

By the Committees on Appropriations; and Judiciary; and Senator Baxley

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1                                   A bill to be entitled  
2       An act relating to state court system administration;  
3       amending ss. 25.386 and 44.106, F.S.; requiring  
4       security background investigations for foreign  
5       language court interpreters and mediators,  
6       respectively; amending s. 61.125, F.S.; defining  
7       terms; revising qualifications for parenting  
8       coordinators; revising factors that disqualify a  
9       person from being appointed as a parenting  
10      coordinator; revising the confidentiality of  
11      communications during parenting coordination sessions;  
12      authorizing disclosure of certain testimony or  
13      evidence in certain circumstances; providing immunity  
14      for certain persons; requiring the Supreme Court to  
15      establish standards and procedures relating to  
16      parenting coordinators; authorizing the office to  
17      appoint or employ certain persons to assist in  
18      specified duties; amending s. 121.052, F.S.; modifying  
19      provisions authorizing justices or judges to purchase  
20      additional service credit in the Florida Retirement  
21      System under certain circumstances to conform to the  
22      revisions made to the mandatory judicial retirement  
23      age established in s. 8, Art. V of the State  
24      Constitution; amending s. 812.014, F.S.; authorizing  
25      electronic records of certain judgments; amending s.  
26      921.241, F.S.; defining the terms "electronic  
27      signature" and "transaction control number";  
28      authorizing electronic records of certain judgments;  
29      requiring that fingerprints be electronically captured

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30 under certain circumstances; providing forms; amending  
31 s. 921.242, F.S.; authorizing electronic records of  
32 certain judgments; reenacting s. 775.084(3)(a), (b),  
33 and (c), F.S., relating to fingerprinting a defendant  
34 for the purpose of identification, to incorporate the  
35 amendments made by the act; providing an effective  
36 date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 25.386, Florida Statutes, is amended to  
41 read:

42 25.386 Foreign language court interpreters.—

43 (1) The Supreme Court shall establish minimum standards and  
44 procedures for qualifications, certification, professional  
45 conduct, discipline, and training of foreign language court  
46 interpreters who are appointed by a court of competent  
47 jurisdiction. The Supreme Court shall set fees to be charged to  
48 applicants for certification and renewal of certification as a  
49 foreign language court interpreter. The revenues generated from  
50 such fees shall be used to offset the costs of administration of  
51 the certification program and shall be deposited into the  
52 Administrative Trust Fund within the state courts system. The  
53 Supreme Court may appoint or employ such personnel as are  
54 necessary to assist the court in administering this section.

55 (2) An applicant for certification as a foreign language  
56 court interpreter shall undergo a security background  
57 investigation, which includes, but is not limited to, submitting  
58 a full set of fingerprints to the Department of Law Enforcement

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59 or to a vendor, entity, or agency authorized by s. 943.053. The  
60 vendor, entity, or agency shall forward the fingerprints to the  
61 department for state processing, and the department shall  
62 forward the fingerprints to the Federal Bureau of Investigation  
63 for national processing. Any vendor fee and state and federal  
64 processing fees shall be borne by the applicant. For records  
65 provided to a person or entity other than those excepted  
66 therein, the cost for state fingerprint processing is the fee  
67 authorized in s. 943.053(3)(e).

68 Section 2. Section 44.106, Florida Statutes, is amended to  
69 read:

70 44.106 Standards and procedures for mediators and  
71 arbitrators; fees.—

72 (1) The Supreme Court shall establish minimum standards and  
73 procedures for qualifications, certification, professional  
74 conduct, discipline, and training for mediators and arbitrators  
75 who are appointed pursuant to this chapter. The Supreme Court is  
76 authorized to set fees to be charged to applicants for  
77 certification and renewal of certification. The revenues  
78 generated from these fees shall be used to offset the costs of  
79 administration of the certification process. The Supreme Court  
80 may appoint or employ such personnel as are necessary to assist  
81 the court in exercising its powers and performing its duties  
82 under this chapter.

83 (2) An applicant for certification as a mediator shall  
84 undergo a security background investigation, which includes, but  
85 is not limited to, submitting a full set of fingerprints to the  
86 Department of Law Enforcement or to a vendor, entity, or agency  
87 authorized by s. 943.053. The vendor, entity, or agency shall

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88 forward the fingerprints to the department for state processing,  
89 and the department shall forward the fingerprints to the Federal  
90 Bureau of Investigation for national processing. Any vendor fee  
91 and state and federal processing fees shall be borne by the  
92 applicant. For records provided to a person or entity other than  
93 those excepted therein, the cost for state fingerprint  
94 processing is the fee authorized in s. 943.053(3)(e).

95 Section 3. Present subsections (1) through (9) of section  
96 61.125, Florida Statutes, are redesignated as subsections (2)  
97 through (10), respectively, a new subsection (1) and subsection  
98 (11) are added, and present subsections (4), (5), (7), and (9)  
99 of that section are amended, to read:

100 61.125 Parenting coordination.—

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

102 (a) "Communication" means an oral or written statement, or  
103 nonverbal conduct intended to make an assertion, by or to a  
104 parenting coordinator, a participant, or a party made during  
105 parenting coordination, or before parenting coordination if made  
106 in furtherance of the parenting coordination process. The term  
107 does not include the commission of a crime during parenting  
108 coordination.

109 (b) "Office" means the Office of the State Courts  
110 Administrator.

111 (c) "Participant" means any individual involved in the  
112 parenting coordination process, other than the parenting  
113 coordinator and the named parties, who takes part in an event in  
114 person or by telephone, videoconference, or other electronic  
115 means.

116 (d) "Parenting coordination" means a nonadversarial dispute

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117 resolution process that is court-ordered or agreed upon by the  
118 parties.

119 (e) "Parenting coordinator" means an impartial third party  
120 appointed by the court or agreed to by the parties whose role is  
121 to assist the parties in successfully creating or implementing a  
122 parenting plan.

123 (f) "Parenting Coordinator Review Board" means the board  
124 appointed by the Chief Justice of the Florida Supreme Court to  
125 consider complaints against qualified and court-appointed  
126 parenting coordinators.

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

129 (5) ~~(4)~~ QUALIFICATIONS OF A PARENTING COORDINATOR.—A  
130 parenting coordinator is an impartial third person whose role is  
131 to assist the parents in successfully creating or implementing a  
132 parenting plan. Unless there is a written agreement between the  
133 parties, the court may appoint only a qualified parenting  
134 coordinator.

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

136 1. Meet one of the following professional requirements:

137 a. Be licensed as a mental health professional under  
138 chapter 490 or chapter 491.

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

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

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

145 2. Complete all of the following:

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146 a. Three years of postlicensure or postcertification  
147 practice.

148 b. A family mediation training program certified by the  
149 Florida Supreme Court.

150 c. A minimum of 24 hours of parenting coordination training  
151 in parenting coordination concepts and ethics, family systems  
152 theory and application, family dynamics in separation and  
153 divorce, child and adolescent development, the parenting  
154 coordination process, parenting coordination techniques, and  
155 Florida family law and procedure, and a minimum of 4 hours of  
156 training in domestic violence and child abuse which is related  
157 to parenting coordination.

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

160 (c) A qualified parenting coordinator must be in good  
161 standing, or in clear and active status, with his or her  
162 respective licensing authority, certification board, or both, as  
163 applicable.

164 (d) Unless there is a written agreement between the  
165 parties, the court may appoint only a qualified parenting  
166 coordinator.

167 (6)~~(5)~~ DISQUALIFICATIONS OF PARENTING COORDINATOR.—

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

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

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

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

177 4. Is or has been a respondent in a final order or  
178 injunction of protection against domestic violence; or.

179 5. Has been disqualified by the Parenting Coordinator  
180 Review Board.

181 (b) A parenting coordinator must discontinue service as a  
182 parenting coordinator and immediately report to the court and  
183 the parties if any of the disqualifying circumstances described  
184 in paragraph (a) occur, or if he or she no longer meets the  
185 ~~minimum~~ qualifications in subsection (5) ~~(4)~~, and the court may  
186 appoint another parenting coordinator.

187 (8) ~~(7)~~ CONFIDENTIALITY.—Except as otherwise provided in  
188 this section, all communications made by, between, or among the  
189 parties, participants, and the parenting coordinator during  
190 parenting coordination sessions are confidential. The parenting  
191 coordinator, participants, and each party designated in the  
192 order appointing the coordinator may not testify or offer  
193 evidence about communications made by, between, or among the  
194 parties, participants, and the parenting coordinator during  
195 parenting coordination sessions, except if:

196 (a) Necessary to identify, authenticate, confirm, or deny a  
197 written agreement entered into by the parties during parenting  
198 coordination;

199 (b) The testimony or evidence is necessary to identify an  
200 issue for resolution by the court without otherwise disclosing  
201 communications made by any party, participant, or the parenting  
202 coordinator;

203 (c) The testimony or evidence is limited to the subject of

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204 a party's compliance with the order of referral to parenting  
205 coordination, orders for psychological evaluation, counseling  
206 ordered by the court or recommended by a health care provider,  
207 or for substance abuse testing or treatment;

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

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

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

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

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

220 (i) The testimony or evidence is necessary to protect any  
221 person from future acts that would constitute domestic violence  
222 under chapter 741; child abuse, neglect, or abandonment under  
223 chapter 39; or abuse, neglect, or exploitation of an elderly or  
224 disabled adult under chapter 825;~~;~~

225 (j) The testimony or evidence is offered to report, prove,  
226 or disprove a violation of professional malpractice occurring  
227 during the parenting coordination process, solely for the  
228 purpose of the professional malpractice proceeding; or

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



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233 (10)~~(9)~~ IMMUNITY AND LIMITED LIMITATION ON LIABILITY.—

234 (a) A person appointed or employed to assist the Supreme  
 235 Court in performing its duties relating to disciplinary  
 236 proceedings involving parenting coordinators, including a member  
 237 of the Parenting Coordinator Review Board, is not liable for  
 238 civil damages for any act or omission arising from the  
 239 performance of his or her duties while acting within the scope  
 240 of his or her appointed function or job description unless such  
 241 person acted in bad faith or with malicious purpose.

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

248 (11) STANDARDS AND PROCEDURES.—The Supreme Court shall  
 249 establish minimum standards and procedures for the training,  
 250 ethical conduct, and discipline of parenting coordinators who  
 251 serve under this section. The office may appoint or employ  
 252 personnel as necessary to assist the court in exercising its  
 253 powers and performing its duties under this section.

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

256 121.052 Membership class of elected officers.—

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

259 (a) A duly elected officer whose term of office was  
 260 shortened by legislative or judicial apportionment pursuant to  
 261 s. 16, Art. III of the State Constitution may, after the term of

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262 office to which he or she was elected is completed, pay into the  
263 Florida Retirement System Trust Fund the amount of contributions  
264 that would have been made by the officer or the officer's  
265 employer on his or her behalf, plus 4 percent interest  
266 compounded annually from the date he or she left office until  
267 July 1, 1975, and 6.5 percent interest compounded annually  
268 thereafter, and may receive service credit for the length of  
269 time the officer would have served if such term had not been  
270 shortened by apportionment.

271 (b) Any duly elected officer whose term of office was  
272 shortened because the election at which he or she was elected  
273 was delayed as a result of federal intervention under the  
274 federal Voting Rights Act may, after the term of office to which  
275 he or she was elected is completed, pay into the System Trust  
276 Fund the amount of contributions that would have been made by  
277 the employee or by the employer on his or her behalf for the  
278 period of time the assumption of office was delayed, plus 4  
279 percent interest compounded annually from the date he or she  
280 assumed office until July 1, 1975, and 6.5 percent interest  
281 compounded annually thereafter, and may receive service credit  
282 for the length of time he or she would have served if such term  
283 had not been shortened by delay of the election.

284 (c) For the purpose of this chapter, "creditable service"  
285 includes the period from November 1972 to January 1973 which  
286 would have been served by an elected county officer but for the  
287 enactment of chapter 67-510, Laws of Florida, if the inclusion  
288 of such period would provide any person affected with sufficient  
289 creditable service to qualify for retirement benefits pursuant  
290 to this chapter.

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291 (d)1. Any justice or judge, or any retired justice or judge  
292 who retired before July 1, 1993, who ~~has~~ attained the age of 70  
293 years before July 1, 2019, and who was ~~is~~ prevented under s. 8,  
294 Art. V of the State Constitution from completing his or her term  
295 of office because of age may elect to purchase credit for all or  
296 a portion of the months he or she would have served during the  
297 remainder of the term of office; however, he or she may claim  
298 those months only after the date the service would have  
299 occurred. The justice or judge must pay into the Florida  
300 Retirement System Trust Fund the amount of contributions that  
301 would have been made by the employer on his or her behalf for  
302 the period of time being claimed, plus 6.5 percent interest  
303 thereon compounded each June 30 from the date he or she left  
304 office, in order to receive service credit in this class for the  
305 period of time being claimed. After the date the service would  
306 have occurred, and upon payment of the required contributions,  
307 the retirement benefit of a retired justice or judge shall be  
308 adjusted prospectively to include the additional creditable  
309 service; however, such adjustment may be made only once.

310 2. Any justice or judge who did ~~does~~ not seek retention or  
311 election to a subsequent term of office because he or she was  
312 ~~would be~~ prevented under s. 8, Art. V of the State Constitution  
313 from completing such term of office upon attaining the age of 70  
314 years may elect to purchase service credit for service as a  
315 temporary judge as assigned by the court if the temporary  
316 assignment immediately follows the last full term of office  
317 served and the purchase is limited to the number of months of  
318 service needed to vest retirement benefits. To receive  
319 retirement credit for such temporary service beyond termination,

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320 the justice or judge must pay into the Florida Retirement System  
321 Trust Fund the amount of contributions that would have been made  
322 by the justice or judge and the employer on his or her behalf  
323 had he or she continued in office for the period of time being  
324 claimed, plus 6.5 percent interest thereon compounded each June  
325 30 from the date he or she left office.

326 Section 5. Paragraph (d) of subsection (3) of section  
327 812.014, Florida Statutes, is amended to read:

328 812.014 Theft.—

329 (3)

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

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

334 b. An electronic record that contains the judge's  
335 electronic signature as defined in s. 933.40 and is recorded by  
336 the clerk of the circuit court.

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

341 a. For a written judgment of guilty, the fingerprints of  
342 the defendant against whom such judgment is rendered shall be  
343 manually taken and. ~~Such fingerprints shall be~~ affixed beneath  
344 the judge's signature on the ~~to such~~ judgment. Beneath such  
345 fingerprints shall be appended a certificate to the following  
346 effect:

347 "I hereby certify that the above and foregoing fingerprints  
348 on this judgment are the fingerprints of the defendant, . . . ,

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349 and that they were placed thereon by said defendant in my  
 350 presence, in open court, this the .... day of .....,  
 351 ... (year)...."

352  
 353 Such certificate shall be signed by the judge, whose signature  
 354 thereto shall be followed by the word "Judge."

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

358 3.2. A Any such written or an electronic judgment of guilty  
 359 of a petit theft, or a certified copy thereof, is admissible in  
 360 evidence in the courts of this state as provided in s.  
 361 921.241(4) prima facie evidence that the fingerprints appearing  
 362 thereon and certified by the judge are the fingerprints of the  
 363 defendant against whom such judgment of guilty of a petit theft  
 364 was rendered.

365 Section 6. Section 921.241, Florida Statutes, is amended to  
 366 read:

367 921.241 Felony judgments; fingerprints and social security  
 368 number required in record.—

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

370 (a) "Electronic signature" has the same meaning as in s.  
 371 933.40.

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

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

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

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

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

388 (a) For a written judgment of guilty, and at the time the  
389 judgment is rendered, the fingerprints of the defendant shall be  
390 manually taken and ~~against whom such judgment is rendered. Such~~  
391 ~~fingerprints shall be~~ affixed beneath the judge's signature on  
392 the ~~to such~~ judgment. Beneath such fingerprints shall be  
393 appended a certificate to the following effect:

394 "I hereby certify that the above and foregoing fingerprints  
395 on this judgment are the fingerprints of the defendant, . . . .,  
396 and that they were placed thereon by said defendant in my  
397 presence, in open court, this the . . . . day of . . . .,  
398 . . . (year) . . . ."

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

401 (b) For an electronic judgment of guilty, the fingerprints  
402 of the defendant shall be electronically captured and the  
403 following certificate shall be included in the electronic  
404 judgment:

405 "I hereby certify that the digital fingerprint record  
406 associated with Transaction Control Number . . . . contains the

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407 fingerprints of the defendant, . . . ., which were electronically  
408 captured from the defendant in my presence, in open court, this  
409 the . . . . day of . . . ., . . .(year). . . .”

410  
411 The judge shall place his or her electronic signature, which  
412 shall be followed by the word “Judge,” on the certificate.

413 (4)~~(3)~~ A written or electronic ~~Any such written~~ judgment of  
414 ~~guilty of a felony~~, or a certified copy thereof, shall be  
415 admissible in evidence in the several courts of this state as  
416 prima facie evidence that the:

417 (a) Manual fingerprints appearing thereon and certified by  
418 the judge as aforesaid are the fingerprints of the defendant  
419 against whom the ~~such~~ judgment of guilty ~~of a felony~~ was  
420 rendered.

421 (b) Digital fingerprint record associated with the  
422 transaction control number specified in the judge’s certificate  
423 contains the fingerprints of the defendant against whom the  
424 judgment of guilty was rendered.

425 (5)~~(4)~~ At the time the defendant’s fingerprints are  
426 manually taken or electronically captured, the judge shall also  
427 cause the defendant’s social security number to be taken. The  
428 defendant’s social security number shall be specified in each  
429 ~~affixed to every~~ written or electronic judgment of guilty of a  
430 felony, in open court, in the presence of such judge, and at the  
431 time the judgment is rendered. If the defendant is unable or  
432 unwilling to provide his or her social security number, the  
433 reason for its absence shall be specified in ~~indicated on~~ the  
434 written or electronic judgment.

435 Section 7. Section 921.242, Florida Statutes, is amended to

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436 read:

437 921.242 Subsequent offenses under chapter 796; method of  
438 proof applicable.-439 (1) A ~~Every~~ judgment of guilty with respect to any offense  
440 governed by the provisions of chapter 796 shall be in:441 (a) A written record that is ~~writing~~, signed by the judge,  
442 and recorded by the clerk of the circuit court; or443 (b) An electronic record that contains the judge's  
444 electronic signature as defined in s. 933.40 and is recorded by  
445 the clerk of circuit court.446 (2) At the time a defendant is found guilty, the judge  
447 shall cause the following to occur ~~to be affixed to every such~~  
448 ~~written judgment of guilty,~~ in open court and in the judge's  
449 presence; ~~of such judge~~450 (a) For a written judgment of guilty, the fingerprints of  
451 the defendant against whom such judgment is rendered shall be  
452 manually taken and. ~~Such fingerprints shall be~~ affixed beneath  
453 the judge's signature on the ~~to any such~~ judgment. Beneath such  
454 fingerprints shall be appended a certificate to the following  
455 effect:456 "I hereby certify that the above and foregoing fingerprints are  
457 of the defendant, ... (name) ..., and that they were placed  
458 thereon by said defendant in my presence, in open court, this  
459 the .... day of ....., ... (year) ....."

460

461 Such certificate shall be signed by the judge, whose signature  
462 thereto shall be followed by the word "Judge."463 (b) For an electronic judgment of guilty, the fingerprints  
464 of the defendant must be electronically captured and a



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465 certificate must be issued as provided in s. 921.241(3)(b).

466 (3)(2) A Any such written or an electronic judgment of  
467 guilty, or a certified copy thereof, shall be admissible in  
468 evidence in the several courts of this state as provided in s.  
469 921.241(4) prima facie evidence that the fingerprints appearing  
470 thereon and certified by the judge as aforesaid are the  
471 fingerprints of the defendant against whom such judgment of  
472 guilty was rendered.

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

477 775.084 Violent career criminals; habitual felony offenders  
478 and habitual violent felony offenders; three-time violent felony  
479 offenders; definitions; procedure; enhanced penalties or  
480 mandatory minimum prison terms.—

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

484 1. The court shall obtain and consider a presentence  
485 investigation prior to the imposition of a sentence as a  
486 habitual felony offender or a habitual violent felony offender.

487 2. Written notice shall be served on the defendant and the  
488 defendant's attorney a sufficient time prior to the entry of a  
489 plea or prior to the imposition of sentence in order to allow  
490 the preparation of a submission on behalf of the defendant.

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

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494           4. Each of the findings required as the basis for such  
495 sentence shall be found to exist by a preponderance of the  
496 evidence and shall be appealable to the extent normally  
497 applicable to similar findings.

498           5. For the purpose of identification of a habitual felony  
499 offender or a habitual violent felony offender, the court shall  
500 fingerprint the defendant pursuant to s. 921.241.

501           6. For an offense committed on or after October 1, 1995, if  
502 the state attorney pursues a habitual felony offender sanction  
503 or a habitual violent felony offender sanction against the  
504 defendant and the court, in a separate proceeding pursuant to  
505 this paragraph, determines that the defendant meets the criteria  
506 under subsection (1) for imposing such sanction, the court must  
507 sentence the defendant as a habitual felony offender or a  
508 habitual violent felony offender, subject to imprisonment  
509 pursuant to this section unless the court finds that such  
510 sentence is not necessary for the protection of the public. If  
511 the court finds that it is not necessary for the protection of  
512 the public to sentence the defendant as a habitual felony  
513 offender or a habitual violent felony offender, the court shall  
514 provide written reasons; a written transcript of orally stated  
515 reasons is permissible, if filed by the court within 7 days  
516 after the date of sentencing. Each month, the court shall submit  
517 to the Office of Economic and Demographic Research of the  
518 Legislature the written reasons or transcripts in each case in  
519 which the court determines not to sentence a defendant as a  
520 habitual felony offender or a habitual violent felony offender  
521 as provided in this subparagraph.

522           (b) In a separate proceeding, the court shall determine if

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523 the defendant is a three-time violent felony offender. The  
524 procedure shall be as follows:

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

528 2. Written notice shall be served on the defendant and the  
529 defendant's attorney a sufficient time prior to the entry of a  
530 plea or prior to the imposition of sentence in order to allow  
531 the preparation of a submission on behalf of the defendant.

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

535 4. Each of the findings required as the basis for such  
536 sentence shall be found to exist by a preponderance of the  
537 evidence and shall be appealable to the extent normally  
538 applicable to similar findings.

539 5. For the purpose of identification of a three-time  
540 violent felony offender, the court shall fingerprint the  
541 defendant pursuant to s. 921.241.

542 6. For an offense committed on or after the effective date  
543 of this act, if the state attorney pursues a three-time violent  
544 felony offender sanction against the defendant and the court, in  
545 a separate proceeding pursuant to this paragraph, determines  
546 that the defendant meets the criteria under subsection (1) for  
547 imposing such sanction, the court must sentence the defendant as  
548 a three-time violent felony offender, subject to imprisonment  
549 pursuant to this section as provided in paragraph (4) (c).

550 (c) In a separate proceeding, the court shall determine  
551 whether the defendant is a violent career criminal with respect

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552 to a primary offense committed on or after October 1, 1995. The  
553 procedure shall be as follows:

554 1. Written notice shall be served on the defendant and the  
555 defendant's attorney a sufficient time prior to the entry of a  
556 plea or prior to the imposition of sentence in order to allow  
557 the preparation of a submission on behalf of the defendant.

558 2. All evidence presented shall be presented in open court  
559 with full rights of confrontation, cross-examination, and  
560 representation by counsel.

561 3. Each of the findings required as the basis for such  
562 sentence shall be found to exist by a preponderance of the  
563 evidence and shall be appealable only as provided in paragraph  
564 (d).

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

567 5. For an offense committed on or after October 1, 1995, if  
568 the state attorney pursues a violent career criminal sanction  
569 against the defendant and the court, in a separate proceeding  
570 pursuant to this paragraph, determines that the defendant meets  
571 the criteria under subsection (1) for imposing such sanction,  
572 the court must sentence the defendant as a violent career  
573 criminal, subject to imprisonment pursuant to this section  
574 unless the court finds that such sentence is not necessary for  
575 the protection of the public. If the court finds that it is not  
576 necessary for the protection of the public to sentence the  
577 defendant as a violent career criminal, the court shall provide  
578 written reasons; a written transcript of orally stated reasons  
579 is permissible, if filed by the court within 7 days after the  
580 date of sentencing. Each month, the court shall submit to the

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581 Office of Economic and Demographic Research of the Legislature  
582 the written reasons or transcripts in each case in which the  
583 court determines not to sentence a defendant as a violent career  
584 criminal as provided in this subparagraph.

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