

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; amending s.
6 61.125, F.S.; providing definitions; revising
7 qualifications for parenting coordinators; providing
8 disqualification factors for appointment as a
9 parenting coordinator; authorizing disclosure of
10 certain testimony or evidence in certain
11 circumstances; providing immunity for certain persons;
12 requiring the Office of the State Courts Administrator
13 to establish standards and procedures for parenting
14 coordinators; authorizing the office to appoint or
15 employ certain persons to assist in specified duties;
16 amending s. 121.052, F.S.; revising provisions
17 relating to judicial retirement to conform to
18 revisions to the mandatory retirement age; amending s.
19 812.014, F.S.; authorizing electronic records of
20 judgments; amending s. 921.241, F.S.; authorizing
21 electronic records of judgments; providing
22 definitions; providing forms; authorizing the
23 collection of fingerprints; amending s. 921.242, F.S.;
24 providing for electronic records of judgments;
25 reenacting s. 775.084(3)(a), (b), and (c), F.S.,

26 relating to fingerprinting a defendant for the purpose
 27 of identification, to incorporate the amendments made
 28 by the act; providing an effective date.

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

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

34 25.386 Foreign language court interpreters.—

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

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

51 or to a vendor, entity, or agency authorized by s. 943.053. The
52 vendor, entity, or agency shall forward the fingerprints to the
53 department for state processing, and the department shall
54 forward the fingerprints to the Federal Bureau of Investigation
55 for national processing. Any vendor fee and state and federal
56 processing fees shall be borne by the applicant. For records
57 provided to a person or entity other than those excepted
58 therein, the cost for state fingerprint processing is the fee
59 authorized in s. 943.053(3)(e).

60 Section 2. Section 44.106, Florida Statutes, is amended to
61 read:

62 44.106 Standards and procedures for mediators and
63 arbitrators; fees.—

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

75 (2) An applicant for certification as a mediator shall

76 undergo a security background investigation, which includes, but
77 is not limited to, submitting a full set of fingerprints to the
78 Department of Law Enforcement or to a vendor, entity, or agency
79 authorized by s. 943.053. The vendor, entity, or agency shall
80 forward the fingerprints to the department for state processing,
81 and the department shall forward the fingerprints to the Federal
82 Bureau of Investigation for national processing. Any vendor fee
83 and state and federal processing fees shall be borne by the
84 applicant. For records provided to a person or entity other than
85 those excepted therein, the cost for state fingerprint
86 processing is the fee authorized in s. 943.053(3)(e).

87 Section 3. Subsections (1) through (9) of section 61.125,
88 Florida Statutes, are renumbered as subsections (2) through
89 (10), respectively, present subsections (4), (5), (7), and (9)
90 are amended, and new subsections (1) and (11) are added to that
91 section, to read:

92 61.125 Parenting coordination.—

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

94 (a) "Communication" means an oral or written statement, or
95 nonverbal conduct intended to make an assertion, by or to a
96 parenting coordinator, a participant, or a party made during
97 parenting coordination, or before parenting coordination if made
98 in furtherance of the parenting coordination process. The term
99 does not include the commission of a crime during parenting
100 coordination.

101 (b) "Office" means the Office of the State Courts
102 Administrator.

103 (c) "Participant" means any individual involved in the
104 parenting coordination process, other than the parenting
105 coordinator and the named parties, who takes part in an event in
106 person or by telephone, videoconference, or other electronic
107 means.

108 (d) "Parenting coordination" means a nonadversarial
109 dispute resolution process that is court ordered or agreed upon
110 by the parties.

111 (e) "Parenting coordinator" means an impartial third party
112 appointed by the court or agreed to by the parties whose role is
113 to assist the parties in successfully creating or implementing a
114 parenting plan.

115 (f) "Parenting Coordinator Review Board" means the board
116 appointed by the Chief Justice of the Florida Supreme Court to
117 consider complaints against qualified and court-appointed
118 parenting coordinators.

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

121 (5)-(4) QUALIFICATIONS OF A PARENTING COORDINATOR.—A
122 parenting coordinator is an impartial third person whose role is
123 to assist the parents in successfully creating or implementing a
124 parenting plan. Unless there is a written agreement between the
125 parties, the court may appoint only a qualified parenting

126 ~~coordinator.~~

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

128 1. Meet one of the following professional requirements:

129 a. Be licensed as a mental health professional under
130 chapter 490 or chapter 491.

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

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

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

137 2. Complete all of the following:

138 a. Three years of postlicensure or postcertification
139 practice.

140 b. A family mediation training program certified by the
141 Florida Supreme Court.

142 c. A minimum of 24 hours of parenting coordination
143 training in parenting coordination concepts and ethics, family
144 systems theory and application, family dynamics in separation
145 and divorce, child and adolescent development, the parenting
146 coordination process, parenting coordination techniques, and
147 Florida family law and procedure, and a minimum of 4 hours of
148 training in domestic violence and child abuse which is related
149 to parenting coordination.

150 (b) The court may require additional qualifications to

151 address issues specific to the parties.

152 (c) A qualified parenting coordinator must be in good
153 standing, or in clear and active status, with his or her
154 respective licensing authority, certification board, or both, as
155 applicable.

156 (d) Unless there is a written agreement between the
157 parties, the court may appoint only a qualified parenting
158 coordinator.

159 (6)~~(5)~~ DISQUALIFICATIONS OF PARENTING COORDINATOR.—

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

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

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

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

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

171 5. Has been disqualified by the Parenting Coordinator
172 Review Board.

173 (b) A parenting coordinator must discontinue service as a
174 parenting coordinator and immediately report to the court and
175 the parties if any of the disqualifying circumstances described

176 in paragraph (a) occur, or if he or she no longer meets the
177 ~~minimum~~ qualifications in subsection (5)~~(4)~~, and the court may
178 appoint another parenting coordinator.

179 (8)~~(7)~~ CONFIDENTIALITY.—Except as otherwise provided in
180 this section, all communications made by, between, or among the
181 parties, participants, and the parenting coordinator during
182 parenting coordination sessions are confidential. The parenting
183 coordinator, participants, and each party designated in the
184 order appointing the coordinator may not testify or offer
185 evidence about communications made by, between, or among the
186 parties, participants, and the parenting coordinator during
187 parenting coordination sessions, except if:

188 (a) Necessary to identify, authenticate, confirm, or deny
189 a written agreement entered into by the parties during parenting
190 coordination;

191 (b) The testimony or evidence is necessary to identify an
192 issue for resolution by the court without otherwise disclosing
193 communications made by any party, participant, or the parenting
194 coordinator;

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

200 (d) The parenting coordinator reports that the case is no

201 longer appropriate for parenting coordination;

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

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

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

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

212 (i) The testimony or evidence is necessary to protect any
213 person from future acts that would constitute domestic violence
214 under chapter 741; child abuse, neglect, or abandonment under
215 chapter 39; or abuse, neglect, or exploitation of an elderly or
216 disabled adult under chapter 825;~~;~~

217 (j) The testimony or evidence is offered to report, prove,
218 or disprove a violation of professional malpractice occurring
219 during the parenting coordination process, solely for the
220 purpose of the professional malpractice proceeding; or

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

225 ~~(10)~~~~(9)~~ IMMUNITY AND LIMITED ~~LIMITATION ON LIABILITY.~~

226 (a) A person appointed or employed to assist the Supreme
227 Court in performing its duties relating to disciplinary
228 proceedings involving parenting coordinators, including a member
229 of the Parenting Coordinator Review Board, is not liable for
230 civil damages for any act or omission arising from the
231 performance of his or her duties while acting within the scope
232 of his or her appointed function or job description unless such
233 person acted in bad faith or with malicious purpose.

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

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

246 Section 4. Paragraph (d) of subsection (4) of section
247 121.052, Florida Statutes, is amended to read:

248 121.052 Membership class of elected officers.—

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

251 (d)1. Any justice or judge, ~~or any retired justice or~~
252 ~~judge who retired before July 1, 1993,~~ who has attained the age
253 of 75 ~~70~~ years and who is prevented under s. 8, Art. V of the
254 State Constitution from completing his or her term of office
255 because of age may elect to purchase credit for all or a portion
256 of the months he or she would have served during the remainder
257 of the term of office; however, he or she may claim those months
258 only after the date the service would have occurred. The justice
259 or judge must pay into the Florida Retirement System Trust Fund
260 the amount of contributions that would have been made by the
261 employer on his or her behalf for the period of time being
262 claimed, plus 6.5 percent interest thereon compounded each June
263 30 from the date he or she left office, in order to receive
264 service credit in this class for the period of time being
265 claimed. After the date the service would have occurred, and
266 upon payment of the required contributions, the retirement
267 benefit of a retired justice or judge shall be adjusted
268 prospectively to include the additional creditable service;
269 however, such adjustment may be made only once.

270 2. Any justice or judge who does not seek election to a
271 subsequent term of office because he or she would be prevented
272 under s. 8, Art. V of the State Constitution from completing
273 such term of office upon attaining the age of 75 ~~70~~ years may
274 elect to purchase service credit for service as a temporary
275 judge as assigned by the court if the temporary assignment

276 immediately follows the last full term of office served and the
 277 purchase is limited to the number of months of service needed to
 278 vest retirement benefits. To receive retirement credit for such
 279 temporary service beyond termination, the justice or judge must
 280 pay into the Florida Retirement System Trust Fund the amount of
 281 contributions that would have been made by the justice or judge
 282 and the employer on his or her behalf had he or she continued in
 283 office for the period of time being claimed, plus 6.5 percent
 284 interest thereon compounded each June 30 from the date he or she
 285 left office.

286 Section 5. Paragraph (d) of subsection (3) of section
 287 812.014, Florida Statutes, is amended to read:

288 812.014 Theft.—

289 (3)

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

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

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

297 2. At the time a defendant is found guilty of petit theft,
 298 the judge shall cause the following to occur ~~to be affixed to~~
 299 ~~every such written judgment of guilty of petit theft,~~ in open
 300 court and in the judge's presence; ~~of such judge~~

301 a. For a written judgment of guilty, the fingerprints of
302 the defendant against whom such judgment is rendered shall be
303 manually taken and. ~~Such fingerprints shall be~~ affixed beneath
304 the judge's signature on the ~~to such~~ judgment. Beneath such
305 fingerprints shall be appended a certificate to the following
306 effect:

307 "I hereby certify that the above and foregoing fingerprints
308 on this judgment are the fingerprints of the defendant,,
309 and that they were placed thereon by said defendant in my
310 presence, in open court, this the day of,
311 . . . (year)"

312
313 Such certificate shall be signed by the judge, whose signature
314 thereto shall be followed by the word "Judge."

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

318 3.2. A Any such written or an electronic judgment of
319 guilty of a petit theft, or a certified copy thereof, is
320 admissible in evidence in the courts of this state as provided
321 in s. 921.241(4) ~~prima facie evidence that the fingerprints~~
322 ~~appearing thereon and certified by the judge are the~~
323 ~~fingerprints of the defendant against whom such judgment of~~
324 ~~guilty of a petit theft was rendered.~~

325 Section 6. Section 921.241, Florida Statutes, is amended

326 to read:

327 921.241 Felony judgments; fingerprints and social security
328 number required in record.-

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

330 (a) "Electronic signature" has the same meaning as in s.
331 933.40.

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

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

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

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

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

348 (a) For a written judgment of guilty, ~~and at the time the~~
349 ~~judgment is rendered,~~ the fingerprints of the defendant shall be
350 manually taken and ~~against whom such judgment is rendered. Such~~

351 ~~fingerprints shall be~~ affixed beneath the judge's signature on
 352 the ~~to such~~ judgment. Beneath such fingerprints shall be
 353 appended a certificate to the following effect:

354 "I hereby certify that the above and foregoing fingerprints
 355 on this judgment are the fingerprints of the defendant, ,
 356 and that they were placed thereon by said defendant in my
 357 presence, in open court, this the day of ,
 358 . . . (year)"

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

361 (b) For an electronic judgment of guilty, the fingerprints
 362 of the defendant shall be electronically captured and the
 363 following certificate shall be included in the electronic
 364 judgment:

365 "I hereby certify that the digital fingerprint record
 366 associated with Transaction Control Number contains the
 367 fingerprints of the defendant, , which were electronically
 368 captured from the defendant in my presence, in open court, this
 369 the day of , . . . (year)"

370
 371 The judge shall place his or her electronic signature, which
 372 shall be followed by the word "Judge," on the certificate.

373 (4) (3) A written or electronic ~~Any such written~~ judgment
 374 of guilty ~~of a felony~~, or a certified copy thereof, shall be
 375 admissible in evidence in the several courts of this state as

376 | prima facie evidence that the:

377 | (a) Manual fingerprints appearing thereon and certified by
378 | the judge as aforesaid are the fingerprints of the defendant
379 | against whom the ~~such~~ judgment of guilty ~~of a felony~~ was
380 | rendered.

381 | (b) Digital fingerprint record associated with the
382 | transaction control number specified in the judge's certificate
383 | contains the fingerprints of the defendant against whom the
384 | judgment of guilty was rendered.

385 | (5)~~(4)~~ At the time the defendant's fingerprints are
386 | manually taken or electronically captured, the judge shall also
387 | cause the defendant's social security number to be taken. The
388 | defendant's social security number shall be specified in each
389 | ~~affixed to every written~~ or electronic judgment of guilty of a
390 | felony, in open court, in the presence of such judge, and at the
391 | time the judgment is rendered. If the defendant is unable or
392 | unwilling to provide his or her social security number, the
393 | reason for its absence shall be specified in ~~indicated on the~~
394 | written or electronic judgment.

395 | Section 7. Section 921.242, Florida Statutes, is amended
396 | to read:

397 | 921.242 Subsequent offenses under chapter 796; method of
398 | proof applicable.—

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

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

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

406 (2) At the time a defendant is found guilty, the judge
 407 shall cause the following to occur ~~to be affixed to every such~~
 408 ~~written judgment of guilty,~~ in open court and in the judge's
 409 presence: ~~of such judge~~

410 (a) For a written judgment of guilty, the fingerprints of
 411 the defendant against whom such judgment is rendered shall be
 412 manually taken and. ~~Such fingerprints shall be~~ affixed beneath
 413 the judge's signature on the ~~to any such~~ judgment. Beneath such
 414 fingerprints shall be appended a certificate to the following
 415 effect:

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

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

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

425 (3)-(2) A ~~Any such~~ written or an electronic judgment of

426 guilty, or a certified copy thereof, shall be admissible in
 427 evidence in the several courts of this state as provided in s.
 428 921.241(4) ~~prima facie evidence that the fingerprints appearing~~
 429 ~~thereon and certified by the judge as aforesaid are the~~
 430 ~~fingerprints of the defendant against whom such judgment of~~
 431 ~~guilty was rendered.~~

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

436 775.084 Violent career criminals; habitual felony
 437 offenders and habitual violent felony offenders; three-time
 438 violent felony offenders; definitions; procedure; enhanced
 439 penalties or mandatory minimum prison terms.—

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

443 1. The court shall obtain and consider a presentence
 444 investigation prior to the imposition of a sentence as a
 445 habitual felony offender or a habitual violent felony offender.

446 2. Written notice shall be served on the defendant and the
 447 defendant's attorney a sufficient time prior to the entry of a
 448 plea or prior to the imposition of sentence in order to allow
 449 the preparation of a submission on behalf of the defendant.

450 3. Except as provided in subparagraph 1., all evidence

451 presented shall be presented in open court with full rights of
452 confrontation, cross-examination, and representation by counsel.

453 4. Each of the findings required as the basis for such
454 sentence shall be found to exist by a preponderance of the
455 evidence and shall be appealable to the extent normally
456 applicable to similar findings.

457 5. For the purpose of identification of a habitual felony
458 offender or a habitual violent felony offender, the court shall
459 fingerprint the defendant pursuant to s. 921.241.

460 6. For an offense committed on or after October 1, 1995,
461 if the state attorney pursues a habitual felony offender
462 sanction or a habitual violent felony offender sanction against
463 the defendant and the court, in a separate proceeding pursuant
464 to this paragraph, determines that the defendant meets the
465 criteria under subsection (1) for imposing such sanction, the
466 court must sentence the defendant as a habitual felony offender
467 or a habitual violent felony offender, subject to imprisonment
468 pursuant to this section unless the court finds that such
469 sentence is not necessary for the protection of the public. If
470 the court finds that it is not necessary for the protection of
471 the public to sentence the defendant as a habitual felony
472 offender or a habitual violent felony offender, the court shall
473 provide written reasons; a written transcript of orally stated
474 reasons is permissible, if filed by the court within 7 days
475 after the date of sentencing. Each month, the court shall submit

476 to the Office of Economic and Demographic Research of the
477 Legislature the written reasons or transcripts in each case in
478 which the court determines not to sentence a defendant as a
479 habitual felony offender or a habitual violent felony offender
480 as provided in this subparagraph.

481 (b) In a separate proceeding, the court shall determine if
482 the defendant is a three-time violent felony offender. The
483 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 three-
486 time 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.

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 three-time
499 violent felony offender, the court shall fingerprint the
500 defendant pursuant to s. 921.241.

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

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

513 1. Written notice shall be served on the defendant and the
514 defendant's attorney a sufficient time prior to the entry of a
515 plea or prior to the imposition of sentence in order to allow
516 the preparation of a submission on behalf of the defendant.

517 2. All evidence presented shall be presented in open court
518 with full rights of confrontation, cross-examination, and
519 representation by counsel.

520 3. Each of the findings required as the basis for such
521 sentence shall be found to exist by a preponderance of the
522 evidence and shall be appealable only as provided in paragraph
523 (d).

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

526 5. For an offense committed on or after October 1, 1995,
527 if the state attorney pursues a violent career criminal sanction
528 against the defendant and the court, in a separate proceeding
529 pursuant to this paragraph, determines that the defendant meets
530 the criteria under subsection (1) for imposing such sanction,
531 the court must sentence the defendant as a violent career
532 criminal, subject to imprisonment pursuant to this section
533 unless the court finds that such sentence is not necessary for
534 the protection of the public. If the court finds that it is not
535 necessary for the protection of the public to sentence the
536 defendant as a violent career criminal, the court shall provide
537 written reasons; a written transcript of orally stated reasons
538 is permissible, if filed by the court within 7 days after the
539 date of sentencing. Each month, the court shall submit to the
540 Office of Economic and Demographic Research of the Legislature
541 the written reasons or transcripts in each case in which the
542 court determines not to sentence a defendant as a violent career
543 criminal as provided in this subparagraph.

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