
118 registration before his or her lawful release from  
119 confinement or supervision; prohibiting the Department  
120 of Business and Professional Regulation from charging  
121 an applicant who is confined or under supervision  
122 additional fees; prohibiting the applicable board from  
123 basing the denial of registration solely on the  
124 applicant's current confinement or supervision;  
125 authorizing the board to stay the issuance of an  
126 approved registration under certain circumstances;  
127 requiring the board to verify an applicant's release  
128 with the Department of Corrections or other applicable  
129 authority; providing requirements for the appearance  
130 of certain applicants at certain meetings; requiring  
131 the applicable board to provide a quarterly updated  
132 list on its website specifying how certain crimes may  
133 affect an applicant's eligibility for registration;  
134 providing that certain information be identified for  
135 each crime on the list; requiring that such list be  
136 available to the public upon request; amending s.  
137 500.451, F.S.; abolishing mandatory minimum sentence  
138 for the sale of horse meat for human consumption;  
139 amending s. 509.151, F.S.; increasing threshold  
140 amounts for certain theft offenses; amending s.  
141 562.11, F.S.; deleting provisions relating to  
142 withholding, suspending, or revoking the driving  
143 privilege of a person who provides alcoholic beverages



793174

576-04422-19

144 to a person under 21 years of age; amending s.  
145 562.111, F.S.; deleting provisions relating to  
146 withholding, suspending, or revoking the driving  
147 privilege of a person under 21 years of age who  
148 possesses alcoholic beverages; amending s. 562.27,  
149 F.S.; reducing the offense severity of certain crimes  
150 related to the possession of a still or related  
151 apparatus; amending s. 562.451, F.S.; reducing the  
152 offense severity for possession of one or more gallons  
153 of certain liquors; amending s. 569.11, F.S.;  
154 conforming provisions to changes made by the act;  
155 revising penalties; amending s. 713.69, F.S.;  
156 increasing threshold amounts for certain theft  
157 offenses; amending s. 775.082, F.S.; revising  
158 legislative intent that certain offenders released  
159 from incarceration from county detention facilities  
160 qualify as prison releasee reoffenders; amending s.  
161 775.087, F.S.; providing legislative intent regarding  
162 retroactive application; prohibiting mandatory minimum  
163 sentencing for aggravated assault or attempted  
164 aggravated assault committed before July 1, 2016;  
165 amending s. 784.046, F.S.; prohibiting attorney fees  
166 in cases seeking an injunction for protection against  
167 repeat, dating, or sexual violence; amending s.  
168 784.048, F.S.; revising the definition of the term  
169 "cyberstalk"; providing criminal penalties; amending  
170 s. 784.0485, F.S.; prohibiting attorney fees in cases  
171 seeking an injunction for protection against stalking;  
172 amending s. 790.052, F.S.; specifying that certain law



793174

576-04422-19

173 enforcement and correctional officers meet the  
174 definition of "qualified law enforcement officer" for  
175 the purposes of qualifying for certain rights during  
176 off-duty hours; specifying that certain persons meet  
177 the definition of "qualified retired law enforcement  
178 officer" for the purposes of qualifying for certain  
179 rights during off-duty hours; amending s. 790.22,  
180 F.S.; authorizing, rather than requiring, a court to  
181 withhold issuance of or suspend a person's driver  
182 license or driving privilege for a minor who possesses  
183 or uses a firearm in certain circumstances; amending  
184 s. 800.09, F.S.; revising the definitions of the terms  
185 "employee" and "facility"; prohibiting certain lewd or  
186 lascivious acts in the presence of county correctional  
187 personnel; providing criminal penalties; amending s.  
188 806.13, F.S.; authorizing, rather than requiring, a  
189 court to withhold issuance of or suspend a person's  
190 driver license or driving privilege for committing  
191 criminal mischief by a minor; amending s. 812.014,  
192 F.S.; increasing the threshold amount for certain  
193 theft offenses; requiring the Office of Program Policy  
194 Analysis and Government Accountability (OPPAGA) to  
195 perform a study about certain threshold amounts on a  
196 specified schedule; providing study requirements;  
197 requiring OPPAGA to consult with the Office of  
198 Economic and Demographic Research and other interested  
199 entities; requiring OPPAGA to submit a report to the  
200 Governor and the Legislature by a certain date and on  
201 a specified basis; amending s. 812.015, F.S.; revising



576-04422-19

202 the circumstances under which an offense of retail  
203 theft constitutes a felony of the second or third  
204 degree; authorizing the aggregation of retail thefts  
205 that occur in more than one judicial circuit within a  
206 30-day period into one total value and requiring  
207 prosecution of such thefts by the Office of the  
208 Statewide Prosecutor in accordance with s. 16.56,  
209 F.S.; requiring OPPAGA to perform a study about  
210 certain threshold amounts on a specified schedule;  
211 providing study requirements; requiring OPPAGA to  
212 consult with the Office of Economic and Demographic  
213 Research and other interested entities; requiring  
214 OPPAGA to submit a report to the Governor and the  
215 Legislature by a certain date and on a specified  
216 basis; amending s. 812.0155, F.S.; removing a court's  
217 authority to suspend a driver license for a  
218 misdemeanor theft adjudication of guilt for a person  
219 18 years of age or older; allowing a court to suspend  
220 a driver license for a person 18 years of age or  
221 younger as an alternative to other possible sentences;  
222 amending s. 815.03, F.S.; revising the definition of  
223 the term "access" for purposes of provisions relating  
224 to computer crimes; amending s. 815.06, F.S.; revising  
225 conduct constituting an offense against users of  
226 computers, computer systems, computer networks, or  
227 electronic devices; providing criminal penalties;  
228 amending s. 817.413, F.S.; increasing threshold  
229 amounts for certain theft offenses; amending s.  
230 831.28, F.S.; criminalizing possession of a





793174

576-04422-19

231 counterfeit instrument with intent to defraud;  
232 amending s. 847.011, F.S.; prohibiting a person from  
233 knowingly selling, lending, giving away, distributing,  
234 transmitting, showing, or transmuted a child-like sex  
235 doll; offering to commit such actions, having in his  
236 or her possession, custody, or control with the intent  
237 to commit such actions or advertising in any manner an  
238 obscene, child-like sex doll; providing criminal  
239 penalties; prohibiting a person from knowingly having  
240 in his or her possession, custody, or control an  
241 obscene, child-like sex doll; providing criminal  
242 penalties; amending s. 849.01, F.S.; reducing the  
243 offense severity of certain crimes relating to keeping  
244 a gambling house or possessing certain gambling  
245 apparatuses; amending s. 877.112, F.S.; removing  
246 driver license revocation or suspension as a penalty  
247 for certain offenses involving nicotine products;  
248 amending s. 893.135, F.S.; defining the term "dosage  
249 unit"; providing applicability; prohibiting the sale,  
250 purchase, delivery, bringing into this state, or  
251 actual or constructive possession of specified amounts  
252 of dosage units of certain controlled substances;  
253 creating the offense of "trafficking in  
254 pharmaceuticals"; providing criminal penalties;  
255 requiring that the court impose, for an offense  
256 relating to trafficking in certain substances, a  
257 sentence pursuant to the Criminal Punishment Code and  
258 without regard to any statutory minimum sentence if  
259 the court makes specified findings under certain



793174

576-04422-19

260 circumstances; providing legislative intent regarding  
261 retroactive application; providing for sentencing or  
262 resentencing of specified drug trafficking offenses  
263 committed before July 1, 2014; amending s. 900.05,  
264 F.S.; revising and providing definitions; revising and  
265 providing data required to be collected and reported  
266 to the Department of Law Enforcement by specified  
267 entities; requiring the department to publish data  
268 received from reporting agencies by a specified date;  
269 imposing penalties on reporting agencies for  
270 noncompliance with data reporting requirements;  
271 declaring information that is confidential and exempt  
272 upon collection by a reporting agency remains  
273 confidential and exempt when reported to the  
274 department; creating s. 900.06, F.S.; defining terms  
275 and specifying covered offenses; requiring that a  
276 custodial interrogation at a place of detention be  
277 electronically recorded in its entirety in connection  
278 with certain offenses; requiring law enforcement  
279 officers who do not comply with the electronic  
280 recording requirement or who conduct custodial  
281 interrogations at a place other than a place of  
282 detention to prepare a specified report; providing  
283 exceptions to the electronic recording requirement;  
284 requiring a court to consider a law enforcement  
285 officer's failure to comply with the electronic  
286 recording requirement in determining the admissibility  
287 of a statement, unless an exception applies; requiring  
288 a court, upon the request of a defendant, to give



793174

576-04422-19

289           cautionary instructions to a jury under certain  
290           circumstances; providing immunity from civil liability  
291           to law enforcement agencies that enforce certain  
292           rules; providing that no cause of action is created  
293           against a law enforcement officer; amending s.  
294           921.002, F.S.; revising a principle of the Criminal  
295           Punishment Code relating to a prisoner's required  
296           minimum term of imprisonment; providing retroactivity;  
297           creating s. 943.0578, F.S.; establishing eligibility  
298           criteria for expunction of a criminal history record  
299           by a person found to have acted in lawful self-  
300           defense; requiring the department to issue a  
301           certificate of eligibility for expunction if specified  
302           criteria are fulfilled; specifying requirements for a  
303           petition to expunge; creating a penalty for providing  
304           false information on such petition; requiring the  
305           department to adopt rules relating to a certificate of  
306           expunction for lawful self-defense; amending s.  
307           943.0581, F.S.; clarifying that administrative  
308           expunction applies to criminal history records  
309           resulting from an arrest made contrary to law or by  
310           mistake; creating s. 943.0584, F.S.; providing a  
311           definition; specifying criminal history records that  
312           are ineligible for court-ordered expunction or court-  
313           ordered sealing; amending s. 943.0585, F.S.; providing  
314           eligibility criteria for court-ordered expunction of a  
315           criminal history record; requiring the department to  
316           issue a certificate of eligibility to petitioners  
317           meeting eligibility criteria; specifying requirements



793174

576-04422-19

318 for a petition for court-ordered expunction;  
319 specifying a court's authority to expunge criminal  
320 history records; specifying the process for a petition  
321 to expunge a criminal history record; specifying the  
322 process following the issuance of an order to expunge  
323 a criminal history record; specifying the effect of an  
324 order to expunge a criminal history record; amending  
325 s. 943.059, F.S.; providing eligibility criteria for  
326 court-ordered sealing of a criminal history record;  
327 requiring the department to issue a certificate of  
328 eligibility to petitioners meeting eligibility  
329 criteria; specifying requirements for a petition for  
330 court-ordered sealing; specifying a court's authority  
331 to seal criminal history records; specifying the  
332 process for a petition to seal a criminal history  
333 record; specifying the effect of an order to seal a  
334 criminal history record; creating s. 943.0595, F.S.;  
335 requiring the department to adopt rules to implement  
336 administrative sealing of specified criminal history  
337 records; providing eligibility criteria for  
338 administrative sealing of criminal history records;  
339 specifying ineligible criminal history records;  
340 providing that there is no limitation on the number of  
341 times a person with an eligible criminal history  
342 record may obtain an automatic administrative sealing;  
343 requiring the clerk of court to transmit a certified  
344 copy of an eligible criminal history record to the  
345 department upon the resolution of a criminal case;  
346 specifying that the effect of automatic sealing is the



793174

576-04422-19

347 same as court-ordered sealing; amending s. 943.325,  
348 F.S.; revising legislative findings relating to the  
349 use of the DNA database; amending s. 943.6871, F.S.;  
350 declaring information received by the department from  
351 a reporting agency that is confidential and exempt  
352 upon collection remains confidential and exempt;  
353 requiring the department to commission a racial impact  
354 statement on certain proposed criminal justice  
355 legislation; amending s. 944.275, F.S.; revising the  
356 incentive gain-time that the Department of Corrections  
357 may grant a prisoner for offenses committed on or  
358 after a specified date; amending s. 944.47, F.S.;  
359 providing enhanced penalties for offenses involving  
360 introduction of contraband in correctional facilities  
361 when committed by correctional facility employees;  
362 amending s. 944.704, F.S.; requiring transition  
363 assistance staff to provide job assignment  
364 credentialing and industry certification information  
365 to inmates before their release; authorizing the  
366 department to increase the number of employees serving  
367 as transition specialists and employment specialists;  
368 amending s. 944.705, F.S.; requiring the department to  
369 establish a telephone hotline for released offenders;  
370 requiring that the department provide an inmate with a  
371 comprehensive community reentry resource directory  
372 organized by county before the inmate's release;  
373 requiring the department to use certain programming  
374 data to notify inmates about reentry resources before  
375 release; authorizing a nonprofit faith-based or



793174

576-04422-19

376 professional business or a civic or community  
377 organization to apply for registration with the  
378 department to provide inmate reentry services;  
379 requiring the department to adopt certain policies and  
380 procedures; authorizing the department to deny  
381 approval and registration of an organization or  
382 representative of an organization under certain  
383 circumstances; authorizing the department to contract  
384 with a public or private educational institution's  
385 veteran advocacy clinic or veteran legal clinic for  
386 certain purposes; authorizing the department to  
387 contract with public or private organizations to  
388 establish transitional employment programs that  
389 provide employment opportunities to recently released  
390 inmates; requiring the department to adopt certain  
391 rules; amending s. 944.801, F.S.; authorizing the  
392 Correctional Education Program to establish a Prison  
393 Entrepreneurship Program and adopt procedures for  
394 admitting student inmates; providing requirements for  
395 the program; authorizing transitional and postrelease  
396 continuing educational services to be offered under  
397 certain circumstances; requiring the department to  
398 enter into certain agreements to implement the  
399 program; requiring that the program be funded with  
400 existing resources; amending s. 948.001, F.S.;  
401 redefining the term "administrative probation";  
402 amending s. 948.013, F.S.; authorizing the department  
403 to transfer an offender to administrative probation  
404 under certain circumstances; amending s. 948.03, F.S.;



793174

576-04422-19

405 requiring the department to include in the Florida  
406 Crime Information Center system all conditions of  
407 probation as determined by the court for each  
408 probationer; amending s. 948.04, F.S.; requiring a  
409 court to early terminate a term of probation or  
410 convert the term to administrative probation under  
411 certain circumstances; allowing a court to continue  
412 reporting probation upon making written findings;  
413 amending s. 948.05, F.S.; requiring the department to  
414 implement a graduated incentives program for  
415 probationers and offenders on community control;  
416 authorizing the department to issue certain incentives  
417 without leave of court; amending s. 948.06, F.S.;  
418 requiring a court to modify or continue a probationary  
419 term under certain circumstances; requiring a  
420 probation officer to determine whether a probationer  
421 or offender on community control who commits a  
422 technical violation is eligible for a certain  
423 alternative sanctioning program; authorizing the  
424 probation officer to take certain actions if such  
425 probationer or offender is eligible; defining the term  
426 "technical violation"; requiring that judicial  
427 circuits establish an alternative sanctioning program;  
428 authorizing the chief judge of each judicial circuit  
429 to issue specified administrative orders; requiring a  
430 probation officer to submit to the court for approval  
431 any recommended sanctions against a probationer or  
432 offender determined to be eligible for the program;  
433 defining the terms "low-risk violation" and "moderate-



793174

576-04422-19

434 risk violation"; specifying circumstances under which  
435 a probationer or offender on community control is not  
436 eligible for an alternative sanction; authorizing a  
437 probation officer to offer an eligible probationer one  
438 or more specified alternative sanctions for a first or  
439 second low-risk violation; authorizing a probation  
440 officer, under certain circumstances, to offer an  
441 eligible probationer or offender on community control  
442 one or more specified alternative sanctions for a  
443 first moderate-risk violation; providing that the  
444 participation of a probationer or offender on  
445 community control in the alternative sanctioning  
446 program is voluntary, subject to certain requirements;  
447 specifying actions that a probationer or offender on  
448 community control may take if he or she is eligible  
449 for an alternative sanctioning program; providing that  
450 a probation officer, under certain circumstances,  
451 submit a recommended sanction to the court;  
452 authorizing the court to impose the recommended  
453 sanction or direct the department to submit a  
454 violation report, affidavit, and warrant to the court;  
455 authorizing a probation officer to submit a violation  
456 report, affidavit, and warrant to the court under  
457 certain circumstances; prohibiting certain evidence in  
458 subsequent proceedings; amending s. 948.08, F.S.;  
459 expanding eligibility criteria for pretrial substance  
460 abuse education programs to include a person with two  
461 or fewer convictions for nonviolent felonies; revising  
462 the list of individuals who, if charged with certain





793174

576-04422-19

463 felonies, are eligible for voluntary admission into a  
464 pretrial veterans' treatment intervention program  
465 under certain circumstances; creating s. 948.081,  
466 F.S.; authorizing community court programs; providing  
467 program requirements; amending s. 948.16, F.S.;  
468 revising the list of individuals who, if charged with  
469 certain misdemeanors, are eligible for voluntary  
470 admission into a misdemeanor pretrial veterans'  
471 treatment intervention program under certain  
472 circumstances; amending s. 948.21, F.S.; revising the  
473 list of individuals who, if probationers or community  
474 controlees, may be required to participate in a  
475 certain treatment program under certain circumstances;  
476 providing program criteria; amending s. 951.22, F.S.;  
477 prohibiting introduction into or possession of certain  
478 cellular telephones or other portable communication  
479 devices on the grounds of any county detention  
480 facility; providing criminal penalties; amending s.  
481 958.04, F.S.; revising the criteria authorizing a  
482 court to sentence as a youthful offender a person who  
483 is found guilty of, or who pled nolo contendere or  
484 guilty to, committing a felony before the person  
485 turned 21 years of age; amending s. 960.07, F.S.;  
486 increasing the timeframe for filing a crime victim  
487 compensation claim; providing an extension for good  
488 cause for a specified period; increasing the timeframe  
489 for a victim or intervenor who was less than 18 years  
490 of age at the time of the crime to file a claim;  
491 providing an extension for good cause for a specified



793174

576-04422-19

492 period; increasing the timeframe for filing a claim  
493 for victim compensation for a victim of a sexually  
494 violent offense; amending s. 960.13, F.S.; increasing  
495 the timeframe for prompt reporting of a crime to be  
496 eligible for a victim compensation award; amending s.  
497 960.195, F.S.; increasing the timeframe for reporting  
498 a criminal or delinquent act resulting in property  
499 loss of an elderly person or disabled adult; amending  
500 s. 960.196, F.S.; increasing the timeframe to report  
501 certain human trafficking offenses to be eligible for  
502 a victim relocation assistance award; providing an  
503 extension for good cause; amending s. 985.12, F.S.;  
504 providing that locally authorized entities may  
505 continue to operate an independent civil citation or  
506 similar prearrest diversion program that is in  
507 operation as of October 1, 2018; requiring each civil  
508 citation or similar diversion program to enter  
509 appropriate youth data into the Juvenile Justice  
510 Information System Prevention Web within a specified  
511 period after the admission of the youth into the  
512 program; amending s. 985.126, F.S.; removing the  
513 requirement for law enforcement officers to submit a  
514 copy of specified documentation to the Department of  
515 Juvenile Justice; requiring certain information be  
516 entered into the Juvenile Justice Information System  
517 Prevention Web within a specified timeframe; amending  
518 s. 985.145, F.S.; deleting the requirement that the  
519 department must enter certain information into the  
520 Juvenile Justice Information System Prevention Web in



793174

576-04422-19

521 specified instances; amending s. 985.557, F.S.;

522 deleting provisions requiring the mandatory direct

523 filing of charges in adult court against juveniles in

524 certain circumstances; amending ss. 776.09, 893.03,

525 943.053, and 943.0582, F.S.; conforming cross-

526 references; amending s. 985.565, F.S.; conforming

527 provisions to changes made by the act; amending s.

528 921.0022, F.S.; listing on levels 3 and 4 certain

529 felonies on the offense severity ranking chart of the

530 Criminal Punishment Code; conforming provisions to

531 changes made by the act; reenacting s. 322.05(11),

532 F.S., relating to prohibiting the issuance of a driver

533 license to certain persons, to incorporate the

534 amendment made to s. 322.056, F.S., in a reference

535 thereto; reenacting s. 316.027(2)(c) and

536 907.041(4)(c), F.S., relating to a crash involving

537 death or personal injuries and pretrial detention and

538 release, respectively, to incorporate the amendment

539 made to s. 322.34, F.S., in references thereto;

540 reenacting s. 910.035(5), F.S., relating to transfer

541 for participation in a problem-solving court, to

542 incorporate the amendment made to s. 394.47891, F.S.,

543 in a reference thereto; reenacting s. 509.161, F.S.,

544 relating to rules of evidence in certain prosecutions,

545 to incorporate the amendment made to s. 509.151, F.S.,

546 in a reference thereto; reenacting ss. 790.065(2)(c),

547 794.056(1), 847.0141(4), 901.41(5), 938.08, 938.085,

548 943.325(2)(g), 948.06(8)(c), 948.062(1),

549 960.001(1)(b), 985.265(3)(b), and 1006.147(3)(e),



793174

576-04422-19

550 F.S., relating to the sale and delivery of firearms,  
551 the Rape Crisis Program Trust Fund, sexting, prearrest  
552 diversion programs, additional costs to fund programs  
553 in domestic violence and rape crisis centers, the DNA  
554 database, the definition of the term "qualifying  
555 offense" as it relates to the violation of probation  
556 or community control and failure to pay restitution or  
557 cost of supervision, reviewing and reporting serious  
558 offenses committed by offenders placed on probation or  
559 community control, guidelines for fair treatment of  
560 victims and witnesses in the criminal justice and  
561 juvenile justice systems, detention transfer and  
562 release, education, and adult jails, and the  
563 prohibition of bullying and harassment, respectively,  
564 to incorporate the amendment made to s. 784.048, F.S.,  
565 in references thereto; reenacting s. 316.0775(1),  
566 F.S., relating to interference with official traffic  
567 control devices or railroad signs or signals, to  
568 incorporate the amendment made to s. 806.13, F.S., in  
569 a reference thereto; reenacting ss. 95.18(10),  
570 373.6055(3)(c), 400.9935(3), 550.6305(10), 627.743(2),  
571 634.421(2), 642.038(2), 705.102(4), 812.14(7), and  
572 893.138(3), F.S., relating to real property actions  
573 and adverse possession without color of title,  
574 criminal history checks for certain water management  
575 district employees and others, clinic  
576 responsibilities, intertrack wagering, guest track  
577 payments, and accounting rules, the payment of third-  
578 party claims, reporting and accounting for funds,



793174

576-04422-19

579 reporting lost or abandoned property, trespass and  
580 larceny with relation to utility fixtures and the  
581 theft of utility services, and local administrative  
582 action to abate drug-related, prostitution-related, or  
583 stolen-property-related public nuisances and criminal  
584 gang activity, respectively, to incorporate the  
585 amendment made to s. 812.014, F.S., in references  
586 thereto; reenacting ss. 538.09(5) and 538.23(2), F.S.,  
587 relating to the registration of and violations and  
588 penalties for secondhand dealers, respectively, to  
589 incorporate the amendment made to s. 812.015, F.S., in  
590 references thereto; reenacting s. 1006.147(3)(e),  
591 F.S., relating to the prohibition of bullying and  
592 harassment, to incorporate the amendment made to s.  
593 815.03, F.S., in a reference thereto; reenacting ss.  
594 316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5),  
595 and 934.07(3), F.S., relating to the unlawful  
596 conveyance of fuel and obtaining fuel fraudulently,  
597 terrorism, providing material support or resources for  
598 terrorism or to terrorist organizations, the  
599 definition of the term "terrorism" as it relates to  
600 murder, and the authorization for interception of  
601 wire, oral, or electronic communications,  
602 respectively, to incorporate the amendment made to s.  
603 815.06, F.S., in references thereto; reenacting ss.  
604 772.102(1)(a), 847.02, 847.03, 847.09(2),  
605 895.02(8)(a), 933.02(2), 933.03, and 943.325(2)(g),  
606 F.S., relating to the definition of the term "criminal  
607 activity," the confiscation of obscene material, the



793174

576-04422-19

608 seizure of obscene material by an officer, legislative  
609 intent regarding obscene materials, the definition of  
610 the term "racketeering activity," grounds for the  
611 issuance of a search warrant, the destruction of  
612 obscene prints and literature, and the DNA database,  
613 respectively, to incorporate the amendment made to s.  
614 847.011, F.S., in a reference thereto; reenacting s.  
615 849.02, F.S., relating to agents or employees of  
616 keepers of gambling houses, to incorporate the  
617 amendment made to s. 849.01, F.S., in a reference  
618 thereto; reenacting ss. 373.6055(3)(c), 397.4073(6),  
619 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a),  
620 782.04(1)(a), (3), and (4), 810.02(3), 893.13(8)(d),  
621 893.1351(1) and (2), 900.05(3)(e), 903.133,  
622 907.041(4)(c), 921.141(9), and 921.142(2), F.S.,  
623 relating to criminal history checks for certain water  
624 management district employees and others, background  
625 checks of service provider personnel, determining  
626 eligibility for temporary cash assistance, the Drug  
627 Dealer Liability Act, possession or use of a weapon,  
628 aggravated battery, felony reclassifications, and  
629 minimum sentencing, murder, burglary, prohibited acts  
630 and penalties relating to controlled substances, the  
631 ownership, lease, rental, or possession for  
632 trafficking in or manufacturing a controlled  
633 substance, criminal justice data collection, the  
634 prohibition of bail on appeal for certain felony  
635 convictions, pretrial detention and release, the  
636 sentence of death or life imprisonment for capital



793174

576-04422-19

637 felonies and further proceedings to determine  
638 sentences, and the sentence of death or life  
639 imprisonment for capital drug trafficking felonies and  
640 further proceedings to determine sentences,  
641 respectively, to incorporate the amendment made to s.  
642 893.135, F.S., in references thereto; reenacting s.  
643 944.026(3) (a), F.S., relating to community-based  
644 facilities and programs, to incorporate the amendment  
645 made to s. 944.704, F.S., in a reference thereto;  
646 reenacting s. 944.4731(6), F.S., relating to the  
647 Addiction-Recovery Supervision Program, to incorporate  
648 the amendment made to s. 944.705, F.S., in a reference  
649 thereto; reenacting s. 447.203(2), F.S., relating to  
650 the definition of the terms "public employer" or  
651 "employer," to incorporate the amendment made to s.  
652 944.801, F.S., in a reference thereto; reenacting s.  
653 921.187(1) (n), F.S., relating to disposition and  
654 sentencing alternatives, to incorporate the amendment  
655 made to s. 948.013, F.S., in a reference thereto;  
656 reenacting ss. 948.012(2) (b), 948.10(3), 948.20(3),  
657 and 958.14, F.S., relating to split sentencing of  
658 probation or community control and imprisonment,  
659 procedures governing violations of community control,  
660 revocation of drug offender probation, and violations  
661 of probation or community control programs,  
662 respectively, to incorporate the amendment made to s.  
663 948.06, F.S., in references thereto; reenacting ss.  
664 796.07(4) (b), 944.026(3) (b), and 948.036(1), F.S.,  
665 relating to charges of prostitution and related acts,



793174

576-04422-19

666 certain pretrial intervention programs, and work  
667 programs, respectively, to incorporate the amendment  
668 made to s. 948.08, F.S., in references thereto;  
669 reenacting ss. 394.47892(2), 397.334(5), and  
670 910.035(5)(a), F.S., relating to mental health court  
671 programs, treatment-based drug court programs, and  
672 transfer for participation in a problem-solving court,  
673 respectively, to incorporate the amendments made to  
674 ss. 948.08 and 948.16, F.S., in references thereto;  
675 reenacting s. 910.035(5)(a), F.S., relating to  
676 transfer for participation in a problem-solving court,  
677 to incorporate the amendment made to s. 948.21, F.S.,  
678 in a reference thereto; reenacting ss. 958.03(5),  
679 958.045(8)(a), 958.046, and 985.565(4)(c), F.S.,  
680 relating to the definition of the term "youthful  
681 offender," the youthful offender basic training  
682 program, county-operated youthful offender boot camp  
683 programs, and adult sanctions upon failure of juvenile  
684 sanctions, to incorporate the amendment made to s.  
685 958.04, F.S., in references thereto; reenacting ss.  
686 985.15(1), 985.26(2)(c), and 985.265(5), F.S.,  
687 relating to filing decisions of state attorneys in the  
688 prosecution of a child, length of detention for  
689 prolific juvenile offenders, and delivery of a child  
690 to a jail or other adult detention facility,  
691 respectively, to incorporate the amendment made to s.  
692 985.557, F.S., in references thereto; providing  
693 effective dates.  
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793174

576-04422-19

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

696

697 Section 1. Effective July 1, 2019, section 25.025, Florida  
698 Statutes, is created to read:

699 25.025 Headquarters.-

700 (1) (a) A Supreme Court justice who permanently resides  
701 outside Leon County shall, if he or she so requests, have a  
702 district court of appeal courthouse, a county courthouse, or  
703 another appropriate facility in his or her district of residence  
704 designated as his or her official headquarters pursuant to s.  
705 112.061. This official headquarters may serve only as the  
706 justice's private chambers.

707 (b) A justice for whom an official headquarters is  
708 designated in his or her district of residence under this  
709 subsection is eligible for subsistence at a rate to be  
710 established by the Chief Justice for each day or partial day  
711 that the justice is at the Supreme Court Building for the  
712 conduct of the business of the court. In addition to the  
713 subsistence allowance, a justice is eligible for reimbursement  
714 for transportation expenses as provided in s. 112.061(7) for  
715 travel between the justice's official headquarters and the  
716 Supreme Court Building for the conduct of the business of the  
717 court.

718 (c) Payment of subsistence and reimbursement for  
719 transportation expenses relating to travel between a justice's  
720 official headquarters and the Supreme Court Building must be  
721 made to the extent that appropriated funds are available, as  
722 determined by the Chief Justice.

723 (2) The Chief Justice shall coordinate with each affected



793174

576-04422-19

724 justice and other state and local officials as necessary to  
725 implement paragraph (1) (a).

726 (3) (a) This section does not require a county to provide  
727 space in a county courthouse for a justice. A county may enter  
728 into an agreement with the Supreme Court governing the use of  
729 space in a county courthouse.

730 (b) The Supreme Court may not use state funds to lease  
731 space in a district court of appeal courthouse, county  
732 courthouse, or other facility to allow a justice to establish an  
733 official headquarters pursuant to subsection (1).

734 Section 2. Subsections (9) and (12) of section 26.031,  
735 Florida Statutes, are amended to read:

736 26.031 Judicial circuits; number of judges.—The number of  
737 circuit judges in each circuit shall be as follows:

738		
739	JUDICIAL CIRCUIT	TOTAL
740	(9) Ninth.....	<u>44</u> 43
741	(12) Twelfth.....	<u>22</u> 21

742 Section 3. Section 43.51, Florida Statutes, is created to  
743 read:

744 43.51 Problem-solving court reports.—

745 (1) The Office of the State Courts Administrator shall  
746 provide an annual report to the President of the Senate and the  
747 Speaker of the House of Representatives which details the number  
748 of participants in each problem-solving court for each fiscal  
749 year the court has been operating and the types of services  
750 provided, identifies each source of funding for each court  
751 during each fiscal year, and provides information on the  
752 performance of each court based upon outcome measures



793174

576-04422-19

753 established by the courts.

754 (2) For purposes of this section, the term "problem-solving  
755 court" includes, but is not limited to, a drug court pursuant to  
756 s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a  
757 military veterans' and servicemembers' court pursuant to s.  
758 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health  
759 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.  
760 948.08, or s. 948.16; a community court pursuant to s. 948.081;  
761 or a delinquency pretrial intervention court program pursuant to  
762 s. 985.345.

763 Section 4. Subsection (2) of section 212.15, Florida  
764 Statutes, is amended to read:

765 212.15 Taxes declared state funds; penalties for failure to  
766 remit taxes; due and delinquent dates; judicial review.—

767 (2) Any person who, with intent to unlawfully deprive or  
768 defraud the state of its moneys or the use or benefit thereof,  
769 fails to remit taxes collected under this chapter commits is  
770 guilty of theft of state funds, punishable as follows:

771 (a) If the total amount of stolen revenue is less than  
772 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,  
773 punishable as provided in s. 775.082 or s. 775.083. Upon a  
774 second conviction, the offender commits is ~~guilty of~~ a  
775 misdemeanor of the first degree, punishable as provided in s.  
776 775.082 or s. 775.083. Upon a third or subsequent conviction,  
777 the offender commits is ~~guilty of~~ a felony of the third degree,  
778 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

779 (b) If the total amount of stolen revenue is \$1,000 ~~\$300~~ or  
780 more, but less than \$20,000, the offense is a felony of the  
781 third degree, punishable as provided in s. 775.082, s. 775.083,



793174

576-04422-19

782 or s. 775.084.

783 (c) If the total amount of stolen revenue is \$20,000 or  
784 more, but less than \$100,000, the offense is a felony of the  
785 second degree, punishable as provided in s. 775.082, s. 775.083,  
786 or s. 775.084.

787 (d) If the total amount of stolen revenue is \$100,000 or  
788 more, the offense is a felony of the first degree, punishable as  
789 provided in s. 775.082, s. 775.083, or s. 775.084.

790 Section 5. Subsections (1) through (4) of section 322.055,  
791 Florida Statutes, are amended to read:

792 322.055 Revocation or suspension of, or delay of  
793 eligibility for, driver license for persons 18 years of age or  
794 older convicted of certain drug offenses.—

795 (1) Notwithstanding s. 322.28, upon the conviction of a  
796 person 18 years of age or older for possession or sale of,  
797 trafficking in, or conspiracy to possess, sell, or traffic in a  
798 controlled substance, the court shall direct the department to  
799 suspend ~~revoke~~ the person's driver license or driving privilege  
800 ~~of the person~~. The suspension ~~period of such revocation~~ shall be  
801 6 months ~~1 year~~ or until the person is evaluated for and, if  
802 deemed necessary by the evaluating agency, completes a drug  
803 treatment and rehabilitation program approved or regulated by  
804 the Department of Children and Families. However, the court may,  
805 upon finding a compelling circumstance to warrant an exception  
806 ~~in its sound discretion~~, direct the department to issue a  
807 license for driving privilege restricted to business or  
808 employment purposes only, as defined by s. 322.271, if the  
809 person is otherwise qualified for such a license. ~~A driver whose~~  
810 ~~license or driving privilege has been suspended or revoked under~~



793174

576-04422-19

811 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~  
812 ~~petition the department for restoration of the driving privilege~~  
813 ~~on a restricted or unrestricted basis depending on length of~~  
814 ~~suspension or revocation. In no case shall a restricted license~~  
815 ~~be available until 6 months of the suspension or revocation~~  
816 ~~period has expired.~~

817 (2) If a person 18 years of age or older is convicted for  
818 the possession or sale of, trafficking in, or conspiracy to  
819 possess, sell, or traffic in a controlled substance and such  
820 person is eligible by reason of age for a driver license or  
821 privilege, the court shall direct the department to withhold  
822 issuance of such person's driver license or driving privilege  
823 for a period of 6 months ~~1 year~~ after the date the person was  
824 convicted or until the person is evaluated for and, if deemed  
825 necessary by the evaluating agency, completes a drug treatment  
826 and rehabilitation program approved or regulated by the  
827 Department of Children and Families. However, the court may,  
828 upon finding a compelling circumstance to warrant an exception  
829 ~~in its sound discretion,~~ direct the department to issue a  
830 license for driving privilege restricted to business or  
831 employment purposes only, as defined by s. 322.271, if the  
832 person is otherwise qualified for such a license. ~~A driver whose~~  
833 ~~license or driving privilege has been suspended or revoked under~~  
834 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~  
835 ~~petition the department for restoration of the driving privilege~~  
836 ~~on a restricted or unrestricted basis depending on the length of~~  
837 ~~suspension or revocation. In no case shall a restricted license~~  
838 ~~be available until 6 months of the suspension or revocation~~  
839 ~~period has expired.~~



793174

576-04422-19

840 (3) If a person 18 years of age or older is convicted for  
841 the possession or sale of, trafficking in, or conspiracy to  
842 possess, sell, or traffic in a controlled substance and such  
843 person's driver license or driving privilege is already under  
844 suspension or revocation for any reason, the court shall direct  
845 the department to extend the period of such suspension or  
846 revocation by an additional period of 6 months ~~1 year~~ or until  
847 the person is evaluated for and, if deemed necessary by the  
848 evaluating agency, completes a drug treatment and rehabilitation  
849 program approved or regulated by the Department of Children and  
850 Families. However, the court may, upon finding a compelling  
851 circumstance to warrant an exception ~~in its sound discretion,~~  
852 direct the department to issue a license for driving privilege  
853 restricted to business or employment purposes only, as defined  
854 by s. 322.271, if the person is otherwise qualified for such a  
855 license. ~~A driver whose license or driving privilege has been~~  
856 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
857 ~~the expiration of 6 months, petition the department for~~  
858 ~~restoration of the driving privilege on a restricted or~~  
859 ~~unrestricted basis depending on the length of suspension or~~  
860 ~~revocation. In no case shall a restricted license be available~~  
861 ~~until 6 months of the suspension or revocation period has~~  
862 ~~expired.~~

863 (4) If a person 18 years of age or older is convicted for  
864 the possession or sale of, trafficking in, or conspiracy to  
865 possess, sell, or traffic in a controlled substance and such  
866 person is ineligible by reason of age for a driver license or  
867 driving privilege, the court shall direct the department to  
868 withhold issuance of such person's driver license or driving



793174

576-04422-19

869 privilege for a period of 6 months ~~1 year~~ after the date that he  
870 or she would otherwise have become eligible or until he or she  
871 becomes eligible by reason of age for a driver license and is  
872 evaluated for and, if deemed necessary by the evaluating agency,  
873 completes a drug treatment and rehabilitation program approved  
874 or regulated by the Department of Children and Families.  
875 However, the court may, upon finding a compelling circumstance  
876 to warrant an exception ~~in its sound discretion~~, direct the  
877 department to issue a license for driving privilege restricted  
878 to business or employment purposes only, as defined by s.  
879 322.271, if the person is otherwise qualified for such a  
880 license. ~~A driver whose license or driving privilege has been~~  
881 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
882 ~~the expiration of 6 months, petition the department for~~  
883 ~~restoration of the driving privilege on a restricted or~~  
884 ~~unrestricted basis depending on the length of suspension or~~  
885 ~~revocation. In no case shall a restricted license be available~~  
886 ~~until 6 months of the suspension or revocation period has~~  
887 ~~expired.~~

888 Section 6. Section 322.056, Florida Statutes, is amended to  
889 read:

890 322.056 Mandatory revocation or suspension of, or delay of  
891 eligibility for, driver license for persons under age 18 found  
892 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;  
893 prohibition.-

894 (1) Notwithstanding ~~the provisions of~~ s. 322.055, if a  
895 person under 18 years of age is found guilty of or delinquent  
896 for a violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893,  
897 and:



793174

576-04422-19

898 (a) The person is eligible by reason of age for a driver  
899 license or driving privilege, the court shall direct the  
900 department to revoke or to withhold issuance of his or her  
901 driver license or driving privilege for a period of 6 months÷

902 ~~1. Not less than 6 months and not more than 1 year for the~~  
903 ~~first violation.~~

904 ~~2. Two years, for a subsequent violation.~~

905 (b) The person's driver license or driving privilege is  
906 under suspension or revocation for any reason, the court shall  
907 direct the department to extend the period of suspension or  
908 revocation by an additional period of 6 months÷

909 ~~1. Not less than 6 months and not more than 1 year for the~~  
910 ~~first violation.~~

911 ~~2. Two years, for a subsequent violation.~~

912 (c) The person is ineligible by reason of age for a driver  
913 license or driving privilege, the court shall direct the  
914 department to withhold issuance of his or her driver license or  
915 driving privilege for a period of÷

916 ~~1. Not less than 6 months and not more than 1 year after~~  
917 ~~the date on which he or she would otherwise have become~~  
918 ~~eligible, for the first violation.~~

919 ~~2. Two years after the date on which he or she would~~  
920 ~~otherwise have become eligible, for a subsequent violation.~~

921  
922 However, the court may, upon finding a compelling circumstance  
923 to warrant an exception in its sound discretion, direct the  
924 department to issue a license for driving privileges restricted  
925 to business or employment purposes only, as defined in s.  
926 322.271, if the person is otherwise qualified for such a





793174

576-04422-19

927 license.

928 ~~(2) If a person under 18 years of age is found by the court~~  
929 ~~to have committed a noncriminal violation under s. 569.11 or s.~~  
930 ~~877.112(6) or (7) and that person has failed to comply with the~~  
931 ~~procedures established in that section by failing to fulfill~~  
932 ~~community service requirements, failing to pay the applicable~~  
933 ~~fine, or failing to attend a locally available school-approved~~  
934 ~~anti-tobacco program, and:~~

935 ~~(a) The person is eligible by reason of age for a driver~~  
936 ~~license or driving privilege, the court shall direct the~~  
937 ~~department to revoke or to withhold issuance of his or her~~  
938 ~~driver license or driving privilege as follows:~~

939 ~~1. For the first violation, for 30 days.~~

940 ~~2. For the second violation within 12 weeks of the first~~  
941 ~~violation, for 45 days.~~

942 ~~(b) The person's driver license or driving privilege is~~  
943 ~~under suspension or revocation for any reason, the court shall~~  
944 ~~direct the department to extend the period of suspension or~~  
945 ~~revocation by an additional period as follows:~~

946 ~~1. For the first violation, for 30 days.~~

947 ~~2. For the second violation within 12 weeks of the first~~  
948 ~~violation, for 45 days.~~

949 ~~(c) The person is ineligible by reason of age for a driver~~  
950 ~~license or driving privilege, the court shall direct the~~  
951 ~~department to withhold issuance of his or her driver license or~~  
952 ~~driving privilege as follows:~~

953 ~~1. For the first violation, for 30 days.~~

954 ~~2. For the second violation within 12 weeks of the first~~  
955 ~~violation, for 45 days.~~



793174

576-04422-19

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~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in this subsection.~~

~~(3) If a person under 18 years of age is found by the court to have committed a third violation of s. 569.11 or s. 877.112(6) or (7) within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to suspend or withhold issuance of his or her driver license or driving privilege for 60 consecutive days. Any third violation of s. 569.11 or s. 877.112(6) or (7) not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in subsection (2).~~

~~(2)(4)~~ A penalty imposed under this section shall be in addition to any other penalty imposed by law.

~~(5) The suspension or revocation of a person's driver license imposed pursuant to subsection (2) or subsection (3), shall not result in or be cause for an increase of the convicted person's, or his or her parent's or legal guardian's, automobile insurance rate or premium or result in points assessed against the person's driving record.~~

Section 7. Section 322.057, Florida Statutes, is repealed.

Section 8. Subsection (2) of section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(2) Any person whose driver license or driving privilege



793174

576-04422-19

985 has been canceled, suspended, or revoked as provided by law,  
986 except persons defined in s. 322.264, who, knowing of such  
987 cancellation, suspension, or revocation, drives any motor  
988 vehicle upon the highways of this state while such license or  
989 privilege is canceled, suspended, or revoked, upon:

990 (a) A first conviction commits ~~is guilty of~~ a misdemeanor  
991 of the second degree, punishable as provided in s. 775.082 or s.  
992 775.083.

993 (b) A second or subsequent conviction commits ~~is guilty of~~  
994 a misdemeanor of the first degree, punishable as provided in s.  
995 775.082 or s. 775.083.

996 ~~(c) A third or subsequent conviction is guilty of a felony~~  
997 ~~of the third degree, punishable as provided in s. 775.082, s.~~  
998 ~~775.083, or s. 775.084.~~

999  
1000 The element of knowledge is satisfied if the person has been  
1001 previously cited as provided in subsection (1); or the person  
1002 admits to knowledge of the cancellation, suspension, or  
1003 revocation; or the person received notice as provided in  
1004 subsection (4). There shall be a rebuttable presumption that the  
1005 knowledge requirement is satisfied if a judgment or order as  
1006 provided in subsection (4) appears in the department's records  
1007 for any case except for one involving a suspension by the  
1008 department for failure to pay a traffic fine or for a financial  
1009 responsibility violation.

1010 Section 9. Section 322.75, Florida Statutes, is created to  
1011 read:

1012 322.75 Driver License Reinstatement Days.-

1013 (1) Each clerk of court shall establish a Driver License



793174

576-04422-19

1014 Reinstatement Days program for reinstating suspended driver  
1015 licenses. Participants may include, but are not limited to, the  
1016 Department of Highway Safety and Motor Vehicles, the state  
1017 attorney's office, the public defender's office, the circuit and  
1018 county courts, the clerk of court, and any interested community  
1019 organization.

1020 (2) The clerk of court, in consultation with other  
1021 participants, shall select 1 or more days annually for an event  
1022 at which a person may have his or her driver license reinstated.  
1023 The clerk may work with the Florida Association of Court Clerks  
1024 and Comptrollers to promote such program, develop  
1025 communications, and coordinate the event. A person must pay the  
1026 full license reinstatement fee; however, the clerk may reduce or  
1027 waive other fees and costs to facilitate reinstatement.

1028 (3) The clerk of court is encouraged to schedule at least  
1029 one event on a weekend or with hours after 5 p.m. on a weekday.

1030 (4) (a) A person is eligible for reinstatement under the  
1031 program if his or her license was suspended due to:

- 1032 1. Driving without a valid driver license;  
1033 2. Driving with a suspended driver license;  
1034 3. Failing to make a payment on penalties in collection;  
1035 4. Failing to appear in court for a traffic violation; or  
1036 5. Failing to comply with any provision of chapter 318 or  
1037 this chapter.

1038 (b) Notwithstanding paragraphs (5) (a)-(c), a person is  
1039 eligible for reinstatement under the program if the period of  
1040 suspension or revocation has elapsed, the person has completed  
1041 any required course or program as described in paragraph (5) (c),  
1042 and the person is otherwise eligible for reinstatement.



793174

576-04422-19

1043 (5) A person is not eligible for reinstatement under the  
1044 program if his or her driver license is suspended or revoked due  
1045 to:

1046 (a) The person's failure to fulfill a court-ordered child  
1047 support obligation;

1048 (b) A violation of s. 316.193;

1049 (c) The person's failure to complete a driver training  
1050 program, driver improvement course, or alcohol or substance  
1051 abuse education or evaluation program required under s. 316.192,  
1052 s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;

1053 (d) A traffic-related felony; or

1054 (e) The person being designated as a habitual traffic  
1055 offender under s. 322.264.

1056 (6) The clerk of court and the Department of Highway Safety  
1057 and Motor Vehicles shall verify any information necessary for  
1058 reinstatement of a driver license under the program.

1059 (7) The clerk of court must collect and report to the  
1060 Florida Clerks of Court Operations Corporation all of the  
1061 following:

1062 (a) Number of cases paid in full.

1063 (b) Number of cases put on a payment plan.

1064 (c) Number of driver license reinstatements.

1065 (d) Number of driver licenses made eligible for  
1066 reinstatement.

1067 (e) Amount of fees and costs collected, reported by the  
1068 entity receiving the funds. The Florida Clerks of Court  
1069 Operations Corporation must report the aggregate funds received  
1070 by the clerks of court, the local governmental entities, and  
1071 state entities, including the General Revenue Fund.



793174

576-04422-19

1072       (f) The personnel, operating, security, and other  
1073 expenditures incurred by the clerk of court.

1074       (g) The number of cases that fail to comply with a payment  
1075 plan and subsequently result in driver license suspension.

1076       (8) The Florida Clerks of Court Operations Corporation  
1077 shall report the information collected in subsection (7) in its  
1078 annual report required by s. 28.35.

1079       Section 10. Section 394.47891, Florida Statutes, is amended  
1080 to read:

1081       394.47891 Military veterans, ~~and~~ servicemembers, and others  
1082 court programs.—The chief judge of each judicial circuit shall  
1083 may establish a Military Veterans and Servicemembers Court  
1084 Program under which veterans, as defined in s. 1.01, including  
1085 veterans who were discharged or released under a general  
1086 discharge, and servicemembers, as defined in s. 250.01;  
1087 individuals who are current or former United States Department  
1088 of Defense contractors; and individuals who are current or  
1089 former military members of a foreign allied country, who are  
1090 charged or convicted of a criminal offense and who suffer from a  
1091 military-related mental illness, traumatic brain injury,  
1092 substance abuse disorder, or psychological problem can be  
1093 sentenced in accordance with chapter 921 in a manner that  
1094 appropriately addresses the severity of the mental illness,  
1095 traumatic brain injury, substance abuse disorder, or  
1096 psychological problem through services tailored to the  
1097 individual needs of the participant. Entry into any Military  
1098 Veterans and Servicemembers Court Program must be based upon the  
1099 sentencing court's assessment of the defendant's criminal  
1100 history, military service, substance abuse treatment needs,



793174

576-04422-19

1101 mental health treatment needs, amenability to the services of  
1102 the program, the recommendation of the state attorney and the  
1103 victim, if any, and the defendant's agreement to enter the  
1104 program.

1105 Section 11. Subsection (2) of section 394.917, Florida  
1106 Statutes, is amended to read:

1107 394.917 Determination; commitment procedure; mistrials;  
1108 housing; counsel and costs in indigent appellate cases.—

1109 (2) If the court or jury determines that the person is a  
1110 sexually violent predator, upon the expiration of the  
1111 incarcerative portion of all criminal sentences and disposition  
1112 of any detainers, the person shall be committed to the custody  
1113 of the Department of Children and Families for control, care,  
1114 ~~and~~ treatment, and rehabilitation of criminal offenders, until  
1115 such time as the person's mental abnormality or personality  
1116 disorder has so changed that it is safe for the person to be at  
1117 large. At all times, persons who are detained or committed under  
1118 this part shall be kept in a secure facility segregated from  
1119 patients of the department who are not detained or committed  
1120 under this part.

1121 Section 12. Subsection (2) of section 397.334, Florida  
1122 Statutes, is amended to read:

1123 397.334 Treatment-based drug court programs.—

1124 (2) Entry into any pretrial treatment-based drug court  
1125 program shall be voluntary. When neither s. 948.08(6)(c)1. nor  
1126 2. s. 948.08(6)(a)1. nor 2. applies, the court may order an  
1127 eligible individual to enter into a pretrial treatment-based  
1128 drug court program only upon written agreement by the  
1129 individual, which shall include a statement that the individual



793174

576-04422-19

1130 understands the requirements of the program and the potential  
1131 sanctions for noncompliance.

1132 Section 13. Present subsections (3) through (12) of section  
1133 455.213, Florida Statutes, are redesignated as subsections (4)  
1134 through (13), respectively, subsection (2) of that section is  
1135 amended, and a new subsection (3) is added to that section, to  
1136 read:

1137 455.213 General licensing provisions.—

1138 (2) Before the issuance of any license, the department may  
1139 charge an initial license fee as determined by rule of the  
1140 applicable board or, if no such board exists, by rule of the  
1141 department. Upon receipt of the appropriate license fee, except  
1142 as provided in subsection (4) ~~(3)~~, the department shall issue a  
1143 license to any person certified by the appropriate board, or its  
1144 designee, or the department when there is no board, as having  
1145 met the applicable requirements imposed by law or rule. However,  
1146 an applicant who is not otherwise qualified for licensure is not  
1147 entitled to licensure solely based on a passing score on a  
1148 required examination. Upon a determination by the department  
1149 that it erroneously issued a license, or upon the revocation of  
1150 a license by the applicable board, or by the department when  
1151 there is no board, the licensee must surrender his or her  
1152 license to the department.

1153 (3) (a) Notwithstanding any other provision of law, the  
1154 department or applicable board shall use the process in this  
1155 subsection for review of an applicant's criminal history record  
1156 to determine his or her eligibility for licensure.

1157 (b) A conviction, or any other adjudication, for a crime  
1158 more than 5 years before the date the application is received by





793174

576-04422-19

1159 the applicable board may not be grounds for denial of a license.  
1160 For purposes of this paragraph, the term "conviction" means a  
1161 determination of guilt that is the result of a plea or trial,  
1162 regardless of whether adjudication is withheld. This paragraph  
1163 does not limit the department or applicable board from  
1164 considering an applicant's criminal history that includes a  
1165 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time only  
1166 if such criminal history has been found to relate to the  
1167 practice of the applicable profession, or any crime if it has  
1168 been found to relate to good moral character if the practice of  
1169 the applicable profession requires such a standard.

1170 (c)1. A person may apply for a license before his or her  
1171 lawful release from confinement or supervision. The department  
1172 may not charge an applicant an additional fee for being confined  
1173 or under supervision. The department or applicable board may not  
1174 deny an application for a license solely on the basis of the  
1175 applicant's current confinement or supervision.

1176 2. After a license application is approved, the department  
1177 or applicable board may stay the issuance of a license until the  
1178 applicant is lawfully released from confinement or supervision  
1179 and the applicant notifies the department or applicable board of  
1180 such release. The department or applicable board must verify the  
1181 applicant's release with the Department of Corrections, or other  
1182 applicable authority, before it issues a license.

1183 3. If an applicant is unable to appear in person due to his  
1184 or her confinement or supervision, the department or applicable  
1185 board must permit the applicant to appear by teleconference or  
1186 video conference, as appropriate, at any meeting of the  
1187 applicable board or other hearing by the agency concerning his



793174

576-04422-19

1188 or her application.

1189 4. If an applicant is confined or under supervision, the  
1190 Department of Corrections, or other applicable authority, and  
1191 the department or applicable board shall cooperate and  
1192 coordinate to facilitate the appearance of the applicant at a  
1193 board meeting or agency hearing in person, by teleconference, or  
1194 by video conference, as appropriate.

1195 (d) The department and each applicable board shall compile  
1196 a list of crimes that do not relate to the practice of the  
1197 profession or the ability to practice the profession and do not  
1198 constitute grounds for denial of a license even when such crimes  
1199 result in a conviction, regardless of adjudication. This list  
1200 shall be made available on the department's website and be  
1201 updated annually. Beginning October 1, 2019, each applicable  
1202 board shall compile a list of crimes that, although reported by  
1203 an applicant for licensure, were not used as a basis for denial.  
1204 The list must identify the crime reported for each license  
1205 application and:

1206 1. The date of conviction or the sentencing date, whichever  
1207 occurs later; and

1208 2. The date that adjudication was entered.

1209 (e) The department and each applicable board shall compile  
1210 a list of crimes that have been used as a basis for denial of a  
1211 license in the past 2 years, which shall be made available on  
1212 the department's website. Beginning October 1, 2019, the  
1213 applicable board shall compile a list indicating each crime used  
1214 as a basis for denial and update such list quarterly thereafter.  
1215 For each crime listed, the applicable board must identify:

1216 1. The date of conviction or the sentencing date, whichever



793174

576-04422-19

1217 occurs later; and

1218 2. The date that adjudication was entered.

1219

1220 Such denials must be made available to the public upon request.

1221 Section 14. Subsection (4) of section 474.2165, Florida  
1222 Statutes, is amended to read:

1223 474.2165 Ownership and control of veterinary medical  
1224 patient records; report or copies of records to be furnished.—

1225 (4) Except as otherwise provided in this section, such  
1226 records may not be furnished to, and the medical condition of a  
1227 patient may not be discussed with, any person other than the  
1228 client or the client's legal representative or other  
1229 veterinarians involved in the care or treatment of the patient,  
1230 except upon written authorization of the client. However, such  
1231 records may be furnished without written authorization under the  
1232 following circumstances:

1233 (a) To any person, firm, or corporation that has procured  
1234 or furnished such examination or treatment with the client's  
1235 consent.

1236 (b) In any civil ~~or criminal~~ action, unless otherwise  
1237 prohibited by law, upon the issuance of a subpoena from a court  
1238 of competent jurisdiction and proper notice to the client or the  
1239 client's legal representative by the party seeking such records.

1240 (c) For statistical and scientific research, provided the  
1241 information is abstracted in such a way as to protect the  
1242 identity of the patient and the client, or provided written  
1243 permission is received from the client or the client's legal  
1244 representative.

1245 (d) In any criminal action or situation in which a



793174

576-04422-19

1246 veterinarian suspects a criminal violation. If a criminal  
1247 violation is suspected, a veterinarian may, without notice to or  
1248 authorization from the client, report the violation to a law  
1249 enforcement officer, an animal control officer who is certified  
1250 pursuant to s. 828.27(4)(a), or an agent appointed under s.  
1251 828.03. However, if a suspected violation occurs at a commercial  
1252 food-producing animal operation on land classified as  
1253 agricultural under s. 193.461, the veterinarian must provide  
1254 notice to the client or the client's legal representative before  
1255 reporting the suspected violation to an officer or agent under  
1256 this paragraph. The report may not include written medical  
1257 records except upon the issuance of an order from a court of  
1258 competent jurisdiction.

1259 Section 15. Subsections (2), (3), and (4) of section  
1260 489.126, Florida Statutes, are amended, and subsections (5) and  
1261 (6) are added to that section, to read:

1262 489.126 Moneys received by contractors.—

1263 (2) (a) A contractor who receives, as initial payment, money  
1264 totaling more than 10 percent of the contract price for repair,  
1265 restoration, improvement, or construction to residential real  
1266 property must:

1267 1. ~~(a)~~ Apply for permits necessary to do work within 30 days  
1268 after the date payment is made, except where the work does not  
1269 require a permit under the applicable codes and ordinances, and

1270 2. ~~(b)~~ Start the work within 90 days after the date all  
1271 necessary permits for work, if any, are issued,

1272  
1273 unless the contractor has just cause for failing to apply for  
1274 the necessary permits, starting the work, or refunding the



793174

576-04422-19

1275 payment, or unless the person who made the payment agreed, in  
1276 writing, to a longer period to apply for the necessary permits  
1277 or start the work or to longer periods for both.

1278 (b)1. If a contractor fails to comply with paragraph (a),  
1279 written demand must be made to the contractor in the form of a  
1280 letter that includes a demand to apply for the necessary  
1281 permits, start the work, or refund the payment sent via  
1282 certified mail, return receipt requested, mailed to the address  
1283 listed in the contracting agreement. If there is no address for  
1284 the contractor listed in the contracting agreement, or no  
1285 written agreement exists, the letter must be mailed to the  
1286 address listed with the department for licensing purposes or the  
1287 local construction industry licensing board, if applicable.

1288 2. It may be inferred that a contractor does not have just  
1289 cause if the contractor fails to apply for the necessary  
1290 permits, start the work, or refund payments within 30 days of  
1291 receiving written demand to apply for the necessary permits,  
1292 start the work, or refund the payment from the person who made  
1293 the payment.

1294 (3) (a) A contractor who receives money for repair,  
1295 restoration, addition, improvement, or construction of  
1296 residential real property in excess of the value of the work  
1297 performed may shall not, with intent to defraud the owner, fail  
1298 or refuse to perform any work for any 90-day period.

1299 (b) It is prima facie evidence ~~Proof~~ that a contractor  
1300 received money for the repair, restoration, addition,  
1301 improvement, or construction of residential real property and  
1302 that the amount received exceeds the value of the work performed  
1303 by the contractor when and that:



793174

576-04422-19

1304           1. The contractor failed to perform any of the work for  
1305 which he or she contracted during any 90-day ~~60-day~~ period;

1306           2. The failure to perform any such work during the 90-day  
1307 ~~60-day~~ period was not related to the owner's termination of the  
1308 contract or a material breach of the contract by the owner; and

1309           3. The contractor failed to perform for 90 days without  
1310 just cause or terminated the contract without proper  
1311 notification to the owner.

1312           a. Proper notification of termination for purposes of this  
1313 subparagraph must be made by the contractor in the form of a  
1314 letter that includes the reason for termination of the contract  
1315 or the reason for failure to perform sent via certified mail,  
1316 return receipt requested, mailed to the address of the owner  
1317 listed in the contracting agreement. If no written agreement  
1318 exists, the letter must be mailed to the address where the work  
1319 was to be performed or the address listed on the permit, if  
1320 applicable.

1321           b. If a contractor fails to comply with paragraph (a),  
1322 written demand must be made to the contractor in the form of a  
1323 letter that includes a demand to perform work, or refund the  
1324 money received in excess of the value of the work performed,  
1325 sent via certified mail, return receipt requested, mailed to the  
1326 address listed in the contracting agreement. If there is no  
1327 address for the contractor listed in the contracting agreement,  
1328 or no agreement exists, the letter must be mailed to the address  
1329 listed with the department for licensing purposes or the local  
1330 construction industry licensing board, if applicable.

1331           c. It may be inferred that a contractor does not have just  
1332 cause if the contractor fails to perform work, or refund the



793174

576-04422-19

1333 money received in excess of the value of the work performed,  
1334 within 30 days after receiving a written demand to perform the  
1335 work, or refund the money received in excess of the value of the  
1336 work performed, from the person who made the payment., ~~for an~~  
1337 ~~additional 30-day period after the date of mailing of~~  
1338 ~~notification as specified in paragraph (c), to perform any work~~  
1339 ~~for which he or she contracted,~~

1340  
1341 ~~gives rise to an inference that the money in excess of the value~~  
1342 ~~of the work performed was taken with the intent to defraud.~~

1343 ~~(c) Notification as contemplated in paragraph (b) consists~~  
1344 ~~of a certified letter, return receipt requested, mailed to the~~  
1345 ~~address of the contractor as listed in the written contracting~~  
1346 ~~agreement. The letter must indicate that the contractor has~~  
1347 ~~failed to perform any work for a 60-day period, that the failure~~  
1348 ~~to perform the work was not the result of the owner's~~  
1349 ~~termination of the contract or a material breach of the contract~~  
1350 ~~by the owner, and that the contractor must recommence~~  
1351 ~~construction within 30 days after the date of mailing of the~~  
1352 ~~letter. If there is no address for the contractor listed in the~~  
1353 ~~written contracting agreement, or no written agreement exists,~~  
1354 ~~the letter must be mailed to the address of the contractor~~  
1355 ~~listed in the building permit application.~~

1356 (4) Any violation of subsection (2) or subsection (3) must  
1357 be prosecuted in accordance with the thresholds established in  
1358 this section and the following: Any person who violates any  
1359 provision of this section is guilty of theft and shall be  
1360 prosecuted and punished under s. 812.014.

1361 (a) The required intent to prove a criminal violation may



793174

576-04422-19

1362 be shown to exist at the time that the contractor appropriated  
1363 the money to his or her own use and is not required to be proven  
1364 to exist at the time of the taking of the money from the owner  
1365 or at the time the owner makes a payment to the contractor.

1366 (b) It may be inferred that a contractor intended to  
1367 deprive the owner of the right to the money owed, or deprive the  
1368 owner of the benefit from it, and inferred that the contractor  
1369 appropriated the money for his or her own use, or to a person  
1370 not entitled to the use of the money, if the contractor fails to  
1371 refund any portion of the money owed within 30 days after  
1372 receiving a written demand for such money from the owner.

1373 (c) In a prosecution for a violation of this section, the  
1374 fact that the person so charged intended to return the money  
1375 owed is not a defense.

1376 (5) A person who violates subsection (2) commits:

1377 (a) A misdemeanor of the first degree, punishable as  
1378 provided in s. 775.082 or s. 775.083, if the total money  
1379 received is less than \$1,000.

1380 (b) A felony of the third degree, punishable as provided in  
1381 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1382 received is \$1,000 or more, but less than \$20,000.

1383 (c) A felony of the second degree, punishable as provided  
1384 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
1385 received is \$20,000 or more, but less than \$200,000.

1386 (d) A felony of the first degree, punishable as provided in  
1387 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1388 received is \$200,000 or more.

1389 (6) A person who violates subsection (3) commits:

1390 (a) A misdemeanor of the first degree, punishable as





793174

576-04422-19

1391 provided in s. 775.082 or s. 775.083, if the total money  
1392 received exceeding the value of the work performed is less than  
1393 \$1,000.

1394 (b) A felony of the third degree, punishable as provided in  
1395 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1396 received exceeding the value of the work performed is \$1,000 or  
1397 more, but less than \$20,000.

1398 (c) A felony of the second degree, punishable as provided  
1399 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
1400 received exceeding the value of the work performed is \$20,000 or  
1401 more, but less than \$200,000.

1402 (d) A felony of the first degree, punishable as provided in  
1403 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1404 received exceeding the value of the work performed is \$200,000  
1405 or more.

1406 Section 16. Present subsection (6) of section 489.553,  
1407 Florida Statutes, is redesignated as subsection (10), and a new  
1408 subsection (6) and subsections (7), (8), and (9) are added to  
1409 that section, to read:

1410 489.553 Administration of part; registration  
1411 qualifications; examination.-

1412 (6) Notwithstanding any other provision of law, a  
1413 conviction, or any other adjudication, for a crime more than 5  
1414 years before the date the application is received by the  
1415 department may not be grounds for denial of registration. For  
1416 purposes of this subsection, the term "conviction" means a  
1417 determination of guilt that is the result of a plea or trial,  
1418 regardless of whether adjudication is withheld. This subsection  
1419 does not limit a board from considering an applicant's criminal



793174

576-04422-19

1420 history that includes any crime listed in s. 775.21(4)(a)1. or  
1421 s. 776.08 at any time only if such criminal history has been  
1422 found to relate to the practice of the applicable profession, or  
1423 any crime if it has been found to relate to good moral  
1424 character.

1425 (7)(a) A person may apply to be registered before his or  
1426 her lawful release from confinement or supervision. The  
1427 department may not charge an applicant an additional fee for  
1428 being confined or under supervision. The department may not deny  
1429 an application for registration solely on the basis of the  
1430 applicant's current confinement or supervision.

1431 (b) After a registration application is approved, the  
1432 department may stay the issuance of registration until the  
1433 applicant is lawfully released from confinement or supervision  
1434 and the applicant notifies the board of such release. The  
1435 department must verify the applicant's release with the  
1436 Department of Corrections, or other applicable authority, before  
1437 it registers such applicant.

1438 (c) If an applicant is unable to appear in person due to  
1439 his or her confinement or supervision, the department must  
1440 permit the applicant to appear by teleconference or video  
1441 conference, as appropriate, at any meeting or hearing by the  
1442 department concerning his or her application.

1443 (d) If an applicant is confined or under supervision, the  
1444 Department of Corrections, or other applicable authority, and  
1445 the department shall cooperate and coordinate to facilitate the  
1446 appearance of the applicant at a meeting or hearing in person,  
1447 by teleconference, or by video conference, as appropriate.

1448 (8) The department shall compile a list of crimes that do



793174

576-04422-19

1449 not relate to the practice of the profession or the ability to  
1450 practice the profession and do not constitute grounds for denial  
1451 of registration even when such crimes result in a conviction,  
1452 regardless of adjudication. This list shall be made available on  
1453 the department's website and be updated annually. Beginning  
1454 October 1, 2019, and updated quarterly thereafter, the  
1455 department shall add to this list such crimes that, although  
1456 reported by an applicant for registration, were not used as a  
1457 basis for denial in the past 2 years. The list must identify the  
1458 crime reported for each registration application and:

1459 (a) The date of conviction or sentencing, whichever occurs  
1460 later; and

1461 (b) The date that adjudication was entered.

1462 (9) The department shall compile a list of crimes that have  
1463 been used as a basis for denial of registration in the past 2  
1464 years, which shall be made available on the department's  
1465 website. Beginning October 1, 2019, and updated quarterly  
1466 thereafter, the department shall add to this list each crime  
1467 used as a basis for denial. For each crime listed, the  
1468 department must identify:

1469 (a) The date of conviction or sentencing, whichever occurs  
1470 later.

1471 (b) The date adjudication was entered.

1472  
1473 Such denials must be made available to the public upon request.

1474 Section 17. Subsection (2) of section 500.451, Florida  
1475 Statutes, is amended and subsection (1) of that section is  
1476 republished, to read:

1477 500.451 Horse meat; offenses.—



793174

576-04422-19

1478 (1) It is unlawful for any person to:  
1479 (a) Sell in the markets of this state horse meat for human  
1480 consumption unless the horse meat is clearly stamped, marked,  
1481 and described as horse meat for human consumption.  
1482 (b) Knowingly transport, distribute, sell, purchase, or  
1483 possess horse meat for human consumption that is not clearly  
1484 stamped, marked, and described as horse meat for human  
1485 consumption or horse meat that is not acquired from a licensed  
1486 slaughterhouse.  
1487 (2) A person that violates this section commits a felony of  
1488 the third degree, punishable as provided in s. 775.082, s.  
1489 775.083, or s. 775.084, except that any person who commits a  
1490 violation of this section must ~~shall~~ be sentenced to a minimum  
1491 mandatory fine of \$3,500 ~~and a minimum mandatory period of~~  
1492 ~~incarceration of 1 year.~~  
1493 Section 18. Subsection (1) of section 509.151, Florida  
1494 Statutes, is amended to read:  
1495 509.151 Obtaining food or lodging with intent to defraud;  
1496 penalty.—  
1497 (1) Any person who obtains food, lodging, or other  
1498 accommodations having a value of less than \$1,000 ~~\$300~~ at any  
1499 public food service establishment, or at any transient  
1500 establishment, with intent to defraud the operator thereof,  
1501 commits ~~is guilty of~~ a misdemeanor of the second degree,  
1502 punishable as provided in s. 775.082 or s. 775.083; if such  
1503 food, lodging, or other accommodations have a value of \$1,000  
1504 ~~\$300~~ or more, such person commits ~~is guilty of~~ a felony of the  
1505 third degree, punishable as provided in s. 775.082, s. 775.083,  
1506 or s. 775.084.



793174

576-04422-19

1507 Section 19. Paragraph (a) of subsection (1) and paragraph  
1508 (c) of subsection (2) of section 562.11, Florida Statutes, are  
1509 amended to read:

1510 562.11 Selling, giving, or serving alcoholic beverages to  
1511 person under age 21; providing a proper name; misrepresenting or  
1512 misstating age or age of another to induce licensee to serve  
1513 alcoholic beverages to person under 21; penalties.-

1514 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to  
1515 be served alcoholic beverages to a person under 21 years of age  
1516 or permit a person under 21 years of age to consume such  
1517 beverages on the licensed premises. A person who violates this  
1518 paragraph ~~subparagraph~~ commits a misdemeanor of the second  
1519 degree, punishable as provided in s. 775.082 or s. 775.083. A  
1520 person who violates this paragraph ~~subparagraph~~ a second or  
1521 subsequent time within 1 year after a prior conviction commits a  
1522 misdemeanor of the first degree, punishable as provided in s.  
1523 775.082 or s. 775.083.

1524 ~~2. In addition to any other penalty imposed for a violation~~  
1525 ~~of subparagraph 1., the court may order the Department of~~  
1526 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~  
1527 ~~or suspend or revoke, the driver license or driving privilege,~~  
1528 ~~as provided in s. 322.057, of any person who violates~~  
1529 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~  
1530 ~~as defined in s. 561.01, who violates subparagraph 1. while~~  
1531 ~~acting within the scope of his or her license or an employee or~~  
1532 ~~agent of a licensee, as defined in s. 561.01, who violates~~  
1533 ~~subparagraph 1. while engaged within the scope of his or her~~  
1534 ~~employment or agency.~~

1535 ~~3. A court that withholds the issuance of, or suspends or~~



793174

576-04422-19

1536 ~~revokes, the driver license or driving privilege of a person~~  
1537 ~~pursuant to subparagraph 2. may direct the Department of Highway~~  
1538 ~~Safety and Motor Vehicles to issue the person a license for~~  
1539 ~~driving privilege restricted to business purposes only, as~~  
1540 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1541 (2) It is unlawful for any person to misrepresent or  
1542 misstate his or her age or the age of any other person for the  
1543 purpose of inducing any licensee or his or her agents or  
1544 employees to sell, give, serve, or deliver any alcoholic  
1545 beverages to a person under 21 years of age, or for any person  
1546 under 21 years of age to purchase or attempt to purchase  
1547 alcoholic beverages.

1548 (c) In addition to any other penalty imposed for a  
1549 violation of this subsection, if a person uses a driver license  
1550 or identification card issued by the Department of Highway  
1551 Safety and Motor Vehicles in violation of this subsection, the  
1552 court:

1553 ~~1. may order the person to participate in public service or~~  
1554 ~~a community work project for a period not to exceed 40 hours;~~  
1555 ~~and~~

1556 ~~2. Shall direct the Department of Highway Safety and Motor~~  
1557 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~  
1558 ~~person's driver license or driving privilege, as provided in s.~~  
1559 ~~322.056.~~

1560 Section 20. Subsection (3) of section 562.111, Florida  
1561 Statutes, is amended to read:

1562 562.111 Possession of alcoholic beverages by persons under  
1563 age 21 prohibited.-

1564 ~~(3) In addition to any other penalty imposed for a~~



793174

576-04422-19

1565 ~~violation of subsection (1), the court shall direct the~~  
1566 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
1567 ~~issuance of, or suspend or revoke, the violator's driver license~~  
1568 ~~or driving privilege, as provided in s. 322.056.~~

1569 Section 21. Subsection (8) of section 562.27, Florida  
1570 Statutes, is amended, and subsections (1) through (7) of that  
1571 section are republished, to read:

1572 562.27 Seizure and forfeiture.—

1573 (1) It is unlawful for any person to have in her or his  
1574 possession, custody, or control, or to own, make, construct, or  
1575 repair, any still, still piping, still apparatus, or still worm,  
1576 or any piece or part thereof, designed or adapted for the  
1577 manufacture of an alcoholic beverage, or to have in her or his  
1578 possession, custody or control any receptacle or container  
1579 containing any mash, wort, or wash, or other fermented liquids  
1580 whatever capable of being distilled or manufactured into an  
1581 alcoholic beverage, unless such possession, custody, control,  
1582 ownership, manufacture, construction, or repairing be by or for  
1583 a person authorized by law to manufacture such alcoholic  
1584 beverage.

1585 (2) It is unlawful for any person to have in her or his  
1586 possession, custody, or control any raw materials or substance  
1587 intended to be used in the distillation or manufacturing of an  
1588 alcoholic beverage unless the person holds a license from the  
1589 state authorizing the manufacture of the alcoholic beverage.

1590 (3) The terms "raw material" or "substance" for the purpose  
1591 of this chapter shall mean and include, but not be limited to,  
1592 any of the following: Any grade or type of sugar, syrup, or  
1593 molasses derived from sugarcane, sugar beets, corn, sorghum, or



793174

576-04422-19

1594 any other source; starch; potatoes; grain or cornmeal, corn  
1595 chops, cracked corn, rye chops, middlings, shorts, bran, or any  
1596 other grain derivative; malt; malt sugar or malt syrup; oak  
1597 chips, charred or not charred; yeast; cider; honey; fruit;  
1598 grapes; berries; fruit, grape or berry juices or concentrates;  
1599 wine; caramel; burnt sugar; gin flavor; Chinese bean cake or  
1600 Chinese wine cake; urea; ammonium phosphate, ammonium carbonate,  
1601 ammonium sulphate, or any other yeast food; ethyl acetate or any  
1602 other ethyl ester; any other material of the character used in  
1603 the manufacture of distilled spirits or any chemical or other  
1604 material suitable for promoting or accelerating fermentation;  
1605 any chemical or material of the character used in the production  
1606 of distilled spirits by chemical reaction; or any combination of  
1607 such materials or chemicals.

1608 (4) Any such raw materials, substance, or any still, still  
1609 piping, still apparatus, or still worm, or any piece or part  
1610 thereof, or any mash, wort, or wash, or other fermented liquid  
1611 and the receptacle or container thereof, and any alcoholic  
1612 beverage, together with all personal property used to facilitate  
1613 the manufacture or production of the alcoholic beverage or to  
1614 facilitate the violation of the alcoholic beverage control laws  
1615 of this state or the United States, may be seized by the  
1616 division or by any sheriff or deputy sheriff and shall be  
1617 forfeited to the state.

1618 (5) It shall be unlawful for any person to sell or  
1619 otherwise dispose of raw materials or other substances knowing  
1620 same are to be used in the distillation or manufacture of an  
1621 alcoholic beverage unless such person receiving same, by  
1622 purchase or otherwise, holds a license from the state





793174

576-04422-19

1623 authorizing the manufacture of such alcoholic beverage.

1624 (6) Any vehicle, vessel, or aircraft used in the  
1625 transportation or removal of or for the deposit or concealment  
1626 of any illicit liquor still or stilling apparatus; any mash,  
1627 wort, wash, or other fermented liquids capable of being  
1628 distilled or manufactured into an alcoholic beverage; or any  
1629 alcoholic beverage commonly known and referred to as "moonshine  
1630 whiskey" shall be seized and may be forfeited as provided by the  
1631 Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff,  
1632 employee of the division, or police officer may seize any of the  
1633 vehicles, vessels, or conveyances, and the same may be forfeited  
1634 as provided by law.

1635 (7) The finding of any still, still piping, still  
1636 apparatus, or still worm, or any piece or part thereof, or any  
1637 mash, wort, or wash or other fermented liquids in the dwelling  
1638 house or place of business, or so near thereto as to lead to the  
1639 reasonable belief that they are within the possession, custody,  
1640 or control of the occupants of the dwelling house or place of  
1641 business, shall be prima facie evidence of a violation of this  
1642 section by the occupants of the dwelling house or place of  
1643 business.

1644 (8) Any person violating any provisions of this section of  
1645 the law commits ~~shall be guilty of a misdemeanor felony~~ of the  
1646 second ~~third~~ degree, punishable as provided in s. 775.082 or s.  
1647 ~~775.083, or s. 775.084.~~

1648 Section 22. Subsections (1) and (2) of section 562.451,  
1649 Florida Statutes, are amended to read:

1650 562.451 Moonshine whiskey; ownership, possession, or  
1651 control prohibited; penalties; rule of evidence.-



793174

576-04422-19

1652 (1) Any person who owns or has in her or his possession or  
1653 under her or his control less than 1 gallon of liquor, as  
1654 defined in the Beverage Law, which was not made or manufactured  
1655 in accordance with the laws in effect at the time when and place  
1656 where the same was made or manufactured commits ~~shall be guilty~~  
1657 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
1658 s. 775.082 or s. 775.083.

1659 (2) Any person who owns or has in her or his possession or  
1660 under her or his control 1 gallon or more of liquor, as defined  
1661 in the Beverage Law, which was not made or manufactured in  
1662 accordance with the laws in effect at the time when and place  
1663 where the same was made or manufactured commits ~~shall be guilty~~  
1664 ~~of~~ a misdemeanor ~~felony~~ of the first ~~third~~ degree, punishable as  
1665 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084~~.

1666 Section 23. Subsections (1), (2), and (5) of section  
1667 569.11, Florida Statutes, are amended to read:

1668 569.11 Possession, misrepresenting age or military service  
1669 to purchase, and purchase of tobacco products by persons under  
1670 18 years of age prohibited; penalties; jurisdiction; disposition  
1671 of fines.—

1672 (1) It is unlawful for any person under 18 years of age to  
1673 knowingly possess any tobacco product. Any person under 18 years  
1674 of age who violates ~~the provisions of~~ this subsection commits a  
1675 noncriminal violation as provided in s. 775.08(3), punishable  
1676 by:

1677 (a) For a first violation, 16 hours of community service  
1678 or, instead of community service, a \$25 fine. In addition, the  
1679 person must attend a school-approved anti-tobacco program, if  
1680 locally available; or



793174

576-04422-19

1681 (b) For a second or subsequent violation within 12 weeks  
1682 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1683 ~~(c) For a third or subsequent violation within 12 weeks of~~  
1684 ~~the first violation, the court must direct the Department of~~  
1685 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
1686 ~~suspend or revoke the person's driver license or driving~~  
1687 ~~privilege, as provided in s. 322.056.~~

1688  
1689 Any second or subsequent violation not within the 12-week ~~time~~  
1690 period after the first violation is punishable as provided for a  
1691 first violation.

1692 (2) It is unlawful for any person under 18 years of age to  
1693 misrepresent his or her age or military service for the purpose  
1694 of inducing a dealer or an agent or employee of the dealer to  
1695 sell, give, barter, furnish, or deliver any tobacco product, or  
1696 to purchase, or attempt to purchase, any tobacco product from a  
1697 person or a vending machine. Any person under 18 years of age  
1698 who violates ~~a provision of~~ this subsection commits a  
1699 noncriminal violation as provided in s. 775.08(3), punishable  
1700 by:

1701 (a) For a first violation, 16 hours of community service  
1702 or, instead of community service, a \$25 fine and, in addition,  
1703 the person must attend a school-approved anti-tobacco program,  
1704 if available; or

1705 (b) For a second or subsequent violation within 12 weeks  
1706 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1707 ~~(c) For a third or subsequent violation within 12 weeks of~~  
1708 ~~the first violation, the court must direct the Department of~~  
1709 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~



793174

576-04422-19

1710 ~~suspend or revoke the person's driver license or driving~~  
1711 ~~privilege, as provided in s. 322.056.~~

1712  
1713 Any second or subsequent violation not within the 12-week ~~time~~  
1714 period after the first violation is punishable as provided for a  
1715 first violation.

1716 (5) (a) If a person under 18 years of age is found by the  
1717 court to have committed a noncriminal violation under this  
1718 section and that person has failed to complete community  
1719 service, pay the fine as required by paragraph (1) (a) or  
1720 paragraph (2) (a), or attend a school-approved anti-tobacco  
1721 program, if locally available, the court may ~~must~~ direct the  
1722 Department of Highway Safety and Motor Vehicles to withhold  
1723 issuance of or suspend the driver license or driving privilege  
1724 of that person for a period of 30 consecutive days.

1725 (b) If a person under 18 years of age is found by the court  
1726 to have committed a noncriminal violation under this section and  
1727 that person has failed to pay the applicable fine as required by  
1728 paragraph (1) (b) or paragraph (2) (b), the court may ~~must~~ direct  
1729 the Department of Highway Safety and Motor Vehicles to withhold  
1730 issuance of or suspend the driver license or driving privilege  
1731 of that person for a period of 45 consecutive days.

1732 Section 24. Section 713.69, Florida Statutes, is amended to  
1733 read:

1734 713.69 Unlawful to remove property upon which lien has  
1735 accrued.—It is unlawful for any person to remove any property  
1736 upon which a lien has accrued under ~~the provisions of s. 713.68~~  
1737 from any hotel, apartment house, roominghouse, lodginghouse,  
1738 boardinghouse or tenement house without first making full



793174

576-04422-19

1739 payment to the person operating or conducting the same of all  
1740 sums due and payable for such occupancy or without first having  
1741 the written consent of such person so conducting or operating  
1742 such place to so remove such property. Any person who violates  
1743 ~~violating the provisions of~~ this section ~~shall~~, if the value of  
1744 the property removed in violation hereof is less than \$1,000 ~~be~~  
1745 ~~of the value of \$50 or less, commits be guilty of~~ a misdemeanor  
1746 of the second degree, punishable as provided in s. 775.082 or s.  
1747 775.083; and if the value of the property so removed is \$1,000  
1748 or more, should be of greater value than \$50 then such person  
1749 commits shall be guilty of a felony of the third degree,  
1750 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1751 Section 25. Paragraphs (a) and (d) of subsection (9) of  
1752 section 775.082, Florida Statutes, are amended to read:

1753 775.082 Penalties; applicability of sentencing structures;  
1754 mandatory minimum sentences for certain reoffenders previously  
1755 released from prison.—

1756 (9) (a) 1. "Prison releasee reoffender" means any defendant  
1757 who commits, or attempts to commit:

- 1758 a. Treason;
- 1759 b. Murder;
- 1760 c. Manslaughter;
- 1761 d. Sexual battery;
- 1762 e. Carjacking;
- 1763 f. Home-invasion robbery;
- 1764 g. Robbery;
- 1765 h. Arson;
- 1766 i. Kidnapping;
- 1767 j. Aggravated assault with a deadly weapon;



793174

576-04422-19

- 1768 k. Aggravated battery;
- 1769 l. Aggravated stalking;
- 1770 m. Aircraft piracy;
- 1771 n. Unlawful throwing, placing, or discharging of a
- 1772 destructive device or bomb;
- 1773 o. Any felony that involves the use or threat of physical
- 1774 force or violence against an individual;
- 1775 p. Armed burglary;
- 1776 q. Burglary of a dwelling or burglary of an occupied
- 1777 structure; or
- 1778 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,
- 1779 s. 827.071, or s. 847.0135(5);
- 1780
- 1781 within 3 years after being released from a state correctional
- 1782 facility operated by the Department of Corrections or a private
- 1783 vendor, a county detention facility following incarceration for
- 1784 an offense for which the sentence pronounced was a prison
- 1785 sentence, or ~~within 3 years after being released from a~~
- 1786 correctional institution of another state, the District of
- 1787 Columbia, the United States, any possession or territory of the
- 1788 United States, or any foreign jurisdiction, following
- 1789 incarceration for an offense for which the sentence is
- 1790 punishable by more than 1 year in this state.
- 1791 2. "Prison releasee reoffender" also means any defendant
- 1792 who commits or attempts to commit any offense listed in sub-
- 1793 subparagraphs (a)1.a.-r. while the defendant was serving a
- 1794 prison sentence or on escape status from a state correctional
- 1795 facility operated by the Department of Corrections or a private
- 1796 vendor or while the defendant was on escape status from a



793174

576-04422-19

1797 correctional institution of another state, the District of  
1798 Columbia, the United States, any possession or territory of the  
1799 United States, or any foreign jurisdiction, following  
1800 incarceration for an offense for which the sentence is  
1801 punishable by more than 1 year in this state.

1802         3. If the state attorney determines that a defendant is a  
1803 prison releasee reoffender as defined in subparagraph 1., the  
1804 state attorney may seek to have the court sentence the defendant  
1805 as a prison releasee reoffender. Upon proof from the state  
1806 attorney that establishes by a preponderance of the evidence  
1807 that a defendant is a prison releasee reoffender as defined in  
1808 this section, such defendant is not eligible for sentencing  
1809 under the sentencing guidelines and must be sentenced as  
1810 follows:

1811             a. For a felony punishable by life, by a term of  
1812 imprisonment for life;

1813             b. For a felony of the first degree, by a term of  
1814 imprisonment of 30 years;

1815             c. For a felony of the second degree, by a term of  
1816 imprisonment of 15 years; and

1817             d. For a felony of the third degree, by a term of  
1818 imprisonment of 5 years.

1819         (d)1. It is the intent of the Legislature that offenders  
1820 previously released from prison or a county detention facility  
1821 following incarceration for an offense for which the sentence  
1822 pronounced was a prison sentence who meet the criteria in  
1823 paragraph (a) be punished to the fullest extent of the law and  
1824 as provided in this subsection, unless the state attorney  
1825 determines that extenuating circumstances exist which preclude



793174

576-04422-19

1826 the just prosecution of the offender, including whether the  
1827 victim recommends that the offender not be sentenced as provided  
1828 in this subsection.

1829 2. For every case in which the offender meets the criteria  
1830 in paragraph (a) and does not receive the mandatory minimum  
1831 prison sentence, the state attorney must explain the sentencing  
1832 deviation in writing and place such explanation in the case file  
1833 maintained by the state attorney.

1834 Section 26. Subsection (6) is added to section 775.087,  
1835 Florida Statutes, to read:

1836 775.087 Possession or use of weapon; aggravated battery;  
1837 felony reclassification; minimum sentence.-

1838 (6) It is the intent of the Legislature to retroactively  
1839 apply chapter 2016-7, Laws of Florida, only as provided in this  
1840 subsection to persons who committed aggravated assault or  
1841 attempted aggravated assault before July 1, 2016, the effective  
1842 date of chapter 2016-7, Laws of Florida, which amended this  
1843 section to remove aggravated assault or attempted aggravated  
1844 assault from the list of predicate offenses for mandatory  
1845 minimum terms of imprisonment under this section.

1846 (a) On or after October 1, 2019, a person who committed  
1847 aggravated assault or attempted aggravated assault before July  
1848 1, 2016, may not be sentenced to a mandatory minimum term of  
1849 imprisonment under this section as it existed at any time before  
1850 its amendment by chapter 2016-7, Laws of Florida.

1851 (b) A person who committed aggravated assault or attempted  
1852 aggravated assault before July 1, 2016, who was sentenced before  
1853 October 1, 2019, to a mandatory minimum term of imprisonment  
1854 pursuant to this section as it existed at any time before its





793174

576-04422-19

1855 amendment by chapter 2016-7, Laws of Florida, and who is serving  
1856 such mandatory minimum term of imprisonment on or after October  
1857 1, 2019, shall be resentenced to a sentence without such  
1858 mandatory minimum term of imprisonment. The person shall be  
1859 resentenced to a sentence as provided in s. 775.082, s. 775.083,  
1860 or s. 775.084.

1861 (c) A person sentenced or resentenced pursuant to this  
1862 subsection is eligible to receive any gain-time pursuant to s.  
1863 944.275 which he or she was previously ineligible to receive  
1864 because of the imposition of the mandatory minimum term of  
1865 imprisonment.

1866 Section 27. Paragraph (f) is added to subsection (2) of  
1867 section 784.046, Florida Statutes, to read:

1868 784.046 Action by victim of repeat violence, sexual  
1869 violence, or dating violence for protective injunction; dating  
1870 violence investigations, notice to victims, and reporting;  
1871 pretrial release violations; public records exemption.-

1872 (2) There is created a cause of action for an injunction  
1873 for protection in cases of repeat violence, there is created a  
1874 separate cause of action for an injunction for protection in  
1875 cases of dating violence, and there is created a separate cause  
1876 of action for an injunction for protection in cases of sexual  
1877 violence.

1878 (f) Notwithstanding any other law, attorney fees may not be  
1879 awarded in any proceeding under this section.

1880 Section 28. Paragraph (d) of subsection (1) of section  
1881 784.048, Florida Statutes, is amended, and subsections (2)  
1882 through (5) and (7) of that section are republished, to read:

1883 784.048 Stalking; definitions; penalties.-



793174

576-04422-19

1884 (1) As used in this section, the term:

1885 (d) "Cyberstalk" means:

1886 1. To engage in a course of conduct to communicate, or to  
1887 cause to be communicated, words, images, or language by or  
1888 through the use of electronic mail or electronic communication,  
1889 directed at a specific person; or

1890 2. To access, or attempt to access, the online accounts or  
1891 Internet-connected home electronic systems of another person  
1892 without that person's permission,

1893  
1894 causing substantial emotional distress to that person and  
1895 serving no legitimate purpose.

1896 (2) A person who willfully, maliciously, and repeatedly  
1897 follows, harasses, or cyberstalks another person commits the  
1898 offense of stalking, a misdemeanor of the first degree,  
1899 punishable as provided in s. 775.082 or s. 775.083.

1900 (3) A person who willfully, maliciously, and repeatedly  
1901 follows, harasses, or cyberstalks another person and makes a  
1902 credible threat to that person commits the offense of aggravated  
1903 stalking, a felony of the third degree, punishable as provided  
1904 in s. 775.082, s. 775.083, or s. 775.084.

1905 (4) A person who, after an injunction for protection  
1906 against repeat violence, sexual violence, or dating violence  
1907 pursuant to s. 784.046, or an injunction for protection against  
1908 domestic violence pursuant to s. 741.30, or after any other  
1909 court-imposed prohibition of conduct toward the subject person  
1910 or that person's property, knowingly, willfully, maliciously,  
1911 and repeatedly follows, harasses, or cyberstalks another person  
1912 commits the offense of aggravated stalking, a felony of the



793174

576-04422-19

1913 third degree, punishable as provided in s. 775.082, s. 775.083,  
1914 or s. 775.084.

1915 (5) A person who willfully, maliciously, and repeatedly  
1916 follows, harasses, or cyberstalks a child under 16 years of age  
1917 commits the offense of aggravated stalking, a felony of the  
1918 third degree, punishable as provided in s. 775.082, s. 775.083,  
1919 or s. 775.084.

1920 (7) A person who, after having been sentenced for a  
1921 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and  
1922 prohibited from contacting the victim of the offense under s.  
1923 921.244, willfully, maliciously, and repeatedly follows,  
1924 harasses, or cyberstalks the victim commits the offense of  
1925 aggravated stalking, a felony of the third degree, punishable as  
1926 provided in s. 775.082, s. 775.083, or s. 775.084.

1927 Section 29. Paragraph (d) is added to subsection (2) of  
1928 section 784.0485, Florida Statutes, to read:

1929 784.0485 Stalking; injunction; powers and duties of court  
1930 and clerk; petition; notice and hearing; temporary injunction;  
1931 issuance of injunction; statewide verification system;  
1932 enforcement.—

1933 (2)

1934 (d) Notwithstanding any other law, attorney fees may not be  
1935 awarded in any proceeding under this section.

1936 Section 30. Subsection (1) of section 790.052, Florida  
1937 Statutes, is amended to read:

1938 790.052 Carrying concealed firearms; off-duty law  
1939 enforcement officers.—

1940 (1) (a) All persons holding active certifications from the  
1941 Criminal Justice Standards and Training Commission as law



793174

576-04422-19

1942 enforcement officers or correctional officers as defined in s.  
1943 943.10(1), (2), (6), (7), (8), or (9) shall have the right to  
1944 carry, on or about their persons, concealed firearms, during  
1945 off-duty hours, at the discretion of their superior officers,  
1946 and may perform those law enforcement functions that they  
1947 normally perform during duty hours, utilizing their weapons in a  
1948 manner which is reasonably expected of on-duty officers in  
1949 similar situations.

1950 (b) All persons holding an active certification from the  
1951 Criminal Justice Standards and Training Commission as a law  
1952 enforcement officer or a correctional officer as defined in s.  
1953 943.10(1), (2), (6), (7), (8), or (9) meet the definition of  
1954 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

1955 (c) All persons who held an active certification from the  
1956 Criminal Justice Standards and Training Commission as a law  
1957 enforcement officer or correctional officer as defined in s.  
1958 943.10(1), (2), (6), (7), (8), or (9), while working for an  
1959 employing agency, as defined in s. 943.10(4), but have separated  
1960 from service under the conditions set forth in 18 U.S.C. s.  
1961 926C(c), meet the definition of "qualified retired law  
1962 enforcement officer."

1963 (d) However, nothing in This section does not subsection  
1964 shall be construed to limit the right of a law enforcement  
1965 officer, correctional officer, or correctional probation officer  
1966 to carry a concealed firearm off duty as a private citizen under  
1967 the exemption provided in s. 790.06 that allows a law  
1968 enforcement officer, correctional officer, or correctional  
1969 probation officer as defined in s. 943.10(1), (2), (3), (6),  
1970 (7), (8), or (9) to carry a concealed firearm without a



793174

576-04422-19

1971 concealed weapon or firearm license. The appointing or employing  
1972 agency or department of an officer carrying a concealed firearm  
1973 as a private citizen under s. 790.06 shall not be liable for the  
1974 use of the firearm in such capacity. Nothing herein limits the  
1975 authority of the appointing or employing agency or department  
1976 from establishing policies limiting law enforcement officers or  
1977 correctional officers from carrying concealed firearms during  
1978 off-duty hours in their capacity as appointees or employees of  
1979 the agency or department.

1980 Section 31. Subsections (5) and (10) of section 790.22,  
1981 Florida Statutes, are amended to read:

1982 790.22 Use of BB guns, air or gas-operated guns, or  
1983 electric weapons or devices by minor under 16; limitation;  
1984 possession of firearms by minor under 18 prohibited; penalties.-

1985 (5) (a) A minor who violates subsection (3) commits a  
1986 misdemeanor of the first degree; for a first offense, may serve  
1987 a period of detention of up to 3 days in a secure detention  
1988 facility; and, in addition to any other penalty provided by law,  
1989 shall be required to perform 100 hours of community service;  
1990 and:

1991 1. If the minor is eligible by reason of age for a driver  
1992 license or driving privilege, the court may ~~shall~~ direct the  
1993 Department of Highway Safety and Motor Vehicles to revoke or to  
1994 withhold issuance of the minor's driver license or driving  
1995 privilege for up to 1 year.

1996 2. If the minor's driver license or driving privilege is  
1997 under suspension or revocation for any reason, the court may  
1998 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1999 to extend the period of suspension or revocation by an



793174

576-04422-19

2000 additional period of up to 1 year.

2001           3. If the minor is ineligible by reason of age for a driver  
2002 license or driving privilege, the court may ~~shall~~ direct the  
2003 Department of Highway Safety and Motor Vehicles to withhold  
2004 issuance of the minor's driver license or driving privilege for  
2005 up to 1 year after the date on which the minor would otherwise  
2006 have become eligible.

2007           (b) For a second or subsequent offense, a minor who  
2008 violates subsection (3) commits a felony of the third degree and  
2009 shall serve a period of detention of up to 15 days in a secure  
2010 detention facility and shall be required to perform not less  
2011 than 100 nor more than 250 hours of community service, and:

2012           1. If the minor is eligible by reason of age for a driver  
2013 license or driving privilege, the court may ~~shall~~ direct the  
2014 Department of Highway Safety and Motor Vehicles to revoke or to  
2015 withhold issuance of the minor's driver license or driving  
2016 privilege for up to 2 years.

2017           2. If the minor's driver license or driving privilege is  
2018 under suspension or revocation for any reason, the court may  
2019 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
2020 to extend the period of suspension or revocation by an  
2021 additional period of up to 2 years.

2022           3. If the minor is ineligible by reason of age for a driver  
2023 license or driving privilege, the court may ~~shall~~ direct the  
2024 Department of Highway Safety and Motor Vehicles to withhold  
2025 issuance of the minor's driver license or driving privilege for  
2026 up to 2 years after the date on which the minor would otherwise  
2027 have become eligible.

2028



793174

576-04422-19

2029 For the purposes of this subsection, community service shall be  
2030 performed, if possible, in a manner involving a hospital  
2031 emergency room or other medical environment that deals on a  
2032 regular basis with trauma patients and gunshot wounds.

2033 (10) If a minor is found to have committed an offense under  
2034 subsection (9), the court shall impose the following penalties  
2035 in addition to any penalty imposed under paragraph (9) (a) or  
2036 paragraph (9) (b):

2037 (a) For a first offense:

2038 1. If the minor is eligible by reason of age for a driver  
2039 license or driving privilege, the court may ~~shall~~ direct the  
2040 Department of Highway Safety and Motor Vehicles to revoke or to  
2041 withhold issuance of the minor's driver license or driving  
2042 privilege for up to 1 year.

2043 2. If the minor's driver license or driving privilege is  
2044 under suspension or revocation for any reason, the court may  
2045 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
2046 to extend the period of suspension or revocation by an  
2047 additional period for up to 1 year.

2048 3. If the minor is ineligible by reason of age for a driver  
2049 license or driving privilege, the court may ~~shall~~ direct the  
2050 Department of Highway Safety and Motor Vehicles to withhold  
2051 issuance of the minor's driver license or driving privilege for  
2052 up to 1 year after the date on which the minor would otherwise  
2053 have become eligible.

2054 (b) For a second or subsequent offense:

2055 1. If the minor is eligible by reason of age for a driver  
2056 license or driving privilege, the court may ~~shall~~ direct the  
2057 Department of Highway Safety and Motor Vehicles to revoke or to



793174

576-04422-19

2058 withhold issuance of the minor's driver license or driving  
2059 privilege for up to 2 years.

2060 2. If the minor's driver license or driving privilege is  
2061 under suspension or revocation for any reason, the court may  
2062 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
2063 to extend the period of suspension or revocation by an  
2064 additional period for up to 2 years.

2065 3. If the minor is ineligible by reason of age for a driver  
2066 license or driving privilege, the court may ~~shall~~ direct the  
2067 Department of Highway Safety and Motor Vehicles to withhold  
2068 issuance of the minor's driver license or driving privilege for  
2069 up to 2 years after the date on which the minor would otherwise  
2070 have become eligible.

2071 Section 32. Section 800.09, Florida Statutes, is amended to  
2072 read:

2073 800.09 Lewd or lascivious exhibition in the presence of an  
2074 employee.—

2075 (1) As used in this section, the term:

2076 (a) "Employee" means:

2077 1. Any person employed by or performing contractual  
2078 services for a public or private entity operating a state  
2079 correctional institution or private correctional facility; ~~or~~

2080 2. Any person employed by or performing contractual  
2081 services for the corporation operating the prison industry  
2082 enhancement programs or the correctional work programs under  
2083 part II of chapter 946; ~~The term also includes~~

2084 3. Any person who is a parole examiner with the Florida  
2085 Commission on Offender Review; or

2086 4. Any person employed at or performing contractual





793174

576-04422-19

2087 services for a county detention facility.

2088 (b) "Facility" means a state correctional institution as  
2089 defined in s. 944.02, ~~or~~ a private correctional facility as  
2090 defined in s. 944.710, or a county detention facility as defined  
2091 in s. 951.23.

2092 (2) (a) A person who is detained in a facility may not:

2093 1. Intentionally masturbate;

2094 2. Intentionally expose the genitals in a lewd or  
2095 lascivious manner; or

2096 3. Intentionally commit any other sexual act that does not  
2097 involve actual physical or sexual contact with the victim,  
2098 including, but not limited to, sadomasochistic abuse, sexual  
2099 bestiality, or the simulation of any act involving sexual  
2100 activity,

2101  
2102 in the presence of a person he or she knows or reasonably should  
2103 know is an employee.

2104 (b) A person who violates paragraph (a) commits lewd or  
2105 lascivious exhibition in the presence of an employee, a felony  
2106 of the third degree, punishable as provided in s. 775.082, s.  
2107 775.083, or s. 775.084.

2108 Section 33. Subsection (7) of section 806.13, Florida  
2109 Statutes, is amended, and subsection (8) of that section is  
2110 republished, to read:

2111 806.13 Criminal mischief; penalties; penalty for minor.—

2112 (7) In addition to any other penalty provided by law, if a  
2113 minor is found to have committed a delinquent act under this  
2114 section for placing graffiti on any public property or private  
2115 property, and:



793174

576-04422-19

2116 (a) The minor is eligible by reason of age for a driver  
2117 license or driving privilege, the court may ~~shall~~ direct the  
2118 Department of Highway Safety and Motor Vehicles to revoke or  
2119 withhold issuance of the minor's driver license or driving  
2120 privilege for not more than 1 year.

2121 (b) The minor's driver license or driving privilege is  
2122 under suspension or revocation for any reason, the court may  
2123 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
2124 to extend the period of suspension or revocation by an  
2125 additional period of not more than 1 year.

2126 (c) The minor is ineligible by reason of age for a driver  
2127 license or driving privilege, the court may ~~shall~~ direct the  
2128 Department of Highway Safety and Motor Vehicles to withhold  
2129 issuance of the minor's driver license or driving privilege for  
2130 not more than 1 year after the date on which he or she would  
2131 otherwise have become eligible.

2132 (8) A minor whose driver license or driving privilege is  
2133 revoked, suspended, or withheld under subsection (7) may elect  
2134 to reduce the period of revocation, suspension, or withholding  
2135 by performing community service at the rate of 1 day for each  
2136 hour of community service performed. In addition, if the court  
2137 determines that due to a family hardship, the minor's driver  
2138 license or driving privilege is necessary for employment or  
2139 medical purposes of the minor or a member of the minor's family,  
2140 the court shall order the minor to perform community service and  
2141 reduce the period of revocation, suspension, or withholding at  
2142 the rate of 1 day for each hour of community service performed.  
2143 As used in this subsection, the term "community service" means  
2144 cleaning graffiti from public property.



793174

576-04422-19

2145 Section 34. Paragraphs (c), (d), and (e) of subsection (2)  
2146 of section 812.014, Florida Statutes, are amended, and  
2147 subsection (7) is added to that section, to read:

2148 812.014 Theft.—

2149 (2)

2150 (c) It is grand theft of the third degree and a felony of  
2151 the third degree, punishable as provided in s. 775.082, s.  
2152 775.083, or s. 775.084, if the property stolen is:

2153 1. Valued at \$750 ~~\$300~~ or more, but less than \$5,000.

2154 2. Valued at \$5,000 or more, but less than \$10,000.

2155 3. Valued at \$10,000 or more, but less than \$20,000.

2156 4. A will, codicil, or other testamentary instrument.

2157 5. A firearm.

2158 6. A motor vehicle, except as provided in paragraph (a).

2159 7. Any commercially farmed animal, including any animal of  
2160 the equine, avian, bovine, or swine class or other grazing  
2161 animal; a bee colony of a registered beekeeper; and aquaculture  
2162 species raised at a certified aquaculture facility. If the  
2163 property stolen is a commercially farmed animal, including an  
2164 animal of the equine, avian, bovine, or swine class or other  
2165 grazing animal; a bee colony of a registered beekeeper; or an  
2166 aquaculture species raised at a certified aquaculture facility,  
2167 a \$10,000 fine shall be imposed.

2168 8. Any fire extinguisher.

2169 9. Any amount of citrus fruit consisting of 2,000 or more  
2170 individual pieces of fruit.

2171 10. Taken from a designated construction site identified by  
2172 the posting of a sign as provided for in s. 810.09(2)(d).

2173 11. Any stop sign.



793174

576-04422-19

2174           12. Anhydrous ammonia.  
2175           13. Any amount of a controlled substance as defined in s.  
2176 893.02. Notwithstanding any other law, separate judgments and  
2177 sentences for theft of a controlled substance under this  
2178 subparagraph and for any applicable possession of controlled  
2179 substance offense under s. 893.13 or trafficking in controlled  
2180 substance offense under s. 893.135 may be imposed when all such  
2181 offenses involve the same amount or amounts of a controlled  
2182 substance.

2183  
2184 However, if the property is stolen within a county that is  
2185 subject to a state of emergency declared by the Governor under  
2186 chapter 252, the property is stolen after the declaration of  
2187 emergency is made, and the perpetration of the theft is  
2188 facilitated by conditions arising from the emergency, the  
2189 offender commits a felony of the second degree, punishable as  
2190 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
2191 property is valued at \$5,000 or more, but less than \$10,000, as  
2192 provided under subparagraph 2., or if the property is valued at  
2193 \$10,000 or more, but less than \$20,000, as provided under  
2194 subparagraph 3. As used in this paragraph, the term "conditions  
2195 arising from the emergency" means civil unrest, power outages,  
2196 curfews, voluntary or mandatory evacuations, or a reduction in  
2197 the presence of or the response time for first responders or  
2198 homeland security personnel. For purposes of sentencing under  
2199 chapter 921, a felony offense that is reclassified under this  
2200 paragraph is ranked one level above the ranking under s.  
2201 921.0022 or s. 921.0023 of the offense committed.

2202           (d) It is grand theft of the third degree and a felony of



793174

576-04422-19

2203 the third degree, punishable as provided in s. 775.082, s.  
2204 775.083, or s. 775.084, if the property stolen is valued at \$100  
2205 or more, but less than \$750 ~~\$300~~, and is taken from a dwelling  
2206 as defined in s. 810.011(2) or from the unenclosed curtilage of  
2207 a dwelling pursuant to s. 810.09(1).

2208 (e) Except as provided in paragraph (d), if the property  
2209 stolen is valued at \$100 or more, but less than \$750 ~~\$300~~, the  
2210 offender commits petit theft of the first degree, punishable as  
2211 a misdemeanor of the first degree, as provided in s. 775.082 or  
2212 s. 775.083.

2213 (7) The Office of Program Policy Analysis and Government  
2214 Accountability (OPPAGA) shall perform a study every 5 years to  
2215 determine the appropriateness of the threshold amounts included  
2216 in this section. The study's scope must include, but need not be  
2217 limited to, the crime trends related to theft offenses, the  
2218 theft threshold amounts of other states in effect at the time of  
2219 the study, the fiscal impact of any modifications to this  
2220 state's threshold amounts, and the effect on economic factors,  
2221 such as inflation. The study must include options for amending  
2222 the threshold amounts if the study finds that such amounts are  
2223 inconsistent with current trends. In conducting the study,  
2224 OPPAGA shall consult with the Office of Economic and Demographic  
2225 Research in addition to other interested entities. OPPAGA shall  
2226 submit a report to the Governor, the President of the Senate,  
2227 and the Speaker of the House of Representatives by September 1  
2228 of each 5th year.

2229 Section 35. Subsections (8) and (9) of section 812.015,  
2230 Florida Statutes, are amended, and subsections (10) and (11) are  
2231 added to that section, to read:



793174

576-04422-19

2232           812.015 Retail and farm theft; transit fare evasion;  
2233 mandatory fine; alternative punishment; detention and arrest;  
2234 exemption from liability for false arrest; resisting arrest;  
2235 penalties.—

2236           (8) Except as provided in subsection (9), a person who  
2237 commits retail theft commits a felony of the third degree,  
2238 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
2239 if the property stolen is valued at \$750 ~~\$300~~ or more, and the  
2240 person:

2241           (a) Individually commits retail theft, or in concert with  
2242 one or more other persons, coordinates the activities of one or  
2243 more individuals in committing the offense, which may occur  
2244 through multiple acts of retail theft, in which ~~case~~ the amount  
2245 of each individual theft is aggregated within a 30-day period to  
2246 determine the value of the property stolen;

2247           **(b) Conspires with another person to commit retail theft**  
2248 **with the intent to sell the stolen property for monetary or**  
2249 **other gain, and subsequently takes or causes such property to be**  
2250 **placed in the control of another person in exchange for**  
2251 **consideration, in which the stolen property taken or placed**  
2252 **within a 30-day period is aggregated to determine the value of**  
2253 **the stolen property;**

2254           **(c) ~~(b)~~ Individually, or in concert with one or more other**  
2255 **persons, commits theft from more than one location within a 30-**  
2256 **day ~~48-hour~~ period, in which ~~case~~ the amount of each individual**  
2257 **theft is aggregated to determine the value of the property**  
2258 **stolen;**

2259           **(d) ~~(e)~~ Acts in concert with one or more other individuals**  
2260 **within one or more establishments to distract the merchant,**



793174

576-04422-19

2261 merchant's employee, or law enforcement officer in order to  
2262 carry out the offense, or acts in other ways to coordinate  
2263 efforts to carry out the offense; or

2264 (e)~~(d)~~ Commits the offense through the purchase of  
2265 merchandise in a package or box that contains merchandise other  
2266 than, or in addition to, the merchandise purported to be  
2267 contained in the package or box.

2268 (9) A person commits a felony of the second degree,  
2269 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
2270 if the person:

2271 (a) Violates subsection (8) and has previously been  
2272 convicted of a violation of subsection (8); ~~or~~

2273 (b) Individually, or in concert with one or more other  
2274 persons, coordinates the activities of one or more persons in  
2275 committing the offense of retail theft, in which the amount of  
2276 each individual theft within a 30-day period is aggregated to  
2277 determine the value of the stolen property and such ~~where the~~  
2278 ~~stolen property has a value~~ is in excess of \$3,000; or

2279 (c) Conspires with another person to commit retail theft  
2280 with the intent to sell the stolen property for monetary or  
2281 other gain, and subsequently takes or causes such property to be  
2282 placed in control of another person in exchange for  
2283 consideration, in which the stolen property taken or placed  
2284 within a 30-day period is aggregated to have a value in excess  
2285 of \$3,000.

2286 (10) If a person commits retail theft in more than one  
2287 judicial circuit within a 30-day period, the value of the stolen  
2288 property resulting from the thefts in each judicial circuit may  
2289 be aggregated, and the person must be prosecuted by the Office



793174

576-04422-19

2290 of the Statewide Prosecutor in accordance with s. 16.56.

2291 (11) The Office of Program Policy Analysis and Government  
2292 Accountability (OPPAGA) shall perform a study every 5 years to  
2293 determine the appropriateness of the threshold amounts included  
2294 in this section. The study's scope must include, but need not be  
2295 limited to, the crime trends related to theft offenses, the  
2296 theft threshold amounts of other states in effect at the time of  
2297 the study, the fiscal impact of any modifications to this  
2298 state's threshold amounts, and the effect on economic factors,  
2299 such as inflation. The study must include options for amending  
2300 the threshold amounts if the study finds that such amounts are  
2301 inconsistent with current trends. In conducting the study,  
2302 OPPAGA shall consult with the Office of Economic and Demographic  
2303 Research in addition to other interested entities. OPPAGA shall  
2304 submit a report to the Governor, the President of the Senate,  
2305 and the Speaker of the House of Representatives by September 1  
2306 of each 5th year.

2307 Section 36. Section 812.0155, Florida Statutes, is amended  
2308 to read:

2309 812.0155 Driver license suspension as an alternative  
2310 sentence for a person under 18 years of age ~~Suspension of driver~~  
2311 ~~license following an adjudication of guilt for theft.-~~

2312 ~~(1) Except as provided in subsections (2) and (3), the~~  
2313 ~~court may order the suspension of the driver license of each~~  
2314 ~~person adjudicated guilty of any misdemeanor violation of s.~~  
2315 ~~812.014 or s. 812.015, regardless of the value of the property~~  
2316 ~~stolen. Upon ordering the suspension of the driver license of~~  
2317 ~~the person adjudicated guilty, the court shall forward the~~  
2318 ~~driver license of the person adjudicated guilty to the~~





793174

576-04422-19

2319 ~~Department of Highway Safety and Motor Vehicles in accordance~~  
2320 ~~with s. 322.25.~~

2321 ~~(a) The first suspension of a driver license under this~~  
2322 ~~subsection shall be for a period of up to 6 months.~~

2323 ~~(b) A second or subsequent suspension of a driver license~~  
2324 ~~under this subsection shall be for 1 year.~~

2325 (1)~~(2)~~ The court may revoke, suspend, or withhold issuance  
2326 of a driver license of a person less than 18 years of age who  
2327 violates s. 812.014 or s. 812.015 as an alternative to  
2328 sentencing the person to:

2329 (a) Probation as defined in s. 985.03 or commitment to the  
2330 Department of Juvenile Justice, if the person is adjudicated  
2331 delinquent for such violation and has not previously been  
2332 convicted of or adjudicated delinquent for any criminal offense,  
2333 regardless of whether adjudication was withheld.

2334 (b) Probation as defined in s. 985.03, commitment to the  
2335 Department of Juvenile Justice, probation as defined in chapter  
2336 948, community control, or incarceration, if the person is  
2337 convicted as an adult of such violation and has not previously  
2338 been convicted of or adjudicated delinquent for any criminal  
2339 offense, regardless of whether adjudication was withheld.

2340 (2)~~(3)~~ As used in this subsection, the term "department"  
2341 means the Department of Highway Safety and Motor Vehicles. A  
2342 court that revokes, suspends, or withholds issuance of a driver  
2343 license under subsection (1) ~~(2)~~ shall:

2344 (a) If the person is eligible by reason of age for a driver  
2345 license or driving privilege, direct the department to revoke or  
2346 withhold issuance of the person's driver license or driving  
2347 privilege for not less than 6 months and not more than 1 year;



793174

576-04422-19

2348 (b) If the person's driver license is under suspension or  
2349 revocation for any reason, direct the department to extend the  
2350 period of suspension or revocation by not less than 6 months and  
2351 not more than 1 year; or

2352 (c) If the person is ineligible by reason of age for a  
2353 driver license or driving privilege, direct the department to  
2354 withhold issuance of the person's driver license or driving  
2355 privilege for not less than 6 months and not more than 1 year  
2356 after the date on which the person would otherwise become  
2357 eligible.

2358 ~~(3)(4) This section does~~ Subsections (2) and (3) do not  
2359 preclude the court from imposing any other sanction ~~specified or~~  
2360 ~~not specified in subsection (2) or subsection (3).~~

2361 ~~(5) A court that suspends the driver license of a person~~  
2362 ~~pursuant to subsection (1) may direct the Department of Highway~~  
2363 ~~Safety and Motor Vehicles to issue the person a license for~~  
2364 ~~driving privilege restricted to business purposes only, as~~  
2365 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

2366 Section 37. Subsection (1) of section 815.03, Florida  
2367 Statutes, is amended to read:

2368 815.03 Definitions.—As used in this chapter, unless the  
2369 context clearly indicates otherwise:

2370 (1) "Access" means to approach, instruct, communicate with,  
2371 store data in, retrieve data from, or otherwise make use of any  
2372 resources of a computer, a computer system, a ~~or~~ computer  
2373 network, or an electronic device.

2374 Section 38. Subsection (2) of section 815.06, Florida  
2375 Statutes, is amended, and subsection (3) of that section is  
2376 republished, to read:



793174

576-04422-19

2377           815.06 Offenses against users of computers, computer  
2378 systems, computer networks, and electronic devices.—

2379           (2) A person commits an offense against users of computers,  
2380 computer systems, computer networks, or electronic devices if he  
2381 or she willfully, knowingly, and without authorization or  
2382 exceeding authorization:

2383           (a) Accesses or causes to be accessed any computer,  
2384 computer system, computer network, or electronic device with  
2385 knowledge that such access is unauthorized or the manner of use  
2386 exceeds authorization;

2387           (b) Disrupts or denies or causes the denial of the ability  
2388 to transmit data to or from an authorized user of a computer,  
2389 computer system, computer network, or electronic device, which,  
2390 in whole or in part, is owned by, under contract to, or operated  
2391 for, on behalf of, or in conjunction with another;

2392           (c) Destroys, takes, injures, or damages equipment or  
2393 supplies used or intended to be used in a computer, computer  
2394 system, computer network, or electronic device;

2395           (d) Destroys, injures, or damages any computer, computer  
2396 system, computer network, or electronic device;

2397           (e) Introduces any computer contaminant into any computer,  
2398 computer system, computer network, or electronic device; or

2399           (f) Engages in audio or video surveillance of an individual  
2400 by accessing any inherent feature or component of a computer,  
2401 computer system, computer network, or electronic device,  
2402 including accessing the data or information of a computer,  
2403 computer system, computer network, or electronic device that is  
2404 stored by a third party.

2405           (3) (a) Except as provided in paragraphs (b) and (c), a



793174

576-04422-19

2406 person who violates subsection (2) commits a felony of the third  
2407 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2408 775.084.

2409 (b) A person commits a felony of the second degree,  
2410 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
2411 if he or she violates subsection (2) and:

2412 1. Damages a computer, computer equipment or supplies, a  
2413 computer system, or a computer network and the damage or loss is  
2414 at least \$5,000;

2415 2. Commits the offense for the purpose of devising or  
2416 executing any scheme or artifice to defraud or obtain property;

2417 3. Interrupts or impairs a governmental operation or public  
2418 communication, transportation, or supply of water, gas, or other  
2419 public service; or

2420 4. Intentionally interrupts the transmittal of data to or  
2421 from, or gains unauthorized access to, a computer, computer  
2422 system, computer network, or electronic device belonging to any  
2423 mode of public or private transit, as defined in s. 341.031.

2424 (c) A person who violates subsection (2) commits a felony  
2425 of the first degree, punishable as provided in s. 775.082, s.  
2426 775.083, or s. 775.084, if the violation:

2427 1. Endangers human life; or

2428 2. Disrupts a computer, computer system, computer network,  
2429 or electronic device that affects medical equipment used in the  
2430 direct administration of medical care or treatment to a person.

2431 Section 39. Section 817.413, Florida Statutes, is amended  
2432 to read:

2433 817.413 Sale of used motor vehicle goods as new; penalty.-

2434 (1) With respect to a transaction for which any charges



793174

576-04422-19

2435 will be paid from the proceeds of a motor vehicle insurance  
2436 policy, ~~and in which the purchase price of motor vehicle goods~~  
2437 ~~exceeds \$100,~~ it is unlawful for the seller to knowingly  
2438 misrepresent orally, in writing, or by failure to speak, that  
2439 the goods are new or original when they are used or repossessed  
2440 or have been used for sales demonstration.

2441 (2) A person who violates ~~the provisions of~~ this section,  
2442 if the purchase price of the motor vehicle goods is \$1,000 or  
2443 more, commits a felony of the third degree, punishable as  
2444 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2445 purchase price of the motor vehicle goods is less than \$1,000,  
2446 the person commits a misdemeanor of the first degree, punishable  
2447 as provided in s. 775.082 or s. 775.083.

2448 Section 40. Paragraph (a) of subsection (2) of section  
2449 831.28, Florida Statutes, is amended to read:

2450 831.28 Counterfeiting a payment instrument; possessing a  
2451 counterfeit payment instrument; penalties.-

2452 (2) (a) It is unlawful to counterfeit a payment instrument  
2453 with the intent to defraud a financial institution, account  
2454 holder, or any other person or organization or for a person to  
2455 have any counterfeit payment instrument in such person's  
2456 possession with the intent to defraud a financial institution,  
2457 an account holder, or any other person or organization. Any  
2458 person who violates this subsection commits a felony of the  
2459 third degree, punishable as provided in s. 775.082, s. 775.083,  
2460 or s. 775.084.

2461 Section 41. Present subsections (5) through (10) of section  
2462 847.011, Florida Statutes, are redesignated as subsections (6)  
2463 through (11), respectively, and a new subsection (5) is added to



793174

576-04422-19

2464 that section, to read:

2465 847.011 Prohibition of certain acts in connection with  
2466 obscene, lewd, etc., materials; penalty.—

2467 (5) (a) A person may not knowingly sell, lend, give away,  
2468 distribute, transmit, show, or transmute; offer to sell, lend,  
2469 give away, distribute, transmit, show, or transmute; have in his  
2470 or her possession, custody, or control with the intent to sell,  
2471 lend, give away, distribute, transmit, show, or transmute; or  
2472 advertise in any manner an obscene, child-like sex doll. A  
2473 person who violates this paragraph commits a misdemeanor of the  
2474 first degree, punishable as provided in s. 775.082 or s.  
2475 775.083.

2476 (b) A person who is convicted of violating paragraph (a) a  
2477 second or subsequent time commits a felony of the third degree,  
2478 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2479 (c) A person who knowingly has in his or her possession,  
2480 custody, or control an obscene, child-like sex doll without  
2481 intent to sell, lend, give away, distribute, transmit, show,  
2482 transmute, or advertise the same commits a misdemeanor of the  
2483 second degree, punishable as provided in s. 775.082 or s.  
2484 775.083. A person who is convicted of violating this paragraph a  
2485 second or subsequent time commits a misdemeanor of the first  
2486 degree, punishable as provided in s. 775.082 or s. 775.083. In  
2487 any prosecution for such possession, it is not necessary to  
2488 allege or prove the absence of such intent.

2489 Section 42. Section 849.01, Florida Statutes, is amended to  
2490 read:

2491 849.01 Keeping gambling houses, etc.—Whoever by herself or  
2492 himself, her or his servant, clerk or agent, or in any other



793174

576-04422-19

2493 manner has, keeps, exercises or maintains a gaming table or  
2494 room, or gaming implements or apparatus, or house, booth, tent,  
2495 shelter or other place for the purpose of gaming or gambling or  
2496 in any place of which she or he may directly or indirectly have  
2497 charge, control or management, either exclusively or with  
2498 others, procures, suffers or permits any person to play for  
2499 money or other valuable thing at any game whatever, whether  
2500 heretofore prohibited or not, commits ~~shall be guilty of a~~  
2501 misdemeanor felony of the second ~~third~~ degree, punishable as  
2502 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

2503 Section 43. Subsections (6) and (7) and paragraphs (c) and  
2504 (d) of subsection (8) of section 877.112, Florida Statutes, are  
2505 amended to read:

2506 877.112 Nicotine products and nicotine dispensing devices;  
2507 prohibitions for minors; penalties; civil fines; signage  
2508 requirements; preemption.—

2509 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR  
2510 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any  
2511 person under 18 years of age to knowingly possess any nicotine  
2512 product or a nicotine dispensing device. Any person under 18  
2513 years of age who violates this subsection commits a noncriminal  
2514 violation as defined in s. 775.08(3), punishable by:

2515 (a) For a first violation, 16 hours of community service  
2516 or, instead of community service, a \$25 fine. In addition, the  
2517 person must attend a school-approved anti-tobacco and nicotine  
2518 program, if locally available; or

2519 (b) For a second or subsequent violation within 12 weeks  
2520 after ~~of~~ the first violation, a \$25 fine. ~~or~~

2521 ~~(c) For a third or subsequent violation within 12 weeks of~~



793174

576-04422-19

2522 ~~the first violation, the court must direct the Department of~~  
2523 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
2524 ~~suspend or revoke the person's driver license or driving~~  
2525 ~~privilege, as provided in s. 322.056.~~

2526

2527 Any second or subsequent violation not within the 12-week time  
2528 period after the first violation is punishable as provided for a  
2529 first violation.

2530 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for  
2531 any person under 18 years of age to misrepresent his or her age  
2532 or military service for the purpose of inducing a retailer of  
2533 nicotine products or nicotine dispensing devices or an agent or  
2534 employee of such retailer to sell, give, barter, furnish, or  
2535 deliver any nicotine product or nicotine dispensing device, or  
2536 to purchase, or attempt to purchase, any nicotine product or  
2537 nicotine dispensing device from a person or a vending machine.  
2538 Any person under 18 years of age who violates this subsection  
2539 commits a noncriminal violation as defined in s. 775.08(3),  
2540 punishable by:

2541 (a) For a first violation, 16 hours of community service  
2542 or, instead of community service, a \$25 fine and, in addition,  
2543 the person must attend a school-approved anti-tobacco and  
2544 nicotine program, if available; or

2545 (b) For a second violation within 12 weeks after ~~of~~ the  
2546 first violation, a \$25 fine. ; ~~or~~

2547 ~~(c) For a third or subsequent violation within 12 weeks of~~  
2548 ~~the first violation, the court must direct the Department of~~  
2549 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
2550 ~~suspend or revoke the person's driver license or driving~~





793174

576-04422-19

2551 ~~privilege, as provided in s. 322.056.~~

2552

2553 Any second or subsequent violation not within the 12-week time  
2554 period after the first violation is punishable as provided for a  
2555 first violation.

2556 (8) PENALTIES FOR MINORS.—

2557 (c) If a person under 18 years of age is found by the court  
2558 to have committed a noncriminal violation under this section and  
2559 that person has failed to complete community service, pay the  
2560 fine as required by paragraph (6) (a) or paragraph (7) (a), or  
2561 attend a school-approved anti-tobacco and nicotine program, if  
2562 locally available, the court may ~~must~~ direct the Department of  
2563 Highway Safety and Motor Vehicles to withhold issuance of or  
2564 suspend the driver license or driving privilege of that person  
2565 for 30 consecutive days.

2566 (d) If a person under 18 years of age is found by the court  
2567 to have committed a noncriminal violation under this section and  
2568 that person has failed to pay the applicable fine as required by  
2569 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~  
2570 the Department of Highway Safety and Motor Vehicles to withhold  
2571 issuance of or suspend the driver license or driving privilege  
2572 of that person for 45 consecutive days.

2573 Section 44. Present subsections (6) and (7) of section  
2574 893.135, Florida Statutes, are redesignated as subsections (7)  
2575 and (8), respectively, paragraph (o) is added to subsection (1)  
2576 of that section, and a new subsection (6) and subsection (9) are  
2577 added to that section, to read:

2578 893.135 Trafficking; mandatory sentences; suspension or  
2579 reduction of sentences; conspiracy to engage in trafficking.—



793174

576-04422-19

2580 (1) Except as authorized in this chapter or in chapter 499  
2581 and notwithstanding the provisions of s. 893.13:

2582 (o)1. As used in this paragraph, the term "dosage unit"  
2583 means an individual tablet, capsule, pill, transdermal patch,  
2584 unit of sublingual gelatin, or other visually distinctive form,  
2585 with a clear manufacturer marking on each unit, of a commercial  
2586 drug product approved by the United States Food and Drug  
2587 Administration and manufactured and distributed by a  
2588 pharmaceutical company lawfully doing business in the United  
2589 States.

2590 2. Notwithstanding any other provision of this section, the  
2591 sale, purchase, manufacture, delivery, or actual or constructive  
2592 possession of fewer than 120 dosage units containing any  
2593 controlled substance described in this section is not a  
2594 violation of any other provision of this section.

2595 3. A person who knowingly sells, purchases, delivers, or  
2596 brings into this state, or who is knowingly in actual or  
2597 constructive possession of, 120 or more dosage units containing  
2598 a controlled substance described in this section commits a  
2599 felony of the first degree, which felony shall be known as  
2600 "trafficking in pharmaceuticals," punishable as provided in s.  
2601 775.082, s. 775.083, or s. 775.084, and must be prosecuted under  
2602 this paragraph. If the quantity involved:

2603 a. Is 120 or more dosage units, but fewer than 500 dosage  
2604 units, such person shall be sentenced to a mandatory minimum  
2605 term of imprisonment of 3 years and shall be ordered to pay a  
2606 fine of up to \$25,000.

2607 b. Is 500 or more dosage units, but fewer than 1,000 dosage  
2608 units, such person shall be sentenced to a mandatory minimum



793174

576-04422-19

2609 term of imprisonment of 7 years and shall be ordered to pay a  
2610 fine of up to \$50,000.

2611 c. Is 1,000 or more dosage units, but fewer than 5,000  
2612 dosage units, such person shall be sentenced to a mandatory  
2613 minimum term of imprisonment of 15 years and shall be ordered to  
2614 pay a fine of up to \$100,000.

2615 d. Is 5,000 or more dosage units, such person shall be  
2616 sentenced to a mandatory minimum term of imprisonment of 25  
2617 years and shall be ordered to pay a fine of up to \$250,000.

2618 (6) Notwithstanding any other provision of law, for an  
2619 offense under this section the court shall impose a sentence  
2620 pursuant to the Criminal Punishment Code under chapter 921 and  
2621 without regard to any statutory minimum sentence, if the court  
2622 finds at sentencing, after the state attorney has been afforded  
2623 the opportunity to make a recommendation, all of the following:

2624 (a) The defendant has not previously been convicted of a  
2625 dangerous crime as defined in s. 907.041(4) (a), or a violation  
2626 specified as a predicate offense for registration as a sexual  
2627 predator under s. 775.21 or for registration as a sexual  
2628 offender under s. 943.0435.

2629 (b) The defendant did not use violence or credible threats  
2630 of violence or possess a firearm or other dangerous weapon, or  
2631 induce another participant to do so, in connection with the  
2632 offense.

2633 (c) The offense did not result in death or serious bodily  
2634 injury to any person.

2635 (d) The defendant was not engaged in a continuing criminal  
2636 enterprise, as described in s. 893.20.

2637 (e) By the time of the sentencing hearing, the defendant



793174

576-04422-19

2638 has truthfully provided to the state all information and  
2639 evidence the defendant has concerning the offense or offenses  
2640 that were part of the same course of conduct or of a common  
2641 scheme or plan. The fact that the defendant has no other  
2642 relevant or useful information to provide or that the state is  
2643 already aware of the information does not preclude a  
2644 determination by the court that the defendant has complied with  
2645 this requirement.

2646 (9) (a) It is the intent of the Legislature to retroactively  
2647 apply chapter 2014-176, Laws of Florida, only as provided in  
2648 this subsection, to violations of former s. 893.135(1)(c)1.  
2649 involving hydrocodone or oxycodone or any mixture containing  
2650 hydrocodone or oxycodone. A reference in this subsection to  
2651 "former s. 893.135(1)(c)1." is a reference to s. 893.135(1)(c)1.  
2652 as it existed at any time before the amendment of this section  
2653 by chapter 2014-176, Laws of Florida.

2654 (b) A person who committed a violation of former s.  
2655 893.135(1)(c)1. before July 1, 2014, but who was not sentenced  
2656 for such violation before October 1, 2019, shall be sentenced as  
2657 provided in this subsection. A person who was sentenced before  
2658 October 1, 2019, for a violation of former s. 893.135(1)(c)1.  
2659 committed before July 1, 2014, may petition the court for  
2660 resentencing pursuant to this subsection.

2661 (c) A violation of former s. 893.135(1)(c)1. is a felony of  
2662 the first degree, punishable as provided in s. 775.082, s.  
2663 775.083, or s. 775.084.

2664 (d) If the controlled substance involved in the violation  
2665 of former s. 893.135(1)(c)1. was hydrocodone or any mixture  
2666 containing hydrocodone, and the quantity involved:



793174

576-04422-19

2667           1. Was 4 grams or more, but less than 14 grams, such person  
2668 shall be sentenced or resentenced as provided in s. 775.082, s.  
2669 775.083, or s. 775.084.

2670           2. Was 14 grams or more, but less than 28 grams, such  
2671 person shall be sentenced or resentenced to a mandatory minimum  
2672 term of imprisonment of 3 years and shall be ordered to pay a  
2673 fine of \$50,000.

2674           3. Was 28 grams or more, but less than 50 grams, such  
2675 person shall be sentenced or resentenced to a mandatory minimum  
2676 term of imprisonment of 7 years and shall be ordered to pay a  
2677 fine of \$100,000.

2678           4. Was 50 grams or more, but less than 200 grams, such  
2679 person shall be sentenced or resentenced to a mandatory minimum  
2680 term of imprisonment of 15 years and shall be ordered to pay a  
2681 fine of \$500,000.

2682           5. Was 200 grams or more, but less than 30 kilograms, such  
2683 person shall be sentenced or resentenced to a mandatory minimum  
2684 term of imprisonment of 25 years and shall be ordered to pay a  
2685 fine of \$500,000.

2686           (e) If the controlled substance involved in the violation  
2687 of former s. 893.135(1)(c)1. was oxycodone or any mixture  
2688 containing oxycodone, and the quantity involved:

2689           1. Was 4 grams or more, but less than 7 grams, such person  
2690 shall be sentenced or resentenced as provided in s. 775.082, s.  
2691 775.083, or s. 775.084.

2692           2. Was 7 grams or more, but less than 14 grams, such person  
2693 shall be sentenced or resentenced to a mandatory minimum term of  
2694 imprisonment of 3 years and shall be ordered to pay a fine of  
2695 \$50,000.



793174

576-04422-19

2696           3. Was 14 grams or more, but less than 25 grams, such  
2697 person shall be sentenced or resentenced to a mandatory minimum  
2698 term of imprisonment of 7 years and shall be ordered to pay a  
2699 fine of \$100,000.

2700           4. Was 25 grams or more, but less than 100 grams, such  
2701 person shall be sentenced or resentenced to a mandatory minimum  
2702 term of imprisonment of 15 years and shall be ordered to pay a  
2703 fine of \$500,000.

2704           5. Was 100 grams or more, but less than 30 kilograms, such  
2705 person shall be sentenced or resentenced to a mandatory minimum  
2706 term of imprisonment of 25 years and shall be ordered to pay a  
2707 fine of \$500,000.

2708           Section 45. Effective upon this act becoming a law, section  
2709 900.05, Florida Statutes, is amended to read:

2710           900.05 Criminal justice data collection.—

2711           (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of  
2712 the Legislature to create a model of uniform criminal justice  
2713 data collection by requiring local and state criminal justice  
2714 agencies to report complete, accurate, and timely data, and  
2715 making such data available to the public. The Legislature finds  
2716 that it is an important state interest to implement a uniform  
2717 data collection process and promote criminal justice data  
2718 transparency.

2719           (2) DEFINITIONS.—As used in this section, the term:

2720           (a) "Annual felony caseload" means the yearly caseload of  
2721 each full-time state attorney and assistant state attorney, ~~or~~  
2722 public defender and assistant public defender, or regional  
2723 conflict counsel and assistant regional conflict counsel for  
2724 cases assigned to the circuit criminal division, based on the



793174

576-04422-19

2725 number of felony cases reported to the Supreme Court under s.  
2726 25.075. The term does not include the appellate caseload of a  
2727 public defender, ~~or~~ assistant public defender, regional conflict  
2728 counsel, or assistant regional conflict counsel. Cases reported  
2729 pursuant to this term must be associated with a case number, and  
2730 each case number must only be reported once regardless of the  
2731 number of attorney assignments that occur during the course of  
2732 litigation. The caseload shall be calculated on June 30 and  
2733 reported once at the beginning of the reporting agency's fiscal  
2734 year.

2735 (b) "Annual felony conflict caseload" means the total  
2736 number of felony cases the office of the public defender or  
2737 office of regional conflict counsel has declined or withdrawn  
2738 from in the previous calendar year due to lack of qualified  
2739 counsel or due to excessive caseload. The caseload shall be  
2740 calculated on June 30 and reported once at the beginning of the  
2741 reporting agency's fiscal year.

2742 ~~(c)~~ (b) "Annual misdemeanor caseload" means the yearly  
2743 caseload of each full-time state attorney and assistant state  
2744 attorney, ~~or~~ public defender and assistant public defender, or  
2745 regional conflict counsel and assistant regional conflict  
2746 counsel for cases assigned to the county criminal division,  
2747 based on the number of misdemeanor cases reported to the Supreme  
2748 Court under s. 25.075. The term does not include the appellate  
2749 caseload of a public defender, ~~or~~ assistant public defender,  
2750 regional conflict counsel, or assistant regional conflict  
2751 counsel. Cases reported pursuant to this term must be associated  
2752 with a case number, and each case number must only be reported  
2753 once regardless of the number of attorney assignments that occur



793174

576-04422-19

2754 during the course of litigation. The caseload shall be  
2755 calculated on June 30 and reported once at the beginning of the  
2756 reporting agency's fiscal year.

2757 (d) "Annual misdemeanor conflict caseload" means the total  
2758 number of misdemeanor cases the office of the public defender or  
2759 office of regional conflict counsel has declined or withdrawn  
2760 from in the previous calendar year due to lack of qualified  
2761 counsel or due to excessive caseload. The caseload shall be  
2762 calculated on June 30 and reported once at the beginning of the  
2763 reporting agency's fiscal year.

2764 (e) ~~(e)~~ "Attorney assignment date" means the date a court-  
2765 appointed attorney is assigned to the case or, if privately  
2766 retained, the date an attorney files a notice of appearance with  
2767 the clerk of court.

2768 (f) ~~(d)~~ "Attorney withdrawal date" means the date the court  
2769 removes court-appointed counsel from a case or, for a privately  
2770 retained attorney, the date a motion to withdraw is granted by  
2771 the court.

2772 (g) ~~(e)~~ "Case number" means the uniform case identification  
2773 number assigned by the clerk of court to a criminal case.

2774 (h) ~~(f)~~ "Case status" means whether a case is open, active,  
2775 inactive, closed, reclosed, or reopened due to a violation of  
2776 probation or community control.

2777 (i) ~~(g)~~ "Charge description" means the statement of the  
2778 conduct that is alleged to have been violated, the associated  
2779 statutory section establishing such conduct as criminal, and the  
2780 misdemeanor or felony classification that is provided for in the  
2781 statutory section alleged to have been violated.

2782 (j) "Charge disposition" means the final adjudication for





793174

576-04422-19

2783 each charged crime, including, but not limited to, dismissal by  
2784 state attorney, dismissal by judge, acquittal, no contest plea,  
2785 guilty plea, or guilty finding at trial.

2786 (k)~~(h)~~ "Charge modifier" means an aggravating circumstance  
2787 of an alleged crime that enhances or reclassifies a charge to a  
2788 more serious misdemeanor or felony offense level.

2789 (l)~~(i)~~ "Concurrent or consecutive sentence flag" means an  
2790 indication that a defendant is serving another sentence  
2791 concurrently or consecutively in addition to the sentence for  
2792 which data is being reported.

2793 (m)~~(j)~~ "Daily number of correctional officers" means the  
2794 number of full-time, part-time, and auxiliary correctional  
2795 officers who are actively providing supervision, protection,  
2796 care, custody, and control of inmates in a county detention  
2797 facility or state correctional institution or facility each day.

2798 (n)~~(k)~~ "Defense attorney type" means whether the attorney  
2799 is a public defender, regional conflict counsel, or other  
2800 counsel court-appointed for the defendant; the attorney is  
2801 privately retained by the defendant; or the defendant is  
2802 represented pro se.

2803 (o)~~(l)~~ "Deferred prosecution or pretrial diversion  
2804 agreement date" means the date an agreement ~~a contract~~ is signed  
2805 by the parties regarding a defendant's admission into a deferred  
2806 prosecution or pretrial diversion program.

2807 (p)~~(m)~~ "Deferred prosecution or pretrial diversion hearing  
2808 date" means each date that a hearing, including a status  
2809 hearing, is held on a case that is in a deferred prosecution or  
2810 pretrial diversion program, if applicable.

2811 (q)~~(n)~~ "Disciplinary violation and action" means any



793174

576-04422-19

2812 conduct performed by an inmate in violation of the rules of a  
2813 county detention facility or state correctional institution or  
2814 facility that results in the initiation of disciplinary  
2815 proceedings by the custodial entity and the consequences of such  
2816 disciplinary proceedings.

2817 (r)~~(e)~~ "Disposition date" means the date of final judgment,  
2818 adjudication, adjudication withheld, dismissal, or nolle  
2819 prosequi for the case and if different dates apply, the  
2820 disposition dates of each charge.

2821 (s) "Disposition type" means the manner in which the charge  
2822 was closed, including final judgment, adjudication, adjudication  
2823 withheld, dismissal, or nolle prosequi.

2824 (t)~~(p)~~ "Domestic violence flag" means an indication that a  
2825 filed charge involves domestic violence as defined in s. 741.28.

2826 (u)~~(q)~~ "Gang affiliation flag" means an indication that a  
2827 defendant is involved in or associated with a criminal gang as  
2828 defined in s. 874.03 at the time of the current offense.

2829 (v)~~(r)~~ "Gain-time credit earned" means a credit of time  
2830 awarded to an inmate in a county detention facility in  
2831 accordance with s. 951.22 or a state correctional institution or  
2832 facility in accordance with s. 944.275.

2833 (w)~~(s)~~ "Habitual offender flag" means an indication that a  
2834 defendant is a habitual felony offender as defined in s. 775.084  
2835 or a habitual misdemeanor offender as defined in s. 775.0837.

2836 (x) "Habitual violent felony offender flag" means an  
2837 indication that a defendant is a habitual violent felony  
2838 offender as defined in s. 775.084.

2839 ~~(t) "Judicial transfer date" means a date on which a~~  
2840 ~~defendant's case is transferred to another court or presiding~~



793174

576-04422-19

2841 ~~judge.~~

2842 (y) ~~(u)~~ "Number of contract attorneys representing indigent  
2843 defendants for the office of the public defender" means the  
2844 number of attorneys hired on a temporary basis, by contract, to  
2845 represent indigent clients who were appointed a public defender.

2846 (z) ~~(v)~~ "Pretrial release violation flag" means an  
2847 indication that the defendant has violated the terms of his or  
2848 her pretrial release.

2849 (aa) ~~(w)~~ "Prior incarceration within the state" means any  
2850 prior history of a defendant's incarceration ~~defendant being~~  
2851 ~~incarcerated~~ in a ~~county detention facility~~ or state  
2852 correctional institution or facility.

2853 (bb) "Prison releasee reoffender flag" means an indication  
2854 that the defendant is a prison releasee reoffender as defined in  
2855 s. 775.082 or any other statute.

2856 (dd) ~~(\*)~~ "Tentative release date" means the anticipated date  
2857 that an inmate will be released from incarceration after the  
2858 application of adjustments for any gain-time earned or credit  
2859 for time served.

2860 (cc) ~~(y)~~ "Sexual offender flag" means an indication that a  
2861 defendant was ~~is~~ required to register as a sexual predator as  
2862 defined in s. 775.21 or as a sexual offender as defined in s.  
2863 943.0435.

2864 (ee) "Three-time violent felony offender flag" means an  
2865 indication that the defendant is a three-time violent felony  
2866 offender as defined in s. 775.084 or any other statute.

2867 (ff) "Violent career criminal flag" means an indication  
2868 that the defendant is a violent career criminal as defined in s.  
2869 775.084 or any other statute.



793174

576-04422-19

2870 (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~  
2871 ~~2019,~~ An entity required to collect data in accordance with this  
2872 subsection shall collect the specified data and ~~required of the~~  
2873 ~~entity on a biweekly basis. Each entity shall report them the~~  
2874 ~~data collected~~ in accordance with this subsection to the  
2875 Department of Law Enforcement on a monthly basis.

2876 (a) *Clerk of the court.* ~~Each clerk of court shall collect~~  
2877 the following data for each criminal case:

- 2878 1. Case number.  
2879 2. Date that the alleged offense occurred.  
2880 ~~3. County in which the offense is alleged to have occurred.~~

2881 ~~3.4.~~ 3.4. Date the defendant is taken into physical custody by a  
2882 law enforcement agency or is issued a notice to appear on a  
2883 criminal charge, ~~if such date is different from the date the~~  
2884 ~~offense is alleged to have occurred.~~

2885 4. Whether the case originated by notice to appear.

2886 5. Date that the criminal prosecution of a defendant is  
2887 formally initiated ~~through the filing, with the clerk of the~~  
2888 ~~court, of an information by the state attorney or an indictment~~  
2889 ~~issued by a grand jury.~~

2890 6. Arraignment date.

2891 7. Attorney appointment ~~assignment~~ date.

2892 8. Attorney withdrawal date.

2893 9. Case status.

2894 10. Charge disposition.

2895 ~~11.10.~~ 11.10. Disposition date and disposition type.

2896 ~~12.11.~~ 12.11. Information related to each defendant, including:

2897 a. Identifying information, including name, known aliases,  
2898 date of birth, ~~age,~~ race, ~~or~~ ethnicity, and gender.



793174

576-04422-19

- 2899           b. Zip code of last known address ~~primary residence~~.
- 2900           c. Primary language.
- 2901           d. Citizenship.
- 2902           e. Immigration status, if applicable.
- 2903           f. Whether the defendant has been found ~~by a court~~ to be
- 2904 indigent under ~~pursuant to~~ s. 27.52.
- 2905           ~~13.12.~~ Information related to the ~~formal~~ charges filed
- 2906 against the defendant, including:
- 2907           a. Charge description.
- 2908           b. Charge modifier description and statute, if applicable.
- 2909           c. Drug type for each drug charge, if known.
- 2910           d. Qualification for a flag designation as defined in this
- 2911 section, including a domestic violence flag, gang affiliation
- 2912 flag, sexual offender flag, habitual offender flag, habitual
- 2913 violent felony offender flag, ~~or~~ pretrial release violation
- 2914 flag, prison releasee reoffender flag, three-time violent felony
- 2915 offender flag, or violent career criminal flag.
- 2916           ~~14.13.~~ Information related to bail or bond and pretrial
- 2917 release determinations, including the dates of any such
- 2918 determinations:
- 2919           a. Pretrial release determination made at a first
- 2920 appearance hearing that occurs within 24 hours of arrest,
- 2921 including any ~~all~~ monetary and nonmonetary conditions of
- 2922 release.
- 2923           b. Modification of bail or bond conditions made by a court
- 2924 having jurisdiction to try the defendant or, in the absence of
- 2925 the judge of the trial court, by the circuit court, including
- 2926 modifications to any monetary and nonmonetary conditions of
- 2927 release.



793174

576-04422-19

- 2928 c. Cash bail or bond payment, including whether the  
2929 defendant utilized a bond agent to post a surety bond.
- 2930 d. Date defendant is released on bail, bond, or pretrial  
2931 release for the current case.
- 2932 e. Bail or bond revocation due to a new offense, a failure  
2933 to appear, or a violation of the terms of bail or bond, if  
2934 applicable.
- 2935 ~~15.14.~~ Information related to court dates and dates of  
2936 motions and appearances, including:
- 2937 a. Date of any court appearance and the type of proceeding  
2938 scheduled for each date reported.
- 2939 b. Date of any failure to appear in court, if applicable.
- 2940 c. Deferred prosecution or pretrial diversion hearing, if  
2941 applicable ~~Judicial transfer date, if applicable~~.
- 2942 d. Each scheduled trial date.
- 2943 e. Date that a defendant files a notice to participate in  
2944 discovery.
- 2945 f. Speedy trial motion date and each hearing date ~~dates~~, if  
2946 applicable.
- 2947 g. Dismissal motion date and each hearing date ~~dates~~, if  
2948 applicable.
- 2949 ~~16.15.~~ Defense attorney type.
- 2950 ~~17.16.~~ Information related to sentencing, including:
- 2951 a. Date that a court enters a sentence against a defendant.
- 2952 b. Charge sentenced to, including charge sequence number,  
2953 and charge description, ~~statute, type, and charge class~~  
2954 ~~severity~~.
- 2955 c. Sentence type and length imposed by the court in the  
2956 current case, reported in years, months, and days, including,



793174

576-04422-19

2957 but not limited to, the total duration of incarceration  
2958 ~~imprisonment~~ in a county detention facility or state  
2959 correctional institution or facility, and conditions of  
2960 probation or community control supervision.

2961 d. Amount of time served in custody by the defendant  
2962 related to each charge ~~the reported criminal case~~ that is  
2963 credited at the time of disposition of the charge ~~case~~ to reduce  
2964 the imposed ~~actual~~ length of time the defendant will serve on  
2965 the term of incarceration ~~imprisonment~~ that is ordered by the  
2966 court at disposition.

2967 e. Total amount of court costs ~~fees~~ imposed by the court at  
2968 the disposition of the case.

2969 ~~f. Outstanding balance of the defendant's court fees~~  
2970 ~~imposed by the court at disposition of the case.~~

2971 ~~f.g.~~ Total amount of fines imposed by the court at the  
2972 disposition of the case.

2973 ~~h. Outstanding balance of the defendant's fines imposed by~~  
2974 ~~the court at disposition of the case.~~

2975 ~~g.i.~~ Restitution amount ordered at sentencing, including  
2976 the amount collected by the court and the amount paid to the  
2977 victim, if applicable.

2978 ~~j. Digitized sentencing scoresheet prepared in accordance~~  
2979 ~~with s. 921.0024.~~

2980 ~~18.17.~~ The sentencing judge or magistrate, or their  
2981 equivalent ~~number of judges or magistrates, or their~~  
2982 ~~equivalents, hearing cases in circuit or county criminal~~  
2983 ~~divisions of the circuit court. Judges or magistrates, or their~~  
2984 ~~equivalents, who solely hear appellate cases from the county~~  
2985 ~~criminal division are not to be reported under this~~



793174

576-04422-19

2986 ~~subparagraph.~~

2987 (b) *State attorney.*—Each state attorney shall collect the  
2988 following data:

2989 1. Information related to a human victim of a criminal  
2990 offense, including:

2991 a. Identifying information of the victim, including race,  
2992 ~~or~~ ethnicity, gender, and age at the time of the offense.

2993 b. Relationship to the offender, if any.

2994 2. Number of full-time prosecutors.

2995 3. Number of part-time prosecutors.

2996 4. Annual felony caseload.

2997 5. Annual misdemeanor caseload.

2998 6. Any charge referred to the state attorney by a law  
2999 enforcement agency or sworn complainant related to an episode of  
3000 criminal activity.

3001 7. Disposition of each referred charge, such as filed,  
3002 declined, or diverted.

3003 ~~8.7.~~ Number of cases in which a no-information was filed.

3004 ~~9.8.~~ Information related to each defendant, including:

3005 a. Each charge referred to the state attorney by a law  
3006 enforcement agency or sworn complainant related to an episode of  
3007 criminal activity.

3008 b. Case number, name, and date of birth.

3009 ~~c.6.~~ Drug type for each drug charge, if applicable.

3010 d. Deferred prosecution or pretrial diversion agreement  
3011 date, if applicable.

3012 (c) *Public defender.*—Each public defender shall collect the  
3013 following data ~~for each criminal case:~~

3014 1. Number of full-time public defenders.





793174

576-04422-19

- 3015           2. Number of part-time public defenders.
- 3016           3. Number of contract attorneys representing indigent  
3017 defendants for the office of the public defender.
- 3018           4. Annual felony caseload.
- 3019           5. Annual felony conflict caseload.
- 3020           ~~6.5.~~ Annual misdemeanor caseload.
- 3021           7. Annual misdemeanor conflict caseload.
- 3022           (d) *County detention facility.*—The administrator of each  
3023 county detention facility shall collect the following data:
- 3024           1. Maximum capacity for the county detention facility.
- 3025           2. Weekly admissions to the county detention facility for a  
3026 revocation of probation or community control.
- 3027           3. Weekly admissions to the county detention facility for a  
3028 revocation of pretrial release.
- 3029           ~~4.3.~~ Daily population of the county detention facility,  
3030 including the specific number of inmates in the custody of the  
3031 county that:
- 3032           a. Are awaiting case disposition.
- 3033           b. Have been sentenced by a court to a term of  
3034 incarceration imprisonment in the county detention facility.
- 3035           c. Have been sentenced by a court to a term of imprisonment  
3036 with the Department of Corrections and who are awaiting  
3037 transportation to the department.
- 3038           d. Have a federal detainer, ~~or~~ are awaiting disposition of  
3039 a case in federal court, or are awaiting other federal  
3040 disposition.
- 3041           ~~5.4.~~ Information related to each inmate, including:
- 3042           a. Identifying information, including name, date of birth,  
3043 race, ethnicity, gender, case number, and identification number



793174

576-04422-19

3044 assigned by the county detention facility.

3045 ~~b.a.~~ Date when an inmate ~~a defendant~~ is processed and  
3046 booked into the county detention facility subsequent to an  
3047 arrest for a new violation of law, ~~or~~ for a violation of  
3048 probation or community control, or for a violation of pretrial  
3049 release.

3050 ~~c.b.~~ Reason why an inmate ~~a defendant~~ is processed and  
3051 booked into the county detention facility, including if it is  
3052 ~~for~~ a new law violation, ~~or~~ a violation of probation or  
3053 community control, or a violation of pretrial release.

3054 ~~d.e.~~ Qualification for a flag designation as defined in  
3055 this section, including domestic violence flag, gang affiliation  
3056 flag, habitual offender flag, habitual violent felony offender  
3057 flag, pretrial release violation flag, ~~or~~ sexual offender flag,  
3058 prison releasee reoffender flag, three-time violent felony  
3059 offender flag, or violent career criminal flag.

3060 ~~6.5.~~ Total population of the county detention facility at  
3061 year-end. This data must include the same specified  
3062 classifications as subparagraph 3.

3063 ~~7.6.~~ Per diem rate for a county detention facility bed.

3064 ~~8.7.~~ Daily number of correctional officers for the county  
3065 detention facility.

3066 ~~9.8.~~ Annual county detention facility budget. This  
3067 information only needs to be reported once annually at the  
3068 beginning of the county's fiscal year.

3069 ~~10.9.~~ Annual revenue generated for the county from the  
3070 temporary incarceration of federal defendants or inmates.

3071 (e) *Department of Corrections.*—The Department of  
3072 Corrections shall collect the following data:



793174

576-04422-19

- 3073 1. Information related to each inmate, including:
- 3074 a. Identifying information, including name, date of birth,
- 3075 race, ~~or~~ ethnicity, gender, case number, and identification
- 3076 number assigned by the department.
- 3077 b. ~~Number of children.~~
- 3078 e. Highest education level, ~~including any vocational~~
- 3079 ~~training.~~
- 3080 ~~c.d.~~ Date the inmate was admitted to the custody of the
- 3081 department for his or her current incarceration.
- 3082 ~~d.e.~~ Current institution placement and the security level
- 3083 assigned to the institution.
- 3084 ~~e.f.~~ Custody level assignment.
- 3085 ~~f.g.~~ Qualification for a flag designation as defined in
- 3086 this section, including sexual offender flag, habitual offender
- 3087 flag, habitual violent felony offender flag, prison releasee
- 3088 reoffender flag, three-time violent felony offender flag,
- 3089 violent career criminal flag, gang affiliation flag, or
- 3090 concurrent or consecutive sentence flag.
- 3091 ~~g.h.~~ County that committed the prisoner to the custody of
- 3092 the department.
- 3093 ~~h.i.~~ Whether the reason for admission to the department is
- 3094 for a new conviction or a violation of probation, community
- 3095 control, or parole. For an admission for a probation, community
- 3096 control, or parole violation, the department shall report
- 3097 whether the violation was technical or based on a new violation
- 3098 of law.
- 3099 ~~i.j.~~ Specific statutory citation for which the inmate was
- 3100 committed to the department, including, for an inmate convicted
- 3101 of drug trafficking under s. 893.135, the statutory citation for



793174

576-04422-19

- 3102 each specific drug trafficked.
- 3103       j. Length of sentence served.
- 3104       k. Length of sentence or concurrent or consecutive
- 3105 sentences served.
- 3106       l. Tentative release date.
- 3107       m. Gain time earned in accordance with s. 944.275.
- 3108       n. Prior incarceration within the state.
- 3109       o. Disciplinary violation and action.
- 3110       p. Participation in rehabilitative or educational programs
- 3111 while in the custody of the department.
- 3112       q. Digitized sentencing scoresheet prepared in accordance
- 3113 with s. 921.0024.
- 3114       2. Information about each state correctional institution or
- 3115 facility, including:
- 3116       a. Budget for each state correctional institution or
- 3117 facility.
- 3118       b. Daily prison population of all inmates incarcerated in a
- 3119 state correctional institution or facility.
- 3120       c. Daily number of correctional officers for each state
- 3121 correctional institution or facility.
- 3122       3. Information related to persons supervised by the
- 3123 department on probation or community control, including:
- 3124       a. Identifying information for each person supervised by
- 3125 the department on probation or community control, including his
- 3126 or her name, date of birth, race, ~~or~~ ethnicity, gender, case
- 3127 number ~~sex~~, and department-assigned case number.
- 3128       b. Length of probation or community control sentence
- 3129 imposed and amount of time that has been served on such
- 3130 sentence.



793174

576-04422-19

3131 c. Projected termination date for probation or community  
3132 control.

3133 d. Revocation of probation or community control due to a  
3134 violation, including whether the revocation is due to a  
3135 technical violation of the conditions of supervision or from the  
3136 commission of a new law violation.

3137 4. Per diem rates for:

3138 a. Prison bed.

3139 b. Probation.

3140 c. Community control.

3141

3142 This information only needs to be reported once annually at the  
3143 time the most recent per diem rate is published.

3144 (f) Justice Administrative Commission.—The Justice  
3145 Administrative Commission shall collect the following data:

3146 1. Number of private registry attorneys representing  
3147 indigent adult defendants.

3148 2. Annual felony caseload assigned to private registry  
3149 contract attorneys.

3150 3. Annual misdemeanor caseload assigned to private registry  
3151 contract attorneys.

3152 (g) Criminal conflict regional counsel.—Each office of  
3153 criminal conflict regional counsel shall report the following  
3154 data:

3155 1. Number of full-time assistant regional conflict counsel  
3156 handling criminal cases.

3157 2. Number of part-time assistant regional conflict counsel  
3158 handling criminal cases.

3159 3. Number of contract attorneys representing indigent adult



793174

576-04422-19

3160

defendants.

3161

4. Annual felony caseload.

3162

5. Annual felony conflict caseload.

3163

6. Annual misdemeanor caseload.

3164

7. Annual misdemeanor conflict caseload.

3165

(4) DATA PUBLICLY AVAILABLE. ~~Beginning January 1, 2019,~~ The Department of Law Enforcement shall publish datasets in its possession in a modern, open, electronic format that is machine-readable and readily accessible by the public on the department's website. The published data must be searchable, at a minimum, by ~~each~~ data elements ~~element~~, county, circuit, and unique identifier. ~~Beginning March 1, 2019,~~ the department shall publish ~~begin publishing~~ the data received under subsection (3) ~~(2)~~ in the same modern, open, electronic format that is machine-readable and readily accessible to the public on the department's website. The department shall publish all data received under subsection (3) ~~(2)~~ no later than January 1, 2020, and monthly thereafter ~~July 1, 2019.~~

3178

(5) NONCOMPLIANCE.—Notwithstanding any other provision of law, an entity required to collect and transmit data under subsection (3) ~~paragraph (3)(a) or paragraph (3)(d)~~ which does not comply with the requirements of this section is ineligible to receive funding from the General Appropriations Act, any state grant program administered by the Department of Law Enforcement, or any other state agency for 5 years after the date of noncompliance.

3186

(6) CONFIDENTIALITY.—Information collected by any reporting agency which is confidential and exempt upon collection remains confidential and exempt when reported to the Department of Law



793174

576-04422-19

3189 Enforcement under this section.

3190 Section 46. Effective July 1, 2020, section 900.06, Florida  
3191 Statutes, is created to read:

3192 900.06 Recording of custodial interrogations for certain  
3193 offenses.-

3194 (1) As used in this section, the term:

3195 (a) "Electronic recording" means an audio recording or an  
3196 audio and video recording that accurately records a custodial  
3197 interrogation.

3198 (b) "Covered offense" includes:

3199 1. Arson.

3200 2. Sexual battery.

3201 3. Robbery.

3202 4. Kidnapping.

3203 5. Aggravated child abuse.

3204 6. Aggravated abuse of an elderly person or disabled adult.

3205 7. Aggravated assault with a deadly weapon.

3206 8. Murder.

3207 9. Manslaughter.

3208 10. Aggravated manslaughter of an elderly person or  
3209 disabled adult.

3210 11. Aggravated manslaughter of a child.

3211 12. The unlawful throwing, placing, or discharging of a  
3212 destructive device or bomb.

3213 13. Armed burglary.

3214 14. Aggravated battery.

3215 15. Aggravated stalking.

3216 16. Home-invasion robbery.

3217 17. Carjacking.



793174

576-04422-19

3218           (c) "Custodial interrogation" means questioning or other  
3219 conduct by a law enforcement officer which is reasonably likely  
3220 to elicit an incriminating response from an individual and which  
3221 occurs under circumstances in which a reasonable individual in  
3222 the same circumstances would consider himself or herself to be  
3223 in the custody of a law enforcement agency.

3224           (d) "Place of detention" means a police station, sheriff's  
3225 office, correctional facility, prisoner holding facility, county  
3226 detention facility, or other governmental facility where an  
3227 individual may be held in connection with a criminal charge that  
3228 has been or may be filed against the individual.

3229           (e) "Statement" means a communication that is oral,  
3230 written, electronic, nonverbal, or in sign language.

3231           (2) (a) A custodial interrogation at a place of detention,  
3232 including the giving of a required warning, the advisement of  
3233 the rights of the individual being questioned, and the waiver of  
3234 any rights by the individual, must be electronically recorded in  
3235 its entirety if the interrogation is related to a covered  
3236 offense.

3237           (b) If a law enforcement officer conducts a custodial  
3238 interrogation at a place of detention without electronically  
3239 recording the interrogation, the officer must prepare a written  
3240 report explaining the reason why he or she did not record the  
3241 interrogation.

3242           (c) As soon as practicable, a law enforcement officer who  
3243 conducts a custodial interrogation at a place other than a place  
3244 of detention shall prepare a written report explaining the  
3245 circumstances of the interrogation at that place and summarizing  
3246 the custodial interrogation process and the individual's





793174

576-04422-19

3247 statements made at that place.

3248 (d) Paragraph (a) does not apply:

3249 1. If an unforeseen equipment malfunction prevents  
3250 recording the custodial interrogation in its entirety;

3251 2. If a suspect refuses to participate in a custodial  
3252 interrogation if his or her statements are to be electronically  
3253 recorded;

3254 3. If an equipment operator error prevents recording the  
3255 custodial interrogation in its entirety;

3256 4. If the statement is made spontaneously and not in  
3257 response to a custodial interrogation question;

3258 5. If the statement is made during the processing of the  
3259 arrest of a suspect;

3260 6. If the custodial interrogation occurs when the law  
3261 enforcement officer participating in the interrogation does not  
3262 have any knowledge of facts and circumstances that would lead an  
3263 officer to reasonably believe that the individual being  
3264 interrogated may have committed a covered offense;

3265 7. If the law enforcement officer conducting the custodial  
3266 interrogation reasonably believes that making an electronic  
3267 recording would jeopardize the safety of the officer, the  
3268 individual being interrogated, or others; or

3269 8. If the custodial interrogation is conducted outside of  
3270 this state.

3271 (3) Unless a court finds that one or more of the  
3272 circumstances specified in paragraph (2) (d) apply, the court  
3273 must consider the circumstances of an interrogation conducted by  
3274 a law enforcement officer in which he or she did not  
3275 electronically record all or part of a custodial interrogation



793174

576-04422-19

3276 in determining whether a statement made during the interrogation  
3277 is admissible. If the court admits into evidence a statement  
3278 made during a custodial interrogation that was not  
3279 electronically recorded as required under paragraph (2) (a), the  
3280 court must, upon request of the defendant, give cautionary  
3281 instructions to the jury regarding the law enforcement officer's  
3282 failure to comply with that requirement.

3283 (4) A law enforcement agency in this state which has  
3284 enforced rules adopted pursuant to this section which are  
3285 reasonably designed to ensure compliance with the requirements  
3286 of this section is not subject to civil liability for damages  
3287 arising from a violation of this section. This section does not  
3288 create a cause of action against a law enforcement officer.

3289 Section 47. Paragraph (e) of subsection (1) of section  
3290 921.002, Florida Statutes, is amended to read:

3291 921.002 The Criminal Punishment Code.—The Criminal  
3292 Punishment Code shall apply to all felony offenses, except  
3293 capital felonies, committed on or after October 1, 1998.

3294 (1) The provision of criminal penalties and of limitations  
3295 upon the application of such penalties is a matter of  
3296 predominantly substantive law and, as such, is a matter properly  
3297 addressed by the Legislature. The Legislature, in the exercise  
3298 of its authority and responsibility to establish sentencing  
3299 criteria, to provide for the imposition of criminal penalties,  
3300 and to make the best use of state prisons so that violent  
3301 criminal offenders are appropriately incarcerated, has  
3302 determined that it is in the best interest of the state to  
3303 develop, implement, and revise a sentencing policy. The Criminal  
3304 Punishment Code embodies the principles that:



793174

576-04422-19

3305 (e) The sentence imposed by the sentencing judge reflects  
3306 the length of actual time to be served, shortened only by the  
3307 application of incentive and meritorious gain-time as provided  
3308 by law, and may not be shortened if the defendant would  
3309 consequently serve less than 65 percent of his or her term of  
3310 imprisonment as provided in s. 944.275(4)(b)3.a. or 85 percent  
3311 of his or her term of imprisonment as provided in s. 944.275(4)  
3312 or s. 944.275(4)(b)3.b. The provisions of chapter 947, relating  
3313 to parole, do not ~~shall not~~ apply to persons sentenced under the  
3314 Criminal Punishment Code. This paragraph applies retroactively  
3315 to October 1, 1995, as provided in s. 944.275(4)(b)3.a. and b.

3316 Section 48. Section 943.0578, Florida Statutes, is created  
3317 to read:

3318 943.0578 Lawful self-defense expunction.-

3319 (1) Notwithstanding the eligibility requirements defined in  
3320 s. 943.0585(1) and (2), the department shall issue a certificate  
3321 of eligibility for expunction under this section to a person who  
3322 is the subject of a criminal history record if that person has  
3323 obtained, and submitted to the department, on a form provided by  
3324 the department, a written, certified statement from the  
3325 appropriate state attorney or statewide prosecutor which states  
3326 whether an information, indictment, or other charging document  
3327 was not filed or was dismissed by the state attorney, or  
3328 dismissed by the court, because it was found that the person  
3329 acted in lawful self-defense pursuant to chapter 776.

3330 (2) Each petition to expunge a criminal history record  
3331 pursuant to this section must be accompanied by:

3332 (a) A valid certificate of eligibility for expunction  
3333 issued by the department pursuant to this section; and



793174

576-04422-19

3334       (b) The petitioner's sworn statement attesting that the  
3335 petitioner is eligible for such an expunction to the best of his  
3336 or her knowledge or belief.

3337  
3338 Any person who knowingly provides false information on such  
3339 sworn statement to the court commits a felony of the third  
3340 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
3341 775.084.

3342       (3) This section does not confer any right to the  
3343 expunction of a criminal history record, and any request for  
3344 expunction of a criminal history record may be denied at the  
3345 discretion of the court.

3346       (4) Sections 943.0585(5) and (6) apply to an expunction  
3347 ordered under this section.

3348       (5) The department shall adopt rules to establish  
3349 procedures for applying for and issuing a certificate of  
3350 eligibility for expunction under this section.

3351       Section 49. Section 943.0581, Florida Statutes, is amended  
3352 to read:

3353       943.0581 Administrative expunction for arrests made  
3354 contrary to law or by mistake.—

3355       (1) Notwithstanding any law dealing generally with the  
3356 preservation and destruction of public records, the department  
3357 may adopt a rule pursuant to chapter 120 for the administrative  
3358 expunction of any nonjudicial record of an arrest of a minor or  
3359 an adult made contrary to law or by mistake.

3360       (2) A law enforcement agency shall apply to the department  
3361 in the manner prescribed by rule for the administrative  
3362 expunction of any nonjudicial record of any arrest of a minor or



793174

576-04422-19

3363 an adult who is subsequently determined by the agency, at its  
3364 discretion, or by the final order of a court of competent  
3365 jurisdiction, to have been arrested contrary to law or by  
3366 mistake.

3367 (3) An adult or, in the case of a minor child, the parent  
3368 or legal guardian of the minor child, may apply to the  
3369 department in the manner prescribed by rule for the  
3370 administrative expunction of any nonjudicial record of an arrest  
3371 alleged to have been made contrary to law or by mistake,  
3372 provided that the application is supported by the endorsement of  
3373 the head of the arresting agency or his or her designee or the  
3374 state attorney of the judicial circuit in which the arrest  
3375 occurred or his or her designee.

3376 (4) An application for administrative expunction shall  
3377 include the date and time of the arrest, the name of the person  
3378 arrested, the offender-based tracking system (OBTS) number, and  
3379 the crime or crimes charged. The application shall be on the  
3380 submitting agency's letterhead and shall be signed by the head  
3381 of the submitting agency or his or her designee.

3382 (5) If the person was arrested on a warrant, capias, or  
3383 pickup order, a request for an administrative expunction may be  
3384 made by the sheriff of the county in which the warrant, capias,  
3385 or pickup order was issued or his or her designee or by the  
3386 state attorney of the judicial circuit in which the warrant,  
3387 capias, or pickup order was issued or his or her designee.

3388 (6) An application or endorsement under this section is not  
3389 admissible as evidence in any judicial or administrative  
3390 proceeding and may not be construed in any way as an admission  
3391 of liability in connection with an arrest.



793174

576-04422-19

3392 Section 50. Section 943.0584, Florida Statutes, is created  
3393 to read:

3394 943.0584 Criminal history records ineligible for court-  
3395 ordered expunction or court-ordered sealing.-

3396 (1) As used in this section, the term "conviction" means a  
3397 determination of guilt which is the result of a trial or the  
3398 entry of a plea of guilty or nolo contendere, regardless of  
3399 whether adjudication is withheld, or if the defendant was a  
3400 minor, a finding that the defendant committed or pled guilty or  
3401 nolo contendere to committing a delinquent act, regardless of  
3402 whether adjudication of delinquency is withheld.

3403 (2) A criminal history record is ineligible for a  
3404 certificate of eligibility for expunction or a court-ordered  
3405 expunction pursuant to s. 943.0585 or a certificate of  
3406 eligibility for sealing or a court-ordered sealing pursuant to  
3407 s. 943.059 if the record is a conviction, information,  
3408 indictment, notice to appear, or arrest for any of the following  
3409 offenses:

3410 (a) Sexual misconduct, as defined in s. 393.135, s.  
3411 394.4593, or s. 916.1075;

3412 (b) Illegal use of explosives, as defined in chapter 552;

3413 (c) Terrorism, as defined in s. 775.30;

3414 (d) Murder, as defined in s. 782.04, s. 782.065, or s.  
3415 782.09;

3416 (e) Manslaughter or homicide, as defined in s. 782.07, s.  
3417 782.071, or s. 782.072;

3418 (f) Assault or battery, as defined in ss. 784.011 and  
3419 784.03, respectively, of one family or household member by  
3420 another family or household member, as defined in s. 741.28(3);



793174

576-04422-19

- 3421 (g) Aggravated assault, as defined in s. 784.021;
- 3422 (h) Felony battery, domestic battery by strangulation, or
- 3423 aggravated battery, as defined in s. 784.03, s. 784.041, and s.
- 3424 784.045, respectively;
- 3425 (i) Stalking or aggravated stalking, as defined in s.
- 3426 784.048;
- 3427 (j) Luring or enticing a child, as defined in s. 787.025;
- 3428 (k) Human trafficking, as defined in s. 787.06;
- 3429 (l) Kidnapping or false imprisonment, as defined in s.
- 3430 787.01 or s. 787.02;
- 3431 (m) Any offense defined in chapter 794;
- 3432 (n) Procuring a person less than 18 years of age for
- 3433 prostitution, as defined in former s. 796.03;
- 3434 (o) Lewd or lascivious offenses committed upon or in the
- 3435 presence of persons less than 16 years of age, as defined in s.
- 3436 800.04;
- 3437 (p) Arson, as defined in s. 806.01;
- 3438 (q) Burglary of a dwelling, as defined in s. 810.02;
- 3439 (r) Voyeurism or video voyeurism, as defined in s. 810.14
- 3440 and s. 810.145, respectively;
- 3441 (s) Robbery or robbery by sudden snatching, as defined in
- 3442 s. 812.13 and s. 812.131, respectively;
- 3443 (t) Carjacking, as defined in s. 812.133;
- 3444 (u) Home-invasion robbery, as defined in s. 812.135;
- 3445 (v) A violation of the Florida Communications Fraud Act, as
- 3446 provided in s. 817.034;
- 3447 (w) Abuse of an elderly person or disabled adult, or
- 3448 aggravated abuse of an elderly person or disabled adult, as
- 3449 defined in s. 825.102;



793174

576-04422-19

- 3450 (x) Lewd or lascivious offenses committed upon or in the
- 3451 presence of an elderly person or disabled person, as defined in
- 3452 s. 825.1025;
- 3453 (y) Child abuse or aggravated child abuse, as defined in s.
- 3454 827.03;
- 3455 (z) Sexual performance by a child, as defined in s.
- 3456 827.071;
- 3457 (aa) Any offense defined in chapter 839;
- 3458 (bb) Certain acts in connection with obscenity, as defined
- 3459 in s. 847.0133;
- 3460 (cc) Any offense defined in s. 847.0135;
- 3461 (dd) Selling or buying of minors, as defined in s.
- 3462 847.0145;
- 3463 (ee) Aircraft piracy, as defined in s. 860.16;
- 3464 (ff) Manufacturing a controlled substance in violation of
- 3465 chapter 893;
- 3466 (gg) Drug trafficking, as defined in s. 893.135; or
- 3467 (hh) Any violation specified as a predicate offense for
- 3468 registration as a sexual predator pursuant to s. 775.21, or
- 3469 sexual offender pursuant to s. 943.0435, without regard to
- 3470 whether that offense alone is sufficient to require such
- 3471 registration.

3472 Section 51. Section 943.0585, Florida Statutes, is amended  
3473 to read:

3474 (Substantial rewording of section. See  
3475 s. 943.0585, F.S., for present text.)

3476 943.0585 Court-ordered expunction of criminal history  
3477 records.-

3478 (1) ELIGIBILITY.-A person is eligible to petition a court





793174

576-04422-19

3479 to expunge a criminal history record if:

3480 (a) An indictment, information, or other charging document  
3481 was not filed or issued in the case giving rise to the criminal  
3482 history record.

3483 (b) An indictment, information, or other charging document  
3484 was filed or issued in the case giving rise to the criminal  
3485 history record, was dismissed or nolle prosequi by the state  
3486 attorney or statewide prosecutor, or was dismissed by a court of  
3487 competent jurisdiction or a judgment of acquittal was rendered  
3488 by a judge, or a verdict of not guilty was rendered by a judge  
3489 or jury.

3490 (c) The person is not seeking to expunge a criminal history  
3491 record that is ineligible for court-ordered expunction pursuant  
3492 to s. 943.0584.

3493 (d) The person has never, as of the date the application  
3494 for a certificate of expunction is filed, been adjudicated  
3495 guilty in this state of a criminal offense or been adjudicated  
3496 delinquent in this state for committing any felony or any of the  
3497 following misdemeanors, unless the record of such adjudication  
3498 of delinquency has been expunged pursuant to s. 943.0515:

- 3499 1. Assault, as defined in s. 784.011;  
3500 2. Battery, as defined in s. 784.03;  
3501 3. Assault on a law enforcement officer, a firefighter, or  
3502 other specified officers, as defined in s. 784.07(2)(a);  
3503 4. Carrying a concealed weapon, as defined in s. 790.01(1);  
3504 5. Open carrying of a weapon, as defined in s. 790.053;  
3505 6. Unlawful possession or discharge of a weapon or firearm  
3506 at a school-sponsored event or on school property, as defined in  
3507 s. 790.115;



793174

576-04422-19

3508           7. Unlawful use of destructive devices or bombs, as defined  
3509 in s. 790.1615(1);

3510           8. Unlawful possession of a firearm, as defined in s.  
3511 790.22(5);

3512           9. Exposure of sexual organs, as defined in s. 800.03;

3513           10. Arson, as defined in s. 806.031(1);

3514           11. Petit theft, as defined in s. 812.014(3);

3515           12. Neglect of a child, as defined in s. 827.03(1)(e); or

3516           13. Cruelty to animals, as defined in s. 828.12(1).

3517           (e) The person has not been adjudicated guilty of, or  
3518 adjudicated delinquent for committing, any of the acts stemming  
3519 from the arrest or alleged criminal activity to which the  
3520 petition pertains.

3521           (f) The person is no longer under court supervision  
3522 applicable to the disposition of arrest or alleged criminal  
3523 activity to which the petition to expunge pertains.

3524           (g) The person has never secured a prior sealing or  
3525 expunction of a criminal history record under this section, s.  
3526 943.059, former s. 893.14, former s. 901.33, or former s.  
3527 943.058, unless expunction is sought of a criminal history  
3528 record previously sealed for 10 years pursuant to paragraph (h)  
3529 and the record is otherwise eligible for expunction.

3530           (h) The person has previously obtained a court order  
3531 sealing the criminal history record under this section, former  
3532 s. 893.14, former s. 901.33, or former s. 943.058 for a minimum  
3533 of 10 years because adjudication was withheld or because all  
3534 charges related to the arrest or alleged criminal activity to  
3535 which the petition to expunge pertains were not dismissed before  
3536 trial, without regard to whether the outcome of the trial was



793174

576-04422-19

3537 other than an adjudication of guilt. The requirement for the  
3538 record to have previously been sealed for a minimum of 10 years  
3539 does not apply if a plea was not entered or all charges related  
3540 to the arrest or alleged criminal activity to which the petition  
3541 to expunge pertains were dismissed before trial or a judgment of  
3542 acquittal was rendered by a judge or a verdict of not guilty was  
3543 rendered by a judge or jury.

3544 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court  
3545 to expunge a criminal history record, a person seeking to  
3546 expunge a criminal history record must apply to the department  
3547 for a certificate of eligibility for expunction. The department  
3548 shall adopt rules to establish procedures for applying for and  
3549 issuing a certificate of eligibility for expunction.

3550 (a) The department shall issue a certificate of eligibility  
3551 for expunction to a person who is the subject of a criminal  
3552 history record if that person:

3553 1. Satisfies the eligibility criteria in paragraphs (1) (a)–  
3554 (h) and is not ineligible under s. 943.0584.

3555 2. Has submitted to the department a written certified  
3556 statement from the appropriate state attorney or statewide  
3557 prosecutor which confirms the criminal history record complies  
3558 with the criteria in paragraph (1) (a) or paragraphs (1) (b) and  
3559 (c).

3560 3. Has submitted to the department a certified copy of the  
3561 disposition of the charge to which the petition to expunge  
3562 pertains.

3563 4. Remits a \$75 processing fee to the department for  
3564 placement in the Department of Law Enforcement Operating Trust  
3565 Fund, unless the executive director waives such fee.



793174

576-04422-19

3566       (b) A certificate of eligibility for expunction is valid  
3567 for 12 months after the date stamped on the certificate when  
3568 issued by the department. After that time, the petitioner must  
3569 reapply to the department for a new certificate of eligibility.  
3570 The petitioner's status and the law in effect at the time of the  
3571 renewal application determine the petitioner's eligibility.

3572       (3) PETITION.—Each petition to expunge a criminal history  
3573 record must be accompanied by:

3574       (a) A valid certificate of eligibility issued by the  
3575 department.

3576       (b) The petitioner's sworn statement that he or she:

3577       1. Satisfies the eligibility requirements for expunction in  
3578 subsection (1).

3579       2. Is eligible for expunction to the best of his or her  
3580 knowledge and does not have any other petition to seal or  
3581 expunge a criminal history record pending before any court.

3582  
3583 A person who knowingly provides false information on such sworn  
3584 statement commits a felony of the third degree, punishable as  
3585 provided in s. 775.082, s. 775.083, or s. 775.084.

3586       (4) COURT AUTHORITY.—

3587       (a) The courts of this state have jurisdiction over their  
3588 own procedures, including the maintenance, expunction, and  
3589 correction of judicial records containing criminal history  
3590 information to the extent that such procedures are not  
3591 inconsistent with the conditions, responsibilities, and duties  
3592 established by this section.

3593       (b) A court of competent jurisdiction may order a criminal  
3594 justice agency to expunge the criminal history record of a minor



793174

576-04422-19

3595 or an adult who complies with the requirements of this section.  
3596 The court may not order a criminal justice agency to expunge a  
3597 criminal history record until the person seeking to expunge a  
3598 criminal history record has applied for and received a  
3599 certificate of eligibility under subsection (2).

3600 (c) The court may order expunction of a criminal history  
3601 record pertaining to one arrest or one incident of alleged  
3602 criminal activity only, except that the court may order the  
3603 expunction of a criminal history record pertaining to more than  
3604 one arrest if the additional arrests directly relate to the  
3605 original arrest. If the court intends to order the expunction of  
3606 records pertaining to such additional arrests, such intent must  
3607 be specified in the order. A criminal justice agency may not  
3608 expunge any record pertaining to such additional arrests if the  
3609 order to expunge does not articulate the intention of the court  
3610 to expunge a record pertaining to more than one arrest. This  
3611 section does not prevent the court from ordering the expunction  
3612 of only a portion of a criminal history record pertaining to one  
3613 arrest or one incident of alleged criminal activity.

3614 (d) Notwithstanding any law to the contrary, a criminal  
3615 justice agency may comply with laws, court orders, and official  
3616 requests of other jurisdictions relating to expunction,  
3617 correction, or confidential handling of criminal history records  
3618 or information derived therefrom.

3619 (e) This section does not confer any right to expunction of  
3620 any criminal history record, and any request for expunction of a  
3621 criminal history record may be denied at the sole discretion of  
3622 the court.

3623 (5) PROCESSING OF A PETITION OR AN ORDER.-



793174

576-04422-19

3624           (a) In judicial proceedings under this section, a copy of  
3625 the completed petition to expunge shall be served upon the  
3626 appropriate state attorney or the statewide prosecutor and upon  
3627 the arresting agency; however, it is not necessary to make any  
3628 agency other than the state a party. The appropriate state  
3629 attorney or the statewide prosecutor and the arresting agency  
3630 may respond to the court regarding the completed petition to  
3631 expunge.

3632           (b) If relief is granted by the court, the clerk of the  
3633 court shall certify copies of the order to the appropriate state  
3634 attorney or the statewide prosecutor and the arresting agency.  
3635 The arresting agency shall forward the order to any other agency  
3636 to which the arresting agency disseminated the criminal history  
3637 record information to which the order pertains. The department  
3638 shall forward the order to expunge to the Federal Bureau of  
3639 Investigation. The clerk of the court shall certify a copy of  
3640 the order to any other agency which the records of the court  
3641 reflect has received the criminal history record from the court.

3642           (c) The department or any other criminal justice agency is  
3643 not required to act on an order to expunge entered by a court  
3644 when such order does not comply with the requirements of this  
3645 section. Upon receipt of such an order, the department must  
3646 notify the issuing court, the appropriate state attorney or  
3647 statewide prosecutor, the petitioner or the petitioner's  
3648 attorney, and the arresting agency of the reason for  
3649 noncompliance. The appropriate state attorney or statewide  
3650 prosecutor shall take action within 60 days to correct the  
3651 record and petition the court to void the order. No cause of  
3652 action, including contempt of court, shall arise against any



793174

576-04422-19

3653 criminal justice agency for failure to comply with an order to  
3654 expunge when the petitioner for such order failed to obtain the  
3655 certificate of eligibility as required by this section or such  
3656 order does not otherwise comply with the requirements of this  
3657 section.

3658 (6) EFFECT OF EXPUNCTION ORDER.—

3659 (a) Any criminal history record of a minor or an adult  
3660 which is ordered expunged by a court of competent jurisdiction  
3661 pursuant to this section must be physically destroyed or  
3662 obliterated by any criminal justice agency having custody of  
3663 such record, except that any criminal history record in the  
3664 custody of the department must be retained in all cases. A  
3665 criminal history record ordered expunged which is retained by  
3666 the department is confidential and exempt from s. 119.07(1) and  
3667 s. 24(a), Art. I of the State Constitution and not available to  
3668 any person or entity except upon order of a court of competent  
3669 jurisdiction. A criminal justice agency may retain a notation  
3670 indicating compliance with an order to expunge.

3671 (b) The person who is the subject of a criminal history  
3672 record that is expunged under this section or under other  
3673 provisions of law, including former s. 893.14, former s. 901.33,  
3674 and former s. 943.058, may lawfully deny or fail to acknowledge  
3675 the arrests covered by the expunged record, except when the  
3676 subject of the record:

3677 1. Is a candidate for employment with a criminal justice  
3678 agency;

3679 2. Is a defendant in a criminal prosecution;

3680 3. Concurrently or subsequently petitions for relief under  
3681 this section, s. 943.0583, or s. 943.059;



793174

576-04422-19

- 3682       4. Is a candidate for admission to The Florida Bar;
- 3683       5. Is seeking to be employed or licensed by or to contract  
3684 with the Department of Children and Families, the Division of  
3685 Vocational Rehabilitation within the Department of Education,  
3686 the Agency for Health Care Administration, the Agency for  
3687 Persons with Disabilities, the Department of Health, the  
3688 Department of Elderly Affairs, or the Department of Juvenile  
3689 Justice or to be employed or used by such contractor or licensee  
3690 in a sensitive position having direct contact with children, the  
3691 disabled, or the elderly;
- 3692       6. Is seeking to be employed or licensed by the Department  
3693 of Education, any district school board, any university  
3694 laboratory school, any charter school, any private or parochial  
3695 school, or any local governmental entity that licenses child  
3696 care facilities;
- 3697       7. Is seeking to be licensed by the Division of Insurance  
3698 Agent and Agency Services within the Department of Financial  
3699 Services; or
- 3700       8. Is seeking to be appointed as a guardian pursuant to s.  
3701 744.3125.
- 3702       (c) Subject to the exceptions in paragraph (b), a person  
3703 who has been granted an expunction under this section, former s.  
3704 893.14, former s. 901.33, or former s. 943.058 may not be held  
3705 under any provision of law of this state to commit perjury or to  
3706 be otherwise liable for giving a false statement by reason of  
3707 such person's failure to recite or acknowledge an expunged  
3708 criminal history record.
- 3709       (d) Information relating to the existence of an expunged  
3710 criminal history record which is provided in accordance with





793174

576-04422-19

3711 paragraph (a) is confidential and exempt from s. 119.07(1) and  
3712 s. 24(a), Art. I of the State Constitution, except that the  
3713 department shall disclose the existence of a criminal history  
3714 record ordered expunged to the entities set forth in  
3715 subparagraphs (b)1., 4., 5., 6., 7., and 8. for their respective  
3716 licensing, access authorization, and employment purposes and to  
3717 criminal justice agencies for their respective criminal justice  
3718 purposes. It is unlawful for any employee of an entity set forth  
3719 in subparagraph (b)1., 4., 5., 6., 7., or 8. to disclose  
3720 information relating to the existence of an expunged criminal  
3721 history record of a person seeking employment, access  
3722 authorization, or licensure with such entity or contractor,  
3723 except to the person to whom the criminal history record relates  
3724 or to persons having direct responsibility for employment,  
3725 access authorization, or licensure decisions. A person who  
3726 violates this paragraph commits a misdemeanor of the first  
3727 degree, punishable as provided in s. 775.082 or s. 775.083.

3728 Section 52. Section 943.059, Florida Statutes, is amended  
3729 to read:

3730 (Substantial rewording of section. See  
3731 s. 943.059, F.S., for present text.)

3732 943.059 Court-ordered sealing of criminal history records.-

3733 (1) ELIGIBILITY.-A person is eligible to petition a court  
3734 to seal a criminal history record when:

3735 (a) The criminal history record is not ineligible for  
3736 court-ordered sealing under s. 943.0584.

3737 (b) The person has never, before the date the application  
3738 for a certificate of eligibility is filed, been adjudicated  
3739 guilty in this state of a criminal offense, or been adjudicated



793174

576-04422-19

3740 delinquent in this state for committing any felony or any of the  
3741 following misdemeanor offenses, unless the record of such  
3742 adjudication of delinquency has been expunged pursuant to s.  
3743 943.0515:

- 3744 1. Assault, as defined in s. 784.011;  
3745 2. Battery, as defined in s. 784.03;  
3746 3. Assault on a law enforcement officer, a firefighter, or  
3747 other specified officers, as defined in s. 784.07(2)(a);  
3748 4. Carrying a concealed weapon, as defined in s. 790.01(1);  
3749 5. Open carrying of a weapon, as defined in s. 790.053;  
3750 6. Unlawful possession or discharge of a weapon or firearm  
3751 at a school-sponsored event or on school property, as defined in  
3752 s. 790.115;  
3753 7. Unlawful use of destructive devices or bombs, as defined  
3754 in s. 790.1615(1);  
3755 8. Unlawful possession of a firearm by a minor, as defined  
3756 in s. 790.22(5);  
3757 9. Exposure of sexual organs, as defined in s. 800.03;  
3758 10. Arson, as defined in s. 806.031(1);  
3759 11. Petit theft, as defined in s. 812.014(3);  
3760 12. Neglect of a child, as defined in s. 827.03(1)(e); or  
3761 13. Cruelty to animals, as defined in s. 828.12(10).

3762 (c) The person has not been adjudicated guilty of, or  
3763 adjudicated delinquent for committing, any of the acts stemming  
3764 from the arrest or alleged criminal activity to which the  
3765 petition to seal pertains.

3766 (d) The person is no longer under court supervision  
3767 applicable to the disposition of arrest or alleged criminal  
3768 activity to which the petition to seal pertains.



793174

576-04422-19

3769           (e) The person has never secured a prior sealing or  
3770 expunction of a criminal history record under this section, s.  
3771 943.0585, former s. 893.14, former s. 901.33, or former s.  
3772 943.058.

3773           (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the  
3774 court to seal a criminal history record, a person seeking to  
3775 seal a criminal history record must apply to the department for  
3776 a certificate of eligibility for sealing. The department shall  
3777 adopt rules relating to the application for and issuance of  
3778 certificates of eligibility for sealing.

3779           (a) The department shall issue a certificate of eligibility  
3780 for sealing to a person who is the subject of a criminal history  
3781 record if that person:

3782           1. Satisfies the eligibility criteria in paragraphs (1) (a)-  
3783 (e) and is not ineligible for court-ordered sealing under s.  
3784 943.0584.

3785           2. Has submitted to the department a certified copy of the  
3786 disposition of charge to which the petition pertains.

3787           3. Remits a \$75 processing fee to the department for  
3788 placement in the Department of Law Enforcement Operating Trust  
3789 Fund, unless the executive director waives such fee.

3790           (b) A certificate of eligibility for sealing is valid for  
3791 12 months after the date stamped on the certificate when issued  
3792 by the department. After that time, the petitioner must reapply  
3793 to the department for a new certificate of eligibility. The  
3794 status of the applicant and the law in effect at the time of the  
3795 renewal application determine the petitioner's eligibility.

3796           (3) PETITION.—Each petition to a court to seal a criminal  
3797 history record is complete only when accompanied by:



793174

576-04422-19

3798       (a) A valid certificate of eligibility issued by the  
3799 department pursuant to this section.

3800       (b) The petitioner's sworn statement that the petitioner:  
3801       1. Satisfies the eligibility requirements for sealing in  
3802 subsection (1).

3803       2. Is eligible for sealing to the best of his or her  
3804 knowledge and does not have any other petition to seal or  
3805 expunge a criminal history record pending before any court.

3806

3807 Any person who knowingly provides false information on such  
3808 sworn statement to the court commits a felony of the third  
3809 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
3810 775.084.

3811       (4) COURT AUTHORITY.—

3812       (a) The courts of this state have jurisdiction over their  
3813 own procedures, including the maintenance, sealing, and  
3814 correction of judicial records containing criminal history  
3815 information to the extent that such procedures are not  
3816 inconsistent with the conditions, responsibilities, and duties  
3817 established by this section.

3818       (b) Any court of competent jurisdiction may order a  
3819 criminal justice agency to seal the criminal history record of a  
3820 minor or an adult who complies with the requirements of this  
3821 section. The court may not order a criminal justice agency to  
3822 seal a criminal history record until the person seeking to seal  
3823 a criminal history record has applied for and received a  
3824 certificate of eligibility pursuant to subsection (2).

3825       (c) The court may order the sealing of a criminal history  
3826 record pertaining to one arrest or one incident of alleged



793174

576-04422-19

3827 criminal activity only, except the court may order the sealing  
3828 of a criminal history record pertaining to more than one arrest  
3829 if the additional arrests directly relate to the original  
3830 arrest. If the court intends to order the sealing of records  
3831 pertaining to such additional arrests, such intent must be  
3832 specified in the order. A criminal justice agency may not seal  
3833 any record pertaining to such additional arrests if the order to  
3834 seal does not articulate the intention of the court to seal a  
3835 record pertaining to more than one arrest. This section does not  
3836 prevent the court from ordering the sealing of only a portion of  
3837 a criminal history record pertaining to one arrest or one  
3838 incident of alleged criminal activity.

3839 (d) Notwithstanding any law to the contrary, a criminal  
3840 justice agency may comply with laws, court orders, and official  
3841 requests of other jurisdictions relating to sealing, correction,  
3842 or confidential handling of criminal history records or  
3843 information derived therefrom.

3844 (e) This section does not confer any right to the sealing  
3845 of any criminal history record, and any request for sealing of a  
3846 criminal history record may be denied at the sole discretion of  
3847 the court.

3848 (5) PROCESSING OF A PETITION OR ORDER.—

3849 (a) In judicial proceedings under this section, a copy of  
3850 the completed petition to seal shall be served upon the  
3851 appropriate state attorney or the statewide prosecutor and upon  
3852 the arresting agency; however, it is not necessary to make any  
3853 agency other than the state a party. The appropriate state  
3854 attorney or the statewide prosecutor and the arresting agency  
3855 may respond to the court regarding the completed petition to



793174

576-04422-19

3856 seal.

3857 (b) If relief is granted by the court, the clerk of the  
3858 court shall certify copies of the order to the appropriate state  
3859 attorney or the statewide prosecutor and the arresting agency.

3860 The arresting agency is responsible for forwarding the order to  
3861 any other agency to which the arresting agency disseminated the  
3862 criminal history record information to which the order pertains.

3863 The department shall forward the order to seal to the Federal  
3864 Bureau of Investigation. The clerk of the court shall certify a  
3865 copy of the order to any other agency that the records of the  
3866 court reflect has received the criminal history record from the  
3867 court.

3868 (c) The department or any other criminal justice agency is  
3869 not required to act on an order to seal entered by a court when  
3870 such order does not comply with the requirements of this  
3871 section. Upon receipt of such an order, the department must  
3872 notify the issuing court, the appropriate state attorney or  
3873 statewide prosecutor, the petitioner or the petitioner's  
3874 attorney, and the arresting agency of the reason for  
3875 noncompliance. The appropriate state attorney or statewide  
3876 prosecutor shall take action within 60 days to correct the  
3877 record and petition the court to void the order. No cause of  
3878 action, including contempt of court, shall arise against any  
3879 criminal justice agency for failure to comply with an order to  
3880 seal when the petitioner for such order failed to obtain the  
3881 certificate of eligibility as required by this section or such  
3882 order does not otherwise comply with the requirements of this  
3883 section.

3884 (6) EFFECT OF ORDER.—



793174

576-04422-19

3885       (a) A criminal history record of a minor or an adult which  
3886 is ordered sealed by a court pursuant to this section is  
3887 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
3888 of the State Constitution and is available only to the following  
3889 persons:

- 3890       1. The subject of the record;  
3891       2. The subject's attorney;  
3892       3. Criminal justice agencies for their respective criminal  
3893 justice purposes, which include conducting a criminal history  
3894 background check for approval of firearms purchases or transfers  
3895 as authorized by state or federal law;

- 3896       4. Judges in the state courts system for the purpose of  
3897 assisting them in their case-related decisionmaking  
3898 responsibilities, as set forth in s. 943.053(5); or

- 3899       5. To those entities set forth in subparagraphs (b)1., 4.,  
3900 5., 6., 8., 9., and 10. for their respective licensing access  
3901 authorization and employment purposes.

3902       (b) The subject of the criminal history record sealed under  
3903 this section or under other provisions of law, including former  
3904 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
3905 deny or fail to acknowledge the arrests covered by the sealed  
3906 record, except when the subject of the record:

- 3907       1. Is a candidate for employment with a criminal justice  
3908 agency;  
3909       2. Is a defendant in a criminal prosecution;  
3910       3. Concurrently or subsequently petitions for relief under  
3911 this section, s. 943.0583, or s. 943.0585;  
3912       4. Is a candidate for admission to The Florida Bar;  
3913       5. Is seeking to be employed or licensed by or to contract



793174

576-04422-19

3914 with the Department of Children and Families, the Division of  
3915 Vocational Rehabilitation within the Department of Education,  
3916 the Agency for Health Care Administration, the Agency for  
3917 Persons with Disabilities, the Department of Health, the  
3918 Department of Elderly Affairs, or the Department of Juvenile  
3919 Justice or to be employed or used by such contractor or licensee  
3920 in a sensitive position having direct contact with children, the  
3921 disabled, or the elderly;

3922 6. Is seeking to be employed or licensed by the Department  
3923 of Education, a district school board, a university laboratory  
3924 school, a charter school, a private or parochial school, or a  
3925 local governmental entity that licenses child care facilities;

3926 7. Is attempting to purchase a firearm from a licensed  
3927 importer, licensed manufacturer, or licensed dealer and is  
3928 subject to a criminal history check under state or federal law;

3929 8. Is seeking to be licensed by the Division of Insurance  
3930 Agent and Agency Services within the Department of Financial  
3931 Services;

3932 9. Is seeking to be appointed as a guardian pursuant to s.  
3933 744.3125; or

3934 10. Is seeking to be licensed by the Bureau of License  
3935 Issuance of the Division of Licensing within the Department of  
3936 Agriculture and Consumer Services to carry a concealed weapon or  
3937 concealed firearm. This subparagraph applies only in the  
3938 determination of an applicant's eligibility under s. 790.06.

3939 (c) Subject to the exceptions in paragraph (b), a person  
3940 who has been granted a sealing under this section, former s.  
3941 893.14, former s. 901.33, or former s. 943.058 may not be held  
3942 under any provision of law of this state to commit perjury or to





793174

576-04422-19

3943 be otherwise liable for giving a false statement by reason of  
3944 such person's failure to recite or acknowledge a sealed criminal  
3945 history record.

3946 (d) Information relating to the existence of a sealed  
3947 criminal history record provided in accordance with paragraph  
3948 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),  
3949 Art. I of the State Constitution, except that the department  
3950 shall disclose the sealed criminal history record to the  
3951 entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9.,  
3952 and 10. for their respective licensing, access authorization,  
3953 and employment purposes. An employee of an entity set forth in  
3954 subparagraph (b)1., (b)4., (b)5., (b)6., (b)8., (b)9., or (b)10.  
3955 may not disclose information relating to the existence of a  
3956 sealed criminal history record of a person seeking employment,  
3957 access authorization, or licensure with such entity or  
3958 contractor, except to the person to whom the criminal history  
3959 record relates or to persons having direct responsibility for  
3960 employment, access authorization, or licensure decisions. A  
3961 person who violates this paragraph commits a misdemeanor of the  
3962 first degree, punishable as provided in s. 775.082 or s.  
3963 775.083.

3964 Section 53. Section 943.0595, Florida Statutes, is created  
3965 to read:

3966 943.0595 Automatic sealing of criminal history records.—

3967 (1) RULEMAKING.—Notwithstanding any law dealing generally  
3968 with the preservation and destruction of public records, the  
3969 department shall adopt rules addressing the automatic sealing of  
3970 any criminal history record of a minor or adult described in  
3971 this section.



793174

576-04422-19

3972 (2) ELIGIBILITY.—

3973 (a) The department shall automatically seal a criminal  
3974 history record when:

3975 1. An indictment, information, or other charging document  
3976 was not filed or issued in the case giving rise to the criminal  
3977 history record.

3978 2. An indictment, information, or other charging document  
3979 was filed in the case giving rise to the criminal history  
3980 record, but was dismissed or nolle prosequi by the state  
3981 attorney or statewide prosecutor or was dismissed by a court of  
3982 competent jurisdiction. However, a person is not eligible for  
3983 automatic sealing under this section if the dismissal was  
3984 pursuant to s. 916.145 or s. 985.19.

3985 3. A not guilty verdict was rendered by a judge or jury.  
3986 However, a person is not eligible for automatic sealing under  
3987 this section if the defendant was found not guilty by reason of  
3988 insanity.

3989 4. A judgment of acquittal was rendered by a judge.

3990 (b) There is no limitation on the number of times a person  
3991 may obtain an automatic sealing for a criminal history record  
3992 described in paragraph (a).

3993 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

3994 (a) Upon the disposition of a criminal case resulting in a  
3995 criminal history record eligible for automatic sealing under  
3996 paragraph (2) (a), the clerk of the court shall transmit a  
3997 certified copy of the disposition of the criminal history record  
3998 to the department, which shall seal the criminal history record  
3999 upon receipt of the certified copy.

4000 (b) Automatic sealing of a criminal history record does not



793174

576-04422-19

4001 require sealing by the court or other criminal justice agencies,  
4002 or that such record be surrendered to the court, and such record  
4003 shall continue to be maintained by the department and other  
4004 criminal justice agencies.

4005 (c) Except as provided in this section, automatic sealing  
4006 of a criminal history record shall have the same effect, and the  
4007 department may disclose such a record in the same manner, as a  
4008 record sealed under s. 943.059.

4009 Section 54. Paragraph (b) of subsection (1) of section  
4010 943.325, Florida Statutes, is amended to read:

4011 943.325 DNA database.—

4012 (1) LEGISLATIVE INTENT.—

4013 (b) The Legislature also finds that, upon establishment of  
4014 the Florida DNA database, a match between casework evidence DNA  
4015 samples from a criminal investigation and DNA samples from a  
4016 state or federal DNA database of certain offenders may be used  
4017 to find probable cause for the issuance of a warrant for arrest  
4018 or to obtain the DNA sample from an offender.

4019 Section 55. Effective upon this act becoming a law,  
4020 subsections (9) and (10) are added to section 943.6871, Florida  
4021 Statutes, to read:

4022 943.6871 Criminal justice data transparency.—In order to  
4023 facilitate the availability of comparable and uniform criminal  
4024 justice data, the department shall:

4025 (9) Keep all information received by the department under  
4026 s. 900.05 which is confidential and exempt when collected by the  
4027 reporting agency confidential and exempt for purposes of this  
4028 section and s. 900.05.

4029 (10) Commission a racial impact statement for each criminal



793174

576-04422-19

4030 justice bill that is heard before a committee of the Senate or  
4031 the House of Representatives during a session of the  
4032 Legislature. The impact statement must estimate the anticipated  
4033 effects the proposed criminal justice legislation may have on  
4034 racial inequality among the residents of this state and must  
4035 indicate whether the proposed legislation would increase,  
4036 decrease, or have no impact on racial inequality or whether the  
4037 impact is indeterminable. To the extent feasible, the impact  
4038 statement should include quantifiable data. The impact statement  
4039 must specify the methodologies and assumptions used in its  
4040 preparation.

4041 Section 56. Paragraphs (b) and (f) of subsection (4) of  
4042 section 944.275, Florida Statutes, are amended to read:

4043 944.275 Gain-time.—

4044 (4)

4045 (b) For each month in which an inmate works diligently,  
4046 participates in training, uses time constructively, or otherwise  
4047 engages in positive activities, the department may grant  
4048 incentive gain-time in accordance with this paragraph. The rate  
4049 of incentive gain-time in effect on the date the inmate  
4050 committed the offense that ~~which~~ resulted in his or her  
4051 incarceration shall be the inmate's rate of eligibility to earn  
4052 incentive gain-time throughout the period of incarceration and  
4053 may ~~shall~~ not be altered by a subsequent change in the severity  
4054 level of the offense for which the inmate was sentenced.

4055 1. For sentences imposed for offenses committed before  
4056 ~~prior to~~ January 1, 1994, up to 20 days of incentive gain-time  
4057 may be granted. If granted, such gain-time shall be credited and  
4058 applied monthly.



793174

576-04422-19

4059           2. For sentences imposed for offenses committed on or after  
4060 January 1, 1994, and before October 1, 1995:

4061           a. For offenses ranked in offense severity levels 1 through  
4062 7, under former s. 921.0012 or former s. 921.0013, up to 25 days  
4063 of incentive gain-time may be granted. If granted, such gain-  
4064 time shall be credited and applied monthly.

4065           b. For offenses ranked in offense severity levels 8, 9, and  
4066 10, under former s. 921.0012 or former s. 921.0013, up to 20  
4067 days of incentive gain-time may be granted. If granted, such  
4068 gain-time shall be credited and applied monthly.

4069           3. For sentences imposed for offenses committed on or after  
4070 October 1, 1995, and retroactive to October 1, 1995, the  
4071 department may grant up to 20 ~~10~~ days per month of incentive  
4072 gain-time except that:

4073           a. If the offense is a nonviolent felony, as defined in s.  
4074 948.08(6), the prisoner is not eligible to earn any type of  
4075 gain-time in an amount that would cause a sentence to expire,  
4076 end, or terminate, or that would result in a prisoner's release,  
4077 before he or she serves a minimum of 65 percent of the sentence  
4078 imposed. For purposes of this sub-subparagraph, credits awarded  
4079 by the court for time physically incarcerated must be credited  
4080 toward satisfaction of 65 percent of the sentence imposed. A  
4081 prisoner who is granted incentive gain-time pursuant to this  
4082 sub-subparagraph may not accumulate further gain-time awards at  
4083 any point when the tentative release date is the same as that  
4084 date at which the prisoner will have served 65 percent of the  
4085 sentence imposed. State prisoners sentenced to life imprisonment  
4086 must be incarcerated for the rest of their natural lives, unless  
4087 granted pardon or clemency.



793174

576-04422-19

4088           b. If the offense is not a nonviolent felony, as defined in  
4089 s. 948.08(6), the prisoner is not eligible to earn any type of  
4090 gain-time in an amount that would cause a sentence to expire,  
4091 end, or terminate, or that would result in a prisoner's release,  
4092 before he or she serves a minimum of 85 percent of the sentence  
4093 imposed. For purposes of this sub-subparagraph, credits awarded  
4094 by the court for time physically incarcerated must be credited  
4095 toward satisfaction of 85 percent of the sentence imposed. A  
4096 prisoner who is granted incentive gain-time pursuant to this  
4097 sub-subparagraph may not accumulate further gain-time awards at  
4098 any point when the tentative release date is the same as that  
4099 date at which the prisoner will have served 85 percent of the  
4100 sentence imposed. State prisoners sentenced to life imprisonment  
4101 must be incarcerated for the rest of their natural lives, unless  
4102 granted pardon or clemency.

4103           ~~(f) An inmate who is subject to subparagraph (b)3. is not~~  
4104 ~~eligible to earn or receive gain-time under paragraph (a),~~  
4105 ~~paragraph (b), paragraph (c), or paragraph (d) or any other type~~  
4106 ~~of gain-time in an amount that would cause a sentence to expire,~~  
4107 ~~end, or terminate, or that would result in a prisoner's release,~~  
4108 ~~prior to serving a minimum of 85 percent of the sentence~~  
4109 ~~imposed. For purposes of this paragraph, credits awarded by the~~  
4110 ~~court for time physically incarcerated shall be credited toward~~  
4111 ~~satisfaction of 85 percent of the sentence imposed. Except as~~  
4112 ~~provided by this section, a prisoner may not accumulate further~~  
4113 ~~gain-time awards at any point when the tentative release date is~~  
4114 ~~the same as that date at which the prisoner will have served 85~~  
4115 ~~percent of the sentence imposed. State prisoners sentenced to~~  
4116 ~~life imprisonment shall be incarcerated for the rest of their~~



793174

576-04422-19

4117 ~~natural lives, unless granted pardon or clemency.~~

4118 Section 57. Subsection (2) of section 944.47, Florida  
4119 Statutes, is amended to read:

4120 944.47 Introduction, removal, or possession of contraband  
4121 ~~certain articles unlawful; penalty.-~~

4122 (2) (a) A person who violates ~~any provision of~~ this section  
4123 as it pertains to an article of contraband described in  
4124 subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph  
4125 (1)(a)6. commits a felony of the third degree, punishable as  
4126 provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In~~  
4127 ~~all other cases,~~ a violation of ~~a provision of~~ this section is  
4128 ~~constitutes~~ a felony of the second degree, punishable as  
4129 provided in s. 775.082, s. 775.083, or s. 775.084.

4130 (b) A violation of this section by an employee, as defined  
4131 in s. 944.115(2)(b), who uses or attempts to use the powers,  
4132 rights, privileges, duties, or position of his or her employment  
4133 in the commission of the violation is ranked one level above the  
4134 ranking specified in s. 921.0022 or s. 921.0023 for the offense  
4135 committed.

4136 Section 58. Section 944.704, Florida Statutes, is amended  
4137 to read:

4138 944.704 Staff who provide transition assistance; duties.-

4139 (1) The department shall provide a transition assistance  
4140 specialist at each of the major institutions.

4141 (2) The department may increase the number of transition  
4142 assistance specialists in proportion to the number of inmates  
4143 served at each of the major institutions and may increase the  
4144 number of employment specialists per judicial circuit based on  
4145 the number of released inmates served under community



793174

576-04422-19

4146 supervision in that circuit, subject to appropriations.

4147 (3) The transition assistance specialists' whose duties  
4148 include, but are not limited to:

4149 (a)~~(1)~~ Coordinating delivery of transition assistance  
4150 program services at the institution and at the community  
4151 correctional centers authorized pursuant to s. 945.091(1)(b).

4152 (b)~~(2)~~ Assisting in the development of each inmate's  
4153 postrelease plan.

4154 (c)~~(3)~~ Obtaining job placement information. Such  
4155 information must include identifying any job assignment  
4156 credentialing or industry certifications for which the inmate is  
4157 eligible.

4158 (d)~~(4)~~ Providing a written medical discharge plan and  
4159 referral to a county health department.

4160 (e)~~(5)~~ For an inmate who is known to be HIV positive,  
4161 providing a 30-day supply of all HIV/AIDS-related medication  
4162 that the inmate is taking before ~~prior to~~ release, if required  
4163 under protocols of the Department of Corrections and treatment  
4164 guidelines of the United States Department of Health and Human  
4165 Services.

4166 (f)~~(6)~~ Facilitating placement in a private transition  
4167 housing program, if requested by any eligible inmate. If an  
4168 inmate who is nearing his or her date of release requests  
4169 placement in a contracted substance abuse transition housing  
4170 program, the transition assistance specialist shall inform the  
4171 inmate of program availability and assess the inmate's need and  
4172 suitability for transition housing assistance. If an inmate is  
4173 approved for placement, the specialist shall assist the inmate  
4174 and coordinate the release of the inmate with the selected





793174

576-04422-19

4175 program. If an inmate requests and is approved for placement in  
4176 a contracted faith-based substance abuse transition housing  
4177 program, the specialist must consult with the chaplain before  
4178 ~~prior to~~ such placement. In selecting inmates who are nearing  
4179 their date of release for placement in a faith-based program,  
4180 the department shall ensure that an inmate's faith orientation,  
4181 or lack thereof, will not be considered in determining admission  
4182 to the program and that the program does not attempt to convert  
4183 an inmate toward a particular faith or religious preference.

4184 (g) ~~(7)~~ Providing a photo identification card to all inmates  
4185 before ~~prior to~~ their release.

4186 (4) A ~~The~~ transition assistance specialist may not be a  
4187 correctional officer or correctional probation officer as  
4188 defined in s. 943.10.

4189 Section 59. Present subsections (3) through (6) of section  
4190 944.705, Florida Statutes, are redesignated as subsections (4)  
4191 through (7), respectively, and a new subsection (3) and  
4192 subsections (8) through (12) are added to that section, to read:

4193 944.705 Release orientation program.-

4194 (3) (a) The department shall establish a toll-free hotline  
4195 for the benefit of released inmates. The hotline shall provide  
4196 information to released inmates seeking to obtain post-release  
4197 referrals for community-based reentry services.

4198 (b) Before an inmate's release, the department shall  
4199 provide the inmate with a comprehensive community reentry  
4200 resource directory organized by county and which must include  
4201 the name, address, and a description of the services offered by  
4202 each reentry service provider. The directory must also include  
4203 the name, address, and telephone number of existing portals of



793174

576-04422-19

4204 entry and the toll-free hotline number required by paragraph  
4205 (a).

4206 (c) The department shall expand the use of the Spectrum  
4207 system to provide inmates and offenders with community-specific  
4208 reentry service provider referrals.

4209 (8) A nonprofit faith-based or professional business, or a  
4210 civic or community organization, may apply for registration with  
4211 the department to provide inmate reentry services. Reentry  
4212 services include, but are not limited to, counseling; providing  
4213 information on housing and job placement; money management  
4214 assistance; and programs that address substance abuse, mental  
4215 health, or co-occurring conditions.

4216 (9) The department shall adopt policies and procedures for  
4217 screening, approving, and registering an organization that  
4218 applies under subsection (8). The department may deny approval  
4219 and registration of an organization or a representative from an  
4220 organization if it determines that the organization or  
4221 representative does not meet the department's policies and  
4222 procedures.

4223 (10) The department may contract with a public or private  
4224 educational institution's veteran advocacy clinic or veteran  
4225 legal clinic to assist qualified veteran inmates in applying for  
4226 veterans' benefits upon release.

4227 (11) The department may contract with public or private  
4228 organizations to establish transitional employment programs that  
4229 provide employment opportunities for released inmates.

4230 (12) The department shall adopt rules to implement this  
4231 section.

4232 Section 60. Present subsections (4), (5), and (6) of



793174

576-04422-19

4233 section 944.801, Florida Statutes, are redesignated as  
4234 subsections (6), (7), and (8), respectively, and new subsections  
4235 (4) and (5) are added to that section, to read:

4236 944.801 Education for state prisoners.—

4237 (4) The department may expand the use of job assignment  
4238 credentialing and industry certifications.

4239 (5) The Correctional Education Program may establish a  
4240 prison entrepreneurship program and adopt procedures for  
4241 admitting student inmates. If the department elects to develop  
4242 the program, it must include at least 180 days of in-prison  
4243 education. The program curriculum must include a component on  
4244 developing a business plan, procedures for graduation and  
4245 certification of successful student inmates, and at least 90  
4246 days of transitional and postrelease continuing educational  
4247 services. Transitional and postrelease continuing educational  
4248 services may be offered to graduate student inmates on a  
4249 voluntary basis and are not a requirement for completion of the  
4250 program. The department shall enter into agreements with public  
4251 or private colleges or universities or other nonprofit entities  
4252 to implement the program. The program must be funded with  
4253 existing resources.

4254 Section 61. Subsection (1) of section 948.001, Florida  
4255 Statutes, is amended to read:

4256 948.001 Definitions.—As used in this chapter, the term:

4257 (1) "Administrative probation" means a form of no contact,  
4258 nonreporting supervision that may be imposed by order of the  
4259 court or transfer by the Department of Corrections as provided  
4260 in s. 948.013 in which an offender who presents a low risk of  
4261 harm to the community may, upon satisfactory completion of half



793174

576-04422-19

4262 ~~the term of probation, be transferred by the Department of~~  
4263 ~~Corrections to this type of reduced level of supervision, as~~  
4264 ~~provided in s. 948.013.~~

4265 Section 62. Subsection (1) of section 948.013, Florida  
4266 Statutes, is amended to read:

4267 948.013 Administrative probation.—

4268 (1) The Department of Corrections may transfer an offender  
4269 to administrative probation if he or she presents a low risk of  
4270 harm to the community and has satisfactorily completed at least  
4271 half of his or her probation term. ~~The department of Corrections~~  
4272 may establish procedures for transferring an offender to  
4273 administrative probation. The department may collect an initial  
4274 processing fee of up to \$50 for each probationer transferred to  
4275 administrative probation. The offender is exempt from further  
4276 payment for the cost of supervision as required in s. 948.09.

4277 Section 63. Subsection (3) is added to section 948.03,  
4278 Florida Statutes, to read:

4279 948.03 Terms and conditions of probation.—

4280 (3) The Department of Corrections shall include in the  
4281 Florida Crime Information Center system all conditions of  
4282 probation as determined by the court for each probationer.

4283 Section 64. Subsections (4), (5), and (6) are added to  
4284 section 948.04, Florida Statutes, to read:

4285 948.04 Period of probation; duty of probationer; early  
4286 termination; conversion of term.—

4287 (4) Except as provided in subsection (5), for defendants  
4288 sentenced to probation on or after October 1, 2019, the court,  
4289 upon motion by the probationer or the probation officer, shall  
4290 either early terminate the probationer's supervision or convert



793174

576-04422-19

4291 the supervisory term to administrative probation if all of the  
4292 following requirements are met:

4293 (a) The probationer has completed at least half of the term  
4294 of probation to which he or she was sentenced.

4295 (b) The probationer has successfully completed all other  
4296 conditions of probation.

4297 (c) The court has not found the probationer in violation of  
4298 probation pursuant to a filed affidavit of violation of  
4299 probation at any point during the current supervisory term.

4300 (d) The parties did not specifically exclude the  
4301 possibility of early termination or conversion to administrative  
4302 probation as part of a negotiated sentence.

4303 (e) The probationer does not qualify as a violent felony  
4304 offender of special concern under s. 948.06(8)(b).

4305 (5) Upon making written findings that continued reporting  
4306 probation is necessary to protect the community or the interests  
4307 of justice, the court may decline to early terminate the  
4308 probationary term or convert the term to administrative  
4309 probation for a probationer who is otherwise eligible under  
4310 subsection (4).

4311 (6) Subsections (4) and (5) do not apply to an offender on  
4312 community control. If an offender on community control is  
4313 subsequently placed on probation, he or she must complete half  
4314 of the probationary term to which he or she was sentenced,  
4315 without receiving credit for time served on community control,  
4316 before being eligible for mandatory early termination or  
4317 conversion to administrative probation under this section.

4318 Section 65. Section 948.05, Florida Statutes, is amended to  
4319 read:



793174

576-04422-19

4320           948.05 Court to admonish or commend probationer or offender  
4321 in community control; graduated incentives.-

4322           (1) A court may at any time cause a probationer or offender  
4323 in community control to appear before it to be admonished or  
4324 commended, and, when satisfied that its action will be for the  
4325 best interests of justice and the welfare of society, it may  
4326 discharge the probationer or offender in community control from  
4327 further supervision.

4328           (2) The department shall implement a system of graduated  
4329 incentives to promote compliance with the terms of supervision  
4330 and prioritize the highest levels of supervision for offenders  
4331 presenting the greatest risk of recidivism.

4332           (a) As part of the graduated incentives system, the  
4333 department may, without leave of court, offer the following  
4334 incentives to a compliant probationer or offender in community  
4335 control:

4336           1. Up to 25 percent reduction of required community service  
4337 hours;

4338           2. Waiver of supervision fees;

4339           3. Reduction in frequency of reporting;

4340           4. Permission to report by mail or telephone; or

4341           5. Transfer of an eligible offender to administrative  
4342 probation as authorized under s. 948.013.

4343           (b) The department may also incentivize positive behavior  
4344 and compliance with recommendations to the court to modify the  
4345 terms of supervision, including recommending:

4346           1. Permission to travel;

4347           2. Reduction of supervision type;

4348           3. Modification or cessation of curfew;



793174

576-04422-19

4349 4. Reduction or cessation of substance abuse testing; or  
4350 5. Early termination of supervision.

4351 (c) An offender who commits a subsequent violation of  
4352 probation may forfeit any previously earned probation incentive,  
4353 as determined appropriate by his or her probation officer.

4354 Section 66. Present paragraphs (c) through (g) of  
4355 subsection (1) of section 948.06, Florida Statutes, are  
4356 redesignated as paragraphs (d) through (h), respectively, a new  
4357 paragraph (c) is added to that subsection, and present paragraph  
4358 (h) of that subsection is amended, present paragraphs (f)  
4359 through (j) of subsection (2) are redesignated as paragraphs (g)  
4360 through (k), respectively, and a new paragraph (f) is added to  
4361 that subsection, and subsection (9) is added to that section, to  
4362 read:

4363 948.06 Violation of probation or community control;  
4364 revocation; modification; continuance; failure to pay  
4365 restitution or cost of supervision.—

4366 (1)

4367 (c) If a probationer or offender on community control  
4368 commits a technical violation, the probation officer shall  
4369 determine whether the probationer or offender on community  
4370 control is eligible for the alternative sanctioning program  
4371 under subsection (9). If the probation officer determines that  
4372 the probationer or offender on community control is eligible,  
4373 the probation officer may proceed with the alternative  
4374 sanctioning program in lieu of filing an affidavit of violation  
4375 with the court. For purposes of this section, the term  
4376 "technical violation" means an alleged violation of supervision  
4377 that is not a new felony offense, misdemeanor offense, or



793174

576-04422-19

4378 criminal traffic offense.

4379 ~~(h)1. The chief judge of each judicial circuit, in~~  
4380 ~~consultation with the state attorney, the public defender, and~~  
4381 ~~the department, may establish an alternative sanctioning program~~  
4382 ~~in which the department, after receiving court approval, may~~  
4383 ~~enforce specified sanctions for certain technical violations of~~  
4384 ~~supervision. For purposes of this paragraph, the term "technical~~  
4385 ~~violation" means any alleged violation of supervision that is~~  
4386 ~~not a new felony offense, misdemeanor offense, or criminal~~  
4387 ~~traffic offense.~~

4388 ~~2. To establish an alternative sanctioning program, the~~  
4389 ~~chief judge must issue an administrative order specifying:~~

4390 ~~a. Eligibility criteria.~~

4391 ~~b. The technical violations that are eligible for the~~  
4392 ~~program.~~

4393 ~~c. The sanctions that may be recommended by a probation~~  
4394 ~~officer for each technical violation.~~

4395 ~~d. The process for reporting technical violations through~~  
4396 ~~the alternative sanctioning program, including approved forms.~~

4397 ~~3. If an offender is alleged to have committed a technical~~  
4398 ~~violation of supervision that is eligible for the program, the~~  
4399 ~~offender may:~~

4400 ~~a. Waive participation in the alternative sanctioning~~  
4401 ~~program, in which case the probation officer may submit a~~  
4402 ~~violation report, affidavit, and warrant to the court in~~  
4403 ~~accordance with this section; or~~

4404 ~~b. Elect to participate in the alternative sanctioning~~  
4405 ~~program after receiving written notice of an alleged technical~~  
4406 ~~violation and a disclosure of the evidence against the offender,~~





793174

576-04422-19

4407 ~~admit to the technical violation, agree to comply with the~~  
4408 ~~probation officer's recommended sanction if subsequently ordered~~  
4409 ~~by the court, and agree to waive the right to:~~

4410 ~~(I) Be represented by legal counsel.~~

4411 ~~(II) Require the state to prove his or her guilt before a~~  
4412 ~~neutral and detached hearing body.~~

4413 ~~(III) Subpoena witnesses and present to a judge evidence in~~  
4414 ~~his or her defense.~~

4415 ~~(IV) Confront and cross-examine adverse witnesses.~~

4416 ~~(V) Receive a written statement from a factfinder as to the~~  
4417 ~~evidence relied on and the reasons for the sanction imposed.~~

4418 ~~4. If the offender admits to committing the technical~~  
4419 ~~violation and agrees with the probation officer's recommended~~  
4420 ~~sanction, the probation officer must, before imposing the~~  
4421 ~~sanction, submit the recommended sanction to the court as well~~  
4422 ~~as documentation reflecting the offender's admission to the~~  
4423 ~~technical violation and agreement with the recommended sanction.~~

4424 ~~5. The court may impose the recommended sanction or may~~  
4425 ~~direct the department to submit a violation report, affidavit,~~  
4426 ~~and warrant to the court in accordance with this section.~~

4427 ~~6. An offender's participation in an alternative~~  
4428 ~~sanctioning program is voluntary. The offender may elect to~~  
4429 ~~waive or discontinue participation in an alternative sanctioning~~  
4430 ~~program at any time before the issuance of a court order~~  
4431 ~~imposing the recommended sanction.~~

4432 ~~7. If an offender waives or discontinues participation in~~  
4433 ~~an alternative sanctioning program, the probation officer may~~  
4434 ~~submit a violation report, affidavit, and warrant to the court~~  
4435 ~~in accordance with this section. The offender's prior admission~~



793174

576-04422-19

4436 ~~to the technical violation may not be used as evidence in~~  
4437 ~~subsequent proceedings.~~

4438 (2)

4439 (f)1. Except as provided in subparagraph 3. or upon waiver  
4440 by the probationer, the court shall modify or continue a  
4441 probationary term upon finding a probationer in violation when  
4442 any of the following applies:

4443 a. The term of supervision is probation.

4444 b. The probationer does not qualify as a violent felony  
4445 offender of special concern, as defined in paragraph (8) (b).

4446 c. The violation is a low-risk technical violation, as  
4447 defined in paragraph (9) (b).

4448 d. The court has not previously found the probationer in  
4449 violation of his or her probation pursuant to a filed violation  
4450 of probation affidavit during the current term of supervision. A  
4451 probationer who has successfully completed sanctions through the  
4452 alternative sanctioning program is eligible for mandatory  
4453 modification or continuation of his or her probation.

4454 2. Upon modifying probation under subparagraph 1., the  
4455 court may include in the sentence a maximum of 90 days in county  
4456 jail as a special condition of probation.

4457 3. Notwithstanding s. 921.0024, if a probationer has less  
4458 than 90 days of supervision remaining on his or her term of  
4459 probation and meets the criteria for mandatory modification or  
4460 continuation in subparagraph 1., the court may revoke probation  
4461 and sentence the probationer to a maximum of 90 days in county  
4462 jail.

4463 4. For purposes of imposing a jail sentence under this  
4464 paragraph only, the court may grant credit only for time served



793174

576-04422-19

4465 in the county jail since the probationer's most recent arrest  
4466 for the violation. However, the court may not order the  
4467 probationer to a total term of incarceration greater than the  
4468 maximum provided by s. 775.082.

4469 (9) (a) Each judicial circuit shall establish an alternative  
4470 sanctioning program as provided in this subsection. The chief  
4471 judge of each judicial circuit may, by administrative order,  
4472 define additional sanctions or eligibility criteria and specify  
4473 the process for reporting technical violations through the  
4474 alternative sanctioning program. Any sanctions recommended for  
4475 imposition through an alternative sanctions program must be  
4476 submitted to the court by the probation officer for approval  
4477 before imposing the sanction.

4478 (b) As used in this subsection, the term "low-risk  
4479 violation," when committed by a probationer, means any of the  
4480 following:

- 4481 1. A positive drug or alcohol test result.
- 4482 2. Failure to report to the probation office.
- 4483 3. Failure to report a change in address or other required  
4484 information.
- 4485 4. Failure to attend a required class, treatment or  
4486 counseling session, or meeting.
- 4487 5. Failure to submit to a drug or alcohol test.
- 4488 6. A violation of curfew.
- 4489 7. Failure to meet a monthly quota on any required  
4490 probation condition, including, but not limited to, making  
4491 restitution payments, paying court costs, or completing  
4492 community service hours.
- 4493 8. Leaving the county without permission.



793174

576-04422-19

- 4494        9. Failure to report a change in employment.
- 4495        10. Associating with a person engaged in criminal activity.
- 4496        11. Any other violation as determined by administrative
- 4497 order of the chief judge of the circuit.
- 4498        (c) As used in this subsection, the term "moderate-risk
- 4499 violation" means any of the following:
- 4500            1. A violation identified in paragraph (b), when committed
- 4501 by an offender on community control.
- 4502            2. Failure to remain at an approved residence by an
- 4503 offender on community control.
- 4504            3. A third violation identified in paragraph (b) by a
- 4505 probationer within the current term of supervision.
- 4506            4. Any other violation as determined by administrative
- 4507 order of the chief judge of the circuit.
- 4508        (d) A probationer or offender on community control is not
- 4509 eligible for an alternative sanction if:
- 4510            1. He or she is a violent felony offender of special
- 4511 concern as defined in paragraph (8) (b);
- 4512            2. The violation is a felony, misdemeanor, or criminal
- 4513 traffic offense;
- 4514            3. The violation is absconding;
- 4515            4. The violation is of a stay-away order or no-contact
- 4516 order;
- 4517            5. The violation is not identified as low-risk or moderate-
- 4518 risk under this subsection or by administrative order;
- 4519            6. He or she has a prior moderate-risk level violation
- 4520 during the current term of supervision;
- 4521            7. He or she has three prior low-risk level violations
- 4522 during the same term of supervision;



793174

576-04422-19

4523 8. The term of supervision is scheduled to terminate in  
4524 less than 90 days; or

4525 9. The terms of the sentence prohibit alternative  
4526 sanctioning.

4527 (e) For a first or second low-risk violation, as defined in  
4528 paragraph (b), within the current term of supervision, a  
4529 probation officer may offer an eligible probationer one or more  
4530 of the following as an alternative sanction:

4531 1. Up to 5 days in the county jail.

4532 2. Up to 50 additional community service hours.

4533 3. Counseling or treatment.

4534 4. Support group attendance.

4535 5. Drug testing.

4536 6. Loss of travel or other privileges.

4537 7. Curfew for up to 30 days.

4538 8. House arrest for up to 30 days.

4539 9.a. Any other sanction as determined by administrative  
4540 order of the chief judge of the circuit.

4541 b. However, in no circumstance shall participation in an  
4542 alternative sanctioning program convert a withheld adjudication  
4543 to an adjudication of guilt.

4544 (f) For a first moderate-risk violation, as defined in  
4545 paragraph (c), within the current term of supervision, a  
4546 probation officer, with a supervisor's approval, may offer an  
4547 eligible probationer or offender on community control one or  
4548 more of the following as an alternative sanction:

4549 1. Up to 21 days in the county jail.

4550 2. Curfew for up to 90 days.

4551 3. House arrest for up to 90 days.



793174

576-04422-19

- 4552        4. Electronic monitoring for up to 90 days.
- 4553        5. Residential treatment for up to 90 days.
- 4554        6. Any other sanction available for a low-risk violation.
- 4555        7.a. Any other sanction as determined by administrative  
4556 order of the chief judge of the circuit.
- 4557        b. However, in no circumstance shall participation in an  
4558 alternative sanctioning program convert a withheld adjudication  
4559 to an adjudication of guilt.
- 4560        (g) The participation of a probationer or an offender on  
4561 community control in the program is voluntary. The probationer  
4562 or offender on community control may waive or discontinue  
4563 participation in the program at any time before the court  
4564 imposes a recommended sanction.
- 4565        (h)1. If a probationer or offender on community control is  
4566 eligible for the alternative sanctioning program under this  
4567 subsection, he or she may:
- 4568        a. Waive participation in the program, in which case the  
4569 probation officer may submit a violation report, affidavit, and  
4570 warrant to the court; or
- 4571        b. Elect to participate in the program after receiving  
4572 written notice of an alleged technical violation and disclosure  
4573 of the evidence against him or her, and admit the technical  
4574 violation, agree to comply with the probation officer's  
4575 recommended sanction if subsequently ordered by the court, and  
4576 agree to waive the right to:
- 4577        (I) Be represented by legal counsel.
- 4578        (II) Require the state to prove his or her guilt before a  
4579 neutral and detached hearing body.
- 4580        (III) Subpoena witnesses and present to a judge evidence in



793174

576-04422-19

4581 his or her defense.

4582 (IV) Confront and cross-examine adverse witnesses.

4583 (V) Receive a written statement from a judge as to the  
4584 evidence relied on and the reasons for the sanction imposed.

4585 2. If the probationer or offender on community control  
4586 admits to committing the technical violation and agrees with the  
4587 probation officer's recommended sanction, the probation officer  
4588 must, before imposing the sanction, submit the recommended  
4589 sanction to the court with documentation reflecting the  
4590 probationer's admission to the technical violation and agreement  
4591 with the recommended sanction.

4592 (i) The court may impose the recommended sanction or direct  
4593 the department to submit a violation report, affidavit, and  
4594 warrant to the court.

4595 (j) If a probationer or offender on community control  
4596 waives or discontinues participation in the program or fails to  
4597 successfully complete all alternative sanctions within 90 days  
4598 after imposition or within the timeframe specified in the  
4599 agreed-upon sanction, the probation officer may submit a  
4600 violation report, affidavit, and warrant to the court. A prior  
4601 admission by the probationer or offender on community control to  
4602 a technical violation may not be used as evidence in subsequent  
4603 proceedings.

4604 Section 67. Subsection (6) and paragraph (a) of subsection  
4605 (7) of section 948.08, Florida Statutes, are amended to read:  
4606 948.08 Pretrial intervention program.—

4607 (6) (a) For purposes of this subsection, the term  
4608 "nonviolent felony" means a third degree felony violation of  
4609 chapter 810 or any other felony offense that is not a forcible



793174

576-04422-19

4610 felony as defined in s. 776.08.

4611 (b) Notwithstanding any provision of this section, a person  
4612 ~~who is charged with a nonviolent felony and is identified as~~  
4613 ~~having a substance abuse problem or is charged with a felony of~~  
4614 ~~the second or third degree for purchase or possession of a~~  
4615 ~~controlled substance under chapter 893, prostitution, tampering~~  
4616 ~~with evidence, solicitation for purchase of a controlled~~  
4617 ~~substance, or obtaining a prescription by fraud; who has not~~  
4618 ~~been charged with a crime involving violence, including, but not~~  
4619 ~~limited to, murder, sexual battery, robbery, carjacking, home-~~  
4620 ~~invasion robbery, or any other crime involving violence; and who~~  
4621 ~~has not previously been convicted of a felony~~ is eligible for  
4622 voluntary admission into a pretrial substance abuse education  
4623 and treatment intervention program, including a treatment-based  
4624 drug court program established pursuant to s. 397.334, approved  
4625 by the chief judge of the circuit, for a period of not less than  
4626 1 year in duration, if he or she:

4627 1. Is identified as having a substance abuse problem and is  
4628 amenable to treatment.

4629 2. Is charged with a nonviolent felony.

4630 3. Has never been charged with a crime involving violence,  
4631 including, but not limited to, murder, sexual battery, robbery,  
4632 carjacking, home-invasion robbery, or any other crime involving  
4633 violence.

4634 4. Has two or fewer felony convictions, provided that the  
4635 prior convictions are for nonviolent felonies.

4636 (c) Upon motion of either party or the court's own motion,  
4637 and with the agreement of the defendant, the court shall admit  
4638 an eligible person into a pretrial substance abuse education and





793174

576-04422-19

4639 treatment intervention program, except:

4640 1. If a defendant was previously offered admission to a  
4641 pretrial substance abuse education and treatment intervention  
4642 program at any time before ~~prior to~~ trial and the defendant  
4643 rejected that offer on the record, ~~then~~ the court or the state  
4644 attorney may deny the defendant's admission to such a program.

4645 2. If the state attorney believes that the facts and  
4646 circumstances of the case suggest the defendant's involvement in  
4647 the dealing and selling of controlled substances, the court  
4648 shall hold a preadmission hearing. If the state attorney  
4649 establishes, by a preponderance of the evidence at such hearing,  
4650 that the defendant was involved in the dealing or selling of  
4651 controlled substances, the court shall deny the defendant's  
4652 admission into a pretrial intervention program.

4653 3. If the defendant has two or fewer prior felony  
4654 convictions as provided in subparagraph (b)4., the court, in its  
4655 discretion, may deny admission to such a program.

4656 (d) ~~(b)~~ While enrolled in a pretrial intervention program  
4657 authorized by this subsection, the participant is subject to a  
4658 coordinated strategy developed by a drug court team under s.  
4659 397.334(4). The coordinated strategy may include a protocol of  
4660 sanctions that may be imposed upon the participant for  
4661 noncompliance with program rules. The protocol of sanctions may  
4662 include, but is not limited to, placement in a substance abuse  
4663 treatment program offered by a licensed service provider as  
4664 defined in s. 397.311 or in a jail-based treatment program or  
4665 serving a period of incarceration within the time limits  
4666 established for contempt of court. The coordinated strategy must  
4667 be provided in writing to the participant before the participant



793174

576-04422-19

4668 agrees to enter into a pretrial treatment-based drug court  
4669 program or other pretrial intervention program. Any person whose  
4670 charges are dismissed after successful completion of the  
4671 treatment-based drug court program, if otherwise eligible, may  
4672 have his or her arrest record and plea of nolo contendere to the  
4673 dismissed charges expunged under s. 943.0585.

4674 (e)~~(e)~~ At the end of the pretrial intervention period, the  
4675 court shall consider the recommendation of the administrator  
4676 pursuant to subsection (5) and the recommendation of the state  
4677 attorney as to disposition of the pending charges. The court  
4678 shall determine, by written finding, whether the defendant has  
4679 successfully completed the pretrial intervention program.  
4680 Notwithstanding the coordinated strategy developed by a drug  
4681 court team pursuant to s. 397.334(4), if the court finds that  
4682 the defendant has not successfully completed the pretrial  
4683 intervention program, the court may order the person to continue  
4684 in education and treatment, which may include substance abuse  
4685 treatment programs offered by licensed service providers as  
4686 defined in s. 397.311 or jail-based treatment programs, or order  
4687 that the charges revert to normal channels for prosecution. The  
4688 court shall dismiss the charges upon a finding that the  
4689 defendant has successfully completed the pretrial intervention  
4690 program.

4691 (f)~~(d)~~ Any entity, whether public or private, providing a  
4692 pretrial substance abuse education and treatment intervention  
4693 program under this subsection must contract with the county or  
4694 appropriate governmental entity, and the terms of the contract  
4695 must include, but need not be limited to, the requirements  
4696 established for private entities under s. 948.15(3).



793174

576-04422-19

4697 (7) (a) Notwithstanding any provision of this section, a  
4698 person who is charged with a felony, other than a felony listed  
4699 in s. 948.06(8)(c), and identified as a veteran, as defined in  
4700 s. 1.01, including a veteran who is discharged or released under  
4701 a general discharge, or servicemember, as defined in s. 250.01;  
4702 an individual who is a current or former United States  
4703 Department of Defense contractor; or an individual who is a  
4704 current or former military member of a foreign allied country,  
4705 who suffers from a military service-related mental illness,  
4706 traumatic brain injury, substance abuse disorder, or  
4707 psychological problem, is eligible for voluntary admission into  
4708 a pretrial veterans' treatment intervention program approved by  
4709 the chief judge of the circuit, upon motion of either party or  
4710 the court's own motion, except:

4711 1. If a defendant was previously offered admission to a  
4712 pretrial veterans' treatment intervention program at any time  
4713 before trial and the defendant rejected that offer on the  
4714 record, the court may deny the defendant's admission to such a  
4715 program.

4716 2. If a defendant previously entered a court-ordered  
4717 veterans' treatment program, the court may deny the defendant's  
4718 admission into the pretrial veterans' treatment program.

4719 Section 68. Section 948.081, Florida Statutes, is created  
4720 to read:

4721 948.081 Community court programs.-

4722 (1) Each judicial circuit may establish a community court  
4723 program for defendants charged with certain misdemeanor  
4724 offenses. Each community court shall, at a minimum:

4725 (a) Adopt a nonadversarial approach.



793174

576-04422-19

4726 (b) Establish an advisory committee to recommend solutions  
4727 and sanctions in each case.

4728 (c) Provide for judicial leadership and interaction.

4729 (d) In each particular case, consider the needs of the  
4730 victim, consider individualized treatment services for the  
4731 defendant, and monitor the defendant's compliance.

4732 (2) The chief judge of the judicial circuit, by  
4733 administrative order, shall specify each misdemeanor offense  
4734 eligible for the community court program. In making such  
4735 determination, the chief judge shall consider the particular  
4736 needs and concerns of the communities within the judicial  
4737 circuit.

4738 (3) A defendant's entry into any community court program  
4739 must be voluntary.

4740 (4) The chief judge shall appoint a community court  
4741 resource coordinator, who shall:

4742 (a) Coordinate the responsibilities of the participating  
4743 agencies and service providers.

4744 (b) Provide case management services.

4745 (c) Monitor compliance by defendants with court  
4746 requirements.

4747 (d) Manage the collection of data for program evaluation  
4748 and accountability.

4749 (5) The chief judge of the judicial circuit shall appoint  
4750 members to an advisory committee for each community court. The  
4751 members of the advisory committee must include, at a minimum:

4752 (a) The chief judge or a community court judge designated  
4753 by the chief judge, who shall serve as chair.

4754 (b) The state attorney or his or her designee.



793174

576-04422-19

4755 (c) The public defender or his or her designee.

4756 (d) The community court resource coordinator.

4757

4758 The committee may also include community stakeholders, treatment  
4759 representatives, and other persons the chair deems appropriate.

4760 (6) The advisory committee shall review each defendant's  
4761 case. Each committee member may make recommendations to the  
4762 judge, including appropriate sanctions and treatment solutions  
4763 for the defendant. The judge shall consider such recommendations  
4764 and make the final decision concerning sanctions and treatment  
4765 with respect to each defendant.

4766 (7) Each judicial circuit shall report client-level and  
4767 programmatic data to the Office of the State Courts  
4768 Administrator annually for program evaluation. Client-level data  
4769 include primary offenses resulting in the community court  
4770 referral or sentence, treatment compliance, completion status,  
4771 reasons for failing to complete the program, offenses committed  
4772 during treatment and sanctions imposed, frequency of court  
4773 appearances, and units of service. Programmatic data include  
4774 referral and screening procedures, eligibility criteria, type  
4775 and duration of treatment offered, and residential treatment  
4776 resources.

4777 (8) The Department of Corrections, the Department of  
4778 Juvenile Justice, the Department of Health, the Department of  
4779 Law Enforcement, the Department of Education, law enforcement  
4780 agencies, and other governmental entities involved in the  
4781 criminal justice system shall support such community court  
4782 programs.

4783 (9) Community court program funding must be secured from



793174

576-04422-19

4784 sources other than the state for costs not assumed by the state  
4785 under s. 29.004. However, this subsection does not preclude the  
4786 use of funds provided for treatment and other services through  
4787 state executive branch agencies.

4788 Section 69. Paragraph (a) of subsection (2) of section  
4789 948.16, Florida Statutes, is amended to read:

4790 948.16 Misdemeanor pretrial substance abuse education and  
4791 treatment intervention program; misdemeanor pretrial veterans'  
4792 treatment intervention program; misdemeanor pretrial mental  
4793 health court program.—

4794 (2) (a) A veteran, as defined in s. 1.01, including a  
4795 veteran who is discharged or released under a general discharge,  
4796 or servicemember, as defined in s. 250.01; an individual who is  
4797 a current or former United States Department of Defense  
4798 contractor; or an individual who is a current or former military  
4799 member of a foreign allied country, who suffers from a military  
4800 service-related mental illness, traumatic brain injury,  
4801 substance abuse disorder, or psychological problem, and who is  
4802 charged with a misdemeanor is eligible for voluntary admission  
4803 into a misdemeanor pretrial veterans' treatment intervention  
4804 program approved by the chief judge of the circuit, for a period  
4805 based on the program's requirements and the treatment plan for  
4806 the offender, upon motion of either party or the court's own  
4807 motion. However, the court may deny the defendant admission into  
4808 a misdemeanor pretrial veterans' treatment intervention program  
4809 if the defendant has previously entered a court-ordered  
4810 veterans' treatment program.

4811 Section 70. Subsection (2) of section 948.21, Florida  
4812 Statutes, is amended to read:



793174

576-04422-19

4813           948.21 Condition of probation or community control;  
4814 military servicemembers, ~~and~~ veterans, and others.-

4815           (2) Effective for a probationer or community controllee  
4816 whose crime is committed on or after July 1, 2016, and who is a  
4817 veteran, as defined in s. 1.01, including a veteran who is  
4818 discharged or released under a general discharge, or  
4819 servicemember, as defined in s. 250.01; an individual who is a  
4820 current or former United States Department of Defense  
4821 contractor; or an individual who is a current or former military  
4822 member of a foreign allied country, who suffers from a military  
4823 service-related mental illness, traumatic brain injury,  
4824 substance abuse disorder, or psychological problem, the court  
4825 may, in addition to any other conditions imposed, impose a  
4826 condition requiring the probationer or community controllee to  
4827 participate in a treatment program capable of treating the  
4828 probationer or community controllee's mental illness, traumatic  
4829 brain injury, substance abuse disorder, or psychological  
4830 problem.

4831           Section 71. Section 951.22, Florida Statutes, is amended to  
4832 read:

4833           951.22 County detention facilities; contraband articles.-

4834           (1) It is unlawful, except through regular channels as duly  
4835 authorized by the sheriff or officer in charge, to introduce  
4836 into or possess upon the grounds of any county detention  
4837 facility as defined in s. 951.23 or to give to or receive from  
4838 any inmate of any such facility wherever said inmate is located  
4839 at the time or to take or to attempt to take or send therefrom  
4840 any of the following articles, which are hereby declared to be  
4841 contraband:



793174

576-04422-19

- 4842        ~~(a) for the purposes of this act, to wit:~~ Any written or  
4843 recorded communication.~~†~~
- 4844        ~~(b) Any currency or coin.†~~
- 4845        ~~(c) Any article of food or clothing.†~~
- 4846        ~~(d) Any tobacco products as defined in s. 210.25(12).†~~
- 4847        ~~(e) Any cigarette as defined in s. 210.01(1).†~~
- 4848        ~~(f) Any cigar.†~~
- 4849        ~~(g) Any intoxicating beverage or beverage that ~~which~~ causes~~  
4850 or may cause an intoxicating effect.~~†~~
- 4851        ~~(h) Any narcotic, hypnotic, or excitative drug or drug of~~  
4852 any kind or nature, including nasal inhalators, sleeping pills,  
4853 barbiturates, and controlled substances as defined in s.  
4854 893.02(4).~~†~~
- 4855        ~~(i) Any firearm or any instrumentality customarily used or~~  
4856 which is intended to be used as a dangerous weapon.~~†~~~~and~~
- 4857        ~~(j) Any instrumentality of any nature which ~~that~~ may be or~~  
4858 is intended to be used as an aid in effecting or attempting to  
4859 effect an escape from a county facility.
- 4860        ~~(k) Any cellular telephone or other portable communication~~  
4861 device as described in s. 944.47(1)(a)6. The term does not  
4862 include any device that has communication capabilities which has  
4863 been approved or issued by the sheriff or officer in charge for  
4864 investigative or institutional security purposes or for  
4865 conducting other official business.
- 4866        ~~(2) A person who ~~Whoever~~ violates paragraph (1)(a),  
4867 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph  
4868 (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a  
4869 misdemeanor of the first degree, punishable as provided in s.  
4870 775.082 or s. 775.083. A person who violates paragraph (1)(h),~~





793174

576-04422-19

4871 paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits  
4872 subsection (1) shall be guilty of a felony of the third degree,  
4873 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4874 Section 72. Subsection (1) of section 958.04, Florida  
4875 Statutes, is amended to read:

4876 958.04 Judicial disposition of youthful offenders.—

4877 (1) The court may sentence as a youthful offender any  
4878 person:

4879 (a) Who is at least 18 years of age or who has been  
4880 transferred for prosecution to the criminal division of the  
4881 circuit court pursuant to chapter 985;

4882 (b) Who is found guilty of or who has tendered, and the  
4883 court has accepted, a plea of nolo contendere or guilty to a  
4884 crime that is, under the laws of this state, a felony if such  
4885 crime was committed before the defendant turned 21 years of age  
4886 ~~the offender is younger than 21 years of age at the time~~  
4887 ~~sentence is imposed;~~ and

4888 (c) Who has not previously been classified as a youthful  
4889 offender under ~~the provisions of~~ this act; however, a person who  
4890 has been found guilty of a capital or life felony may not be  
4891 sentenced as a youthful offender under this act.

4892 Section 73. Subsections (2), (3), and (4) of section  
4893 960.07, Florida Statutes, are amended to read:

4894 960.07 Filing of claims for compensation.—

4895 (2) Except as provided in subsection (3), a claim must be  
4896 filed not later than 5 years ~~1 year~~ after:

4897 (a) The occurrence of the crime upon which the claim is  
4898 based.

4899 (b) The death of the victim or intervenor.



793174

576-04422-19

4900 (c) The death of the victim or intervenor is determined to  
4901 be the result of a crime, and the crime occurred after June 30,  
4902 1994.

4903  
4904 However, for good cause the department may extend the time for  
4905 filing for a period not exceeding 7 ~~2~~ years after such  
4906 occurrence.

4907 (3) Notwithstanding ~~the provisions of~~ subsection (2) and  
4908 regardless of when the crime occurred, if the victim or  
4909 intervenor was under the age of 18 at the time the crime upon  
4910 which the claim is based occurred, a claim may be filed in  
4911 accordance with this subsection.

4912 (a) The victim's or intervenor's parent or guardian may  
4913 file a claim on behalf of the victim or intervenor while the  
4914 victim or intervenor is less than 18 years of age; or

4915 (b) When a victim or intervenor who was under the age of 18  
4916 at the time the crime occurred reaches the age of 18, the victim  
4917 or intervenor has 5 years ~~1 year~~ within which to file a claim.

4918  
4919 For good cause, the department may extend the time period  
4920 allowed for filing a claim under paragraph (b) for an additional  
4921 period not to exceed 2 years ~~1 year~~.

4922 (4) Notwithstanding ~~The provisions of~~ subsection (2)  
4923 ~~notwithstanding~~, and regardless of when the crime occurred, a  
4924 victim of a sexually violent offense as defined in s. 394.912~~7~~  
4925 may file a claim for compensation for counseling or other mental  
4926 health services within 5 years ~~1 year~~ after the filing of a  
4927 petition under s. 394.914, to involuntarily civilly commit the  
4928 individual who perpetrated the sexually violent offense.



793174

576-04422-19

4929           Section 74. Paragraph (b) of subsection (1) of section  
4930 960.13, Florida Statutes, is amended to read:

4931           960.13 Awards.—

4932           (1)

4933           (b) In no case may an award be made when the record shows  
4934 that such report was made more than 5 days ~~72 hours~~ after the  
4935 occurrence of such crime unless the department, for good cause  
4936 shown, finds the delay to have been justified. The department,  
4937 upon finding that any claimant or award recipient has not duly  
4938 cooperated with the state attorney, all law enforcement  
4939 agencies, and the department, may deny, reduce, or withdraw any  
4940 award, as the case may be.

4941           Section 75. Subsection (1) of section 960.195, Florida  
4942 Statutes, is amended to read:

4943           960.195 Awards to elderly persons or disabled adults for  
4944 property loss.—

4945           (1) Notwithstanding the criteria in s. 960.13, for crime  
4946 victim compensation awards, the department may award a maximum  
4947 of \$500 on any one claim and a lifetime maximum of \$1,000 on all  
4948 claims to elderly persons or disabled adults who suffer a  
4949 property loss that causes a substantial diminution in their  
4950 quality of life when:

4951           (a) There is proof that a criminal or delinquent act was  
4952 committed;

4953           (b) The criminal or delinquent act is reported to law  
4954 enforcement authorities within 5 days ~~72 hours~~, unless the  
4955 department, for good cause shown, finds the delay to have been  
4956 justified;

4957           (c) There is proof that the tangible personal property in



793174

576-04422-19

4958 question belonged to the claimant;

4959 (d) The claimant did not contribute to the criminal or  
4960 delinquent act;

4961 (e) There is no other source of reimbursement or  
4962 indemnification available to the claimant; and

4963 (f) The claimant would not be able to replace the tangible  
4964 personal property in question without incurring a serious  
4965 financial hardship.

4966 Section 76. Paragraph (b) of subsection (2) of section  
4967 960.196, Florida Statutes, is amended to read:

4968 960.196 Relocation assistance for victims of human  
4969 trafficking.—

4970 (2) In order for an award to be granted to a victim for  
4971 relocation assistance:

4972 (b) The crime must be reported to the proper authorities  
4973 and the claim must be filed within 5 years ~~1 year~~, or 7 ~~2~~ years  
4974 with good cause, after the date of the last human trafficking  
4975 offense, as described in s. 787.06(3)(b), (d), (f), or (g). In a  
4976 case that exceeds the 7-year ~~2-year~~ requirement due to an active  
4977 and ongoing investigation, a state attorney, statewide  
4978 prosecutor, or federal prosecutor may certify in writing a human  
4979 trafficking victim's need to relocate from an unsafe environment  
4980 due to the threat of future violence which is directly related  
4981 to the human trafficking offense.

4982 Section 77. Effective upon this act becoming a law,  
4983 paragraphs (c), (d), and (f) of subsection (2) of section  
4984 985.12, Florida Statutes, are amended to read:

4985 985.12 Civil citation or similar prearrest diversion  
4986 programs.—



793174

576-04422-19

4987 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST  
4988 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

4989 (c) The state attorney of each circuit shall operate a  
4990 civil citation or similar prearrest diversion program in each  
4991 circuit. A sheriff, police department, county, municipality,  
4992 locally authorized entity, or public or private educational  
4993 institution may continue to operate an independent civil  
4994 citation or similar prearrest diversion program that is in  
4995 operation as of October 1, 2018, if the independent program is  
4996 reviewed by the state attorney of the applicable circuit and he  
4997 or she determines that the independent program is substantially  
4998 similar to the civil citation or similar prearrest diversion  
4999 program developed by the circuit. If the state attorney  
5000 determines that the independent program is not substantially  
5001 similar to the civil citation or similar prearrest diversion  
5002 program developed by the circuit, the operator of the  
5003 independent diversion program may revise the program and the  
5004 state attorney may conduct an additional review of the  
5005 independent program.

5006 (d) A judicial circuit may model an existing sheriff's,  
5007 police department's, county's, municipality's, locally  
5008 authorized entity's, or public or private educational  
5009 institution's independent civil citation or similar prearrest  
5010 diversion program in developing the civil citation or similar  
5011 prearrest diversion program for the circuit.

5012 (f) Each civil citation or similar prearrest diversion  
5013 program shall enter the appropriate youth data into the Juvenile  
5014 Justice Information System Prevention Web within 7 days after  
5015 the admission of the youth into the program ~~A copy of each civil~~



793174

576-04422-19

5016 ~~citation or similar prearrest diversion program notice issued~~  
5017 ~~under this section shall be provided to the department, and the~~  
5018 ~~department shall enter appropriate information into the juvenile~~  
5019 ~~offender information system.~~

5020 Section 78. Effective upon this act becoming a law,  
5021 subsection (2) and paragraph (c) of subsection (3) of section  
5022 985.126, Florida Statutes, are amended to read:

5023 985.126 Diversion programs; data collection; denial of  
5024 participation or expunged record.—

5025 (2) Upon issuance of documentation requiring a minor to  
5026 participate in a diversion program, before or without an arrest,  
5027 the issuing law enforcement officer shall send a copy of such  
5028 documentation to the entity designated to operate the diversion  
5029 program ~~and to the department~~, which shall enter such  
5030 information into the Juvenile Justice Information System  
5031 Prevention Web within 7 days after the youth's admission into  
5032 the program.

5033 (3)

5034 (c) The data required pursuant to paragraph (a) shall be  
5035 entered into the Juvenile Justice Information System Prevention  
5036 Web within 7 days after the youth's admission into the program  
5037 ~~submitted to the department quarterly.~~

5038 Section 79. Effective upon this act becoming a law,  
5039 paragraph (f) of subsection (1) of section 985.145, Florida  
5040 Statutes, is amended to read:

5041 985.145 Responsibilities of the department during intake;  
5042 screenings and assessments.—

5043 (1) The department shall serve as the primary case manager  
5044 for the purpose of managing, coordinating, and monitoring the



793174

576-04422-19

5045 services provided to the child. Each program administrator  
5046 within the Department of Children and Families shall cooperate  
5047 with the primary case manager in carrying out the duties and  
5048 responsibilities described in this section. In addition to  
5049 duties specified in other sections and through departmental  
5050 rules, the department shall be responsible for the following:

5051 ~~(f) Prevention web. For a child with a first-time~~  
5052 ~~misdemeanor offense, the department shall enter all related~~  
5053 ~~information into the Juvenile Justice Information System~~  
5054 ~~Prevention Web until such time as formal charges are filed. If~~  
5055 ~~formal charges are not filed, the information shall remain in~~  
5056 ~~the Juvenile Justice Information System Prevention Web until~~  
5057 ~~removed pursuant to department policies.~~

5058 Section 80. Subsection (2) of section 985.557, Florida  
5059 Statutes, is amended to read:

5060 985.557 Direct filing of an information; discretionary and  
5061 mandatory criteria.-

5062 ~~(2) MANDATORY DIRECT FILE.-~~

5063 ~~(a) With respect to any child who was 16 or 17 years of age~~  
5064 ~~at the time the alleged offense was committed, the state~~  
5065 ~~attorney shall file an information if the child has been~~  
5066 ~~previously adjudicated delinquent for an act classified as a~~  
5067 ~~felony, which adjudication was for the commission of, attempt to~~  
5068 ~~commit, or conspiracy to commit murder, sexual battery, armed or~~  
5069 ~~strong-armed robbery, carjacking, home invasion robbery,~~  
5070 ~~aggravated battery, or aggravated assault, and the child is~~  
5071 ~~currently charged with a second or subsequent violent crime~~  
5072 ~~against a person.~~

5073 ~~(b) With respect to any child 16 or 17 years of age at the~~



793174

576-04422-19

5074 ~~time an offense classified as a forcible felony, as defined in~~  
5075 ~~s. 776.08, was committed, the state attorney shall file an~~  
5076 ~~information if the child has previously been adjudicated~~  
5077 ~~delinquent or had adjudication withheld for three acts~~  
5078 ~~classified as felonies each of which occurred at least 45 days~~  
5079 ~~apart from each other. This paragraph does not apply when the~~  
5080 ~~state attorney has good cause to believe that exceptional~~  
5081 ~~circumstances exist which preclude the just prosecution of the~~  
5082 ~~juvenile in adult court.~~

5083 ~~(c) The state attorney must file an information if a child,~~  
5084 ~~regardless of the child's age at the time the alleged offense~~  
5085 ~~was committed, is alleged to have committed an act that would be~~  
5086 ~~a violation of law if the child were an adult, that involves~~  
5087 ~~stealing a motor vehicle, including, but not limited to, a~~  
5088 ~~violation of s. 812.133, relating to carjacking, or s.~~  
5089 ~~812.014(2)(c)6., relating to grand theft of a motor vehicle, and~~  
5090 ~~while the child was in possession of the stolen motor vehicle~~  
5091 ~~the child caused serious bodily injury to or the death of a~~  
5092 ~~person who was not involved in the underlying offense. For~~  
5093 ~~purposes of this section, the driver and all willing passengers~~  
5094 ~~in the stolen motor vehicle at the time such serious bodily~~  
5095 ~~injury or death is inflicted shall also be subject to mandatory~~  
5096 ~~transfer to adult court. "Stolen motor vehicle," for the~~  
5097 ~~purposes of this section, means a motor vehicle that has been~~  
5098 ~~the subject of any criminal wrongful taking. For purposes of~~  
5099 ~~this section, "willing passengers" means all willing passengers~~  
5100 ~~who have participated in the underlying offense.~~

5101 ~~(d)1. With respect to any child who was 16 or 17 years of~~  
5102 ~~age at the time the alleged offense was committed, the state~~





793174

576-04422-19

5103 ~~attorney shall file an information if the child has been charged~~  
5104 ~~with committing or attempting to commit an offense listed in s.~~  
5105 ~~775.087(2)(a)1.a. p., and, during the commission of or attempt~~  
5106 ~~to commit the offense, the child:~~

5107 ~~a. Actually possessed a firearm or destructive device, as~~  
5108 ~~those terms are defined in s. 790.001.~~

5109 ~~b. Discharged a firearm or destructive device, as described~~  
5110 ~~in s. 775.087(2)(a)2.~~

5111 ~~e. Discharged a firearm or destructive device, as described~~  
5112 ~~in s. 775.087(2)(a)3., and, as a result of the discharge, death~~  
5113 ~~or great bodily harm was inflicted upon any person.~~

5114 ~~2. Upon transfer, any child who is:~~

5115 ~~a. Charged under sub-subparagraph 1.a. and who has been~~  
5116 ~~previously adjudicated or had adjudication withheld for a~~  
5117 ~~forcible felony offense or any offense involving a firearm, or~~  
5118 ~~who has been previously placed in a residential commitment~~  
5119 ~~program, shall be subject to sentencing under s. 775.087(2)(a),~~  
5120 ~~notwithstanding s. 985.565.~~

5121 ~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~  
5122 ~~1.c., shall be subject to sentencing under s. 775.087(2)(a),~~  
5123 ~~notwithstanding s. 985.565.~~

5124 ~~3. Upon transfer, any child who is charged under this~~  
5125 ~~paragraph, but who does not meet the requirements specified in~~  
5126 ~~subparagraph 2., shall be sentenced under s. 985.565; however,~~  
5127 ~~if the court imposes a juvenile sanction, the court must commit~~  
5128 ~~the child to a high-risk or maximum-risk juvenile facility.~~

5129 ~~4. This paragraph shall not apply if the state attorney has~~  
5130 ~~good cause to believe that exceptional circumstances exist that~~  
5131 ~~preclude the just prosecution of the child in adult court.~~



793174

576-04422-19

5132           ~~5. The Department of Corrections shall make every~~  
5133 ~~reasonable effort to ensure that any child 16 or 17 years of age~~  
5134 ~~who is convicted and sentenced under this paragraph be~~  
5135 ~~completely separated such that there is no physical contact with~~  
5136 ~~adult offenders in the facility, to the extent that it is~~  
5137 ~~consistent with chapter 958.~~

5138           Section 81. Subsection (3) of section 776.09, Florida  
5139 Statutes, is amended to read:

5140           776.09 Retention of records pertaining to persons found to  
5141 be acting in lawful self-defense; expunction of criminal history  
5142 records.—

5143           (3) Under either condition described in subsection (1) or  
5144 subsection (2), the person accused may apply for a certificate  
5145 of eligibility to expunge the associated criminal history  
5146 record, pursuant to s. 943.0578 ~~s. 943.0585(5)~~, notwithstanding  
5147 the eligibility requirements prescribed in s. 943.0585(1) ~~s.~~  
5148 ~~943.0585(1)(b)~~ or (2).

5149           Section 82. Paragraph (c) of subsection (3) of section  
5150 893.03, Florida Statutes, is amended to read:

5151           893.03 Standards and schedules.—The substances enumerated  
5152 in this section are controlled by this chapter. The controlled  
5153 substances listed or to be listed in Schedules I, II, III, IV,  
5154 and V are included by whatever official, common, usual,  
5155 chemical, trade name, or class designated. The provisions of  
5156 this section shall not be construed to include within any of the  
5157 schedules contained in this section any excluded drugs listed  
5158 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
5159 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
5160 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted



793174

576-04422-19

5161 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
5162 Anabolic Steroid Products."

5163 (3) SCHEDULE III.—A substance in Schedule III has a  
5164 potential for abuse less than the substances contained in  
5165 Schedules I and II and has a currently accepted medical use in  
5166 treatment in the United States, and abuse of the substance may  
5167 lead to moderate or low physical dependence or high  
5168 psychological dependence or, in the case of anabolic steroids,  
5169 may lead to physical damage. The following substances are  
5170 controlled in Schedule III:

5171 (c) Unless specifically excepted or unless listed in  
5172 another schedule, any material, compound, mixture, or  
5173 preparation containing limited quantities of any of the  
5174 following controlled substances or any salts thereof:

5175 1. Not more than 1.8 grams of codeine per 100 milliliters  
5176 or not more than 90 milligrams per dosage unit, with an equal or  
5177 greater quantity of an isoquinoline alkaloid of opium.

5178 2. Not more than 1.8 grams of codeine per 100 milliliters  
5179 or not more than 90 milligrams per dosage unit, with recognized  
5180 therapeutic amounts of one or more active ingredients which are  
5181 not controlled substances.

5182 3. Not more than 300 milligrams of hydrocodone per 100  
5183 milliliters or not more than 15 milligrams per dosage unit, with  
5184 a fourfold or greater quantity of an isoquinoline alkaloid of  
5185 opium.

5186 4. Not more than 300 milligrams of hydrocodone per 100  
5187 milliliters or not more than 15 milligrams per dosage unit, with  
5188 recognized therapeutic amounts of one or more active ingredients  
5189 that are not controlled substances.



793174

576-04422-19

5190           5. Not more than 1.8 grams of dihydrocodeine per 100  
5191 milliliters or not more than 90 milligrams per dosage unit, with  
5192 recognized therapeutic amounts of one or more active ingredients  
5193 which are not controlled substances.

5194           6. Not more than 300 milligrams of ethylmorphine per 100  
5195 milliliters or not more than 15 milligrams per dosage unit, with  
5196 one or more active, nonnarcotic ingredients in recognized  
5197 therapeutic amounts.

5198           7. Not more than 50 milligrams of morphine per 100  
5199 milliliters or per 100 grams, with recognized therapeutic  
5200 amounts of one or more active ingredients which are not  
5201 controlled substances.

5202  
5203 For purposes of charging a person with a violation of s. 893.135  
5204 involving any controlled substance described in subparagraph 3.  
5205 or subparagraph 4., the controlled substance is a Schedule III  
5206 controlled substance pursuant to this paragraph but the weight  
5207 of the controlled substance per milliliters or per dosage unit  
5208 is not relevant to the charging of a violation of s. 893.135.  
5209 The weight of the controlled substance shall be determined  
5210 pursuant to s. 893.135(7) ~~s. 893.135(6)~~.

5211           Section 83. Paragraph (c) of subsection (3) of section  
5212 943.053, Florida Statutes, is amended to read:

5213           943.053 Dissemination of criminal justice information;  
5214 fees.—

5215           (3)

5216           (c)1. Criminal history information relating to juveniles,  
5217 including criminal history information consisting in whole or in  
5218 part of information that is confidential and exempt under



793174

576-04422-19

5219 paragraph (b), shall be available to:

5220 a. A criminal justice agency for criminal justice purposes  
5221 on a priority basis and free of charge;

5222 b. The person to whom the record relates, or his or her  
5223 attorney;

5224 c. The parent, guardian, or legal custodian of the person  
5225 to whom the record relates, provided such person has not reached  
5226 the age of majority, been emancipated by a court, or been  
5227 legally married; or

5228 d. An agency or entity specified in s. 943.0585(6) ~~s.~~  
5229 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~, for the purposes  
5230 specified therein, and to any person within such agency or  
5231 entity who has direct responsibility for employment, access  
5232 authorization, or licensure decisions.

5233 2. After providing the program with all known personal  
5234 identifying information, the criminal history information  
5235 relating to a juvenile which is not confidential and exempt  
5236 under this subsection may be released to the private sector and  
5237 noncriminal justice agencies not specified in s. 943.0585(6) ~~s.~~  
5238 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~ in the same manner as  
5239 provided in paragraph (a). Criminal history information relating  
5240 to a juvenile which is not confidential and exempt under this  
5241 subsection is the entire criminal history information relating  
5242 to a juvenile who satisfies any of the criteria listed in sub-  
5243 subparagraphs (b)1.a.-d., except for any portion of such  
5244 juvenile's criminal history record which has been expunged or  
5245 sealed under any law applicable to such record.

5246 3. All criminal history information relating to juveniles,  
5247 other than that provided to criminal justice agencies for



793174

576-04422-19

5248 criminal justice purposes, shall be provided upon tender of fees  
5249 as established in this subsection and in the manner prescribed  
5250 by rule of the Department of Law Enforcement.

5251 Section 84. Paragraph (b) of subsection (2) of section  
5252 943.0582, Florida Statutes, is amended to read:

5253 943.0582 Diversion program expunction.—

5254 (2) As used in this section, the term:

5255 (b) "Expunction" has the same meaning ascribed in and  
5256 effect as s. 943.0585, except that:

5257 1. Section 943.0585(6)(b) does ~~The provisions of s.~~  
5258 ~~943.0585(4)(a) do~~ not apply, except that the criminal history  
5259 record of a person whose record is expunged pursuant to this  
5260 section shall be made available only to criminal justice  
5261 agencies for the purpose of:

- 5262 a. Determining eligibility for diversion programs;  
5263 b. A criminal investigation; or  
5264 c. Making a prosecutorial decision under s. 985.15.

5265 2. Records maintained by local criminal justice agencies in  
5266 the county in which the arrest occurred that are eligible for  
5267 expunction pursuant to this section shall be sealed as the term  
5268 is used in s. 943.059.

5269 Section 85. Paragraphs (a) and (b) of subsection (4) of  
5270 section 985.565, Florida Statutes, are amended to read:

5271 985.565 Sentencing powers; procedures; alternatives for  
5272 juveniles prosecuted as adults.—

5273 (4) SENTENCING ALTERNATIVES.—

5274 (a) *Adult sanctions*.—

5275 1. Cases prosecuted on indictment.—If the child is found to  
5276 have committed the offense punishable by death or life



793174

576-04422-19

5277 imprisonment, the child shall be sentenced as an adult. If the  
5278 juvenile is not found to have committed the indictable offense  
5279 but is found to have committed a lesser included offense or any  
5280 other offense for which he or she was indicted as a part of the  
5281 criminal episode, the court may sentence as follows:

- 5282 a. As an adult;
- 5283 b. Under chapter 958; or
- 5284 c. As a juvenile under this section.

5285 2. Other cases.—If a child who has been transferred for  
5286 criminal prosecution pursuant to information or waiver of  
5287 juvenile court jurisdiction is found to have committed a  
5288 violation of state law or a lesser included offense for which he  
5289 or she was charged as a part of the criminal episode, the court  
5290 may sentence as follows:

- 5291 a. As an adult;
- 5292 b. Under chapter 958; or
- 5293 c. As a juvenile under this section.

5294 3. Notwithstanding any other provision to the contrary, if  
5295 the state attorney is required to file a motion to transfer and  
5296 certify the juvenile for prosecution as an adult under s.  
5297 985.556(3) and that motion is granted, ~~or if the state attorney~~  
5298 ~~is required to file an information under s. 985.557(2)(a) or~~  
5299 ~~(b)~~, the court must impose adult sanctions.

5300 4. Any sentence imposing adult sanctions is presumed  
5301 appropriate, and the court is not required to set forth specific  
5302 findings or enumerate the criteria in this subsection as any  
5303 basis for its decision to impose adult sanctions.

5304 5. When a child has been transferred for criminal  
5305 prosecution as an adult and has been found to have committed a



793174

576-04422-19

5306 violation of state law, the disposition of the case may include  
5307 the enforcement of any restitution ordered in any juvenile  
5308 proceeding.

5309 (b) *Juvenile sanctions.*—For juveniles transferred to adult  
5310 court but who do not qualify for such transfer under s.  
5311 985.556(3) ~~or s. 985.557(2)(a) or (b)~~, the court may impose  
5312 juvenile sanctions under this paragraph. If juvenile sentences  
5313 are imposed, the court shall, under this paragraph, adjudge the  
5314 child to have committed a delinquent act. Adjudication of  
5315 delinquency may ~~shall~~ not be deemed a conviction, nor shall it  
5316 operate to impose any of the civil disabilities ordinarily  
5317 resulting from a conviction. The court shall impose an adult  
5318 sanction or a juvenile sanction and may not sentence the child  
5319 to a combination of adult and juvenile punishments. An adult  
5320 sanction or a juvenile sanction may include enforcement of an  
5321 order of restitution or probation previously ordered in any  
5322 juvenile proceeding. However, if the court imposes a juvenile  
5323 sanction and the department determines that the sanction is  
5324 unsuitable for the child, the department shall return custody of  
5325 the child to the sentencing court for further proceedings,  
5326 including the imposition of adult sanctions. Upon adjudicating a  
5327 child delinquent under subsection (1), the court may:

5328 1. Place the child in a probation program under the  
5329 supervision of the department for an indeterminate period of  
5330 time until the child reaches the age of 19 years or sooner if  
5331 discharged by order of the court.

5332 2. Commit the child to the department for treatment in an  
5333 appropriate program for children for an indeterminate period of  
5334 time until the child is 21 or sooner if discharged by the





793174

576-04422-19

5335 department. The department shall notify the court of its intent  
5336 to discharge no later than 14 days before ~~prior to~~ discharge.  
5337 Failure of the court to timely respond to the department's  
5338 notice shall be considered approval for discharge.

5339 3. Order disposition under ss. 985.435, 985.437, 985.439,  
5340 985.441, 985.45, and 985.455 as an alternative to youthful  
5341 offender or adult sentencing if the court determines not to  
5342 impose youthful offender or adult sanctions.

5343  
5344 It is the intent of the Legislature that the criteria and  
5345 guidelines in this subsection are mandatory and that a  
5346 determination of disposition under this subsection is subject to  
5347 the right of the child to appellate review under s. 985.534.

5348 Section 86. Subsection (3) of section 921.0022, Florida  
5349 Statutes, is amended to read:

5350 921.0022 Criminal Punishment Code; offense severity ranking  
5351 chart.—

5352 (3) OFFENSE SEVERITY RANKING CHART

5353 (a) LEVEL 1

5354

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.



793174

576-04422-19

5357	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than <u>\$1,000</u> <del>\$300</del> but less than \$20,000.
5358	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
5359	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
5360	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
5361	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
5362	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
5363	322.212 (4)	3rd	Supply or aid in supplying



793174

576-04422-19

5364			unauthorized driver license or identification card.
	322.212 (5) (a)	3rd	False application for driver license or identification card.
5365			
	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
5366			
	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
5367			
	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than <u>\$1,000</u> <del>\$300</del> .
5368			
	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
5369			
	<del>562.27(1)</del>	<del>3rd</del>	<del>Possess still or still apparatus.</del>
5370			
	713.69	3rd	Tenant removes property upon



793174

576-04422-19

5371

812.014 (3) (c)

3rd

which lien has accrued,  
value more than \$1,000 ~~\$50~~.

Petit theft (3rd  
conviction); theft of any  
property not specified in  
subsection (2).

5372

812.081 (2)

3rd

Unlawfully makes or causes  
to be made a reproduction of  
a trade secret.

5373

815.04 (5) (a)

3rd

Offense against intellectual  
property (i.e., computer  
programs, data).

5374

817.52 (2)

3rd

Hiring with intent to  
defraud, motor vehicle  
services.

5375

817.569 (2)

3rd

Use of public record or  
public records information  
or providing false  
information to facilitate  
commission of a felony.

5376

826.01

3rd

Bigamy.

5377

828.122 (3)

3rd

Fighting or baiting animals.



793174

576-04422-19

5378	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
5379	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
5380	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
5381	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
5382	838.15 (2)	3rd	Commercial bribe receiving.
5383	838.16	3rd	Commercial bribery.
5384	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
5385	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc.,



793174

576-04422-19

5386

material (2nd conviction).

~~849.01~~

~~3rd~~

~~Keeping gambling house.~~

5387

849.09(1)(a)-(d)

3rd

Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.

5388

849.23

3rd

Gambling-related machines; "common offender" as to property rights.

5389

849.25(2)

3rd

Engaging in bookmaking.

5390

860.08

3rd

Interfere with a railroad signal.

5391

860.13(1)(a)

3rd

Operate aircraft while under the influence.

5392

893.13(2)(a)2.

3rd

Purchase of cannabis.

5393

893.13(6)(a)

3rd

Possession of cannabis (more than 20 grams).

5394

934.03(1)(a)

3rd

Intercepts, or procures any



793174

576-04422-19

other person to intercept,  
any wire or oral  
communication.

5395  
5396  
5397  
5398  
5399  
5400  
5401

(b) LEVEL 2

Florida  
Statute

Felony  
Degree

Description

5402  
  
5403  
  
5404

379.2431  
(1) (e) 3.

3rd

Possession of 11 or  
fewer marine turtle eggs  
in violation of the  
Marine Turtle Protection  
Act.

379.2431  
(1) (e) 4.

3rd

Possession of more than  
11 marine turtle eggs in  
violation of the Marine  
Turtle Protection Act.

403.413 (6) (c)

3rd

Dumps waste litter  
exceeding 500 lbs. in  
weight or 100 cubic feet  
in volume or any  
quantity for commercial



793174

576-04422-19

5405

517.07(2)

3rd

purposes, or hazardous waste.

Failure to furnish a prospectus meeting requirements.

5406

590.28(1)

3rd

Intentional burning of lands.

5407

784.05(3)

3rd

Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

5408

787.04(1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

5409

806.13(1)(b)3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

5410

810.061(2)

3rd

Impairing or impeding telephone or power to a





793174

576-04422-19

5411

810.09(2)(e)

3rd

dwelling; facilitating  
or furthering burglary.

Trespassing on posted  
commercial horticulture  
property.

5412

812.014(2)(c)1.

3rd

Grand theft, 3rd degree;  
\$750 ~~\$300~~ or more but  
less than \$5,000.

5413

812.014(2)(d)

3rd

Grand theft, 3rd degree;  
\$100 or more but less  
than \$750 ~~\$300~~, taken  
from unenclosed  
curtilage of dwelling.

5414

812.015(7)

3rd

Possession, use, or  
attempted use of an  
antishoplifting or  
inventory control device  
countermeasure.

5415

817.234(1)(a)2.

3rd

False statement in  
support of insurance  
claim.

5416

817.481(3)(a)

3rd

Obtain credit or  
purchase with false,



793174

576-04422-19

			expired, counterfeit, etc., credit card, value over \$300.
5417	817.52 (3)	3rd	Failure to redeliver hired vehicle.
5418	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
5419	817.60 (5)	3rd	Dealing in credit cards of another.
5420	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
5421	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
5422	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
5423	831.01	3rd	Forgery.
5424			



793174

576-04422-19

5425	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
5426	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
5427	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
5428	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
5429	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
5430	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
5431	843.08	3rd	False personation.
	893.13 (2) (a) 2.	3rd	Purchase of any s.



793174

576-04422-19

893.03 (1) (c), (2) (c) 1.,  
(2) (c) 2., (2) (c) 3.,  
(2) (c) 6., (2) (c) 7.,  
(2) (c) 8., (2) (c) 9.,  
(2) (c) 10., (3), or (4)  
drugs other than  
cannabis.

5432

893.147 (2) 3rd Manufacture or delivery  
of drug paraphernalia.

5433

5434

5435

5436

5437

5438 (c) LEVEL 3

5439

Florida Statute	Felony Degree	Description
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5440

119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
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5441

316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
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5442

316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
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793174

576-04422-19

5443

316.1935 (2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

5444

319.30 (4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

5445

319.33 (1) (a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

5446

319.33 (1) (c) 3rd Procure or pass title on stolen vehicle.

5447

319.33 (4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

5448

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

5449

328.05 (2) 3rd Possess, sell, or



793174

576-04422-19

5450			counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
5451			
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
5452			
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, 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 Protection Act.
5453			
	379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or



793174

576-04422-19

5454			hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
5455			
	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
5456			
	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
5457			
	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
5458			
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container



793174

576-04422-19

5459			using materially false/misleading information.
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
5460			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
5461			
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
5462			
	697.08	3rd	Equity skimming.
5463			
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
5464			
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
5465			
	806.10 (2)	3rd	Interferes with or assaults





793174

576-04422-19

5466

810.09(2)(c)

3rd

firefighter in performance  
of duty.

Trespass on property other  
than structure or  
conveyance armed with  
firearm or dangerous  
weapon.

5467

812.014(2)(c)2.

3rd

Grand theft; \$5,000 or more  
but less than \$10,000.

5468

812.0145(2)(c)

3rd

Theft from person 65 years  
of age or older; \$300 or  
more but less than \$10,000.

5469

812.015(8)(b)

3rd

Retail theft with intent to  
sell; coordination with  
others.

5470

815.04(5)(b)

2nd

Computer offense devised to  
defraud or obtain property.

5471

817.034(4)(a)3.

3rd

Engages in scheme to  
defraud (Florida  
Communications Fraud Act),  
property valued at less  
than \$20,000.

5472



793174

576-04422-19

5473	817.233	3rd	Burning to defraud insurer.
5474	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
5475	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
5476	817.236	3rd	Filing a false motor vehicle insurance application.
5477	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
5478	817.413 (2)	3rd	Sale of used goods as new.
5479	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument <u>with intent to defraud</u> .
	831.29	2nd	Possession of instruments for counterfeiting driver



793174

576-04422-19

5480

licenses or identification cards.

838.021 (3) (b) 3rd Threatens unlawful harm to public servant.

5481

843.19 3rd Injure, disable, or kill police dog or horse.

5482

860.15 (3) 3rd Overcharging for repairs and parts.

5483

870.01 (2) 3rd Riot; inciting or encouraging.

5484

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) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).

5485

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) 6., (2) (c) 7., (2) (c) 8.,





793174

576-04422-19

5491	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
5492	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
5493	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
5494	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.
	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



793174

576-04422-19

5495

893.13 (8) (a) 3.                      3rd                      Knowingly write a prescription for a controlled substance for a fictitious person.

5496

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.

5497

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

5498

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

5499

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

5500

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



793174

576-04422-19

facility).

5501  
5502  
5503  
5504  
5505  
5506  
5507

(d) LEVEL 4

Florida  
Statute

Felony  
Degree

Description

5508

316.1935 (3) (a)

2nd

Driving at high speed or  
with wanton disregard  
for safety while fleeing  
or attempting to elude  
law enforcement officer  
who is in a patrol  
vehicle with siren and  
lights activated.

5509

499.0051 (1)

3rd

Failure to maintain or  
deliver transaction  
history, transaction  
information, or  
transaction statements.

5510

499.0051 (5)

2nd

Knowing sale or  
delivery, or possession  
with intent to sell,



793174

576-04422-19

5511

517.07(1)

3rd

contraband prescription  
drugs.

Failure to register  
securities.

5512

517.12(1)

3rd

Failure of dealer,  
associated person, or  
issuer of securities to  
register.

5513

784.07(2)(b)

3rd

Battery of law  
enforcement officer,  
firefighter, etc.

5514

784.074(1)(c)

3rd

Battery of sexually  
violent predators  
facility staff.

5515

784.075

3rd

Battery on detention or  
commitment facility  
staff.

5516

784.078

3rd

Battery of facility  
employee by throwing,  
tossing, or expelling  
certain fluids or  
materials.

5517





793174

576-04422-19

5518

784.08 (2) (c) 3rd Battery on a person 65 years of age or older.

5519

784.081 (3) 3rd Battery on specified official or employee.

5520

784.082 (3) 3rd Battery by detained person on visitor or other detainee.

5521

784.083 (3) 3rd Battery on code inspector.

5522

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

5523

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.



793174

576-04422-19

5524

787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

5525

787.07 3rd Human smuggling.

5526

790.115 (1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

5527

790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

5528

790.115 (2) (c) 3rd Possessing firearm on school property.

5529

800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

5530

810.02 (4) (a) 3rd Burglary, or attempted



793174

576-04422-19

5531			burglary, of an unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
5532			
	810.06	3rd	Burglary; possession of tools.
5533			
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
5534			
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
5535			
	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , <del>a will, firearm, motor vehicle, livestock, etc.</del>
5536			
	812.0195 (2)	3rd	Dealing in stolen property by use of the



793174

576-04422-19

5537			Internet; property stolen \$300 or more.
5538	817.505 (4) (a)	3rd	Patient brokering.
5539	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
5540	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
5541	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
5542	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.



793174

576-04422-19

5543

837.02 (1) 3rd Perjury in official proceedings.

5544

837.021 (1) 3rd Make contradictory statements in official proceedings.

5545

838.022 3rd Official misconduct.

5546

839.13 (2) (a) 3rd Falsifying records of an individual in the care and custody of a state agency.

5547

839.13 (2) (c) 3rd Falsifying records of the Department of Children and Families.

5548

843.021 3rd Possession of a concealed handcuff key by a person in custody.

5549

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.



793174

576-04422-19

5550

843.15 (1) (a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

5551

847.0135 (5) (c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

5552

874.05 (1) (a) 3rd Encouraging or recruiting another to join a criminal gang.

5553

893.13 (2) (a) 1. 2nd Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).

5554

914.14 (2) 3rd Witnesses accepting bribes.

5555

914.22 (1) 3rd Force, threaten, etc., witness, victim, or informant.

5556

914.23 (2) 3rd Retaliation against a



793174

576-04422-19

5557

witness, victim, or  
informant, no bodily  
injury.

918.12

3rd

Tampering with jurors.

5558

934.215

3rd

Use of two-way  
communications device to  
facilitate commission of  
a crime.

5559

944.47 (1) (a) 6.

3rd

Introduction of  
contraband (cellular  
telephone or other  
portable communication  
device) into  
correctional  
institution.

5560

951.22 (1) (h) ,  
(j) , & (k)

3rd

Intoxicating drug,  
instrumentality, or  
cellular telephone or  
other device to aid  
escape introduced into  
county detention  
facility.

5561

5562

5563



793174

576-04422-19

5564  
5565  
5566  
5567  
5568  
5569  
5570  
5571  
5572

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.





793174

576-04422-19

5573

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 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.

5574

379.367 (4)

3rd

Willful molestation of a



793174

576-04422-19

5575

commercial harvester's  
spiny lobster trap,  
line, or buoy.

379.407(5)(b)3.

3rd

Possession of 100 or  
more undersized spiny  
lobsters.

5576

381.0041(11)(b)

3rd

Donate blood, plasma, or  
organs knowing HIV  
positive.

5577

440.10(1)(g)

2nd

Failure to obtain  
workers' compensation  
coverage.

5578

440.105(5)

2nd

Unlawful solicitation  
for the purpose of  
making workers'  
compensation claims.

5579

440.381(2)

2nd

Submission of false,  
misleading, or  
incomplete information  
with the purpose of  
avoiding or reducing  
workers' compensation  
premiums.

5580



793174

576-04422-19

5581	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
5582	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
5583	790.01 (2)	3rd	Carrying a concealed firearm.
5584	790.162	2nd	Threat to throw or discharge destructive device.
5585	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
5586	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
	790.23	2nd	Felons in possession of



793174

576-04422-19

			firearms, ammunition, or electronic weapons or devices.
5587	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
5588	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
5589	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
5590	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
5591	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
5592	812.015 (8) <u>(a), (c), (d), &amp; (e)</u>	3rd	Retail theft; property stolen is valued at <u>\$750</u> <del>\$300</del> or more and one or more specified acts.



793174

576-04422-19

5593	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
5594	812.131 (2) (b)	3rd	Robbery by sudden snatching.
5595	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
5596	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
5597	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
5598	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.
5599	817.568 (2) (b)	2nd	Fraudulent use of



793174

576-04422-19

			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.
5600	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
5601	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
5602	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
5603	827.071 (4)	2nd	Possess with intent to



793174

576-04422-19

5604

827.071 (5)

3rd

promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

5605

828.12 (2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

5606

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.

5607

843.01

3rd

Resist officer with violence to person; resist arrest with violence.



793174

576-04422-19

5608

847.0135 (5) (b) 2nd Lewd or lascivious  
exhibition using  
computer; offender 18  
years or older.

5609

847.0137 3rd Transmission of  
(2) & (3) pornography by  
electronic device or  
equipment.

5610

847.0138 3rd Transmission of material  
(2) & (3) harmful to minors to a  
minor by electronic  
device or equipment.

5611

874.05 (1) (b) 2nd Encouraging or  
recruiting another to  
join a criminal gang;  
second or subsequent  
offense.

5612

874.05 (2) (a) 2nd Encouraging or  
recruiting person under  
13 years of age to join  
a criminal gang.

5613

893.13 (1) (a) 1. 2nd Sell, manufacture, or  
deliver cocaine (or





793174

576-04422-19

5614

893.13(1)(c)2.

2nd

other s. 893.03(1)(a),  
(1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)5.  
drugs).

Sell, manufacture, or  
deliver cannabis (or  
other s. 893.03(1)(c),  
(2)(c)1., (2)(c)2.,  
(2)(c)3., (2)(c)6.,  
(2)(c)7., (2)(c)8.,  
(2)(c)9., (2)(c)10.,  
(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.

5615

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)5.  
drugs) within 1,000 feet  
of university.

5616



793174

576-04422-19

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)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 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)5. drugs) within 1,000 feet of public housing facility.
893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
893.1351(1)	3rd	Ownership, lease, or rental for trafficking



793174

576-04422-19

in or manufacturing of  
controlled substance.

5620  
5621  
5622  
5623  
5624  
5625  
5626

(f) LEVEL 6

Florida  
Statute

Felony  
Degree

Description

5627  
  
5628  
  
5629  
  
5630

316.027 (2) (b)

2nd

Leaving the scene of a  
crash involving serious  
bodily injury.

316.193 (2) (b)

3rd

Felony DUI, 4th or  
subsequent conviction.

400.9935 (4) (c)

2nd

Operating a clinic, or  
offering services  
requiring licensure,  
without a license.

499.0051 (2)

2nd

Knowing forgery of  
transaction history,  
transaction information,  
or transaction  
statement.



793174

576-04422-19

5631	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
5632	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
5633	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
5634	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
5635	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
5636	784.041	3rd	Felony battery; domestic battery by strangulation.
5637	784.048 (3)	3rd	Aggravated stalking; credible threat.
5638	784.048 (5)	3rd	Aggravated stalking of person under 16.



793174

576-04422-19

5639

784.07 (2) (c) 2nd Aggravated assault on  
law enforcement officer.

5640

784.074 (1) (b) 2nd Aggravated assault on  
sexually violent  
predators facility  
staff.

5641

784.08 (2) (b) 2nd Aggravated assault on a  
person 65 years of age  
or older.

5642

784.081 (2) 2nd Aggravated assault on  
specified official or  
employee.

5643

784.082 (2) 2nd Aggravated assault by  
detained person on  
visitor or other  
detainee.

5644

784.083 (2) 2nd Aggravated assault on  
code inspector.

5645

787.02 (2) 3rd False imprisonment;  
restraining with purpose  
other than those in s.  
787.01.



793174

576-04422-19

5646

790.115 (2) (d) 2nd Discharging firearm or  
weapon on school  
property.

5647

790.161 (2) 2nd Make, possess, or throw  
destructive device with  
intent to do bodily harm  
or damage property.

5648

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.

5649

790.19 2nd Shooting or throwing  
deadly missiles into  
dwellings, vessels, or  
vehicles.

5650

794.011 (8) (a) 3rd Solicitation of minor to  
participate in sexual  
activity by custodial  
adult.

5651

794.05 (1) 2nd Unlawful sexual activity



793174

576-04422-19

5652

800.04 (5) (d)

3rd

with specified minor.

Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.

5653

800.04 (6) (b)

2nd

Lewd or lascivious conduct; offender 18 years of age or older.

5654

806.031 (2)

2nd

Arson resulting in great bodily harm to firefighter or any other person.

5655

810.02 (3) (c)

2nd

Burglary of occupied structure; unarmed; no assault or battery.

5656

810.145 (8) (b)

2nd

Video voyeurism; certain minor victims; 2nd or subsequent offense.

5657

812.014 (2) (b) 1.

2nd

Property stolen \$20,000 or more, but less than \$100,000, grand theft in



793174

576-04422-19

			2nd degree.
5658	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
5659	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$750</u> <del>\$300</del> or more; second or subsequent conviction.
5660	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
5661	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
5662	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
5663	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
5664	825.102 (1)	3rd	Abuse of an elderly person or disabled





793174

576-04422-19

5665

825.102 (3) (c) 3rd adult.  
Neglect of an elderly  
person or disabled  
adult.

5666

825.1025 (3) 3rd Lewd or lascivious  
molestation of an  
elderly person or  
disabled adult.

5667

825.103 (3) (c) 3rd Exploiting an elderly  
person or disabled adult  
and property is valued  
at less than \$10,000.

5668

827.03 (2) (c) 3rd Abuse of a child.

5669

827.03 (2) (d) 3rd Neglect of a child.

5670

827.071 (2) & (3) 2nd Use or induce a child in  
a sexual performance, or  
promote or direct such  
performance.

5671

836.05 2nd Threats; extortion.

5672

836.10 2nd Written threats to kill,  
do bodily injury, or



793174

576-04422-19

5673

conduct a mass shooting  
or an act of terrorism.

843.12

3rd

Aids or assists person  
to escape.

5674

847.011

3rd

Distributing, offering  
to distribute, or  
possessing with intent  
to distribute obscene  
materials depicting  
minors.

5675

847.012

3rd

Knowingly using a minor  
in the production of  
materials harmful to  
minors.

5676

847.0135 (2)

3rd

Facilitates sexual  
conduct of or with a  
minor or the visual  
depiction of such  
conduct.

5677

914.23

2nd

Retaliation against a  
witness, victim, or  
informant, with bodily  
injury.

5678



793174

576-04422-19

5679	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.
5680	944.40	2nd	Escapes.
5681	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
5682	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
5683	<u>951.22 (1) (i)</u>	3rd	<del>Intoxicating drug,</del>
5684	<del>951.22 (1)</del>		Firearm, or weapon
5685			introduced into county
5686			<u>detention</u> facility.



793174

576-04422-19

5687

5688 (g) LEVEL 7

5689

Florida  
Statute

Felony  
Degree

Description

5690

316.027 (2) (c)

1st

Accident involving death,  
failure to stop; leaving  
scene.

5691

316.193 (3) (c) 2.

3rd

DUI resulting in serious  
bodily injury.

5692

316.1935 (3) (b)

1st

Causing serious bodily  
injury or death to another  
person; driving at high  
speed or with wanton  
disregard for safety while  
fleeing or attempting to  
elude law enforcement  
officer who is in a patrol  
vehicle with siren and  
lights activated.

5693

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in  
serious bodily injury.

5694

402.319 (2)

2nd

Misrepresentation and  
negligence or intentional



793174

576-04422-19

			act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
5695	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
5696	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
5697	456.065 (2)	3rd	Practicing a health care profession without a license.
5698	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
5699	458.327 (1)	3rd	Practicing medicine without a license.
5700	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
5701	460.411 (1)	3rd	Practicing chiropractic



793174

576-04422-19

5702

461.012 (1)

3rd

medicine without a  
license.

Practicing podiatric  
medicine without a  
license.

5703

462.17

3rd

Practicing naturopathy  
without a license.

5704

463.015 (1)

3rd

Practicing optometry  
without a license.

5705

464.016 (1)

3rd

Practicing nursing without  
a license.

5706

465.015 (2)

3rd

Practicing pharmacy  
without a license.

5707

466.026 (1)

3rd

Practicing dentistry or  
dental hygiene without a  
license.

5708

467.201

3rd

Practicing midwifery  
without a license.

5709

468.366

3rd

Delivering respiratory  
care services without a  
license.



793174

576-04422-19

5710	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
5711	483.901 (7)	3rd	Practicing medical physics without a license.
5712	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
5713	484.053	3rd	Dispensing hearing aids without a license.
5714	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
5715	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
5716			



793174

576-04422-19

5717	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
5718	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
5719	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
5720	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
5721	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
	782.051 (3)	2nd	Attempted felony murder of





793174

576-04422-19

5722			a person by a person other than the perpetrator or the perpetrator of an attempted felony.
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
5723			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
5724			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
5725			
	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
5726			
	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.



793174

576-04422-19

5727	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
5728	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
5729	784.048 (7)	3rd	Aggravated stalking; violation of court order.
5730	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
5731	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
5732	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
5733	784.081 (1)	1st	Aggravated battery on specified official or employee.
5734	784.082 (1)	1st	Aggravated battery by detained person on visitor



793174

576-04422-19

5735			or other detainee.
	784.083(1)	1st	Aggravated battery on code inspector.
5736			
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
5737			
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
5738			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
5739			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
5740			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
5741			



793174

576-04422-19

5742	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
5743	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
5744	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
5745	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.



793174

576-04422-19

5746

796.05 (1) 1st Live on earnings of a prostitute; 2nd offense.

5747

796.05 (1) 1st Live on earnings of a prostitute; 3rd and subsequent offense.

5748

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.

5749

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.

5750

800.04 (5) (e) 1st Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

5751



793174

576-04422-19

5752	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
5753	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
5754	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
5755	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
5756	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
5757	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
	812.014 (2) (b) 2.	2nd	Property stolen, cargo



793174

576-04422-19

5758			valued at less than \$50,000, grand theft in 2nd degree.
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
5759			
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
5760			
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
5761			
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
5762			
	812.131 (2) (a)	2nd	Robbery by sudden snatching.
5763			
	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.



793174

576-04422-19

5764

817.034 (4) (a) 1.                      1st                      Communications fraud,  
value greater than  
\$50,000.

5765

817.234 (8) (a)                      2nd                      Solicitation of motor  
vehicle accident victims  
with intent to defraud.

5766

817.234 (9)                      2nd                      Organizing, planning, or  
participating in an  
intentional motor vehicle  
collision.

5767

817.234 (11) (c)                      1st                      Insurance fraud; property  
value \$100,000 or more.

5768

817.2341                      1st                      Making false entries of  
(2) (b) & (3) (b)                      material fact or false  
statements regarding  
property values relating  
to the solvency of an  
insuring entity which are  
a significant cause of the  
insolvency of that entity.

5769

817.535 (2) (a)                      3rd                      Filing false lien or other  
unauthorized document.

5770





793174

576-04422-19

5771	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
5772	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
5773	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
5774	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
5775	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
	837.05 (2)	3rd	Giving false information about alleged capital



793174

576-04422-19

			felony to a law enforcement officer.
5776	838.015	2nd	Bribery.
5777	838.016	2nd	Unlawful compensation or reward for official behavior.
5778	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
5779	838.22	2nd	Bid tampering.
5780	843.0855 (2)	3rd	Impersonation of a public officer or employee.
5781	843.0855 (3)	3rd	Unlawful simulation of legal process.
5782	843.0855 (4)	3rd	Intimidation of a public officer or employee.
5783	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
5784	847.0135 (4)	2nd	Traveling to meet a minor



793174

576-04422-19

5785

to commit an unlawful sex  
act.

872.06

2nd

Abuse of a dead human  
body.

5786

874.05 (2) (b)

1st

Encouraging or recruiting  
person under 13 to join a  
criminal gang; second or  
subsequent offense.

5787

874.10

1st, PBL

Knowingly initiates,  
organizes, plans,  
finances, directs,  
manages, or supervises  
criminal gang-related  
activity.

5788

893.13 (1) (c) 1.

1st

Sell, manufacture, or  
deliver cocaine (or other  
drug prohibited under s.  
893.03 (1) (a), (1) (b),  
(1) (d), (2) (a), (2) (b), or  
(2) (c) 5.) within 1,000  
feet of a child care  
facility, school, or  
state, county, or  
municipal park or publicly  
owned recreational



793174

576-04422-19

5789

893.13(1)(e)1.

1st

facility or community center.

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.

5790

893.13(4)(a)

1st

Use or hire of minor; deliver to minor other controlled substance.

5791

893.135(1)(a)1.

1st

Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

5792

893.135  
(1)(b)1.a.

1st

Trafficking in cocaine, more than 28 grams, less than 200 grams.

5793

893.135  
(1)(c)1.a.

1st

Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

5794



793174

576-04422-19

5795	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
5796	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
5797	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
5798	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
5799	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
5800	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
5801	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.



793174

576-04422-19

5802	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
5803	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
5804	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
5805	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
5806	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
5807	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or



793174

576-04422-19

5808

893.135  
(1) (n) 2.a.

1st

more, less than 1,000  
grams.  
Trafficking in n-benzyl  
phenethylamines, 14 grams  
or more, less than 100  
grams.

5809

893.1351 (2)

2nd

Possession of place for  
trafficking in or  
manufacturing of  
controlled substance.

5810

896.101 (5) (a)

3rd

Money laundering,  
financial transactions  
exceeding \$300 but less  
than \$20,000.

5811

896.104 (4) (a) 1.

3rd

Structuring transactions  
to evade reporting or  
registration requirements,  
financial transactions  
exceeding \$300 but less  
than \$20,000.

5812

943.0435 (4) (c)

2nd

Sexual offender vacating  
permanent residence;  
failure to comply with  
reporting requirements.



793174

576-04422-19

5813

943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

5814

943.0435 (9) (a) 3rd Sexual offender; failure to comply with reporting requirements.

5815

943.0435 (13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

5816

943.0435 (14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

5817

944.607 (9) 3rd Sexual offender; failure to comply with reporting requirements.

5818

944.607 (10) (a) 3rd Sexual offender; failure





793174

576-04422-19

5819

944.607(12)

3rd

to submit to the taking of  
a digitized photograph.

Failure to report or  
providing false  
information about a sexual  
offender; harbor or  
conceal a sexual offender.

5820

944.607(13)

3rd

Sexual offender; failure  
to report and reregister;  
failure to respond to  
address verification;  
providing false  
registration information.

5821

985.4815(10)

3rd

Sexual offender; failure  
to submit to the taking of  
a digitized photograph.

5822

985.4815(12)

3rd

Failure to report or  
providing false  
information about a sexual  
offender; harbor or  
conceal a sexual offender.

5823

985.4815(13)

3rd

Sexual offender; failure  
to report and reregister;  
failure to respond to



793174

576-04422-19

address verification;  
providing false  
registration information.

5824  
5825  
5826  
5827  
5828  
5829  
5830  
5831  
5832  
5833  
5834  
5835

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
499.0051 (7)	1st	Knowing forgery of prescription labels or



793174

576-04422-19

5836

560.123 (8) (b) 2.

2nd

prescription drug labels.

Failure to report  
currency or payment  
instruments totaling or  
exceeding \$20,000, but  
less than \$100,000 by  
money transmitter.

5837

560.125 (5) (b)

2nd

Money transmitter  
business by unauthorized  
person, currency or  
payment instruments  
totaling or exceeding  
\$20,000, but less than  
\$100,000.

5838

655.50 (10) (b) 2.

2nd

Failure to report  
financial transactions  
totaling or exceeding  
\$20,000, but less than  
\$100,000 by financial  
institutions.

5839

777.03 (2) (a)

1st

Accessory after the fact,  
capital felony.

5840

782.04 (4)

2nd

Killing of human without  
design when engaged in



793174

576-04422-19

			act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
5841	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
5842	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
5843	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
5844	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a



793174

576-04422-19

5845

787.06(3)(b)

1st

child.

Human trafficking using coercion for commercial sexual activity of an adult.

5846

787.06(3)(c)2.

1st

Human trafficking using coercion for labor and services of an unauthorized alien adult.

5847

787.06(3)(e)1.

1st

Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.

5848

787.06(3)(f)2.

1st

Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.

5849

790.161(3)

1st

Discharging a destructive device which results in



793174

576-04422-19

5850

794.011 (5) (a)

1st

bodily harm or property damage.

Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

5851

794.011 (5) (b)

2nd

Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

5852

794.011 (5) (c)

2nd

Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

5853

794.011 (5) (d)

1st

Sexual battery; victim 12 years of age or older; offender does not use physical force likely to



793174

576-04422-19

5854

794.08 (3)

2nd

cause serious injury;  
prior conviction for  
specified sex offense.

Female genital  
mutilation, removal of a  
victim younger than 18  
years of age from this  
state.

5855

800.04 (4) (b)

2nd

Lewd or lascivious  
battery.

5856

800.04 (4) (c)

1st

Lewd or lascivious  
battery; offender 18  
years of age or older;  
prior conviction for  
specified sex offense.

5857

806.01 (1)

1st

Maliciously damage  
dwelling or structure by  
fire or explosive,  
believing person in  
structure.

5858

810.02 (2) (a)

1st, PBL

Burglary with assault or  
battery.

5859

810.02 (2) (b)

1st, PBL

Burglary; armed with



793174

576-04422-19

5860

810.02 (2) (c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

5861

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

5862

812.13 (2) (b) 1st Robbery with a weapon.

5863

812.135 (2) (c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.

5864

817.505 (4) (c) 1st Patient brokering; 20 or more patients.

5865

817.535 (2) (b) 2nd Filing false lien or other unauthorized document; second or subsequent offense.

5866

817.535 (3) (a) 2nd Filing false lien or





793174

576-04422-19

5867			other unauthorized document; property owner is a public officer or employee.
	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
5868			
	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
5869			
	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
5870			
	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
5871			



793174

576-04422-19

5872	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
5873	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
5874	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
5875	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
5876	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.



793174

576-04422-19

5877	860.16	1st	Aircraft piracy.
5878	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
5879	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
5880	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
5881	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
5882	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
5883	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28



793174

576-04422-19

5884

893.135 1st Trafficking in  
(1) (c) 2.c. hydrocodone, 50 grams or  
more, less than 200  
grams.

5885

893.135 1st Trafficking in oxycodone,  
(1) (c) 3.c. 25 grams or more, less  
than 100 grams.

5886

893.135 1st Trafficking in fentanyl,  
(1) (c) 4.b. (II) 14 grams or more, less  
than 28 grams.

5887

893.135 1st Trafficking in  
(1) (d) 1.b. phencyclidine, 200 grams  
or more, less than 400  
grams.

5888

893.135 1st Trafficking in  
(1) (e) 1.b. methaqualone, 5 kilograms  
or more, less than 25  
kilograms.

5889

893.135 1st Trafficking in  
(1) (f) 1.b. amphetamine, 28 grams or  
more, less than 200  
grams.



793174

576-04422-19

5890

893.135 1st Trafficking in  
(1) (g) 1.b. flunitrazepam, 14 grams  
or more, less than 28  
grams.

5891

893.135 1st Trafficking in gamma-  
(1) (h) 1.b. hydroxybutyric acid  
(GHB), 5 kilograms or  
more, less than 10  
kilograms.

5892

893.135 1st Trafficking in 1,4-  
(1) (j) 1.b. Butanediol, 5 kilograms  
or more, less than 10  
kilograms.

5893

893.135 1st Trafficking in  
(1) (k) 2.b. Phenethylamines, 200  
grams or more, less than  
400 grams.

5894

893.135 1st Trafficking in synthetic  
(1) (m) 2.c. cannabinoids, 1,000 grams  
or more, less than 30  
kilograms.

5895

893.135 1st Trafficking in n-benzyl  
(1) (n) 2.b. phenethylamines, 100



793174

576-04422-19

5896

893.1351(3)

1st

grams or more, less than  
200 grams.

Possession of a place  
used to manufacture  
controlled substance when  
minor is present or  
resides there.

5897

895.03(1)

1st

Use or invest proceeds  
derived from pattern of  
racketeering activity.

5898

895.03(2)

1st

Acquire or maintain  
through racketeering  
activity any interest in  
or control of any  
enterprise or real  
property.

5899

895.03(3)

1st

Conduct or participate in  
any enterprise through  
pattern of racketeering  
activity.

5900

896.101(5)(b)

2nd

Money laundering,  
financial transactions  
totaling or exceeding  
\$20,000, but less than



793174

576-04422-19

5901

\$100,000.

896.104 (4) (a) 2.

2nd

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

5902

5903

5904

5905

5906

5907

(i) LEVEL 9

5908

Florida  
Statute

Felony  
Degree

Description

5909

316.193  
(3) (c) 3.b.

1st

DUI manslaughter; failing to render aid or give information.

5910

327.35  
(3) (c) 3.b.

1st

BUI manslaughter; failing to render aid or give information.

5911

409.920  
(2) (b) 1.c.

1st

Medicaid provider fraud; \$50,000 or more.



793174

576-04422-19

5912

499.0051 (8) 1st Knowing sale or purchase  
of contraband  
prescription drugs  
resulting in great bodily  
harm.

5913

560.123 (8) (b) 3. 1st Failure to report  
currency or payment  
instruments totaling or  
exceeding \$100,000 by  
money transmitter.

5914

560.125 (5) (c) 1st Money transmitter  
business by unauthorized  
person, currency, or  
payment instruments  
totaling or exceeding  
\$100,000.

5915

655.50 (10) (b) 3. 1st Failure to report  
financial transactions  
totaling or exceeding  
\$100,000 by financial  
institution.

5916

775.0844 1st Aggravated white collar  
crime.

5917





793174

576-04422-19

5918	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
5919	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).
5920	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
5921	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
5922	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate



793174

576-04422-19

5923

787.01 (1) (a) 4.

1st,PBL

commission of any felony.

Kidnapping with intent to interfere with performance of any governmental or political function.

5924

787.02 (3) (a)

1st,PBL

False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

5925

787.06 (3) (c) 1.

1st

Human trafficking for labor and services of an unauthorized alien child.

5926

787.06 (3) (d)

1st

Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.

5927

787.06 (3) (f) 1.

1st,PBL

Human trafficking for commercial sexual activity by the transfer



793174

576-04422-19

			or transport of any child from outside Florida to within the state.
5928	790.161	1st	Attempted capital destructive device offense.
5929	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
5930	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
5931	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
5932	794.011(4)(a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.



793174

576-04422-19

5933

794.011 (4) (b) 1st Sexual battery, certain circumstances; victim and offender 18 years of age or older.

5934

794.011 (4) (c) 1st Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.

5935

794.011 (4) (d) 1st, PBL Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.

5936

794.011 (8) (b) 1st, PBL Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

5937

794.08 (2) 1st Female genital mutilation; victim younger than 18 years of age.

5938



793174

576-04422-19

	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
5939	812.13 (2) (a)	1st,PBL	Robbery with firearm or other deadly weapon.
5940	812.133 (2) (a)	1st,PBL	Carjacking; firearm or other deadly weapon.
5941	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
5942	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
5943	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
5944	817.535 (5) (b)	1st	Filing false lien or



793174

576-04422-19

			other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
5945	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
5946	827.03 (2) (a)	1st	Aggravated child abuse.
5947	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
5948	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
5949	859.01	1st	Poisoning or introducing bacteria, radioactive



793174

576-04422-19

5950			materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
5951	893.135	1st	Attempted capital trafficking offense.
5952	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
5953	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
5954	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
5955	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.



793174

576-04422-19

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5962  
5963

893.135 (1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.





793174

576-04422-19

5964

893.135  
(1) (m) 2.d.

1st

Trafficking in synthetic  
cannabinoids, 30  
kilograms or more.

5965

893.135  
(1) (n) 2.c.

1st

Trafficking in n-benzyl  
phenethylamines, 200  
grams or more.

5966

896.101 (5) (c)

1st

Money laundering,  
financial instruments  
totaling or exceeding  
\$100,000.

5967

5968

5969

5970

5971

5972

(j) LEVEL 10

5973

Florida  
Statute

Felony  
Degree

Description

5974



793174

576-04422-19

5975	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
5976	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
5977	782.07 (3)	1st	Aggravated manslaughter of a child.
5978	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
5979	787.01 (3) (a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
	787.06 (3) (g)	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or



793174

576-04422-19

5980

incapacitated person.

787.06(4)(a)

Life

Selling or buying of  
minors into human  
trafficking.

5981

794.011(3)

Life

Sexual battery; victim  
12 years or older,  
offender uses or  
threatens to use deadly  
weapon or physical force  
to cause serious injury.

5982

812.135(2)(a)

1st, PBL

Home-invasion robbery  
with firearm or other  
deadly weapon.

5983

876.32

1st

Treason against the  
state.

5984

5985

5986

5987 Section 87. For the purpose of incorporating the amendment  
5988 made by this act to section 322.056, Florida Statutes, in a  
5989 reference thereto, subsection (11) of section 322.05, Florida  
5990 Statutes, is reenacted to read:

5991 322.05 Persons not to be licensed.—The department may not  
5992 issue a license:

5993 (11) To any person who is ineligible under s. 322.056.



793174

576-04422-19

5994           Section 88. For the purpose of incorporating the amendment  
5995 made by this act to section 322.34, Florida Statutes, in a  
5996 reference thereto, paragraph (c) of subsection (2) of section  
5997 316.027, Florida Statutes, is reenacted to read:

5998           316.027 Crash involving death or personal injuries.—

5999           (2)

6000           (c) The driver of a vehicle involved in a crash occurring  
6001 on public or private property which results in the death of a  
6002 person shall immediately stop the vehicle at the scene of the  
6003 crash, or as close thereto as possible, and shall remain at the  
6004 scene of the crash until he or she has fulfilled the  
6005 requirements of s. 316.062. A person who is arrested for a  
6006 violation of this paragraph and who has previously been  
6007 convicted of a violation of this section, s. 316.061, s.  
6008 316.191, or s. 316.193, or a felony violation of s. 322.34,  
6009 shall be held in custody until brought before the court for  
6010 admittance to bail in accordance with chapter 903. A person who  
6011 willfully violates this paragraph commits a felony of the first  
6012 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
6013 775.084, and shall be sentenced to a mandatory minimum term of  
6014 imprisonment of 4 years. A person who willfully commits such a  
6015 violation while driving under the influence as set forth in s.  
6016 316.193(1) shall be sentenced to a mandatory minimum term of  
6017 imprisonment of 4 years.

6018           Section 89. For the purpose of incorporating the amendment  
6019 made by this act to section 322.34, Florida Statutes, in a  
6020 reference thereto, paragraph (c) of subsection (4) of section  
6021 907.041, Florida Statutes, is reenacted to read:

6022           907.041 Pretrial detention and release.—



793174

576-04422-19

6023 (4) PRETRIAL DETENTION.—

6024 (c) The court may order pretrial detention if it finds a  
6025 substantial probability, based on a defendant's past and present  
6026 patterns of behavior, the criteria in s. 903.046, and any other  
6027 relevant facts, that any of the following circumstances exist:

6028 1. The defendant has previously violated conditions of  
6029 release and that no further conditions of release are reasonably  
6030 likely to assure the defendant's appearance at subsequent  
6031 proceedings;

6032 2. The defendant, with the intent to obstruct the judicial  
6033 process, has threatened, intimidated, or injured any victim,  
6034 potential witness, juror, or judicial officer, or has attempted  
6035 or conspired to do so, and that no condition of release will  
6036 reasonably prevent the obstruction of the judicial process;

6037 3. The defendant is charged with trafficking in controlled  
6038 substances as defined by s. 893.135, that there is a substantial  
6039 probability that the defendant has committed the offense, and  
6040 that no conditions of release will reasonably assure the  
6041 defendant's appearance at subsequent criminal proceedings;

6042 4. The defendant is charged with DUI manslaughter, as  
6043 defined by s. 316.193, and that there is a substantial  
6044 probability that the defendant committed the crime and that the  
6045 defendant poses a threat of harm to the community; conditions  
6046 that would support a finding by the court pursuant to this  
6047 subparagraph that the defendant poses a threat of harm to the  
6048 community include, but are not limited to, any of the following:

6049 a. The defendant has previously been convicted of any crime  
6050 under s. 316.193, or of any crime in any other state or  
6051 territory of the United States that is substantially similar to



793174

576-04422-19

6052 any crime under s. 316.193;

6053       b. The defendant was driving with a suspended driver  
6054 license when the charged crime was committed; or

6055       c. The defendant has previously been found guilty of, or  
6056 has had adjudication of guilt withheld for, driving while the  
6057 defendant's driver license was suspended or revoked in violation  
6058 of s. 322.34;

6059       5. The defendant poses the threat of harm to the community.  
6060 The court may so conclude, if it finds that the defendant is  
6061 presently charged with a dangerous crime, that there is a  
6062 substantial probability that the defendant committed such crime,  
6063 that the factual circumstances of the crime indicate a disregard  
6064 for the safety of the community, and that there are no  
6065 conditions of release reasonably sufficient to protect the  
6066 community from the risk of physical harm to persons;

6067       6. The defendant was on probation, parole, or other release  
6068 pending completion of sentence or on pretrial release for a  
6069 dangerous crime at the time the current offense was committed;

6070       7. The defendant has violated one or more conditions of  
6071 pretrial release or bond for the offense currently before the  
6072 court and the violation, in the discretion of the court,  
6073 supports a finding that no conditions of release can reasonably  
6074 protect the community from risk of physical harm to persons or  
6075 assure the presence of the accused at trial; or

6076       8.a. The defendant has ever been sentenced pursuant to s.  
6077 775.082(9) or s. 775.084 as a prison releasee reoffender,  
6078 habitual violent felony offender, three-time violent felony  
6079 offender, or violent career criminal, or the state attorney  
6080 files a notice seeking that the defendant be sentenced pursuant



793174

576-04422-19

6081 to s. 775.082(9) or s. 775.084, as a prison release reoffender,  
6082 habitual violent felony offender, three-time violent felony  
6083 offender, or violent career criminal;

6084 b. There is a substantial probability that the defendant  
6085 committed the offense; and

6086 c. There are no conditions of release that can reasonably  
6087 protect the community from risk of physical harm or ensure the  
6088 presence of the accused at trial.

6089 Section 90. For the purpose of incorporating the amendment  
6090 made by this act to section 394.47891, Florida Statutes, in a  
6091 reference thereto, subsection (5) of section 910.035, Florida  
6092 Statutes, is reenacted to read:

6093 910.035 Transfer from county for plea, sentence, or  
6094 participation in a problem-solving court.—

6095 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

6096 (a) For purposes of this subsection, the term "problem-  
6097 solving court" means a drug court pursuant to s. 948.01, s.  
6098 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'  
6099 and servicemembers' court pursuant to s. 394.47891, s. 948.08,  
6100 s. 948.16, or s. 948.21; a mental health court program pursuant  
6101 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;  
6102 or a delinquency pretrial intervention court program pursuant to  
6103 s. 985.345.

6104 (b) Any person eligible for participation in a problem-  
6105 solving court shall, upon request by the person or a court, have  
6106 the case transferred to a county other than that in which the  
6107 charge arose if the person agrees to the transfer, the  
6108 authorized representative of the trial court consults with the  
6109 authorized representative of the problem-solving court in the



793174

576-04422-19

6110 county to which transfer is desired, and both representatives  
6111 agree to the transfer.

6112 (c) If all parties agree to the transfer as required by  
6113 paragraph (b), the trial court shall enter a transfer order  
6114 directing the clerk to transfer the case to the county which has  
6115 accepted the defendant into its problem-solving court.

6116 (d)1. When transferring a pretrial problem-solving court  
6117 case, the transfer order shall include a copy of the probable  
6118 cause affidavit; any charging documents in the case; all  
6119 reports, witness statements, test results, evidence lists, and  
6120 other documents in the case; the defendant's mailing address and  
6121 telephone number; and the defendant's written consent to abide  
6122 by the rules and procedures of the receiving county's problem-  
6123 solving court.

6124 2. When transferring a postadjudicatory problem-solving  
6125 court case, the transfer order shall include a copy of the  
6126 charging documents in the case; the final disposition; all  
6127 reports, test results, and other documents in the case; the  
6128 defendant's mailing address and telephone number; and the  
6129 defendant's written consent to abide by the rules and procedures  
6130 of the receiving county's problem-solving court.

6131 (e) After the transfer takes place, the receiving clerk  
6132 shall set the matter for a hearing before the problem-solving  
6133 court in the receiving jurisdiction to ensure the defendant's  
6134 entry into the problem-solving court.

6135 (f) Upon successful completion of the problem-solving court  
6136 program, the jurisdiction to which the case has been transferred  
6137 shall dispose of the case. If the defendant does not complete  
6138 the problem-solving court program successfully, the jurisdiction





793174

576-04422-19

6139 to which the case has been transferred shall dispose of the case  
6140 within the guidelines of the Criminal Punishment Code.

6141 Section 91. For the purpose of incorporating the amendment  
6142 made by this act to section 509.151, Florida Statutes, in a  
6143 reference thereto, section 509.161, Florida Statutes, is  
6144 reenacted to read:

6145 509.161 Rules of evidence in prosecutions.—In prosecutions  
6146 under s. 509.151, proof that lodging, food, or other  
6147 accommodations were obtained by false pretense; by false or  
6148 fictitious show of baggage or other property; by absconding  
6149 without paying or offering to pay for such food, lodging, or  
6150 accommodations; or by surreptitiously removing or attempting to  
6151 remove baggage shall constitute prima facie evidence of  
6152 fraudulent intent. If the operator of the establishment has  
6153 probable cause to believe, and does believe, that any person has  
6154 obtained food, lodging, or other accommodations at such  
6155 establishment with intent to defraud the operator thereof, the  
6156 failure to make payment upon demand therefor, there being no  
6157 dispute as to the amount owed, shall constitute prima facie  
6158 evidence of fraudulent intent in such prosecutions.

6159 Section 92. For the purpose of incorporating the amendment  
6160 made by this act to section 784.048, Florida Statutes, in a  
6161 reference thereto, paragraph (c) of subsection (2) of section  
6162 790.065, Florida Statutes, is reenacted to read:

6163 790.065 Sale and delivery of firearms.—

6164 (2) Upon receipt of a request for a criminal history record  
6165 check, the Department of Law Enforcement shall, during the  
6166 licensee's call or by return call, forthwith:

6167 (c)1. Review any records available to it to determine



793174

576-04422-19

6168 whether the potential buyer or transferee has been indicted or  
6169 has had an information filed against her or him for an offense  
6170 that is a felony under either state or federal law, or, as  
6171 mandated by federal law, has had an injunction for protection  
6172 against domestic violence entered against the potential buyer or  
6173 transferee under s. 741.30, has had an injunction for protection  
6174 against repeat violence entered against the potential buyer or  
6175 transferee under s. 784.046, or has been arrested for a  
6176 dangerous crime as specified in s. 907.041(4) (a) or for any of  
6177 the following enumerated offenses:

- 6178 a. Criminal anarchy under ss. 876.01 and 876.02.
- 6179 b. Extortion under s. 836.05.
- 6180 c. Explosives violations under s. 552.22(1) and (2).
- 6181 d. Controlled substances violations under chapter 893.
- 6182 e. Resisting an officer with violence under s. 843.01.
- 6183 f. Weapons and firearms violations under this chapter.
- 6184 g. Treason under s. 876.32.
- 6185 h. Assisting self-murder under s. 782.08.
- 6186 i. Sabotage under s. 876.38.
- 6187 j. Stalking or aggravated stalking under s. 784.048.

6188  
6189 If the review indicates any such indictment, information, or  
6190 arrest, the department shall provide to the licensee a  
6191 conditional nonapproval number.

6192 2. Within 24 working hours, the department shall determine  
6193 the disposition of the indictment, information, or arrest and  
6194 inform the licensee as to whether the potential buyer is  
6195 prohibited from receiving or possessing a firearm. For purposes  
6196 of this paragraph, "working hours" means the hours from 8 a.m.



793174

576-04422-19

6197 to 5 p.m. Monday through Friday, excluding legal holidays.

6198 3. The office of the clerk of court, at no charge to the  
6199 department, shall respond to any department request for data on  
6200 the disposition of the indictment, information, or arrest as  
6201 soon as possible, but in no event later than 8 working hours.

6202 4. The department shall determine as quickly as possible  
6203 within the allotted time period whether the potential buyer is  
6204 prohibited from receiving or possessing a firearm.

6205 5. If the potential buyer is not so prohibited, or if the  
6206 department cannot determine the disposition information within  
6207 the allotted time period, the department shall provide the  
6208 licensee with a conditional approval number.

6209 6. If the buyer is so prohibited, the conditional  
6210 nonapproval number shall become a nonapproval number.

6211 7. The department shall continue its attempts to obtain the  
6212 disposition information and may retain a record of all approval  
6213 numbers granted without sufficient disposition information. If  
6214 the department later obtains disposition information which  
6215 indicates:

6216 a. That the potential buyer is not prohibited from owning a  
6217 firearm, it shall treat the record of the transaction in  
6218 accordance with this section; or

6219 b. That the potential buyer is prohibited from owning a  
6220 firearm, it shall immediately revoke the conditional approval  
6221 number and notify local law enforcement.

6222 8. During the time that disposition of the indictment,  
6223 information, or arrest is pending and until the department is  
6224 notified by the potential buyer that there has been a final  
6225 disposition of the indictment, information, or arrest, the



793174

576-04422-19

6226 conditional nonapproval number shall remain in effect.

6227         Section 93. For the purpose of incorporating the amendment  
6228 made by this act to section 784.048, Florida Statutes, in a  
6229 reference thereto, subsection (1) of section 794.056, Florida  
6230 Statutes, is reenacted to read:

6231         794.056 Rape Crisis Program Trust Fund.—

6232         (1) The Rape Crisis Program Trust Fund is created within  
6233 the Department of Health for the purpose of providing funds for  
6234 rape crisis centers in this state. Trust fund moneys shall be  
6235 used exclusively for the purpose of providing services for  
6236 victims of sexual assault. Funds credited to the trust fund  
6237 consist of those funds collected as an additional court  
6238 assessment in each case in which a defendant pleads guilty or  
6239 nolo contendere to, or is found guilty of, regardless of  
6240 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
6241 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
6242 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
6243 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
6244 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
6245 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
6246 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
6247 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
6248 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
6249 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
6250 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
6251 fund also shall include revenues provided by law, moneys  
6252 appropriated by the Legislature, and grants from public or  
6253 private entities.

6254         Section 94. For the purpose of incorporating the amendment



793174

576-04422-19

6255 made by this act to section 784.048, Florida Statutes, in a  
6256 reference thereto, subsection (4) of section 847.0141, Florida  
6257 Statutes, is reenacted to read:

6258 847.0141 Sexting; prohibited acts; penalties.—

6259 (4) This section does not prohibit the prosecution of a  
6260 minor for a violation of any law of this state if the photograph  
6261 or video that depicts nudity also includes the depiction of  
6262 sexual conduct or sexual excitement, and does not prohibit the  
6263 prosecution of a minor for stalking under s. 784.048.

6264 Section 95. For the purpose of incorporating the amendment  
6265 made by this act to section 784.048, Florida Statutes, in a  
6266 reference thereto, subsection (5) of section 901.41, Florida  
6267 Statutes, is reenacted to read:

6268 901.41 Prearrest diversion programs.—

6269 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime  
6270 of domestic violence, as defined in s. 741.28, or a misdemeanor  
6271 under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048,  
6272 s. 784.0487, or s. 784.049 does not qualify for a civil citation  
6273 or prearrest diversion program.

6274 Section 96. For the purpose of incorporating the amendment  
6275 made by this act to section 784.048, Florida Statutes, in a  
6276 reference thereto, section 938.08, Florida Statutes, is  
6277 reenacted to read:

6278 938.08 Additional cost to fund programs in domestic  
6279 violence.—In addition to any sanction imposed for a violation of  
6280 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.  
6281 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.  
6282 784.083, s. 784.085, s. 794.011, or for any offense of domestic  
6283 violence described in s. 741.28, the court shall impose a



793174

576-04422-19

6284 surcharge of \$201. Payment of the surcharge shall be a condition  
6285 of probation, community control, or any other court-ordered  
6286 supervision. The sum of \$85 of the surcharge shall be deposited  
6287 into the Domestic Violence Trust Fund established in s. 741.01.  
6288 The clerk of the court shall retain \$1 of each surcharge that  
6289 the clerk of the court collects as a service charge of the  
6290 clerk's office. The remainder of the surcharge shall be provided  
6291 to the governing board of the county and must be used only to  
6292 defray the costs of incarcerating persons sentenced under s.  
6293 741.283 and provide additional training to law enforcement  
6294 personnel in combating domestic violence.

6295 Section 97. For the purpose of incorporating the amendment  
6296 made by this act to section 784.048, Florida Statutes, in a  
6297 reference thereto, section 938.085, Florida Statutes, is  
6298 reenacted to read:

6299 938.085 Additional cost to fund rape crisis centers.—In  
6300 addition to any sanction imposed when a person pleads guilty or  
6301 nolo contendere to, or is found guilty of, regardless of  
6302 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
6303 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
6304 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
6305 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
6306 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
6307 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
6308 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
6309 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
6310 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
6311 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
6312 (14)(c); or s. 985.701(1), the court shall impose a surcharge of



793174

576-04422-19

6313 \$151. Payment of the surcharge shall be a condition of  
6314 probation, community control, or any other court-ordered  
6315 supervision. The sum of \$150 of the surcharge shall be deposited  
6316 into the Rape Crisis Program Trust Fund established within the  
6317 Department of Health by chapter 2003-140, Laws of Florida. The  
6318 clerk of the court shall retain \$1 of each surcharge that the  
6319 clerk of the court collects as a service charge of the clerk's  
6320 office.

6321 Section 98. For the purpose of incorporating the amendment  
6322 made by this act to section 784.048, Florida Statutes, in a  
6323 reference thereto, paragraph (g) of subsection (2) of section  
6324 943.325, Florida Statutes, is reenacted to read:

6325 943.325 DNA database.—

6326 (2) DEFINITIONS.—As used in this section, the term:

6327 (g) "Qualifying offender" means any person, including  
6328 juveniles and adults, who is:

6329 1.a. Committed to a county jail;

6330 b. Committed to or under the supervision of the Department  
6331 of Corrections, including persons incarcerated in a private  
6332 correctional institution operated under contract pursuant to s.  
6333 944.105;

6334 c. Committed to or under the supervision of the Department  
6335 of Juvenile Justice;

6336 d. Transferred to this state under the Interstate Compact  
6337 on Juveniles, part XIII of chapter 985; or

6338 e. Accepted under Article IV of the Interstate Corrections  
6339 Compact, part III of chapter 941; and who is:

6340 2.a. Convicted of any felony offense or attempted felony  
6341 offense in this state or of a similar offense in another



793174

576-04422-19

6342 jurisdiction;

6343           b. Convicted of a misdemeanor violation of s. 784.048, s.  
6344 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an  
6345 offense that was found, pursuant to s. 874.04, to have been  
6346 committed for the purpose of benefiting, promoting, or  
6347 furthering the interests of a criminal gang as defined in s.  
6348 874.03; or

6349           c. Arrested for any felony offense or attempted felony  
6350 offense in this state.

6351           Section 99. For the purpose of incorporating the amendment  
6352 made by this act to section 784.048, Florida Statutes, in a  
6353 reference thereto, paragraph (c) of subsection (8) of section  
6354 948.06, Florida Statutes, is reenacted to read:

6355           948.06 Violation of probation or community control;  
6356 revocation; modification; continuance; failure to pay  
6357 restitution or cost of supervision.—

6358           (8)

6359           (c) For purposes of this section, the term "qualifying  
6360 offense" means any of the following:

6361           1. Kidnapping or attempted kidnapping under s. 787.01,  
6362 false imprisonment of a child under the age of 13 under s.  
6363 787.02(3), or luring or enticing a child under s. 787.025(2)(b)  
6364 or (c).

6365           2. Murder or attempted murder under s. 782.04, attempted  
6366 felony murder under s. 782.051, or manslaughter under s. 782.07.

6367           3. Aggravated battery or attempted aggravated battery under  
6368 s. 784.045.

6369           4. Sexual battery or attempted sexual battery under s.  
6370 794.011(2), (3), (4), or (8)(b) or (c).





793174

576-04422-19

- 6371           5. Lewd or lascivious battery or attempted lewd or  
6372 lascivious battery under s. 800.04(4), lewd or lascivious  
6373 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious  
6374 conduct under s. 800.04(6)(b), lewd or lascivious exhibition  
6375 under s. 800.04(7)(b), or lewd or lascivious exhibition on  
6376 computer under s. 847.0135(5)(b).
- 6377           6. Robbery or attempted robbery under s. 812.13, carjacking  
6378 or attempted carjacking under s. 812.133, or home invasion  
6379 robbery or attempted home invasion robbery under s. 812.135.
- 6380           7. Lewd or lascivious offense upon or in the presence of an  
6381 elderly or disabled person or attempted lewd or lascivious  
6382 offense upon or in the presence of an elderly or disabled person  
6383 under s. 825.1025.
- 6384           8. Sexual performance by a child or attempted sexual  
6385 performance by a child under s. 827.071.
- 6386           9. Computer pornography under s. 847.0135(2) or (3),  
6387 transmission of child pornography under s. 847.0137, or selling  
6388 or buying of minors under s. 847.0145.
- 6389           10. Poisoning food or water under s. 859.01.
- 6390           11. Abuse of a dead human body under s. 872.06.
- 6391           12. Any burglary offense or attempted burglary offense that  
6392 is either a first degree felony or second degree felony under s.  
6393 810.02(2) or (3).
- 6394           13. Arson or attempted arson under s. 806.01(1).
- 6395           14. Aggravated assault under s. 784.021.
- 6396           15. Aggravated stalking under s. 784.048(3), (4), (5), or  
6397 (7).
- 6398           16. Aircraft piracy under s. 860.16.
- 6399           17. Unlawful throwing, placing, or discharging of a



793174

576-04422-19

6400 destructive device or bomb under s. 790.161(2), (3), or (4).

6401 18. Treason under s. 876.32.

6402 19. Any offense committed in another jurisdiction which  
6403 would be an offense listed in this paragraph if that offense had  
6404 been committed in this state.

6405 Section 100. For the purpose of incorporating the amendment  
6406 made by this act to section 784.048, Florida Statutes, in a  
6407 reference thereto, subsection (1) of section 948.062, Florida  
6408 Statutes, is reenacted to read:

6409 948.062 Reviewing and reporting serious offenses committed  
6410 by offenders placed on probation or community control.—

6411 (1) The department shall review the circumstances related  
6412 to an offender placed on probation or community control who has  
6413 been arrested while on supervision for the following offenses:

6414 (a) Any murder as provided in s. 782.04;

6415 (b) Any sexual battery as provided in s. 794.011 or s.  
6416 794.023;

6417 (c) Any sexual performance by a child as provided in s.  
6418 827.071;

6419 (d) Any kidnapping, false imprisonment, or luring of a  
6420 child as provided in s. 787.01, s. 787.02, or s. 787.025;

6421 (e) Any lewd and lascivious battery or lewd and lascivious  
6422 molestation as provided in s. 800.04(4) or (5);

6423 (f) Any aggravated child abuse as provided in s.  
6424 827.03(2)(a);

6425 (g) Any robbery with a firearm or other deadly weapon, home  
6426 invasion robbery, or carjacking as provided in s. 812.13(2)(a),  
6427 s. 812.135, or s. 812.133;

6428 (h) Any aggravated stalking as provided in s. 784.048(3),



793174

576-04422-19

6429 (4), or (5);

6430 (i) Any forcible felony as provided in s. 776.08, committed  
6431 by a person on probation or community control who is designated  
6432 as a sexual predator; or

6433 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),  
6434 or vehicular or vessel homicide as provided in s. 782.071 or s.  
6435 782.072, committed by a person who is on probation or community  
6436 control for an offense involving death or injury resulting from  
6437 a driving incident.

6438 Section 101. For the purpose of incorporating the amendment  
6439 made by this act to section 784.048, Florida Statutes, in a  
6440 reference thereto, paragraph (b) of subsection (1) of section  
6441 960.001, Florida Statutes, is reenacted to read:

6442 960.001 Guidelines for fair treatment of victims and  
6443 witnesses in the criminal justice and juvenile justice systems.—

6444 (1) The Department of Legal Affairs, the state attorneys,  
6445 the Department of Corrections, the Department of Juvenile  
6446 Justice, the Florida Commission on Offender Review, the State  
6447 Courts Administrator and circuit court administrators, the  
6448 Department of Law Enforcement, and every sheriff's department,  
6449 police department, or other law enforcement agency as defined in  
6450 s. 943.10(4) shall develop and implement guidelines for the use  
6451 of their respective agencies, which guidelines are consistent  
6452 with the purposes of this act and s. 16(b), Art. I of the State  
6453 Constitution and are designed to implement s. 16(b), Art. I of  
6454 the State Constitution and to achieve the following objectives:

6455 (b) *Information for purposes of notifying victim or*  
6456 *appropriate next of kin of victim or other designated contact of*  
6457 *victim.—In the case of a homicide, pursuant to chapter 782; or a*



793174

576-04422-19

6458 sexual offense, pursuant to chapter 794; or an attempted murder  
6459 or sexual offense, pursuant to chapter 777; or stalking,  
6460 pursuant to s. 784.048; or domestic violence, pursuant to s.  
6461 25.385:

6462       1. The arresting law enforcement officer or personnel of an  
6463 organization that provides assistance to a victim or to the  
6464 appropriate next of kin of the victim or other designated  
6465 contact must request that the victim or appropriate next of kin  
6466 of the victim or other designated contact complete a victim  
6467 notification card. However, the victim or appropriate next of  
6468 kin of the victim or other designated contact may choose not to  
6469 complete the victim notification card.

6470       2. Unless the victim or the appropriate next of kin of the  
6471 victim or other designated contact waives the option to complete  
6472 the victim notification card, a copy of the victim notification  
6473 card must be filed with the incident report or warrant in the  
6474 sheriff's office of the jurisdiction in which the incident  
6475 report or warrant originated. The notification card shall, at a  
6476 minimum, consist of:

- 6477           a. The name, address, and phone number of the victim; or
- 6478           b. The name, address, and phone number of the appropriate  
6479 next of kin of the victim; or
- 6480           c. The name, address, and telephone number of a designated  
6481 contact other than the victim or appropriate next of kin of the  
6482 victim; and
- 6483           d. Any relevant identification or case numbers assigned to  
6484 the case.

6485       3. The chief administrator, or a person designated by the  
6486 chief administrator, of a county jail, municipal jail, juvenile



793174

576-04422-19

6487 detention facility, or residential commitment facility shall  
6488 make a reasonable attempt to notify the alleged victim or  
6489 appropriate next of kin of the alleged victim or other  
6490 designated contact within 4 hours following the release of the  
6491 defendant on bail or, in the case of a juvenile offender, upon  
6492 the release from residential detention or commitment. If the  
6493 chief administrator, or designee, is unable to contact the  
6494 alleged victim or appropriate next of kin of the alleged victim  
6495 or other designated contact by telephone, the chief  
6496 administrator, or designee, must send to the alleged victim or  
6497 appropriate next of kin of the alleged victim or other  
6498 designated contact a written notification of the defendant's  
6499 release.

6500 4. Unless otherwise requested by the victim or the  
6501 appropriate next of kin of the victim or other designated  
6502 contact, the information contained on the victim notification  
6503 card must be sent by the chief administrator, or designee, of  
6504 the appropriate facility to the subsequent correctional or  
6505 residential commitment facility following the sentencing and  
6506 incarceration of the defendant, and unless otherwise requested  
6507 by the victim or the appropriate next of kin of the victim or  
6508 other designated contact, he or she must be notified of the  
6509 release of the defendant from incarceration as provided by law.

6510 5. If the defendant was arrested pursuant to a warrant  
6511 issued or taken into custody pursuant to s. 985.101 in a  
6512 jurisdiction other than the jurisdiction in which the defendant  
6513 is being released, and the alleged victim or appropriate next of  
6514 kin of the alleged victim or other designated contact does not  
6515 waive the option for notification of release, the chief



793174

576-04422-19

6516 correctional officer or chief administrator of the facility  
6517 releasing the defendant shall make a reasonable attempt to  
6518 immediately notify the chief correctional officer of the  
6519 jurisdiction in which the warrant was issued or the juvenile was  
6520 taken into custody pursuant to s. 985.101, and the chief  
6521 correctional officer of that jurisdiction shall make a  
6522 reasonable attempt to notify the alleged victim or appropriate  
6523 next of kin of the alleged victim or other designated contact,  
6524 as provided in this paragraph, that the defendant has been or  
6525 will be released.

6526 Section 102. For the purpose of incorporating the amendment  
6527 made by this act to section 784.048, Florida Statutes, in a  
6528 reference thereto, paragraph (b) of subsection (3) of section  
6529 985.265, Florida Statutes, is reenacted to read:

6530 985.265 Detention transfer and release; education; adult  
6531 jails.—

6532 (3)

6533 (b) When a juvenile is released from secure detention or  
6534 transferred to nonsecure detention, detention staff shall  
6535 immediately notify the appropriate law enforcement agency,  
6536 school personnel, and victim if the juvenile is charged with  
6537 committing any of the following offenses or attempting to commit  
6538 any of the following offenses:

- 6539 1. Murder, under s. 782.04;
- 6540 2. Sexual battery, under chapter 794;
- 6541 3. Stalking, under s. 784.048; or
- 6542 4. Domestic violence, as defined in s. 741.28.

6543 Section 103. For the purpose of incorporating the amendment  
6544 made by this act to section 784.048, Florida Statutes, in a



793174

576-04422-19

6545 reference thereto, paragraph (e) of subsection (3) of section  
6546 1006.147, Florida Statutes, is reenacted to read:

6547 1006.147 Bullying and harassment prohibited.—

6548 (3) For purposes of this section:

6549 (e) Definitions in s. 815.03 and the definition in s.  
6550 784.048(1)(d) relating to stalking are applicable to this  
6551 section.

6552 Section 104. For the purpose of incorporating the amendment  
6553 made by this act to section 806.13, Florida Statutes, in a  
6554 reference thereto, subsection (1) of section 316.0775, Florida  
6555 Statutes, is reenacted to read:

6556 316.0775 Interference with official traffic control devices  
6557 or railroad signs or signals.—

6558 (1) A person may not, without lawful authority, attempt to  
6559 or in fact alter, deface, injure, knock down, or remove any  
6560 official traffic control device or any railroad sign or signal  
6561 or any inscription, shield, or insignia thereon, or any other  
6562 part thereof. A violation of this subsection is a criminal  
6563 violation pursuant to s. 318.17 and shall be punishable as set  
6564 forth in s. 806.13 related to criminal mischief and graffiti,  
6565 beginning on or after July 1, 2000.

6566 Section 105. For the purpose of incorporating the amendment  
6567 made by this act to section 812.014, Florida Statutes, in a  
6568 reference thereto, subsection (10) of section 95.18, Florida  
6569 Statutes, is reenacted to read:

6570 95.18 Real property actions; adverse possession without  
6571 color of title.—

6572 (10) A person who occupies or attempts to occupy a  
6573 residential structure solely by claim of adverse possession



793174

576-04422-19

6574 under this section and offers the property for lease to another  
6575 commits theft under s. 812.014.

6576 Section 106. For the purpose of incorporating the amendment  
6577 made by this act to section 812.014, Florida Statutes, in a  
6578 reference thereto, paragraph (c) of subsection (3) of section  
6579 373.6055, Florida Statutes, is reenacted to read:

6580 373.6055 Criminal history checks for certain water  
6581 management district employees and others.—

6582 (3)

6583 (c) In addition to other requirements for employment or  
6584 access established by any water management district pursuant to  
6585 its water management district's security plan for buildings,  
6586 facilities, and structures, each water management district's  
6587 security plan shall provide that:

6588 1. Any person who has within the past 7 years been  
6589 convicted, regardless of whether adjudication was withheld, for  
6590 a forcible felony as defined in s. 776.08; an act of terrorism  
6591 as defined in s. 775.30; planting of a hoax bomb as provided in  
6592 s. 790.165; any violation involving the manufacture, possession,  
6593 sale, delivery, display, use, or attempted or threatened use of  
6594 a weapon of mass destruction or hoax weapon of mass destruction  
6595 as provided in s. 790.166; dealing in stolen property; any  
6596 violation of s. 893.135; any violation involving the sale,  
6597 manufacturing, delivery, or possession with intent to sell,  
6598 manufacture, or deliver a controlled substance; burglary;  
6599 robbery; any felony violation of s. 812.014; any violation of s.  
6600 790.07; any crime an element of which includes use or possession  
6601 of a firearm; any conviction for any similar offenses under the  
6602 laws of another jurisdiction; or conviction for conspiracy to





793174

576-04422-19

6603 commit any of the listed offenses may not be qualified for  
6604 initial employment within or authorized regular access to  
6605 buildings, facilities, or structures defined in the water  
6606 management district's security plan as restricted access areas.

6607         2. Any person who has at any time been convicted of any of  
6608 the offenses listed in subparagraph 1. may not be qualified for  
6609 initial employment within or authorized regular access to  
6610 buildings, facilities, or structures defined in the water  
6611 management district's security plan as restricted access areas  
6612 unless, after release from incarceration and any supervision  
6613 imposed as a sentence, the person remained free from a  
6614 subsequent conviction, regardless of whether adjudication was  
6615 withheld, for any of the listed offenses for a period of at  
6616 least 7 years prior to the employment or access date under  
6617 consideration.

6618         Section 107. For the purpose of incorporating the amendment  
6619 made by this act to section 812.014, Florida Statutes, in a  
6620 reference thereto, subsection (3) of section 400.9935, Florida  
6621 Statutes, is reenacted to read:

6622             400.9935 Clinic responsibilities.—

6623         (3) A charge or reimbursement claim made by or on behalf of  
6624 a clinic that is required to be licensed under this part but  
6625 that is not so licensed, or that is otherwise operating in  
6626 violation of this part, regardless of whether a service is  
6627 rendered or whether the charge or reimbursement claim is paid,  
6628 is an unlawful charge and is noncompensable and unenforceable. A  
6629 person who knowingly makes or causes to be made an unlawful  
6630 charge commits theft within the meaning of and punishable as  
6631 provided in s. 812.014.



793174

576-04422-19

6632           Section 108. For the purpose of incorporating the amendment  
6633 made by this act to section 812.014, Florida Statutes, in a  
6634 reference thereto, subsection (10) of section 550.6305, Florida  
6635 Statutes, is reenacted to read:

6636           550.6305 Intertrack wagering; guest track payments;  
6637 accounting rules.—

6638           (10) All races or games conducted at a permitholder's  
6639 facility, all broadcasts of such races or games, and all  
6640 broadcast rights relating thereto are owned by the permitholder  
6641 at whose facility such races or games are conducted and  
6642 constitute the permitholder's property as defined in s.  
6643 812.012(4). Transmission, reception of a transmission,  
6644 exhibition, use, or other appropriation of such races or games,  
6645 broadcasts of such races or games, or broadcast rights relating  
6646 thereto without the written consent of the permitholder  
6647 constitutes a theft of such property under s. 812.014; and in  
6648 addition to the penal sanctions contained in s. 812.014, the  
6649 permitholder has the right to avail itself of the civil remedies  
6650 specified in ss. 772.104, 772.11, and 812.035 in addition to any  
6651 other remedies available under applicable state or federal law.

6652           Section 109. For the purpose of incorporating the amendment  
6653 made by this act to section 812.014, Florida Statutes, in a  
6654 reference thereto, subsection (2) of section 627.743, Florida  
6655 Statutes, is reenacted to read:

6656           627.743 Payment of third-party claims.—

6657           (2) When making any payment on a third party claim for  
6658 damage to an automobile for a partial loss, the insurer shall  
6659 have printed on the loss estimate, if prepared by the insurer,  
6660 the following: "Failure to use the insurance proceeds in



793174

576-04422-19

6661 accordance with the security agreement, if any, could be a  
6662 violation of s. 812.014, Florida Statutes. If you have any  
6663 questions, contact your lending institution." However, this  
6664 subsection does not apply if the insurer does not prepare the  
6665 loss estimate.

6666 Section 110. For the purpose of incorporating the amendment  
6667 made by this act to section 812.014, Florida Statutes, in a  
6668 reference thereto, subsection (2) of section 634.421, Florida  
6669 Statutes, is reenacted to read:

6670 634.421 Reporting and accounting for funds.—

6671 (2) Any sales representative who, not being entitled  
6672 thereto, diverts or appropriates funds or any portion thereof to  
6673 her or his own use commits theft as provided in s. 812.014.

6674 Section 111. For the purpose of incorporating the amendment  
6675 made by this act to section 812.014, Florida Statutes, in a  
6676 reference thereto, subsection (2) of section 642.038, Florida  
6677 Statutes, is reenacted to read:

6678 642.038 Reporting and accounting for funds.—

6679 (2) Any sales representative who, not being entitled  
6680 thereto, diverts or appropriates such funds or any portion  
6681 thereof to his or her own use commits theft as provided in s.  
6682 812.014.

6683 Section 112. For the purpose of incorporating the amendment  
6684 made by this act to section 812.014, Florida Statutes, in a  
6685 reference thereto, subsection (4) of section 705.102, Florida  
6686 Statutes, is reenacted to read:

6687 705.102 Reporting lost or abandoned property.—

6688 (4) Any person who unlawfully appropriates such lost or  
6689 abandoned property to his or her own use or refuses to deliver



793174

576-04422-19

6690 such property when required commits theft as defined in s.  
6691 812.014, punishable as provided in s. 775.082, s. 775.083, or s.  
6692 775.084.

6693 Section 113. For the purpose of incorporating the amendment  
6694 made by this act to section 812.014, Florida Statutes, in a  
6695 reference thereto, subsection (7) of section 812.14, Florida  
6696 Statutes, is reenacted to read:

6697 812.14 Trespass and larceny with relation to utility  
6698 fixtures; theft of utility services.—

6699 (7) An owner, lessor, or sublessor who willfully violates  
6700 subsection (5) commits a misdemeanor of the first degree,  
6701 punishable as provided in s. 775.082 or s. 775.083. Prosecution  
6702 for a violation of subsection (5) does not preclude prosecution  
6703 for theft pursuant to subsection (8) or s. 812.014.

6704 Section 114. For the purpose of incorporating the amendment  
6705 made by this act to section 812.014, Florida Statutes, in a  
6706 reference thereto, subsection (3) of section 893.138, Florida  
6707 Statutes, is reenacted to read:

6708 893.138 Local administrative action to abate drug-related,  
6709 prostitution-related, or stolen-property-related public  
6710 nuisances and criminal gang activity.—

6711 (3) Any pain-management clinic, as described in s. 458.3265  
6712 or s. 459.0137, which has been used on more than two occasions  
6713 within a 6-month period as the site of a violation of:

6714 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,  
6715 relating to assault and battery;

6716 (b) Section 810.02, relating to burglary;

6717 (c) Section 812.014, relating to theft;

6718 (d) Section 812.131, relating to robbery by sudden



793174

576-04422-19

6719 snatching; or

6720 (e) Section 893.13, relating to the unlawful distribution  
6721 of controlled substances,

6722  
6723 may be declared to be a public nuisance, and such nuisance may  
6724 be abated pursuant to the procedures provided in this section.

6725 Section 115. For the purpose of incorporating the amendment  
6726 made by this act to section 812.015, Florida Statutes, in a  
6727 reference thereto, subsection (5) of section 538.09, Florida  
6728 Statutes, is reenacted to read:

6729 538.09 Registration.—

6730 (5) In addition to the fine provided in subsection (4),  
6731 registration under this section may be denied or any  
6732 registration granted may be revoked, restricted, or suspended by  
6733 the department if the department determines that the applicant  
6734 or registrant:

6735 (a) Has violated any provision of this chapter or any rule  
6736 or order made pursuant to this chapter;

6737 (b) Has made a material false statement in the application  
6738 for registration;

6739 (c) Has been guilty of a fraudulent act in connection with  
6740 any purchase or sale or has been or is engaged in or is about to  
6741 engage in any practice, purchase, or sale which is fraudulent or  
6742 in violation of the law;

6743 (d) Has made a misrepresentation or false statement to, or  
6744 concealed any essential or material fact from, any person in  
6745 making any purchase or sale;

6746 (e) Is making purchases or sales through any business  
6747 associate not registered in compliance with the provisions of



793174

576-04422-19

6748 this chapter;

6749 (f) Has, within the preceding 10-year period for new  
6750 registrants who apply for registration on or after October 1,  
6751 2006, been convicted of, or has entered a plea of guilty or nolo  
6752 contendere to, or had adjudication withheld for, a crime against  
6753 the laws of this state or any other state or of the United  
6754 States which relates to registration as a secondhand dealer or  
6755 which involves theft, larceny, dealing in stolen property,  
6756 receiving stolen property, burglary, embezzlement, obtaining  
6757 property by false pretenses, possession of altered property, any  
6758 felony drug offense, any violation of s. 812.015, or any  
6759 fraudulent dealing;

6760 (g) Has had a final judgment entered against her or him in  
6761 a civil action upon grounds of fraud, embezzlement,  
6762 misrepresentation, or deceit; or

6763 (h) Has failed to pay any sales tax owed to the Department  
6764 of Revenue.

6765

6766 In the event the department determines to deny an application or  
6767 revoke a registration, it shall enter a final order with its  
6768 findings on the register of secondhand dealers and their  
6769 business associates, if any; and denial, suspension, or  
6770 revocation of the registration of a secondhand dealer shall also  
6771 deny, suspend, or revoke the registration of such secondhand  
6772 dealer's business associates.

6773 Section 116. For the purpose of incorporating the amendment  
6774 made by this act to section 812.015, Florida Statutes, in a  
6775 reference thereto, subsection (2) of section 538.23, Florida  
6776 Statutes, is reenacted to read:



793174

576-04422-19

6777 538.23 Violations and penalties.-

6778 (2) A secondary metals recycler is presumed to know upon  
6779 receipt of stolen regulated metals property in a purchase  
6780 transaction that the regulated metals property has been stolen  
6781 from another if the secondary metals recycler knowingly and  
6782 intentionally fails to maintain the information required in s.  
6783 538.19 and shall, upon conviction of a violation of s. 812.015,  
6784 be punished as provided in s. 812.014(2) or (3).

6785 Section 117. For the purpose of incorporating the amendment  
6786 made by this act to section 815.03, Florida Statutes, in a  
6787 reference thereto, paragraph (e) of subsection (3) of section  
6788 1006.147, Florida Statutes, is reenacted to read:

6789 1006.147 Bullying and harassment prohibited.-

6790 (3) For purposes of this section:

6791 (e) Definitions in s. 815.03 and the definition in s.  
6792 784.048(1)(d) relating to stalking are applicable to this  
6793 section.

6794 Section 118. For the purpose of incorporating the amendment  
6795 made by this act to section 815.06, Florida Statutes, in a  
6796 reference thereto, subsection (2) of section 316.80, Florida  
6797 Statutes, is reenacted to read:

6798 316.80 Unlawful conveyance of fuel; obtaining fuel  
6799 fraudulently.-

6800 (2) A person who violates subsection (1) commits a felony  
6801 of the second degree, punishable as provided in s. 775.082, s.  
6802 775.083, or s. 775.084, if he or she has attempted to or has  
6803 fraudulently obtained motor or diesel fuel by:

6804 (a) Presenting a credit card or a credit card account  
6805 number in violation of ss. 817.57-817.685;



793174

576-04422-19

6806 (b) Using unauthorized access to any computer network in  
6807 violation of s. 815.06; or

6808 (c) Using a fraudulently scanned or lost or stolen payment  
6809 access device, whether credit card or contactless device.

6810 Section 119. For the purpose of incorporating the amendment  
6811 made by this act to section 815.06, Florida Statutes, in  
6812 references thereto, subsections (1) and (2) of section 775.30,  
6813 Florida Statutes, are reenacted to read:

6814 775.30 Terrorism; defined; penalties.—

6815 (1) As used in this chapter and the Florida Criminal Code,  
6816 the terms "terrorism" or "terrorist activity" mean an activity  
6817 that:

6818 (a) Involves:

6819 1. A violent act or an act dangerous to human life which is  
6820 a violation of the criminal laws of this state or of the United  
6821 States; or

6822 2. A violation of s. 815.06; and

6823 (b) Is intended to:

6824 1. Intimidate, injure, or coerce a civilian population;

6825 2. Influence the policy of a government by intimidation or  
6826 coercion; or

6827 3. Affect the conduct of government through destruction of  
6828 property, assassination, murder, kidnapping, or aircraft piracy.

6829 (2) A person who violates s. 782.04(1)(a)1. or (2), s.  
6830 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.  
6831 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,  
6832 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.  
6833 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.  
6834 859.01, or s. 876.34, in furtherance of intimidating or coercing





793174

576-04422-19

6835 the policy of a government, or in furtherance of affecting the  
6836 conduct of a government by mass destruction, assassination, or  
6837 kidnapping, commits the crime of terrorism, a felony of the  
6838 first degree, punishable as provided in s. 775.082, s. 775.083,  
6839 or s. 775.084.

6840 Section 120. For the purpose of incorporating the amendment  
6841 made by this act to section 815.06, Florida Statutes, in a  
6842 reference thereto, subsection (2) of section 775.33, Florida  
6843 Statutes, is reenacted to read:

6844 775.33 Providing material support or resources for  
6845 terrorism or to terrorist organizations.—

6846 (2) A person commits a felony of the first degree,  
6847 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
6848 if the person:

6849 (a) Provides material support or resources or conceals or  
6850 disguises the nature, location, source, or ownership of the  
6851 material support or resources, knowing or intending that the  
6852 support or resources are to be used in preparation for or in  
6853 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.  
6854 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.  
6855 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,  
6856 s. 876.34, or s. 876.36;

6857 (b) Conceals an escape from the commission of a violation  
6858 of paragraph (a); or

6859 (c) Attempts or conspires to commit a violation of  
6860 paragraph (a).

6861 Section 121. For the purpose of incorporating the amendment  
6862 made by this act to section 815.06, Florida Statutes, in a  
6863 reference thereto, subsection (5) of section 782.04, Florida



793174

576-04422-19

6864 Statutes, is reenacted to read:

6865 782.04 Murder.—

6866 (5) As used in this section, the term "terrorism" means an  
6867 activity that:

6868 (a)1. Involves a violent act or an act dangerous to human  
6869 life which is a violation of the criminal laws of this state or  
6870 of the United States; or

6871 2. Involves a violation of s. 815.06; and

6872 (b) Is intended to:

6873 1. Intimidate, injure, or coerce a civilian population;

6874 2. Influence the policy of a government by intimidation or  
6875 coercion; or

6876 3. Affect the conduct of government through destruction of  
6877 property, assassination, murder, kidnapping, or aircraft piracy.

6878 Section 122. For the purpose of incorporating the amendment  
6879 made by this act to section 815.06, Florida Statutes, in a  
6880 reference thereto, subsection (3) of section 934.07, Florida  
6881 Statutes, is reenacted to read:

6882 934.07 Authorization for interception of wire, oral, or  
6883 electronic communications.—

6884 (3) As used in this section, the term "terrorism" means an  
6885 activity that:

6886 (a)1. Involves a violent act or an act dangerous to human  
6887 life which is a violation of the criminal laws of this state or  
6888 of the United States; or

6889 2. Involves a violation of s. 815.06; and

6890 (b) Is intended to:

6891 1. Intimidate, injure, or coerce a civilian population;

6892 2. Influence the policy of a government by intimidation or



793174

576-04422-19

6893 coercion; or

6894 3. Affect the conduct of government through destruction of  
6895 property, assassination, murder, kidnapping, or aircraft piracy.

6896 Section 123. For the purpose of incorporating the amendment  
6897 made by this act to section 847.011, Florida Statutes, in a  
6898 reference thereto, paragraph (a) of subsection (1) of section  
6899 772.102, Florida Statutes, is reenacted to read:

6900 772.102 Definitions.—As used in this chapter, the term:

6901 (1) "Criminal activity" means to commit, to attempt to  
6902 commit, to conspire to commit, or to solicit, coerce, or  
6903 intimidate another person to commit:

6904 (a) Any crime that is chargeable by indictment or  
6905 information under the following provisions:

6906 1. Section 210.18, relating to evasion of payment of  
6907 cigarette taxes.

6908 2. Section 414.39, relating to public assistance fraud.

6909 3. Section 440.105 or s. 440.106, relating to workers'  
6910 compensation.

6911 4. Part IV of chapter 501, relating to telemarketing.

6912 5. Chapter 517, relating to securities transactions.

6913 6. Section 550.235 or s. 550.3551, relating to dogracing  
6914 and horseracing.

6915 7. Chapter 550, relating to jai alai frontons.

6916 8. Chapter 552, relating to the manufacture, distribution,  
6917 and use of explosives.

6918 9. Chapter 562, relating to beverage law enforcement.

6919 10. Section 624.401, relating to transacting insurance  
6920 without a certificate of authority, s. 624.437(4)(c)1., relating  
6921 to operating an unauthorized multiple-employer welfare



793174

576-04422-19

- 6922 arrangement, or s. 626.902(1)(b), relating to representing or  
6923 aiding an unauthorized insurer.
- 6924 11. Chapter 687, relating to interest and usurious  
6925 practices.
- 6926 12. Section 721.08, s. 721.09, or s. 721.13, relating to  
6927 real estate timeshare plans.
- 6928 13. Chapter 782, relating to homicide.
- 6929 14. Chapter 784, relating to assault and battery.
- 6930 15. Chapter 787, relating to kidnapping or human  
6931 trafficking.
- 6932 16. Chapter 790, relating to weapons and firearms.
- 6933 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,  
6934 relating to prostitution.
- 6935 18. Chapter 806, relating to arson.
- 6936 19. Section 810.02(2)(c), relating to specified burglary of  
6937 a dwelling or structure.
- 6938 20. Chapter 812, relating to theft, robbery, and related  
6939 crimes.
- 6940 21. Chapter 815, relating to computer-related crimes.
- 6941 22. Chapter 817, relating to fraudulent practices, false  
6942 pretenses, fraud generally, and credit card crimes.
- 6943 23. Section 827.071, relating to commercial sexual  
6944 exploitation of children.
- 6945 24. Chapter 831, relating to forgery and counterfeiting.
- 6946 25. Chapter 832, relating to issuance of worthless checks  
6947 and drafts.
- 6948 26. Section 836.05, relating to extortion.
- 6949 27. Chapter 837, relating to perjury.
- 6950 28. Chapter 838, relating to bribery and misuse of public



793174

576-04422-19

6951 office.

6952 29. Chapter 843, relating to obstruction of justice.

6953 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

6954 s. 847.07, relating to obscene literature and profanity.

6955 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.

6956 849.25, relating to gambling.

6957 32. Chapter 893, relating to drug abuse prevention and

6958 control.

6959 33. Section 914.22 or s. 914.23, relating to witnesses,

6960 victims, or informants.

6961 34. Section 918.12 or s. 918.13, relating to tampering with

6962 jurors and evidence.

6963 Section 124. For the purpose of incorporating the amendment

6964 made by this act to section 847.011, Florida Statutes, in a

6965 reference thereto, section 847.02, Florida Statutes, is

6966 reenacted to read:

6967 847.02 Confiscation of obscene material.—Whenever anyone is

6968 convicted under s. 847.011, the court in awarding sentence shall

6969 make an order confiscating said obscene material and authorize

6970 the sheriff of the county in which the material is held to

6971 destroy the same. The sheriff shall file with the court a

6972 certificate of his or her compliance.

6973 Section 125. For the purpose of incorporating the amendment

6974 made by this act to section 847.011, Florida Statutes, in a

6975 reference thereto, section 847.03, Florida Statutes, is

6976 reenacted to read:

6977 847.03 Officer to seize obscene material.—Whenever any

6978 officer arrests any person charged with any offense under s.

6979 847.011, the officer shall seize said obscene material and take



793174

576-04422-19

6980 the same into his or her custody to await the sentence of the  
6981 court upon the trial of the offender.

6982 Section 126. For the purpose of incorporating the amendment  
6983 made by this act to section 847.011, Florida Statutes, in a  
6984 reference thereto, subsection (2) of section 847.09, Florida  
6985 Statutes, is reenacted to read:

6986 847.09 Legislative intent.—

6987 (2) Nothing in ss. 847.07-847.09 shall be construed to  
6988 repeal or in any way supersede the provisions of s. 847.011, s.  
6989 847.012, or s. 847.013.

6990 Section 127. For the purpose of incorporating the amendment  
6991 made by this act to section 847.011, Florida Statutes, in a  
6992 reference thereto, paragraph (a) of subsection (8) of section  
6993 895.02, Florida Statutes, is reenacted to read:

6994 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

6995 (8) "Racketeering activity" means to commit, to attempt to  
6996 commit, to conspire to commit, or to solicit, coerce, or  
6997 intimidate another person to commit:

6998 (a) Any crime that is chargeable by petition, indictment,  
6999 or information under the following provisions of the Florida  
7000 Statutes:

7001 1. Section 210.18, relating to evasion of payment of  
7002 cigarette taxes.

7003 2. Section 316.1935, relating to fleeing or attempting to  
7004 elude a law enforcement officer and aggravated fleeing or  
7005 eluding.

7006 3. Section 403.727(3)(b), relating to environmental  
7007 control.

7008 4. Section 409.920 or s. 409.9201, relating to Medicaid



793174

576-04422-19

- 7009 fraud.
- 7010 5. Section 414.39, relating to public assistance fraud.
- 7011 6. Section 440.105 or s. 440.106, relating to workers'
- 7012 compensation.
- 7013 7. Section 443.071(4), relating to creation of a fictitious
- 7014 employer scheme to commit reemployment assistance fraud.
- 7015 8. Section 465.0161, relating to distribution of medicinal
- 7016 drugs without a permit as an Internet pharmacy.
- 7017 9. Section 499.0051, relating to crimes involving
- 7018 contraband, adulterated, or misbranded drugs.
- 7019 10. Part IV of chapter 501, relating to telemarketing.
- 7020 11. Chapter 517, relating to sale of securities and
- 7021 investor protection.
- 7022 12. Section 550.235 or s. 550.3551, relating to dogracing
- 7023 and horseracing.
- 7024 13. Chapter 550, relating to jai alai frontons.
- 7025 14. Section 551.109, relating to slot machine gaming.
- 7026 15. Chapter 552, relating to the manufacture, distribution,
- 7027 and use of explosives.
- 7028 16. Chapter 560, relating to money transmitters, if the
- 7029 violation is punishable as a felony.
- 7030 17. Chapter 562, relating to beverage law enforcement.
- 7031 18. Section 624.401, relating to transacting insurance
- 7032 without a certificate of authority, s. 624.437(4)(c)1., relating
- 7033 to operating an unauthorized multiple-employer welfare
- 7034 arrangement, or s. 626.902(1)(b), relating to representing or
- 7035 aiding an unauthorized insurer.
- 7036 19. Section 655.50, relating to reports of currency
- 7037 transactions, when such violation is punishable as a felony.



793174

576-04422-19

- 7038           20. Chapter 687, relating to interest and usurious  
7039 practices.
- 7040           21. Section 721.08, s. 721.09, or s. 721.13, relating to  
7041 real estate timeshare plans.
- 7042           22. Section 775.13(5)(b), relating to registration of  
7043 persons found to have committed any offense for the purpose of  
7044 benefiting, promoting, or furthering the interests of a criminal  
7045 gang.
- 7046           23. Section 777.03, relating to commission of crimes by  
7047 accessories after the fact.
- 7048           24. Chapter 782, relating to homicide.
- 7049           25. Chapter 784, relating to assault and battery.
- 7050           26. Chapter 787, relating to kidnapping or human  
7051 trafficking.
- 7052           27. Chapter 790, relating to weapons and firearms.
- 7053           28. Chapter 794, relating to sexual battery, but only if  
7054 such crime was committed with the intent to benefit, promote, or  
7055 further the interests of a criminal gang, or for the purpose of  
7056 increasing a criminal gang member's own standing or position  
7057 within a criminal gang.
- 7058           29. Former s. 796.03, former s. 796.035, s. 796.04, s.  
7059 796.05, or s. 796.07, relating to prostitution.
- 7060           30. Chapter 806, relating to arson and criminal mischief.
- 7061           31. Chapter 810, relating to burglary and trespass.
- 7062           32. Chapter 812, relating to theft, robbery, and related  
7063 crimes.
- 7064           33. Chapter 815, relating to computer-related crimes.
- 7065           34. Chapter 817, relating to fraudulent practices, false  
7066 pretenses, fraud generally, credit card crimes, and patient





793174

576-04422-19

7067 brokering.  
7068       35. Chapter 825, relating to abuse, neglect, or  
7069 exploitation of an elderly person or disabled adult.  
7070       36. Section 827.071, relating to commercial sexual  
7071 exploitation of children.  
7072       37. Section 828.122, relating to fighting or baiting  
7073 animals.  
7074       38. Chapter 831, relating to forgery and counterfeiting.  
7075       39. Chapter 832, relating to issuance of worthless checks  
7076 and drafts.  
7077       40. Section 836.05, relating to extortion.  
7078       41. Chapter 837, relating to perjury.  
7079       42. Chapter 838, relating to bribery and misuse of public  
7080 office.  
7081       43. Chapter 843, relating to obstruction of justice.  
7082       44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
7083 s. 847.07, relating to obscene literature and profanity.  
7084       45. Chapter 849, relating to gambling, lottery, gambling or  
7085 gaming devices, slot machines, or any of the provisions within  
7086 that chapter.  
7087       46. Chapter 874, relating to criminal gangs.  
7088       47. Chapter 893, relating to drug abuse prevention and  
7089 control.  
7090       48. Chapter 896, relating to offenses related to financial  
7091 transactions.  
7092       49. Sections 914.22 and 914.23, relating to tampering with  
7093 or harassing a witness, victim, or informant, and retaliation  
7094 against a witness, victim, or informant.  
7095       50. Sections 918.12 and 918.13, relating to tampering with



793174

576-04422-19

7096 jurors and evidence.

7097           Section 128. For the purpose of incorporating the amendment  
7098 made by this act to section 847.011, Florida Statutes, in a  
7099 reference thereto, subsection (2) of section 933.02, Florida  
7100 Statutes, is reenacted to read:

7101           933.02 Grounds for issuance of search warrant.—Upon proper  
7102 affidavits being made, a search warrant may be issued under the  
7103 provisions of this chapter upon any of the following grounds:

7104           (2) When any property shall have been used:

7105           (a) As a means to commit any crime;

7106           (b) In connection with gambling, gambling implements and  
7107 appliances; or

7108           (c) In violation of s. 847.011 or other laws in reference  
7109 to obscene prints and literature;

7110  
7111 This section also applies to any papers or documents used as a  
7112 means of or in aid of the commission of any offense against the  
7113 laws of the state.

7114           Section 129. For the purpose of incorporating the amendment  
7115 made by this act to section 847.011, Florida Statutes, in a  
7116 reference thereto, section 933.03, Florida Statutes, is  
7117 reenacted to read:

7118           933.03 Destruction of obscene prints and literature.—All  
7119 obscene prints and literature, or other things mentioned in s.  
7120 847.011 found by an officer in executing a search warrant, or  
7121 produced or brought into court, shall be safely kept so long as  
7122 is necessary for the purpose of being used as evidence in any  
7123 case, and as soon as may be afterwards, shall be destroyed by  
7124 order of the court before whom the case is brought.



793174

576-04422-19

7125 Section 130. For the purpose of incorporating the amendment  
7126 made by this act to section 847.011, Florida Statutes, in a  
7127 reference thereto, paragraph (g) of subsection (2) of section  
7128 943.325, Florida Statutes, is reenacted to read:

7129 943.325 DNA database.—

7130 (2) DEFINITIONS.—As used in this section, the term:

7131 (g) "Qualifying offender" means any person, including  
7132 juveniles and adults, who is:

7133 1.a. Committed to a county jail;

7134 b. Committed to or under the supervision of the Department  
7135 of Corrections, including persons incarcerated in a private  
7136 correctional institution operated under contract pursuant to s.  
7137 944.105;

7138 c. Committed to or under the supervision of the Department  
7139 of Juvenile Justice;

7140 d. Transferred to this state under the Interstate Compact  
7141 on Juveniles, part XIII of chapter 985; or

7142 e. Accepted under Article IV of the Interstate Corrections  
7143 Compact, part III of chapter 941; and who is:

7144 2.a. Convicted of any felony offense or attempted felony  
7145 offense in this state or of a similar offense in another  
7146 jurisdiction;

7147 b. Convicted of a misdemeanor violation of s. 784.048, s.  
7148 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an  
7149 offense that was found, pursuant to s. 874.04, to have been  
7150 committed for the purpose of benefiting, promoting, or  
7151 furthering the interests of a criminal gang as defined in s.  
7152 874.03; or

7153 c. Arrested for any felony offense or attempted felony



793174

576-04422-19

7154 offense in this state.

7155           Section 131. For the purpose of incorporating the amendment  
7156 made by this act to section 849.01, Florida Statutes, in a  
7157 reference thereto, section 849.02, Florida Statutes, is  
7158 reenacted to read:

7159           849.02 Agents or employees of keeper of gambling house.—  
7160 Whoever acts as servant, clerk, agent, or employee of any person  
7161 in the violation of s. 849.01 shall be punished in the manner  
7162 and to the extent therein mentioned.

7163           Section 132. For the purpose of incorporating the amendment  
7164 made by this act to section 893.135, Florida Statutes, in a  
7165 reference thereto, paragraph (c) of subsection (3) of section  
7166 373.6055, Florida Statutes, is reenacted to read:

7167           373.6055 Criminal history checks for certain water  
7168 management district employees and others.—

7169           (3)

7170           (c) In addition to other requirements for employment or  
7171 access established by any water management district pursuant to  
7172 its water management district's security plan for buildings,  
7173 facilities, and structures, each water management district's  
7174 security plan shall provide that:

7175           1. Any person who has within the past 7 years been  
7176 convicted, regardless of whether adjudication was withheld, for  
7177 a forcible felony as defined in s. 776.08; an act of terrorism  
7178 as defined in s. 775.30; planting of a hoax bomb as provided in  
7179 s. 790.165; any violation involving the manufacture, possession,  
7180 sale, delivery, display, use, or attempted or threatened use of  
7181 a weapon of mass destruction or hoax weapon of mass destruction  
7182 as provided in s. 790.166; dealing in stolen property; any



793174

576-04422-19

7183 violation of s. 893.135; any violation involving the sale,  
7184 manufacturing, delivery, or possession with intent to sell,  
7185 manufacture, or deliver a controlled substance; burglary;  
7186 robbery; any felony violation of s. 812.014; any violation of s.  
7187 790.07; any crime an element of which includes use or possession  
7188 of a firearm; any conviction for any similar offenses under the  
7189 laws of another jurisdiction; or conviction for conspiracy to  
7190 commit any of the listed offenses may not be qualified for  
7191 initial employment within or authorized regular access to  
7192 buildings, facilities, or structures defined in the water  
7193 management district's security plan as restricted access areas.

7194 2. Any person who has at any time been convicted of any of  
7195 the offenses listed in subparagraph 1. may not be qualified for  
7196 initial employment within or authorized regular access to  
7197 buildings, facilities, or structures defined in the water  
7198 management district's security plan as restricted access areas  
7199 unless, after release from incarceration and any supervision  
7200 imposed as a sentence, the person remained free from a  
7201 subsequent conviction, regardless of whether adjudication was  
7202 withheld, for any of the listed offenses for a period of at  
7203 least 7 years prior to the employment or access date under  
7204 consideration.

7205 Section 133. For the purpose of incorporating the amendment  
7206 made by this act to section 893.135, Florida Statutes, in a  
7207 reference thereto, subsection (6) of section 397.4073, Florida  
7208 Statutes, is reenacted to read:

7209 397.4073 Background checks of service provider personnel.—

7210 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State  
7211 funds may not be disseminated to any service provider owned or



793174

576-04422-19

7212 operated by an owner, director, or chief financial officer who  
7213 has been convicted of, has entered a plea of guilty or nolo  
7214 contendere to, or has had adjudication withheld for, a violation  
7215 of s. 893.135 pertaining to trafficking in controlled  
7216 substances, or a violation of the law of another state, the  
7217 District of Columbia, the United States or any possession or  
7218 territory thereof, or any foreign jurisdiction which is  
7219 substantially similar in elements and penalties to a trafficking  
7220 offense in this state, unless the owner's or director's civil  
7221 rights have been restored.

7222 Section 134. For the purpose of incorporating the amendment  
7223 made by this act to section 893.135, Florida Statutes, in a  
7224 reference thereto, subsection (1) of section 414.095, Florida  
7225 Statutes, is reenacted to read:

7226 414.095 Determining eligibility for temporary cash  
7227 assistance.—

7228 (1) ELIGIBILITY.—An applicant must meet eligibility  
7229 requirements of this section before receiving services or  
7230 temporary cash assistance under this chapter, except that an  
7231 applicant shall be required to register for work and engage in  
7232 work activities in accordance with s. 445.024, as designated by  
7233 the local workforce development board, and may receive support  
7234 services or child care assistance in conjunction with such  
7235 requirement. The department shall make a determination of  
7236 eligibility based on the criteria listed in this chapter. The  
7237 department shall monitor continued eligibility for temporary  
7238 cash assistance through periodic reviews consistent with the  
7239 food assistance eligibility process. Benefits may not be denied  
7240 to an individual solely based on a felony drug conviction,



793174

576-04422-19

7241 unless the conviction is for trafficking pursuant to s. 893.135.  
7242 To be eligible under this section, an individual convicted of a  
7243 drug felony must be satisfactorily meeting the requirements of  
7244 the temporary cash assistance program, including all substance  
7245 abuse treatment requirements. Within the limits specified in  
7246 this chapter, the state opts out of the provision of Pub. L. No.  
7247 104-193, s. 115, that eliminates eligibility for temporary cash  
7248 assistance and food assistance for any individual convicted of a  
7249 controlled substance felony.

7250 Section 135. For the purpose of incorporating the amendment  
7251 made by this act to section 893.135, Florida Statutes, in a  
7252 reference thereto, subsection (2) of section 772.12, Florida  
7253 Statutes, is reenacted to read:

7254 772.12 Drug Dealer Liability Act.—

7255 (2) A person, including any governmental entity, has a  
7256 cause of action for threefold the actual damages sustained and  
7257 is entitled to minimum damages in the amount of \$1,000 and  
7258 reasonable attorney's fees and court costs in the trial and  
7259 appellate courts, if the person proves by the greater weight of  
7260 the evidence that:

7261 (a) The person was injured because of the defendant's  
7262 actions that resulted in the defendant's conviction for:

7263 1. A violation of s. 893.13, except for a violation of s.  
7264 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

7265 2. A violation of s. 893.135; and

7266 (b) The person was not injured by reason of his or her  
7267 participation in the same act or transaction that resulted in  
7268 the defendant's conviction for any offense described in  
7269 subparagraph (a)1.



793174

576-04422-19

7270 Section 136. For the purpose of incorporating the amendment  
7271 made by this act to section 893.135, Florida Statutes, in  
7272 references thereto, paragraph (a) of subsection (2) and  
7273 paragraph (a) of subsection (3) of section 775.087, Florida  
7274 Statutes, are reenacted to read:

7275 775.087 Possession or use of weapon; aggravated battery;  
7276 felony reclassification; minimum sentence.-

7277 (2) (a) 1. Any person who is convicted of a felony or an  
7278 attempt to commit a felony, regardless of whether the use of a  
7279 weapon is an element of the felony, and the conviction was for:

- 7280 a. Murder;
- 7281 b. Sexual battery;
- 7282 c. Robbery;
- 7283 d. Burglary;
- 7284 e. Arson;
- 7285 f. Aggravated battery;
- 7286 g. Kidnapping;
- 7287 h. Escape;
- 7288 i. Aircraft piracy;
- 7289 j. Aggravated child abuse;
- 7290 k. Aggravated abuse of an elderly person or disabled adult;
- 7291 l. Unlawful throwing, placing, or discharging of a  
7292 destructive device or bomb;
- 7293 m. Carjacking;
- 7294 n. Home-invasion robbery;
- 7295 o. Aggravated stalking;
- 7296 p. Trafficking in cannabis, trafficking in cocaine, capital  
7297 importation of cocaine, trafficking in illegal drugs, capital  
7298 importation of illegal drugs, trafficking in phencyclidine,





793174

576-04422-19

7299 capital importation of phencyclidine, trafficking in  
7300 methaqualone, capital importation of methaqualone, trafficking  
7301 in amphetamine, capital importation of amphetamine, trafficking  
7302 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
7303 (GHB), trafficking in 1,4-Butanediol, trafficking in  
7304 Phenethylamines, or other violation of s. 893.135(1); or  
7305       q. Possession of a firearm by a felon  
7306  
7307 and during the commission of the offense, such person actually  
7308 possessed a "firearm" or "destructive device" as those terms are  
7309 defined in s. 790.001, shall be sentenced to a minimum term of  
7310 imprisonment of 10 years, except that a person who is convicted  
7311 for possession of a firearm by a felon or burglary of a  
7312 conveyance shall be sentenced to a minimum term of imprisonment  
7313 of 3 years if such person possessed a "firearm" or "destructive  
7314 device" during the commission of the offense. However, if an  
7315 offender who is convicted of the offense of possession of a  
7316 firearm by a felon has a previous conviction of committing or  
7317 attempting to commit a felony listed in s. 775.084(1)(b)1. and  
7318 actually possessed a firearm or destructive device during the  
7319 commission of the prior felony, the offender shall be sentenced  
7320 to a minimum term of imprisonment of 10 years.  
7321       2. Any person who is convicted of a felony or an attempt to  
7322 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
7323 regardless of whether the use of a weapon is an element of the  
7324 felony, and during the course of the commission of the felony  
7325 such person discharged a "firearm" or "destructive device" as  
7326 defined in s. 790.001 shall be sentenced to a minimum term of  
7327 imprisonment of 20 years.



793174

576-04422-19

7328           3. Any person who is convicted of a felony or an attempt to  
7329 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
7330 regardless of whether the use of a weapon is an element of the  
7331 felony, and during the course of the commission of the felony  
7332 such person discharged a "firearm" or "destructive device" as  
7333 defined in s. 790.001 and, as the result of the discharge, death  
7334 or great bodily harm was inflicted upon any person, the  
7335 convicted person shall be sentenced to a minimum term of  
7336 imprisonment of not less than 25 years and not more than a term  
7337 of imprisonment of life in prison.

7338           (3)(a)1. Any person who is convicted of a felony or an  
7339 attempt to commit a felony, regardless of whether the use of a  
7340 firearm is an element of the felony, and the conviction was for:

- 7341           a. Murder;
- 7342           b. Sexual battery;
- 7343           c. Robbery;
- 7344           d. Burglary;
- 7345           e. Arson;
- 7346           f. Aggravated battery;
- 7347           g. Kidnapping;
- 7348           h. Escape;
- 7349           i. Sale, manufacture, delivery, or intent to sell,  
7350 manufacture, or deliver any controlled substance;
- 7351           j. Aircraft piracy;
- 7352           k. Aggravated child abuse;
- 7353           l. Aggravated abuse of an elderly person or disabled adult;
- 7354           m. Unlawful throwing, placing, or discharging of a  
7355 destructive device or bomb;
- 7356           n. Carjacking;



793174

576-04422-19

7357           o. Home-invasion robbery;  
7358           p. Aggravated stalking; or  
7359           q. Trafficking in cannabis, trafficking in cocaine, capital  
7360 importation of cocaine, trafficking in illegal drugs, capital  
7361 importation of illegal drugs, trafficking in phencyclidine,  
7362 capital importation of phencyclidine, trafficking in  
7363 methaqualone, capital importation of methaqualone, trafficking  
7364 in amphetamine, capital importation of amphetamine, trafficking  
7365 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
7366 (GHB), trafficking in 1,4-Butanediol, trafficking in  
7367 Phenethylamines, or other violation of s. 893.135(1);  
7368

7369 and during the commission of the offense, such person possessed  
7370 a semiautomatic firearm and its high-capacity detachable box  
7371 magazine or a machine gun as defined in s. 790.001, shall be  
7372 sentenced to a minimum term of imprisonment of 15 years.

7373           2. Any person who is convicted of a felony or an attempt to  
7374 commit a felony listed in subparagraph (a)1., regardless of  
7375 whether the use of a weapon is an element of the felony, and  
7376 during the course of the commission of the felony such person  
7377 discharged a semiautomatic firearm and its high-capacity box  
7378 magazine or a "machine gun" as defined in s. 790.001 shall be  
7379 sentenced to a minimum term of imprisonment of 20 years.

7380           3. Any person who is convicted of a felony or an attempt to  
7381 commit a felony listed in subparagraph (a)1., regardless of  
7382 whether the use of a weapon is an element of the felony, and  
7383 during the course of the commission of the felony such person  
7384 discharged a semiautomatic firearm and its high-capacity box  
7385 magazine or a "machine gun" as defined in s. 790.001 and, as the



793174

576-04422-19

7386 result of the discharge, death or great bodily harm was  
7387 inflicted upon any person, the convicted person shall be  
7388 sentenced to a minimum term of imprisonment of not less than 25  
7389 years and not more than a term of imprisonment of life in  
7390 prison.

7391 Section 137. For the purpose of incorporating the amendment  
7392 made by this act to section 893.135, Florida Statutes, in  
7393 references thereto, paragraph (a) of subsection (1) and  
7394 subsections (3) and (4) of section 782.04, Florida Statutes, are  
7395 reenacted to read:

7396 782.04 Murder.—

7397 (1) (a) The unlawful killing of a human being:

7398 1. When perpetrated from a premeditated design to effect  
7399 the death of the person killed or any human being;

7400 2. When committed by a person engaged in the perpetration  
7401 of, or in the attempt to perpetrate, any:

7402 a. Trafficking offense prohibited by s. 893.135(1),

7403 b. Arson,

7404 c. Sexual battery,

7405 d. Robbery,

7406 e. Burglary,

7407 f. Kidnapping,

7408 g. Escape,

7409 h. Aggravated child abuse,

7410 i. Aggravated abuse of an elderly person or disabled adult,

7411 j. Aircraft piracy,

7412 k. Unlawful throwing, placing, or discharging of a  
7413 destructive device or bomb,

7414 l. Carjacking,



793174

576-04422-19

7415 m. Home-invasion robbery,  
7416 n. Aggravated stalking,  
7417 o. Murder of another human being,  
7418 p. Resisting an officer with violence to his or her person,  
7419 q. Aggravated fleeing or eluding with serious bodily injury  
7420 or death,  
7421 r. Felony that is an act of terrorism or is in furtherance  
7422 of an act of terrorism, including a felony under s. 775.30, s.  
7423 775.32, s. 775.33, s. 775.34, or s. 775.35, or  
7424 s. Human trafficking; or  
7425 3. Which resulted from the unlawful distribution by a  
7426 person 18 years of age or older of any of the following  
7427 substances, or mixture containing any of the following  
7428 substances, when such substance or mixture is proven to be the  
7429 proximate cause of the death of the user:  
7430 a. A substance controlled under s. 893.03(1);  
7431 b. Cocaine, as described in s. 893.03(2)(a)4.;  
7432 c. Opium or any synthetic or natural salt, compound,  
7433 derivative, or preparation of opium;  
7434 d. Methadone;  
7435 e. Alfentanil, as described in s. 893.03(2)(b)1.;  
7436 f. Carfentanil, as described in s. 893.03(2)(b)6.;  
7437 g. Fentanyl, as described in s. 893.03(2)(b)9.;  
7438 h. Sufentanil, as described in s. 893.03(2)(b)30.; or  
7439 i. A controlled substance analog, as described in s.  
7440 893.0356, of any substance specified in sub-subparagraphs a.-h.,  
7441  
7442 is murder in the first degree and constitutes a capital felony,  
7443 punishable as provided in s. 775.082.



793174

576-04422-19

7444           (3) When a human being is killed during the perpetration  
7445 of, or during the attempt to perpetrate, any:  
7446           (a) Trafficking offense prohibited by s. 893.135(1),  
7447           (b) Arson,  
7448           (c) Sexual battery,  
7449           (d) Robbery,  
7450           (e) Burglary,  
7451           (f) Kidnapping,  
7452           (g) Escape,  
7453           (h) Aggravated child abuse,  
7454           (i) Aggravated abuse of an elderly person or disabled  
7455 adult,  
7456           (j) Aircraft piracy,  
7457           (k) Unlawful throwing, placing, or discharging of a  
7458 destructive device or bomb,  
7459           (l) Carjacking,  
7460           (m) Home-invasion robbery,  
7461           (n) Aggravated stalking,  
7462           (o) Murder of another human being,  
7463           (p) Aggravated fleeing or eluding with serious bodily  
7464 injury or death,  
7465           (q) Resisting an officer with violence to his or her  
7466 person, or  
7467           (r) Felony that is an act of terrorism or is in furtherance  
7468 of an act of terrorism, including a felony under s. 775.30, s.  
7469 775.32, s. 775.33, s. 775.34, or s. 775.35,  
7470  
7471 by a person other than the person engaged in the perpetration of  
7472 or in the attempt to perpetrate such felony, the person



793174

576-04422-19

7473 perpetrating or attempting to perpetrate such felony commits  
7474 murder in the second degree, which constitutes a felony of the  
7475 first degree, punishable by imprisonment for a term of years not  
7476 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
7477 775.084.

7478 (4) The unlawful killing of a human being, when perpetrated  
7479 without any design to effect death, by a person engaged in the  
7480 perpetration of, or in the attempt to perpetrate, any felony  
7481 other than any:

- 7482 (a) Trafficking offense prohibited by s. 893.135(1),
- 7483 (b) Arson,
- 7484 (c) Sexual battery,
- 7485 (d) Robbery,
- 7486 (e) Burglary,
- 7487 (f) Kidnapping,
- 7488 (g) Escape,
- 7489 (h) Aggravated child abuse,
- 7490 (i) Aggravated abuse of an elderly person or disabled  
7491 adult,

7492 (j) Aircraft piracy,

7493 (k) Unlawful throwing, placing, or discharging of a  
7494 destructive device or bomb,

7495 (l) Unlawful distribution of any substance controlled under  
7496 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or  
7497 opium or any synthetic or natural salt, compound, derivative, or  
7498 preparation of opium by a person 18 years of age or older, when  
7499 such drug is proven to be the proximate cause of the death of  
7500 the user,

7501 (m) Carjacking,



793174

576-04422-19

7502           (n) Home-invasion robbery,  
7503           (o) Aggravated stalking,  
7504           (p) Murder of another human being,  
7505           (q) Aggravated fleeing or eluding with serious bodily  
7506 injury or death,  
7507           (r) Resisting an officer with violence to his or her  
7508 person, or  
7509           (s) Felony that is an act of terrorism or is in furtherance  
7510 of an act of terrorism, including a felony under s. 775.30, s.  
7511 775.32, s. 775.33, s. 775.34, or s. 775.35,  
7512  
7513 is murder in the third degree and constitutes a felony of the  
7514 second degree, punishable as provided in s. 775.082, s. 775.083,  
7515 or s. 775.084.  
7516           Section 138. For the purpose of incorporating the amendment  
7517 made by this act to section 893.135, Florida Statutes, in a  
7518 reference thereto, subsection (3) of section 810.02, Florida  
7519 Statutes, is reenacted to read:  
7520           810.02 Burglary.—  
7521           (3) Burglary is a felony of the second degree, punishable  
7522 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
7523 course of committing the offense, the offender does not make an  
7524 assault or battery and is not and does not become armed with a  
7525 dangerous weapon or explosive, and the offender enters or  
7526 remains in a:  
7527           (a) Dwelling, and there is another person in the dwelling  
7528 at the time the offender enters or remains;  
7529           (b) Dwelling, and there is not another person in the  
7530 dwelling at the time the offender enters or remains;





793174

576-04422-19

7531 (c) Structure, and there is another person in the structure  
7532 at the time the offender enters or remains;

7533 (d) Conveyance, and there is another person in the  
7534 conveyance at the time the offender enters or remains;

7535 (e) Authorized emergency vehicle, as defined in s. 316.003;  
7536 or

7537 (f) Structure or conveyance when the offense intended to be  
7538 committed therein is theft of a controlled substance as defined  
7539 in s. 893.02. Notwithstanding any other law, separate judgments  
7540 and sentences for burglary with the intent to commit theft of a  
7541 controlled substance under this paragraph and for any applicable  
7542 possession of controlled substance offense under s. 893.13 or  
7543 trafficking in controlled substance offense under s. 893.135 may  
7544 be imposed when all such offenses involve the same amount or  
7545 amounts of a controlled substance.

7546  
7547 However, if the burglary is committed within a county that is  
7548 subject to a state of emergency declared by the Governor under  
7549 chapter 252 after the declaration of emergency is made and the  
7550 perpetration of the burglary is facilitated by conditions  
7551 arising from the emergency, the burglary is a felony of the  
7552 first degree, punishable as provided in s. 775.082, s. 775.083,  
7553 or s. 775.084. As used in this subsection, the term "conditions  
7554 arising from the emergency" means civil unrest, power outages,  
7555 curfews, voluntary or mandatory evacuations, or a reduction in  
7556 the presence of or response time for first responders or  
7557 homeland security personnel. A person arrested for committing a  
7558 burglary within a county that is subject to such a state of  
7559 emergency may not be released until the person appears before a



793174

576-04422-19

7560 committing magistrate at a first appearance hearing. For  
7561 purposes of sentencing under chapter 921, a felony offense that  
7562 is reclassified under this subsection is ranked one level above  
7563 the ranking under s. 921.0022 or s. 921.0023 of the offense  
7564 committed.

7565 Section 139. For the purpose of incorporating the amendment  
7566 made by this act to section 893.135, Florida Statutes, in a  
7567 reference thereto, paragraph (d) of subsection (8) of section  
7568 893.13, Florida Statutes, is reenacted to read:

7569 893.13 Prohibited acts; penalties.—

7570 (8)

7571 (d) Notwithstanding paragraph (c), if a prescribing  
7572 practitioner has violated paragraph (a) and received \$1,000 or  
7573 more in payment for writing one or more prescriptions or, in the  
7574 case of a prescription written for a controlled substance  
7575 described in s. 893.135, has written one or more prescriptions  
7576 for a quantity of a controlled substance which, individually or  
7577 in the aggregate, meets the threshold for the offense of  
7578 trafficking in a controlled substance under s. 893.135, the  
7579 violation is reclassified as a felony of the second degree and  
7580 ranked in level 4 of the Criminal Punishment Code.

7581 Section 140. For the purpose of incorporating the amendment  
7582 made by this act to section 893.135, Florida Statutes, in  
7583 references thereto, subsections (1) and (2) of section 893.1351,  
7584 Florida Statutes, are reenacted to read:

7585 893.1351 Ownership, lease, rental, or possession for  
7586 trafficking in or manufacturing a controlled substance.—

7587 (1) A person may not own, lease, or rent any place,  
7588 structure, or part thereof, trailer, or other conveyance with



793174

576-04422-19

7589 the knowledge that the place, structure, trailer, or conveyance  
7590 will be used for the purpose of trafficking in a controlled  
7591 substance, as provided in s. 893.135; for the sale of a  
7592 controlled substance, as provided in s. 893.13; or for the  
7593 manufacture of a controlled substance intended for sale or  
7594 distribution to another. A person who violates this subsection  
7595 commits a felony of the third degree, punishable as provided in  
7596 s. 775.082, s. 775.083, or s. 775.084.

7597 (2) A person may not knowingly be in actual or constructive  
7598 possession of any place, structure, or part thereof, trailer, or  
7599 other conveyance with the knowledge that the place, structure,  
7600 or part thereof, trailer, or conveyance will be used for the  
7601 purpose of trafficking in a controlled substance, as provided in  
7602 s. 893.135; for the sale of a controlled substance, as provided  
7603 in s. 893.13; or for the manufacture of a controlled substance  
7604 intended for sale or distribution to another. A person who  
7605 violates this subsection commits a felony of the second degree,  
7606 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

7607 Section 141. For the purpose of incorporating the amendment  
7608 made by this act to section 893.135, Florida Statutes, in a  
7609 reference thereto, paragraph (e) of subsection (3) of section  
7610 900.05, Florida Statutes, is reenacted to read:

7611 900.05 Criminal justice data collection.—

7612 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,  
7613 2019, an entity required to collect data in accordance with this  
7614 subsection shall collect the specified data required of the  
7615 entity on a biweekly basis. Each entity shall report the data  
7616 collected in accordance with this subsection to the Department  
7617 of Law Enforcement on a monthly basis.



793174

576-04422-19

7618           (e) *Department of Corrections.*—The Department of  
7619 Corrections shall collect the following data:  
7620           1. Information related to each inmate, including:  
7621           a. Identifying information, including name, date of birth,  
7622 race or ethnicity, and identification number assigned by the  
7623 department.  
7624           b. Number of children.  
7625           c. Education level, including any vocational training.  
7626           d. Date the inmate was admitted to the custody of the  
7627 department.  
7628           e. Current institution placement and the security level  
7629 assigned to the institution.  
7630           f. Custody level assignment.  
7631           g. Qualification for a flag designation as defined in this  
7632 section, including sexual offender flag, habitual offender flag,  
7633 gang affiliation flag, or concurrent or consecutive sentence  
7634 flag.  
7635           h. County that committed the prisoner to the custody of the  
7636 department.  
7637           i. Whether the reason for admission to the department is  
7638 for a new conviction or a violation of probation, community  
7639 control, or parole. For an admission for a probation, community  
7640 control, or parole violation, the department shall report  
7641 whether the violation was technical or based on a new violation  
7642 of law.  
7643           j. Specific statutory citation for which the inmate was  
7644 committed to the department, including, for an inmate convicted  
7645 of drug trafficking under s. 893.135, the statutory citation for  
7646 each specific drug trafficked.



793174

576-04422-19

- 7647 k. Length of sentence or concurrent or consecutive  
7648 sentences served.
- 7649 l. Tentative release date.
- 7650 m. Gain time earned in accordance with s. 944.275.
- 7651 n. Prior incarceration within the state.
- 7652 o. Disciplinary violation and action.
- 7653 p. Participation in rehabilitative or educational programs  
7654 while in the custody of the department.
- 7655 2. Information about each state correctional institution or  
7656 facility, including:
- 7657 a. Budget for each state correctional institution or  
7658 facility.
- 7659 b. Daily prison population of all inmates incarcerated in a  
7660 state correctional institution or facility.
- 7661 c. Daily number of correctional officers for each state  
7662 correctional institution or facility.
- 7663 3. Information related to persons supervised by the  
7664 department on probation or community control, including:
- 7665 a. Identifying information for each person supervised by  
7666 the department on probation or community control, including his  
7667 or her name, date of birth, race or ethnicity, sex, and  
7668 department-assigned case number.
- 7669 b. Length of probation or community control sentence  
7670 imposed and amount of time that has been served on such  
7671 sentence.
- 7672 c. Projected termination date for probation or community  
7673 control.
- 7674 d. Revocation of probation or community control due to a  
7675 violation, including whether the revocation is due to a



793174

576-04422-19

7676 technical violation of the conditions of supervision or from the  
7677 commission of a new law violation.

7678 4. Per diem rates for:

7679 a. Prison bed.

7680 b. Probation.

7681 c. Community control.

7682

7683 This information only needs to be reported once annually at the  
7684 time the most recent per diem rate is published.

7685 Section 142. For the purpose of incorporating the amendment  
7686 made by this act to section 893.135, Florida Statutes, in a  
7687 reference thereto, section 903.133, Florida Statutes, is  
7688 reenacted to read:

7689 903.133 Bail on appeal; prohibited for certain felony  
7690 convictions.—Notwithstanding the provisions of s. 903.132, no  
7691 person adjudged guilty of a felony of the first degree for a  
7692 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
7693 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
7694 violation of s. 794.011(2) or (3), shall be admitted to bail  
7695 pending review either by posttrial motion or appeal.

7696 Section 143. For the purpose of incorporating the amendment  
7697 made by this act to section 893.135, Florida Statutes, in a  
7698 reference thereto, paragraph (c) of subsection (4) of section  
7699 907.041, Florida Statutes, is reenacted to read:

7700 907.041 Pretrial detention and release.—

7701 (4) PRETRIAL DETENTION.—

7702 (c) The court may order pretrial detention if it finds a  
7703 substantial probability, based on a defendant's past and present  
7704 patterns of behavior, the criteria in s. 903.046, and any other



793174

576-04422-19

7705 relevant facts, that any of the following circumstances exist:

7706 1. The defendant has previously violated conditions of  
7707 release and that no further conditions of release are reasonably  
7708 likely to assure the defendant's appearance at subsequent  
7709 proceedings;

7710 2. The defendant, with the intent to obstruct the judicial  
7711 process, has threatened, intimidated, or injured any victim,  
7712 potential witness, juror, or judicial officer, or has attempted  
7713 or conspired to do so, and that no condition of release will  
7714 reasonably prevent the obstruction of the judicial process;

7715 3. The defendant is charged with trafficking in controlled  
7716 substances as defined by s. 893.135, that there is a substantial  
7717 probability that the defendant has committed the offense, and  
7718 that no conditions of release will reasonably assure the  
7719 defendant's appearance at subsequent criminal proceedings;

7720 4. The defendant is charged with DUI manslaughter, as  
7721 defined by s. 316.193, and that there is a substantial  
7722 probability that the defendant committed the crime and that the  
7723 defendant poses a threat of harm to the community; conditions  
7724 that would support a finding by the court pursuant to this  
7725 subparagraph that the defendant poses a threat of harm to the  
7726 community include, but are not limited to, any of the following:

7727 a. The defendant has previously been convicted of any crime  
7728 under s. 316.193, or of any crime in any other state or  
7729 territory of the United States that is substantially similar to  
7730 any crime under s. 316.193;

7731 b. The defendant was driving with a suspended driver  
7732 license when the charged crime was committed; or

7733 c. The defendant has previously been found guilty of, or



793174

576-04422-19

7734 has had adjudication of guilt withheld for, driving while the  
7735 defendant's driver license was suspended or revoked in violation  
7736 of s. 322.34;

7737         5. The defendant poses the threat of harm to the community.  
7738 The court may so conclude, if it finds that the defendant is  
7739 presently charged with a dangerous crime, that there is a  
7740 substantial probability that the defendant committed such crime,  
7741 that the factual circumstances of the crime indicate a disregard  
7742 for the safety of the community, and that there are no  
7743 conditions of release reasonably sufficient to protect the  
7744 community from the risk of physical harm to persons;

7745         6. The defendant was on probation, parole, or other release  
7746 pending completion of sentence or on pretrial release for a  
7747 dangerous crime at the time the current offense was committed;

7748         7. The defendant has violated one or more conditions of  
7749 pretrial release or bond for the offense currently before the  
7750 court and the violation, in the discretion of the court,  
7751 supports a finding that no conditions of release can reasonably  
7752 protect the community from risk of physical harm to persons or  
7753 assure the presence of the accused at trial; or

7754         8.a. The defendant has ever been sentenced pursuant to s.  
7755 775.082(9) or s. 775.084 as a prison releasee reoffender,  
7756 habitual violent felony offender, three-time violent felony  
7757 offender, or violent career criminal, or the state attorney  
7758 files a notice seeking that the defendant be sentenced pursuant  
7759 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
7760 habitual violent felony offender, three-time violent felony  
7761 offender, or violent career criminal;

7762         b. There is a substantial probability that the defendant





793174

576-04422-19

7763 committed the offense; and

7764 c. There are no conditions of release that can reasonably  
7765 protect the community from risk of physical harm or ensure the  
7766 presence of the accused at trial.

7767 Section 144. For the purpose of incorporating the amendment  
7768 made by this act to section 893.135, Florida Statutes, in a  
7769 reference thereto, subsection (9) of section 921.141, Florida  
7770 Statutes, is reenacted to read:

7771 921.141 Sentence of death or life imprisonment for capital  
7772 felonies; further proceedings to determine sentence.—

7773 (9) APPLICABILITY.—This section does not apply to a person  
7774 convicted or adjudicated guilty of a capital drug trafficking  
7775 felony under s. 893.135.

7776 Section 145. For the purpose of incorporating the amendment  
7777 made by this act to section 893.135, Florida Statutes, in a  
7778 reference thereto, subsection (2) of section 921.142, Florida  
7779 Statutes, is reenacted to read:

7780 921.142 Sentence of death or life imprisonment for capital  
7781 drug trafficking felonies; further proceedings to determine  
7782 sentence.—

7783 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon  
7784 conviction or adjudication of guilt of a defendant of a capital  
7785 felony under s. 893.135, the court shall conduct a separate  
7786 sentencing proceeding to determine whether the defendant should  
7787 be sentenced to death or life imprisonment as authorized by s.  
7788 775.082. The proceeding shall be conducted by the trial judge  
7789 before the trial jury as soon as practicable. If, through  
7790 impossibility or inability, the trial jury is unable to  
7791 reconvene for a hearing on the issue of penalty, having



793174

576-04422-19

7792 determined the guilt of the accused, the trial judge may summon  
7793 a special juror or jurors as provided in chapter 913 to  
7794 determine the issue of the imposition of the penalty. If the  
7795 trial jury has been waived, or if the defendant pleaded guilty,  
7796 the sentencing proceeding shall be conducted before a jury  
7797 impaneled for that purpose, unless waived by the defendant. In  
7798 the proceeding, evidence may be presented as to any matter that  
7799 the court deems relevant to the nature of the crime and the  
7800 character of the defendant and shall include matters relating to  
7801 any of the aggravating factors enumerated in subsection (7) and  
7802 for which notice has been provided pursuant to s. 782.04(1)(b)  
7803 or mitigating circumstances enumerated in subsection (8). Any  
7804 such evidence that the court deems to have probative value may  
7805 be received, regardless of its admissibility under the  
7806 exclusionary rules of evidence, provided the defendant is  
7807 accorded a fair opportunity to rebut any hearsay statements.  
7808 However, this subsection shall not be construed to authorize the  
7809 introduction of any evidence secured in violation of the  
7810 Constitution of the United States or the Constitution of the  
7811 State of Florida. The state and the defendant or the defendant's  
7812 counsel shall be permitted to present argument for or against  
7813 sentence of death.

7814 Section 146. For the purpose of incorporating the amendment  
7815 made by this act to section 944.704, Florida Statutes, in a  
7816 reference thereto, paragraph (a) of subsection (3) of section  
7817 944.026, Florida Statutes, is reenacted to read:

7818 944.026 Community-based facilities and programs.—

7819 (3)(a) The department shall develop and implement  
7820 procedures to diagnose offenders prior to sentencing, for the



793174

576-04422-19

7821 purpose of recommending to the sentencing court suitable  
7822 candidates for placement in a community-based residential drug  
7823 treatment facility or probation and restitution center as  
7824 provided in this section. The department shall also develop and  
7825 implement procedures to properly identify inmates prior to  
7826 release who demonstrate the need for or interest in and  
7827 suitability for placement in a community-based substance abuse  
7828 transition housing program as provided in this section and  
7829 pursuant to ss. 944.4731 and 944.704.

7830 Section 147. For the purpose of incorporating the amendment  
7831 made by this act to section 944.705, Florida Statutes, in a  
7832 reference thereto, subsection (6) of section 944.4731, Florida  
7833 Statutes, is reenacted to read:

7834 944.4731 Addiction-Recovery Supervision Program.—

7835 (6) Six months before an offender is released, the chaplain  
7836 and transition assistance specialist at the institution where  
7837 the offender is incarcerated shall initiate the prerelease  
7838 screening process in addition to the basic release orientation  
7839 required under s. 944.705.

7840 (a) The transition assistance specialist and the chaplain  
7841 shall provide a list of contracted private providers, including  
7842 faith-based providers, to the offender and facilitate the  
7843 application process. The transition assistance specialist shall  
7844 inform the offender of program availability and assess the  
7845 offender's need and suitability for substance abuse transition  
7846 housing assistance. If an offender is approved for placement,  
7847 the specialist shall assist the offender and coordinate the  
7848 release of the offender with the selected program. If an  
7849 offender requests and is approved for placement in a contracted



793174

576-04422-19

7850 faith-based substance abuse transition housing program, the  
7851 specialist must consult with the chaplain prior to such  
7852 placement. A right to substance abuse program services is not  
7853 stated, intended, or otherwise implied by this section.

7854 (b) If an offender has participated in a faith-based  
7855 program while incarcerated or housed at a community correctional  
7856 center and the same or a similar faith-based provider offers a  
7857 contracted substance abuse transition housing program, the  
7858 department shall make every attempt to maintain this continuum  
7859 of care.

7860 Section 148. For the purpose of incorporating the amendment  
7861 made by this act to section 944.801, Florida Statutes, in a  
7862 reference thereto, subsection (2) of section 447.203, Florida  
7863 Statutes, is reenacted to read:

7864 447.203 Definitions.—As used in this part:

7865 (2) "Public employer" or "employer" means the state or any  
7866 county, municipality, or special district or any subdivision or  
7867 agency thereof which the commission determines has sufficient  
7868 legal distinctiveness properly to carry out the functions of a  
7869 public employer. With respect to all public employees determined  
7870 by the commission as properly belonging to a statewide  
7871 bargaining unit composed of State Career Service System  
7872 employees or Selected Professional Service employees, the  
7873 Governor shall be deemed to be the public employer; and the  
7874 Board of Governors of the State University System, or the  
7875 board's designee, shall be deemed to be the public employer with  
7876 respect to all public employees of each constituent state  
7877 university. The board of trustees of a community college shall  
7878 be deemed to be the public employer with respect to all



793174

576-04422-19

7879 employees of the community college. The district school board  
7880 shall be deemed to be the public employer with respect to all  
7881 employees of the school district. The Board of Trustees of the  
7882 Florida School for the Deaf and the Blind shall be deemed to be  
7883 the public employer with respect to the academic and academic  
7884 administrative personnel of the Florida School for the Deaf and  
7885 the Blind. The Governor shall be deemed to be the public  
7886 employer with respect to all employees in the Correctional  
7887 Education Program of the Department of Corrections established  
7888 pursuant to s. 944.801.

7889 Section 149. For the purpose of incorporating the amendment  
7890 made by this act to section 948.013, Florida Statutes, in a  
7891 reference thereto, paragraph (n) of subsection (1) of section  
7892 921.187, Florida Statutes, is reenacted to read:

7893 921.187 Disposition and sentencing; alternatives;  
7894 restitution.—

7895 (1) The alternatives provided in this section for the  
7896 disposition of criminal cases shall be used in a manner that  
7897 will best serve the needs of society, punish criminal offenders,  
7898 and provide the opportunity for rehabilitation. If the offender  
7899 does not receive a state prison sentence, the court may:

7900 (n) Impose split probation whereby upon satisfactory  
7901 completion of half the term of probation, the Department of  
7902 Corrections may place the offender on administrative probation  
7903 pursuant to s. 948.013 for the remainder of the term of  
7904 supervision.

7905 Section 150. For the purpose of incorporating the amendment  
7906 made by this act to section 948.06, Florida Statutes, in a  
7907 reference thereto, paragraph (b) of subsection (2) of section



793174

576-04422-19

7908 948.012, Florida Statutes, is reenacted to read:

7909 948.012 Split sentence of probation or community control  
7910 and imprisonment.—

7911 (2) The court may also impose a split sentence whereby the  
7912 defendant is sentenced to a term of probation which may be  
7913 followed by a period of incarceration or, with respect to a  
7914 felony, into community control, as follows:

7915 (b) If the offender does not meet the terms and conditions  
7916 of probation or community control, the court may revoke, modify,  
7917 or continue the probation or community control as provided in s.  
7918 948.06. If the probation or community control is revoked, the  
7919 court may impose any sentence that it could have imposed at the  
7920 time the offender was placed on probation or community control.  
7921 The court may not provide credit for time served for any portion  
7922 of a probation or community control term toward a subsequent  
7923 term of probation or community control. However, the court may  
7924 not impose a subsequent term of probation or community control  
7925 which, when combined with any amount of time served on preceding  
7926 terms of probation or community control for offenses pending  
7927 before the court for sentencing, would exceed the maximum  
7928 penalty allowable as provided in s. 775.082. Such term of  
7929 incarceration shall be served under applicable law or county  
7930 ordinance governing service of sentences in state or county  
7931 jurisdiction. This paragraph does not prohibit any other  
7932 sanction provided by law.

7933 Section 151. For the purpose of incorporating the amendment  
7934 made by this act to section 948.06, Florida Statutes, in a  
7935 reference thereto, subsection (3) of section 948.10, Florida  
7936 Statutes, is reenacted to read:



793174

576-04422-19

7937 948.10 Community control programs; home confinement.—

7938 (3) Procedures governing violations of community control  
7939 are the same as those described in s. 948.06 with respect to  
7940 probation.

7941 Section 152. For the purpose of incorporating the amendment  
7942 made by this act to section 948.06, Florida Statutes, in a  
7943 reference thereto, subsection (3) of section 948.20, Florida  
7944 Statutes, is reenacted to read:

7945 948.20 Drug offender probation.—

7946 (3) Offenders placed on drug offender probation are subject  
7947 to revocation of probation as provided in s. 948.06.

7948 Section 153. For the purpose of incorporating the amendment  
7949 made by this act to section 948.06, Florida Statutes, in a  
7950 reference thereto, section 958.14, Florida Statutes, is  
7951 reenacted to read:

7952 958.14 Violation of probation or community control  
7953 program.—A violation or alleged violation of probation or the  
7954 terms of a community control program shall subject the youthful  
7955 offender to the provisions of s. 948.06. However, no youthful  
7956 offender shall be committed to the custody of the department for  
7957 a substantive violation for a period longer than the maximum  
7958 sentence for the offense for which he or she was found guilty,  
7959 with credit for time served while incarcerated, or for a  
7960 technical or nonsubstantive violation for a period longer than 6  
7961 years or for a period longer than the maximum sentence for the  
7962 offense for which he or she was found guilty, whichever is less,  
7963 with credit for time served while incarcerated.

7964 Section 154. For the purpose of incorporating the amendment  
7965 made by this act to section 948.08, Florida Statutes, in a



793174

576-04422-19

7966 reference thereto, paragraph (b) of subsection (4) of section  
7967 796.07, Florida Statutes, is reenacted to read:

7968 796.07 Prohibiting prostitution and related acts.—

7969 (4)

7970 (b) A person who is charged with a third or subsequent  
7971 violation of this section, other than paragraph (2)(f), shall be  
7972 offered admission to a pretrial intervention program or a  
7973 substance abuse treatment program as provided in s. 948.08.

7974 Section 155. For the purpose of incorporating the amendment  
7975 made by this act to section 948.08, Florida Statutes, in a  
7976 reference thereto, paragraph (b) of subsection (3) of section  
7977 944.026, Florida Statutes, is reenacted to read:

7978 944.026 Community-based facilities and programs.—

7979 (3)

7980 (b) Pretrial intervention programs in appropriate counties  
7981 to provide early counseling and supervision services to  
7982 specified offenders as provided in s. 948.08.

7983 Section 156. For the purpose of incorporating the amendment  
7984 made by this act to section 948.08, Florida Statutes, in a  
7985 reference thereto, subsection (1) of section 948.036, Florida  
7986 Statutes, is reenacted to read:

7987 948.036 Work programs as a condition of probation,  
7988 community control, or other court-ordered community  
7989 supervision.—

7990 (1) Whenever an offender is required by the court to  
7991 participate in any work program under the provisions of this  
7992 chapter, enters into the pretrial intervention program pursuant  
7993 to s. 948.08, or volunteers to work in a supervised work program  
7994 conducted by a specified state, county, municipal, or community





793174

576-04422-19

7995 service organization or to work for the victim, either as an  
7996 alternative to monetary restitution or as a part of the  
7997 rehabilitative or community control program, the offender shall  
7998 be considered an employee of the state for the purposes of  
7999 chapter 440.

8000 Section 157. For the purpose of incorporating the  
8001 amendments made by this act to sections 948.08 and 948.16,  
8002 Florida Statutes, in references thereto, subsection (2) of  
8003 section 394.47892, Florida Statutes, is reenacted to read:

8004 394.47892 Mental health court programs.—

8005 (2) Mental health court programs may include pretrial  
8006 intervention programs as provided in ss. 948.08, 948.16, and  
8007 985.345, postadjudicatory mental health court programs as  
8008 provided in ss. 948.01 and 948.06, and review of the status of  
8009 compliance or noncompliance of sentenced defendants through a  
8010 mental health court program.

8011 Section 158. For the purpose of incorporating the  
8012 amendments made by this act to sections 948.08 and 948.16,  
8013 Florida Statutes, in references thereto, subsection (5) of  
8014 section 397.334, Florida Statutes, is reenacted to read:

8015 397.334 Treatment-based drug court programs.—

8016 (5) Treatment-based drug court programs may include  
8017 pretrial intervention programs as provided in ss. 948.08,  
8018 948.16, and 985.345, treatment-based drug court programs  
8019 authorized in chapter 39, postadjudicatory programs as provided  
8020 in ss. 948.01, 948.06, and 948.20, and review of the status of  
8021 compliance or noncompliance of sentenced offenders through a  
8022 treatment-based drug court program. While enrolled in a  
8023 treatment-based drug court program, the participant is subject



793174

576-04422-19

8024 to a coordinated strategy developed by a drug court team under  
8025 subsection (4). The coordinated strategy may include a protocol  
8026 of sanctions that may be imposed upon the participant for  
8027 noncompliance with program rules. The protocol of sanctions may  
8028 include, but is not limited to, placement in a substance abuse  
8029 treatment program offered by a licensed service provider as  
8030 defined in s. 397.311 or in a jail-based treatment program or  
8031 serving a period of secure detention under chapter 985 if a  
8032 child or a period of incarceration within the time limits  
8033 established for contempt of court if an adult. The coordinated  
8034 strategy must be provided in writing to the participant before  
8035 the participant agrees to enter into a treatment-based drug  
8036 court program.

8037 Section 159. For the purpose of incorporating the  
8038 amendments made by this act to sections 948.08 and 948.16,  
8039 Florida Statutes, in references thereto, paragraph (a) of  
8040 subsection (5) of section 910.035, Florida Statutes, is  
8041 reenacted to read:

8042 910.035 Transfer from county for plea, sentence, or  
8043 participation in a problem-solving court.—

8044 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

8045 (a) For purposes of this subsection, the term "problem-  
8046 solving court" means a drug court pursuant to s. 948.01, s.  
8047 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'  
8048 and servicemembers' court pursuant to s. 394.47891, s. 948.08,  
8049 s. 948.16, or s. 948.21; a mental health court program pursuant  
8050 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;  
8051 or a delinquency pretrial intervention court program pursuant to  
8052 s. 985.345.



793174

576-04422-19

8053           Section 160. For the purpose of incorporating the amendment  
8054 made by this act to section 948.21, Florida Statutes, in a  
8055 reference thereto, paragraph (a) of subsection (5) of section  
8056 910.035, Florida Statutes, is reenacted to read:

8057           910.035 Transfer from county for plea, sentence, or  
8058 participation in a problem-solving court.—

8059           (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

8060           (a) For purposes of this subsection, the term “problem-  
8061 solving court” means a drug court pursuant to s. 948.01, s.  
8062 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans’  
8063 and servicemembers’ court pursuant to s. 394.47891, s. 948.08,  
8064 s. 948.16, or s. 948.21; a mental health court program pursuant  
8065 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;  
8066 or a delinquency pretrial intervention court program pursuant to  
8067 s. 985.345.

8068           Section 161. For the purpose of incorporating the amendment  
8069 made by this act to section 958.04, Florida Statutes, in a  
8070 reference thereto, subsection (5) of section 958.03, Florida  
8071 Statutes, is reenacted to read:

8072           958.03 Definitions.—As used in this act:

8073           (5) “Youthful offender” means any person who is sentenced  
8074 as such by the court or is classified as such by the department  
8075 pursuant to s. 958.04.

8076           Section 162. For the purpose of incorporating the amendment  
8077 made by this act to section 958.04, Florida Statutes, in a  
8078 reference thereto, paragraph (a) of subsection (8) of section  
8079 958.045, Florida Statutes, is reenacted to read:

8080           958.045 Youthful offender basic training program.—

8081           (8) (a) The Assistant Secretary for Youthful Offenders shall



793174

576-04422-19

8082 continuously screen all institutions, facilities, and programs  
8083 for any inmate who meets the eligibility requirements for  
8084 youthful offender designation specified in s. 958.04, whose age  
8085 does not exceed 24 years. The department may classify and assign  
8086 as a youthful offender any inmate who meets the criteria of s.  
8087 958.04.

8088 Section 163. For the purpose of incorporating the amendment  
8089 made by this act to section 958.04, Florida Statutes, in a  
8090 reference thereto, section 958.046, Florida Statutes, is  
8091 reenacted to read:

8092 958.046 Placement in county-operated boot camp programs for  
8093 youthful offenders.—In counties where there are county-operated  
8094 youthful offender boot camp programs, other than boot camps  
8095 described in s. 958.04, the court may sentence a youthful  
8096 offender to such a boot camp. In county-operated youthful  
8097 offender boot camp programs, juvenile offenders shall not be  
8098 commingled with youthful offenders.

8099 Section 164. For the purpose of incorporating the amendment  
8100 made by this act to section 958.04, Florida Statutes, in a  
8101 reference thereto, paragraph (c) of subsection (4) of section  
8102 985.565, Florida Statutes, is reenacted to read:

8103 985.565 Sentencing powers; procedures; alternatives for  
8104 juveniles prosecuted as adults.—

8105 (4) SENTENCING ALTERNATIVES.—

8106 (c) *Adult sanctions upon failure of juvenile sanctions.*—If  
8107 a child proves not to be suitable to a commitment program,  
8108 juvenile probation program, or treatment program under paragraph  
8109 (b), the department shall provide the sentencing court with a  
8110 written report outlining the basis for its objections to the



793174

576-04422-19

8111 juvenile sanction and shall simultaneously provide a copy of the  
8112 report to the state attorney and the defense counsel. The  
8113 department shall schedule a hearing within 30 days. Upon  
8114 hearing, the court may revoke the previous adjudication, impose  
8115 an adjudication of guilt, and impose any sentence which it may  
8116 lawfully impose, giving credit for all time spent by the child  
8117 in the department. The court may also classify the child as a  
8118 youthful offender under s. 958.04, if appropriate. For purposes  
8119 of this paragraph, a child may be found not suitable to a  
8120 commitment program, community control program, or treatment  
8121 program under paragraph (b) if the child commits a new violation  
8122 of law while under juvenile sanctions, if the child commits any  
8123 other violation of the conditions of juvenile sanctions, or if  
8124 the child's actions are otherwise determined by the court to  
8125 demonstrate a failure of juvenile sanctions.

8126  
8127 It is the intent of the Legislature that the criteria and  
8128 guidelines in this subsection are mandatory and that a  
8129 determination of disposition under this subsection is subject to  
8130 the right of the child to appellate review under s. 985.534.

8131 Section 165. For the purpose of incorporating the amendment  
8132 made by this act to section 985.557, Florida Statutes, in a  
8133 reference thereto, subsection (1) of section 985.15, Florida  
8134 Statutes, is reenacted to read:

8135 985.15 Filing decisions.—

8136 (1) The state attorney may in all cases take action  
8137 independent of the action or lack of action of the juvenile  
8138 probation officer and shall determine the action that is in the  
8139 best interest of the public and the child. If the child meets



793174

576-04422-19

8140 the criteria requiring prosecution as an adult under s. 985.556,  
8141 the state attorney shall request the court to transfer and  
8142 certify the child for prosecution as an adult or shall provide  
8143 written reasons to the court for not making such a request. In  
8144 all other cases, the state attorney may:

- 8145 (a) File a petition for dependency;
- 8146 (b) File a petition under chapter 984;
- 8147 (c) File a petition for delinquency;
- 8148 (d) File a petition for delinquency with a motion to  
8149 transfer and certify the child for prosecution as an adult;
- 8150 (e) File an information under s. 985.557;
- 8151 (f) Refer the case to a grand jury;
- 8152 (g) Refer the child to a diversionary, pretrial  
8153 intervention, arbitration, or mediation program, or to some  
8154 other treatment or care program if such program commitment is  
8155 voluntarily accepted by the child or the child's parents or  
8156 legal guardian; or
- 8157 (h) Decline to file.

8158 Section 166. For the purpose of incorporating the amendment  
8159 made by this act to section 985.557, Florida Statutes, in a  
8160 reference thereto, paragraph (c) of subsection (2) of section  
8161 985.26, Florida Statutes, is reenacted to read:

8162 985.26 Length of detention.—

8163 (2)

8164 (c) A prolific juvenile offender under s. 985.255(1)(j)  
8165 shall be placed on nonsecure detention care with electronic  
8166 monitoring or in secure detention care under a special detention  
8167 order until disposition. If secure detention care is ordered by  
8168 the court, it must be authorized under this part and may not



793174

576-04422-19

8169 exceed:

8170 1. Twenty-one days unless an adjudicatory hearing for the  
8171 case has been commenced in good faith by the court or the period  
8172 is extended by the court pursuant to paragraph (b); or

8173 2. Fifteen days after the entry of an order of  
8174 adjudication.

8175

8176 As used in this paragraph, the term "disposition" means a  
8177 declination to file under s. 985.15(1)(h), the entry of nolle  
8178 prosequi for the charges, the filing of an indictment under s.  
8179 985.56 or an information under s. 985.557, a dismissal of the  
8180 case, or an order of final disposition by the court.

8181 Section 167. For the purpose of incorporating the amendment  
8182 made by this act to section 985.557, Florida Statutes, in a  
8183 reference thereto, subsection (5) of section 985.265, Florida  
8184 Statutes, is reenacted to read:

8185 985.265 Detention transfer and release; education; adult  
8186 jails.—

8187 (5) The court shall order the delivery of a child to a jail  
8188 or other facility intended or used for the detention of adults:

8189 (a) When the child has been transferred or indicted for  
8190 criminal prosecution as an adult under part X, except that the  
8191 court may not order or allow a child alleged to have committed a  
8192 misdemeanor who is being transferred for criminal prosecution  
8193 pursuant to either s. 985.556 or s. 985.557 to be detained or  
8194 held in a jail or other facility intended or used for the  
8195 detention of adults; however, such child may be held temporarily  
8196 in a detention facility; or

8197 (b) When a child taken into custody in this state is wanted



793174

576-04422-19

8198 by another jurisdiction for prosecution as an adult.

8199  
8200 The child shall be housed separately from adult inmates to  
8201 prohibit a child from having regular contact with incarcerated  
8202 adults, including trusties. "Regular contact" means sight and  
8203 sound contact. Separation of children from adults shall permit  
8204 no more than haphazard or accidental contact. The receiving jail  
8205 or other facility shall contain a separate section for children  
8206 and shall have an adequate staff to supervise and monitor the  
8207 child's activities at all times. Supervision and monitoring of  
8208 children includes physical observation and documented checks by  
8209 jail or receiving facility supervisory personnel at intervals  
8210 not to exceed 10 minutes. This subsection does not prohibit  
8211 placing two or more children in the same cell. Under no  
8212 circumstances shall a child be placed in the same cell with an  
8213 adult.

8214 Section 168. Except as otherwise expressly provided in this  
8215 act, and except for this section, which shall take effect upon  
8216 this act becoming a law, this act shall take effect October 1,  
8217 2019.