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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2019	.	
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The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 25.386, Florida Statutes, is amended to
read:

25.386 Foreign language court interpreters.—

(1) The Supreme Court shall establish minimum standards and
procedures for qualifications, certification, professional
conduct, discipline, and training of foreign language court



11 interpreters who are appointed by a court of competent
12 jurisdiction. The Supreme Court shall set fees to be charged to
13 applicants for certification and renewal of certification as a
14 foreign language court interpreter. The revenues generated from
15 such fees shall be used to offset the costs of administration of
16 the certification program and shall be deposited into the
17 Administrative Trust Fund within the state courts system. The
18 Supreme Court may appoint or employ such personnel as are
19 necessary to assist the court in administering this section.

20 (2) An applicant for certification as a foreign language
21 court interpreter shall undergo a security background
22 investigation, which includes, but is not limited to, submitting
23 a full set of fingerprints to the Department of Law Enforcement
24 or to a vendor, entity, or agency authorized by s. 943.053. The
25 vendor, entity, or agency shall forward the fingerprints to the
26 department for state processing, and the department shall
27 forward the fingerprints to the Federal Bureau of Investigation
28 for national processing. Any vendor fee and state and federal
29 processing fees shall be borne by the applicant. For records
30 provided to a person or entity other than those excepted
31 therein, the cost for state fingerprint processing is the fee
32 authorized in s. 943.053(3)(e).

33 Section 2. Section 44.106, Florida Statutes, is amended to
34 read:

35 44.106 Standards and procedures for mediators and
36 arbitrators; fees.—

37 (1) The Supreme Court shall establish minimum standards and
38 procedures for qualifications, certification, professional
39 conduct, discipline, and training for mediators and arbitrators



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40 who are appointed pursuant to this chapter. The Supreme Court is
41 authorized to set fees to be charged to applicants for
42 certification and renewal of certification. The revenues
43 generated from these fees shall be used to offset the costs of
44 administration of the certification process. The Supreme Court
45 may appoint or employ such personnel as are necessary to assist
46 the court in exercising its powers and performing its duties
47 under this chapter.

48 (2) An applicant for certification as a mediator shall
49 undergo a security background investigation, which includes, but
50 is not limited to, submitting a full set of fingerprints to the
51 Department of Law Enforcement or to a vendor, entity, or agency
52 authorized by s. 943.053. The vendor, entity, or agency shall
53 forward the fingerprints to the department for state processing,
54 and the department shall forward the fingerprints to the Federal
55 Bureau of Investigation for national processing. Any vendor fee
56 and state and federal processing fees shall be borne by the
57 applicant. For records provided to a person or entity other than
58 those excepted therein, the cost for state fingerprint
59 processing is the fee authorized in s. 943.053(3)(e).

60 Section 3. Present subsections (1) through (9) of section
61 61.125, Florida Statutes, are redesignated as subsections (2)
62 through (10), respectively, a new subsection (1) and subsection
63 (11) are added, and present subsections (4), (5), (7), and (9)
64 of that section are amended, to read:

65 61.125 Parenting coordination.—

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

67 (a) "Communication" means an oral or written statement, or
68 nonverbal conduct intended to make an assertion, by or to a



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69 parenting coordinator, a participant, or a party made during
70 parenting coordination, or before parenting coordination if made
71 in furtherance of the parenting coordination process. The term
72 does not include the commission of a crime during parenting
73 coordination.

74 (b) "Office" means the Office of the State Courts
75 Administrator.

76 (c) "Participant" means any individual involved in the
77 parenting coordination process, other than the parenting
78 coordinator and the named parties, who takes part in an event in
79 person or by telephone, videoconference, or other electronic
80 means.

81 (d) "Parenting coordination" means a nonadversarial dispute
82 resolution process that is court-ordered or agreed upon by the
83 parties.

84 (e) "Parenting coordinator" means an impartial third party
85 appointed by the court or agreed to by the parties whose role is
86 to assist the parties in successfully creating or implementing a
87 parenting plan.

88 (f) "Parenting Coordinator Review Board" means the board
89 appointed by the Chief Justice of the Florida Supreme Court to
90 consider complaints against qualified and court-appointed
91 parenting coordinators.

92 (g) "Party" means a person participating directly, or
93 through a designated representative, in parenting coordination.

94 (5) ~~(4)~~ QUALIFICATIONS OF A PARENTING COORDINATOR.—A
95 parenting coordinator is an impartial third person whose role is
96 to assist the parents in successfully creating or implementing a
97 parenting plan. Unless there is a written agreement between the



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98 ~~parties, the court may appoint only a qualified parenting~~
99 ~~coordinator.~~

100 (a) To be qualified, a parenting coordinator must:

101 1. Meet one of the following professional requirements:

102 a. Be licensed as a mental health professional under
103 chapter 490 or chapter 491.

104 b. Be licensed as a physician under chapter 458, with
105 certification by the American Board of Psychiatry and Neurology.

106 c. Be certified by the Florida Supreme Court as a family
107 law mediator, with at least a master's degree in a mental health
108 field.

109 d. Be a member in good standing of The Florida Bar.

110 2. Complete all of the following:

111 a. Three years of postlicensure or postcertification
112 practice.

113 b. A family mediation training program certified by the
114 Florida Supreme Court.

115 c. A minimum of 24 hours of parenting coordination training
116 in parenting coordination concepts and ethics, family systems
117 theory and application, family dynamics in separation and
118 divorce, child and adolescent development, the parenting
119 coordination process, parenting coordination techniques, and
120 Florida family law and procedure, and a minimum of 4 hours of
121 training in domestic violence and child abuse which is related
122 to parenting coordination.

123 (b) The court may require additional qualifications to
124 address issues specific to the parties.

125 (c) A qualified parenting coordinator must be in good
126 standing, or in clear and active status, with his or her



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127 respective licensing authority, certification board, or both, as
128 applicable.

129 (d) Unless there is a written agreement between the
130 parties, the court may appoint only a qualified parenting
131 coordinator.

132 (6)(5) DISQUALIFICATIONS OF PARENTING COORDINATOR.—

133 (a) The court may not appoint a person to serve as
134 parenting coordinator who, in any jurisdiction:

135 1. Has been convicted or had adjudication withheld on a
136 charge of child abuse, child neglect, domestic violence,
137 parental kidnapping, or interference with custody;

138 2. Has been found by a court in a child protection hearing
139 to have abused, neglected, or abandoned a child;

140 3. Has consented to an adjudication or a withholding of
141 adjudication on a petition for dependency; ~~or~~

142 4. Is or has been a respondent in a final order or
143 injunction of protection against domestic violence; or—

144 5. Has been disqualified by the Parenting Coordinator
145 Review Board.

146 (b) A parenting coordinator must discontinue service as a
147 parenting coordinator and immediately report to the court and
148 the parties if any of the disqualifying circumstances described
149 in paragraph (a) occur, or if he or she no longer meets the
150 ~~minimum~~ qualifications in subsection (5)(4), and the court may
151 appoint another parenting coordinator.

152 (8)(7) CONFIDENTIALITY.—Except as otherwise provided in
153 this section, all communications made by, between, or among the
154 parties, participants, and the parenting coordinator during
155 parenting coordination sessions are confidential. The parenting



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156 coordinator, participants, and each party designated in the
157 order appointing the coordinator may not testify or offer
158 evidence about communications made by, between, or among the
159 parties, participants, and the parenting coordinator during
160 parenting coordination sessions, except if:

161 (a) Necessary to identify, authenticate, confirm, or deny a
162 written agreement entered into by the parties during parenting
163 coordination;

164 (b) The testimony or evidence is necessary to identify an
165 issue for resolution by the court without otherwise disclosing
166 communications made by any party, participant, or the parenting
167 coordinator;

168 (c) The testimony or evidence is limited to the subject of
169 a party's compliance with the order of referral to parenting
170 coordination, orders for psychological evaluation, counseling
171 ordered by the court or recommended by a health care provider,
172 or for substance abuse testing or treatment;

173 (d) The parenting coordinator reports that the case is no
174 longer appropriate for parenting coordination;

175 (e) The parenting coordinator is reporting that he or she
176 is unable or unwilling to continue to serve and that a successor
177 parenting coordinator should be appointed;

178 (f) The testimony or evidence is necessary pursuant to
179 paragraph (6) (b) ~~(5) (b)~~ or subsection (9) ~~(8)~~;

180 (g) The parenting coordinator is not qualified to address
181 or resolve certain issues in the case and a more qualified
182 coordinator should be appointed;

183 (h) The parties or participants agree that the testimony or
184 evidence may be permitted; ~~or~~



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185 (i) The testimony or evidence is necessary to protect any
186 person from future acts that would constitute domestic violence
187 under chapter 741; child abuse, neglect, or abandonment under
188 chapter 39; or abuse, neglect, or exploitation of an elderly or
189 disabled adult under chapter 825;—

190 (j) The testimony or evidence is offered to report, prove,
191 or disprove a violation of professional malpractice occurring
192 during the parenting coordination process, solely for the
193 purpose of the professional malpractice proceeding; or

194 (k) The testimony or evidence is offered to report, prove,
195 or disprove professional misconduct occurring during the
196 parental coordination proceeding, solely for the internal use of
197 the body conducting the investigation of the conduct.

198 (10) ~~(9)~~ IMMUNITY AND LIMITED LIMITATION ON LIABILITY.—

199 (a) A person appointed or employed to assist the Supreme
200 Court in performing its duties relating to disciplinary
201 proceedings involving parenting coordinators, including a member
202 of the Parenting Coordinator Review Board, is not liable for
203 civil damages for any act or omission arising from the
204 performance of his or her duties while acting within the scope
205 of his or her appointed function or job description unless such
206 person acted in bad faith or with malicious purpose.

207 (b) A parenting coordinator appointed by the court is not
208 liable for civil damages for any act or omission in the scope of
209 his or her duties ~~under pursuant to~~ an order of referral unless
210 such person acted in bad faith or with malicious purpose or in a
211 manner exhibiting wanton and willful disregard for the rights,
212 safety, or property of the parties.

213 (11) STANDARDS AND PROCEDURES.—The Supreme Court shall



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214 establish minimum standards and procedures for the training,
215 ethical conduct, and discipline of parenting coordinators who
216 serve under this section. The office may appoint or employ
217 personnel as necessary to assist the court in exercising its
218 powers and performing its duties under this section.

219 Section 4. Subsection (4) of section 121.052, Florida
220 Statutes, is amended to read:

221 121.052 Membership class of elected officers.—

222 (4) PARTICIPATION BY ELECTED OFFICERS SERVING A SHORTENED
223 TERM DUE TO APPORTIONMENT, FEDERAL INTERVENTION, ETC.—

224 (a) A duly elected officer whose term of office was
225 shortened by legislative or judicial apportionment pursuant to
226 s. 16, Art. III of the State Constitution may, after the term of
227 office to which he or she was elected is completed, pay into the
228 Florida Retirement System Trust Fund the amount of contributions
229 that would have been made by the officer or the officer's
230 employer on his or her behalf, plus 4 percent interest
231 compounded annually from the date he or she left office until
232 July 1, 1975, and 6.5 percent interest compounded annually
233 thereafter, and may receive service credit for the length of
234 time the officer would have served if such term had not been
235 shortened by apportionment.

236 (b) Any duly elected officer whose term of office was
237 shortened because the election at which he or she was elected
238 was delayed as a result of federal intervention under the
239 federal Voting Rights Act may, after the term of office to which
240 he or she was elected is completed, pay into the System Trust
241 Fund the amount of contributions that would have been made by
242 the employee or by the employer on his or her behalf for the



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243 period of time the assumption of office was delayed, plus 4
244 percent interest compounded annually from the date he or she
245 assumed office until July 1, 1975, and 6.5 percent interest
246 compounded annually thereafter, and may receive service credit
247 for the length of time he or she would have served if such term
248 had not been shortened by delay of the election.

249 (c) For the purpose of this chapter, "creditable service"
250 includes the period from November 1972 to January 1973 which
251 would have been served by an elected county officer but for the
252 enactment of chapter 67-510, Laws of Florida, if the inclusion
253 of such period would provide any person affected with sufficient
254 creditable service to qualify for retirement benefits pursuant
255 to this chapter.

256 (d)1. Any justice or judge, or any retired justice or judge
257 who retired before July 1, 1993, who ~~has~~ attained the age of 70
258 years before July 1, 2019, and who was ~~is~~ prevented under s. 8,
259 Art. V of the State Constitution from completing his or her term
260 of office because of age may elect to purchase credit for all or
261 a portion of the months he or she would have served during the
262 remainder of the term of office; however, he or she may claim
263 those months only after the date the service would have
264 occurred. The justice or judge must pay into the Florida
265 Retirement System Trust Fund the amount of contributions that
266 would have been made by the employer on his or her behalf for
267 the period of time being claimed, plus 6.5 percent interest
268 thereon compounded each June 30 from the date he or she left
269 office, in order to receive service credit in this class for the
270 period of time being claimed. After the date the service would
271 have occurred, and upon payment of the required contributions,



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272 the retirement benefit of a retired justice or judge shall be
273 adjusted prospectively to include the additional creditable
274 service; however, such adjustment may be made only once.

275 2. Any justice or judge who did ~~does~~ not seek retention or
276 election to a subsequent term of office because he or she was
277 ~~would be~~ prevented under s. 8, Art. V of the State Constitution
278 from completing such term of office upon attaining the age of 70
279 years may elect to purchase service credit for service as a
280 temporary judge as assigned by the court if the temporary
281 assignment immediately follows the last full term of office
282 served and the purchase is limited to the number of months of
283 service needed to vest retirement benefits. To receive
284 retirement credit for such temporary service beyond termination,
285 the justice or judge must pay into the Florida Retirement System
286 Trust Fund the amount of contributions that would have been made
287 by the justice or judge and the employer on his or her behalf
288 had he or she continued in office for the period of time being
289 claimed, plus 6.5 percent interest thereon compounded each June
290 30 from the date he or she left office.

291 Section 5. Paragraph (d) of subsection (3) of section
292 812.014, Florida Statutes, is amended to read:

293 812.014 Theft.—

294 (3)

295 (d)1. A ~~Every~~ judgment of guilty or not guilty of a petit
296 theft shall be in:

297 a. A written record that is ~~writing~~, signed by the judge,
298 and recorded by the clerk of the circuit court; or

299 b. An electronic record that contains the judge's
300 electronic signature as defined in s. 933.40 and is recorded by



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301 the clerk of the circuit court.

302 2. At the time a defendant is found guilty of petit theft,
303 the judge shall cause the following to occur ~~to be affixed to~~
304 ~~every such written judgment of guilty of petit theft,~~ in open
305 court and in the judge's presence: ~~of such judge~~

306 a. For a written judgment of guilty, the fingerprints of
307 the defendant against whom such judgment is rendered shall be
308 manually taken and. ~~Such fingerprints shall be~~ affixed beneath
309 the judge's signature on the ~~to such~~ judgment. Beneath such
310 fingerprints shall be appended a certificate to the following
311 effect:

312 "I hereby certify that the above and foregoing fingerprints
313 on this judgment are the fingerprints of the defendant,,
314 and that they were placed thereon by said defendant in my
315 presence, in open court, this the day of,
316 . . . (year)"

317
318 Such certificate shall be signed by the judge, whose signature
319 thereto shall be followed by the word "Judge."

320 b. For an electronic judgment of guilty, the fingerprints
321 of the defendant must be electronically captured and a
322 certificate must be issued as provided in s. 921.241(3)(b).

323 ~~3.2. A~~ Any such written or an electronic judgment of guilty
324 of a petit theft, or a certified copy thereof, is admissible in
325 evidence in the courts of this state as provided in s.
326 921.241(4) ~~prima facie evidence that the fingerprints appearing~~
327 ~~thereon and certified by the judge are the fingerprints of the~~
328 ~~defendant against whom such judgment of guilty of a petit theft~~
329 ~~was rendered.~~



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330 Section 6. Section 921.241, Florida Statutes, is amended to
331 read:

332 921.241 Felony judgments; fingerprints and social security
333 number required in record.—

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

335 (a) "Electronic signature" has the same meaning as in s.
336 933.40.

337 (b) "Transaction control number" means the unique
338 identifier comprised of numbers, letters, or other symbols for a
339 digital fingerprint record generated by the device used to
340 electronically capture the fingerprints ~~At the time a defendant~~
341 ~~is found guilty of a felony, the judge shall cause the~~
342 ~~defendant's fingerprints to be taken.~~

343 (2) A ~~Every~~ judgment of guilty or not guilty of a felony
344 shall be in:

345 (a) A written record that is ~~writing,~~ signed by the judge,
346 and recorded by the clerk of the court; or

347 (b) An electronic record that contains the judge's
348 electronic signature and is recorded by the clerk of court.

349 (3) At the time a defendant is found guilty of a felony,
350 the judge shall cause the following to occur ~~to be affixed to~~
351 ~~every written judgment of guilty of a felony,~~ in open court and,
352 in the judge's presence: ~~of such judge~~

353 (a) For a written judgment of guilty, and at the time the
354 judgment is rendered, the fingerprints of the defendant shall be
355 manually taken and against whom such judgment is rendered. Such
356 fingerprints shall be affixed beneath the judge's signature on
357 the ~~to such~~ judgment. Beneath such fingerprints shall be
358 appended a certificate to the following effect:



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359 "I hereby certify that the above and foregoing fingerprints
360 on this judgment are the fingerprints of the defendant, ,
361 and that they were placed thereon by said defendant in my
362 presence, in open court, this the day of ,
363 . . . (year)"

364 Such certificate shall be signed by the judge, whose signature
365 thereto shall be followed by the word "Judge."

366 (b) For an electronic judgment of guilty, the fingerprints
367 of the defendant shall be electronically captured and the
368 following certificate shall be included in the electronic
369 judgment:

370 "I hereby certify that the digital fingerprint record
371 associated with Transaction Control Number contains the
372 fingerprints of the defendant, , which were electronically
373 captured from the defendant in my presence, in open court, this
374 the day of , . . . (year)"

375
376 The judge shall place his or her electronic signature, which
377 shall be followed by the word "Judge," on the certificate.

378 (4) ~~(3)~~ A written or electronic ~~Any such written~~ judgment of
379 guilty ~~of a felony~~, or a certified copy thereof, shall be
380 admissible in evidence in the several courts of this state as
381 prima facie evidence that the:

382 (a) Manual fingerprints appearing thereon and certified by
383 the judge as aforesaid are the fingerprints of the defendant
384 against whom ~~the such~~ judgment of guilty ~~of a felony~~ was
385 rendered.

386 (b) Digital fingerprint record associated with the
387 transaction control number specified in the judge's certificate



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388 contains the fingerprints of the defendant against whom the
389 judgment of guilty was rendered.

390 (5)~~(4)~~ At the time the defendant's fingerprints are
391 manually taken or electronically captured, the judge shall also
392 cause the defendant's social security number to be taken. The
393 defendant's social security number shall be specified in each
394 affixed to every written or electronic judgment of guilty of a
395 felony, in open court, in the presence of such judge, and at the
396 time the judgment is rendered. If the defendant is unable or
397 unwilling to provide his or her social security number, the
398 reason for its absence shall be specified in ~~indicated on~~ the
399 written or electronic judgment.

400 Section 7. Section 921.242, Florida Statutes, is amended to
401 read:

402 921.242 Subsequent offenses under chapter 796; method of
403 proof applicable.—

404 (1) A ~~Every~~ judgment of guilty with respect to any offense
405 governed by the provisions of chapter 796 shall be in:

406 (a) A written record that is writing, signed by the judge,
407 and recorded by the clerk of the circuit court; or

408 (b) An electronic record that contains the judge's
409 electronic signature as defined in s. 933.40 and is recorded by
410 the clerk of circuit court.

411 (2) At the time a defendant is found guilty, the judge
412 shall cause the following to occur ~~to be affixed to every such~~
413 ~~written judgment of guilty~~, in open court and in the judge's
414 presence; ~~of such judge~~

415 (a) For a written judgment of guilty, the fingerprints of
416 the defendant against whom such judgment is rendered shall be



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417 ~~manually taken and. Such fingerprints shall be~~ affixed beneath
418 the judge's signature on the ~~to any such~~ judgment. Beneath such
419 fingerprints shall be appended a certificate to the following
420 effect:

421 "I hereby certify that the above and foregoing fingerprints are
422 of the defendant, ... (name) ..., and that they were placed
423 thereon by said defendant in my presence, in open court, this
424 the day of, ... (year)"

425
426 Such certificate shall be signed by the judge, whose signature
427 thereto shall be followed by the word "Judge."

428 (b) For an electronic judgment of guilty, the fingerprints
429 of the defendant must be electronically captured and a
430 certificate must be issued as provided in s. 921.241(3)(b).

431 (3)-(2) A Any such written or an electronic judgment of
432 guilty, or a certified copy thereof, shall be admissible in
433 evidence in the several courts of this state as provided in s.
434 921.241(4) prima facie evidence that the fingerprints appearing
435 thereon and certified by the judge as aforesaid are the
436 fingerprints of the defendant against whom such judgment of
437 guilty was rendered.

438 Section 8. For the purpose of incorporating the amendment
439 made by this act to section 921.241, Florida Statutes, in
440 references thereto, paragraphs (a), (b), and (c) of subsection
441 (3) of section 775.084, Florida Statutes, are reenacted to read:

442 775.084 Violent career criminals; habitual felony offenders
443 and habitual violent felony offenders; three-time violent felony
444 offenders; definitions; procedure; enhanced penalties or
445 mandatory minimum prison terms.-



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446 (3) (a) In a separate proceeding, the court shall determine
447 if the defendant is a habitual felony offender or a habitual
448 violent felony offender. The procedure shall be as follows:

449 1. The court shall obtain and consider a presentence
450 investigation prior to the imposition of a sentence as a
451 habitual felony offender or a habitual violent felony offender.

452 2. Written notice shall be served on the defendant and the
453 defendant's attorney a sufficient time prior to the entry of a
454 plea or prior to the imposition of sentence in order to allow
455 the preparation of a submission on behalf of the defendant.

456 3. Except as provided in subparagraph 1., all evidence
457 presented shall be presented in open court with full rights of
458 confrontation, cross-examination, and representation by counsel.

459 4. Each of the findings required as the basis for such
460 sentence shall be found to exist by a preponderance of the
461 evidence and shall be appealable to the extent normally
462 applicable to similar findings.

463 5. For the purpose of identification of a habitual felony
464 offender or a habitual violent felony offender, the court shall
465 fingerprint the defendant pursuant to s. 921.241.

466 6. For an offense committed on or after October 1, 1995, if
467 the state attorney pursues a habitual felony offender sanction
468 or a habitual violent felony offender sanction against the
469 defendant and the court, in a separate proceeding pursuant to
470 this paragraph, determines that the defendant meets the criteria
471 under subsection (1) for imposing such sanction, the court must
472 sentence the defendant as a habitual felony offender or a
473 habitual violent felony offender, subject to imprisonment
474 pursuant to this section unless the court finds that such



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475 sentence is not necessary for the protection of the public. If
476 the court finds that it is not necessary for the protection of
477 the public to sentence the defendant as a habitual felony
478 offender or a habitual violent felony offender, the court shall
479 provide written reasons; a written transcript of orally stated
480 reasons is permissible, if filed by the court within 7 days
481 after the date of sentencing. Each month, the court shall submit
482 to the Office of Economic and Demographic Research of the
483 Legislature the written reasons or transcripts in each case in
484 which the court determines not to sentence a defendant as a
485 habitual felony offender or a habitual violent felony offender
486 as provided in this subparagraph.

487 (b) In a separate proceeding, the court shall determine if
488 the defendant is a three-time violent felony offender. The
489 procedure shall be as follows:

490 1. The court shall obtain and consider a presentence
491 investigation prior to the imposition of a sentence as a three-
492 time violent felony offender.

493 2. Written notice shall be served on the defendant and the
494 defendant's attorney a sufficient time prior to the entry of a
495 plea or prior to the imposition of sentence in order to allow
496 the preparation of a submission on behalf of the defendant.

497 3. Except as provided in subparagraph 1., all evidence
498 presented shall be presented in open court with full rights of
499 confrontation, cross-examination, and representation by counsel.

500 4. Each of the findings required as the basis for such
501 sentence shall be found to exist by a preponderance of the
502 evidence and shall be appealable to the extent normally
503 applicable to similar findings.



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504 5. For the purpose of identification of a three-time
505 violent felony offender, the court shall fingerprint the
506 defendant pursuant to s. 921.241.

507 6. For an offense committed on or after the effective date
508 of this act, if the state attorney pursues a three-time violent
509 felony offender sanction against the defendant and the court, in
510 a separate proceeding pursuant to this paragraph, determines
511 that the defendant meets the criteria under subsection (1) for
512 imposing such sanction, the court must sentence the defendant as
513 a three-time violent felony offender, subject to imprisonment
514 pursuant to this section as provided in paragraph (4) (c).

515 (c) In a separate proceeding, the court shall determine
516 whether the defendant is a violent career criminal with respect
517 to a primary offense committed on or after October 1, 1995. The
518 procedure shall be as follows:

519 1. Written notice shall be served on the defendant and the
520 defendant's attorney a sufficient time prior to the entry of a
521 plea or prior to the imposition of sentence in order to allow
522 the preparation of a submission on behalf of the defendant.

523 2. All evidence presented shall be presented in open court
524 with full rights of confrontation, cross-examination, and
525 representation by counsel.

526 3. Each of the findings required as the basis for such
527 sentence shall be found to exist by a preponderance of the
528 evidence and shall be appealable only as provided in paragraph
529 (d).

530 4. For the purpose of identification, the court shall
531 fingerprint the defendant pursuant to s. 921.241.

532 5. For an offense committed on or after October 1, 1995, if



533 the state attorney pursues a violent career criminal sanction
534 against the defendant and the court, in a separate proceeding
535 pursuant to this paragraph, determines that the defendant meets
536 the criteria under subsection (1) for imposing such sanction,
537 the court must sentence the defendant as a violent career
538 criminal, subject to imprisonment pursuant to this section
539 unless the court finds that such sentence is not necessary for
540 the protection of the public. If the court finds that it is not
541 necessary for the protection of the public to sentence the
542 defendant as a violent career criminal, the court shall provide
543 written reasons; a written transcript of orally stated reasons
544 is permissible, if filed by the court within 7 days after the
545 date of sentencing. Each month, the court shall submit to the
546 Office of Economic and Demographic Research of the Legislature
547 the written reasons or transcripts in each case in which the
548 court determines not to sentence a defendant as a violent career
549 criminal as provided in this subparagraph.

550 Section 9. This act shall take effect July 1, 2019.

551
552 ===== T I T L E A M E N D M E N T =====

553 And the title is amended as follows:

554 Delete everything before the enacting clause
555 and insert:

556 A bill to be entitled
557 An act relating to state court system administration;
558 amending ss. 25.386 and 44.106, F.S.; requiring
559 security background investigations for foreign
560 language court interpreters and mediators,
561 respectively; amending s. 61.125, F.S.; defining



562 terms; revising qualifications for parenting
563 coordinators; revising factors that disqualify a
564 person from being appointed as a parenting
565 coordinator; revising the confidentiality of
566 communications during parenting coordination sessions;
567 authorizing disclosure of certain testimony or
568 evidence in certain circumstances; providing immunity
569 for certain persons; requiring the Supreme Court to
570 establish standards and procedures relating to
571 parenting coordinators; authorizing the office to
572 appoint or employ certain persons to assist in
573 specified duties; amending s. 121.052, F.S.; modifying
574 provisions authorizing justices or judges to purchase
575 additional service credit in the Florida Retirement
576 System under certain circumstances to conform to the
577 revisions made to the mandatory judicial retirement
578 age established in s. 8, Art. V of the State
579 Constitution; amending s. 812.014, F.S.; authorizing
580 electronic records of certain judgments; amending s.
581 921.241, F.S.; defining the terms "electronic
582 signature" and "transaction control number";
583 authorizing electronic records of certain judgments;
584 requiring that fingerprints be electronically captured
585 under certain circumstances; providing forms; amending
586 s. 921.242, F.S.; authorizing electronic records of
587 certain judgments; reenacting s. 775.084(3)(a), (b),
588 and (c), F.S., relating to fingerprinting a defendant
589 for the purpose of identification, to incorporate the
590 amendments made by the act; providing an effective



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date.