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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RE/3R

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05/02/2019 08:16 PM

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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Effective July 1, 2019, paragraph (c) is added  
to subsection (4) and paragraph (e) is added to subsection (5)  
of section 16.555, Florida Statutes, to read:

16.555 Crime Stoppers Trust Fund; rulemaking.—

(4)

(c) After an initial distribution of funds to the judicial  
circuit in which they were collected, up to 50 percent of the



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12 unencumbered funds returned to the Crime Stoppers Trust Fund  
13 from that circuit from a previous grant year, may, in subsequent  
14 grant years, be reallocated to other judicial circuits for  
15 special crime stoppers initiatives or other programs of the  
16 Florida Association of Crime Stoppers, as prioritized and  
17 determined by the department and the Florida Association of  
18 Crime Stoppers.

19 (5)

20 (e) A county that is awarded a grant under this section may  
21 use such funds to pay rewards for tips that result in any of the  
22 following:

23 1. An arrest.

24 2. The recovery of stolen property.

25 3. The recovery of illegal narcotics.

26 4. The recovery of the body of a homicide victim.

27 5. The recovery of a human trafficking victim or a missing  
28 person connected to criminal activity.

29 6. The recovery of an illegal firearm or an illegal weapon  
30 on a K-12 school campus.

31 7. The prevention of a terrorist act.

32 8. The solving and closing of a criminal case involving a  
33 homicide or other violent felony offense that remains unsolved  
34 for 1 year or more after being reported to a law enforcement  
35 agency and that has no viable and unexplored investigatory  
36 leads.

37 Section 2. Section 16.557, Florida Statutes, is created to  
38 read:

39 16.557 Crime stoppers organizations; disclosure of  
40 privileged communications or protected information.-



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

42 (a) "Crime stoppers organization" means a private not-for-  
43 profit organization that collects and expends donations for  
44 rewards to persons who report to the organization information  
45 concerning criminal activity, and forwards that information to  
46 appropriate law enforcement agencies.

47 (b) "Privileged communication" means the act of providing  
48 information to a crime stoppers organization for the purpose of  
49 reporting alleged criminal activity.

50 (c) "Protected information" includes the identity of a  
51 person who engages in privileged communication with a crime  
52 stoppers organization and any records, recordings, oral or  
53 written statements, papers, documents, or other tangible items  
54 provided to or collected by a crime stoppers organization, a law  
55 enforcement crime stoppers coordinator or his or her staff, or a  
56 law enforcement agency in connection with such privileged  
57 communication.

58 (2) (a) Except pursuant to criminal discovery or as provided  
59 in paragraph (b), a person who discloses a privileged  
60 communication or protected information or any information  
61 concerning a privileged communication or protected information  
62 commits a felony of the third degree, punishable as provided in  
63 s. 775.082, s. 775.083, or s. 775.084.

64 (b) This subsection does not apply to:

65 1. The person who provides the privileged communication or  
66 protected information; or

67 2. A law enforcement officer or an employee of a law  
68 enforcement agency or the Department of Legal Affairs when he or  
69 she is acting within the scope of his or her official duties.



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70       (c) This subsection does not limit the right of any  
71 criminal defendant to criminal discovery.

72       Section 3. Effective July 1, 2019, section 25.025, Florida  
73 Statutes, is created to read:

74       25.025 Headquarters.-

75       (1) (a) A Supreme Court justice who permanently resides  
76 outside Leon County shall, if he or she so requests, have a  
77 district court of appeal courthouse, a county courthouse, or  
78 another appropriate facility in his or her district of residence  
79 designated as his or her official headquarters pursuant to s.  
80 112.061. This official headquarters may serve only as the  
81 justice's private chambers.

82       (b) A justice for whom an official headquarters is  
83 designated in his or her district of residence under this  
84 subsection is eligible for subsistence at a rate to be  
85 established by the Chief Justice for each day or partial day  
86 that the justice is at the Supreme Court Building for the  
87 conduct of the business of the court. In addition to the  
88 subsistence allowance, a justice is eligible for reimbursement  
89 for transportation expenses as provided in s. 112.061(7) for  
90 travel between the justice's official headquarters and the  
91 Supreme Court Building for the conduct of the business of the  
92 court.

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

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



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

101 (3) (a) This section does not require a county to provide  
102 space in a county courthouse for a justice. A county may enter  
103 into an agreement with the Supreme Court governing the use of  
104 space in a county courthouse.

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

109 Section 4. Section 43.51, Florida Statutes, is created to  
110 read:

111 43.51 Problem-solving court reports.-

112 (1) The Office of the State Courts Administrator shall  
113 provide an annual report to the President of the Senate and the  
114 Speaker of the House of Representatives which details the number  
115 of participants in each problem-solving court for each fiscal  
116 year the court has been operating and the types of services  
117 provided, identifies each source of funding for each court  
118 during each fiscal year, and provides information on the  
119 performance of each court based upon outcome measures  
120 established by the courts.

121 (2) For purposes of this section, the term "problem-solving  
122 court" includes, but is not limited to, a drug court pursuant to  
123 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.  
124 948.20; a military veterans' and servicemembers' court pursuant  
125 to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental  
126 health court program pursuant to s. 394.47892, s. 948.01, s.  
127 948.06, s. 948.08, or s. 948.16; a community court pursuant to



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128 s. 948.081; or a delinquency pretrial intervention court program  
129 pursuant to s. 985.345.

130 Section 5. Subsection (8) is added to section 57.105,  
131 Florida Statutes, to read:

132 57.105 Attorney's fee; sanctions for raising unsupported  
133 claims or defenses; exceptions; service of motions; damages for  
134 delay of litigation.—

135 (8) Attorney fees may not be awarded under this section in  
136 proceedings for an injunction for protection pursuant to s.  
137 741.30, s. 784.046, or s. 784.0485, unless the court finds by  
138 clear and convincing evidence that the petitioner knowingly made  
139 a false statement or allegation in the petition with regard to a  
140 material matter as defined in s. 837.011(3).

141 Section 6. Paragraph (c) of subsection (1) of section  
142 61.13016, Florida Statutes, is amended to read:

143 61.13016 Suspension of driver licenses and motor vehicle  
144 registrations.—

145 (1) The driver license and motor vehicle registration of a  
146 support obligor who is delinquent in payment or who has failed  
147 to comply with subpoenas or a similar order to appear or show  
148 cause relating to paternity or support proceedings may be  
149 suspended. When an obligor is 15 days delinquent making a  
150 payment in support or failure to comply with a subpoena, order  
151 to appear, order to show cause, or similar order in IV-D cases,  
152 the Title IV-D agency may provide notice to the obligor of the  
153 delinquency or failure to comply with a subpoena, order to  
154 appear, order to show cause, or similar order and the intent to  
155 suspend by regular United States mail that is posted to the  
156 obligor's last address of record with the Department of Highway



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157 Safety and Motor Vehicles. When an obligor is 15 days delinquent  
158 in making a payment in support in non-IV-D cases, and upon the  
159 request of the obligee, the depository or the clerk of the court  
160 must provide notice to the obligor of the delinquency and the  
161 intent to suspend by regular United States mail that is posted  
162 to the obligor's last address of record with the Department of  
163 Highway Safety and Motor Vehicles. In either case, the notice  
164 must state:

165 (c) That notification will be given to the Department of  
166 Highway Safety and Motor Vehicles to suspend the obligor's  
167 driver license and motor vehicle registration unless, within 20  
168 days after the date that the notice is mailed, the obligor:

169 1.a. Pays the delinquency in full and any other costs and  
170 fees accrued between the date of the notice and the date the  
171 delinquency is paid;

172 b. Enters into a written agreement for payment with the  
173 obligee in non-IV-D cases or with the Title IV-D agency in IV-D  
174 cases; or in IV-D cases, complies with a subpoena or order to  
175 appear, order to show cause, or a similar order, which may  
176 include a reasonable period of payment deferral to accommodate  
177 an obligor's good faith job-seeking efforts;

178 c. Files a petition with the circuit court to contest the  
179 delinquency action;

180 d. Demonstrates that he or she receives reemployment  
181 assistance or unemployment compensation pursuant to chapter 443;

182 e. Demonstrates that he or she is disabled and incapable of  
183 self-support or that he or she receives benefits under the  
184 federal Supplemental Security Income program or Social Security  
185 Disability Insurance program;



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186 f. Demonstrates that he or she receives temporary cash  
187 assistance pursuant to chapter 414; or

188 g. Demonstrates that he or she is making payments in  
189 accordance with a confirmed bankruptcy plan under chapter 11,  
190 chapter 12, or chapter 13 of the United States Bankruptcy Code,  
191 11 U.S.C. ss. 101 et seq.; and

192 2. Pays any applicable delinquency fees.  
193

194 If an obligor in a non-IV-D case enters into a written agreement  
195 for payment before the expiration of the 20-day period, the  
196 obligor must provide a copy of the signed written agreement to  
197 the depository or the clerk of the court. If an obligor seeks to  
198 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-  
199 subparagraph 1.f., or sub-subparagraph 1.g. before expiration of  
200 the 20-day period, the obligor must provide the applicable  
201 documentation or proof to the depository or the clerk of the  
202 court.

203 Section 7. Subsection (2) of section 212.15, Florida  
204 Statutes, is amended to read:

205 212.15 Taxes declared state funds; penalties for failure to  
206 remit taxes; due and delinquent dates; judicial review.—

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

211 (a) If the total amount of stolen revenue is less than  
212 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,  
213 punishable as provided in s. 775.082 or s. 775.083. Upon a  
214 second conviction, the offender commits is ~~guilty of~~ a





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215 misdemeanor of the first degree, punishable as provided in s.  
216 775.082 or s. 775.083. Upon a third or subsequent conviction,  
217 the offender commits ~~is guilty of~~ a felony of the third degree,  
218 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

219 (b) If the total amount of stolen revenue is \$1,000 ~~\$300~~ or  
220 more, but less than \$20,000, the offense is a felony of the  
221 third degree, punishable as provided in s. 775.082, s. 775.083,  
222 or s. 775.084.

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

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

230 Section 8. Subsection (3) of section 287.095, Florida  
231 Statutes, is amended to read:

232 287.095 Department of Corrections; prison industry  
233 programs.—

234 (3) All products offered for purchase to a state agency by  
235 the corporation organized under chapter 946 shall be produced in  
236 majority part by inmate labor, except for products not made by  
237 inmates which products are contractually allied to products made  
238 by inmates which are offered by the corporation, ~~provided the~~  
239 ~~value of the products not made by inmates do not exceed 2~~  
240 ~~percent of the total sales of the corporation in any year.~~

241 Section 9. Present subsections (41) through (46) of section  
242 322.01, Florida Statutes, are redesignated as subsections (42)  
243 through (47), respectively, and a new subsection (41) is added



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244 to that section, to read:

245 322.01 Definitions.—As used in this chapter:

246 (41) "Suspension or revocation equivalent status" is a  
247 designation for a person who does not have a driver license or  
248 driving privilege but would qualify for suspension or revocation  
249 of his or her driver license or driving privilege if licensed.  
250 The department may designate a person as having suspension or  
251 revocation equivalent status in the same manner as it is  
252 authorized to suspend or revoke a driver license or driving  
253 privilege by law.

254 Section 10. Subsections (1) through (4) of section 322.055,  
255 Florida Statutes, are amended to read:

256 322.055 Revocation or suspension of, or delay of  
257 eligibility for, driver license for persons 18 years of age or  
258 older convicted of certain drug offenses.—

259 (1) Notwithstanding s. 322.28, upon the conviction of a  
260 person 18 years of age or older for possession or sale of,  
261 trafficking in, or conspiracy to possess, sell, or traffic in a  
262 controlled substance, the court shall direct the department to  
263 suspend ~~revoke~~ the person's driver license or driving privilege  
264 of the person. The suspension ~~period of such revocation~~ shall be  
265 6 months ~~1 year~~ or until the person is evaluated for and, if  
266 deemed necessary by the evaluating agency, completes a drug  
267 treatment and rehabilitation program approved or regulated by  
268 the Department of Children and Families. However, the court may,  
269 upon finding a compelling circumstance to warrant an exception  
270 in its sound discretion, direct the department to issue a  
271 license for driving privilege restricted to business or  
272 employment purposes only, as defined by s. 322.271, if the



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273 ~~person is otherwise qualified for such a license. A driver whose~~  
274 ~~license or driving privilege has been suspended or revoked under~~  
275 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~  
276 ~~petition the department for restoration of the driving privilege~~  
277 ~~on a restricted or unrestricted basis depending on length of~~  
278 ~~suspension or revocation. In no case shall a restricted license~~  
279 ~~be available until 6 months of the suspension or revocation~~  
280 ~~period has expired.~~

281       (2) If a person 18 years of age or older is convicted for  
282 the possession or sale of, trafficking in, or conspiracy to  
283 possess, sell, or traffic in a controlled substance and such  
284 person is eligible by reason of age for a driver license or  
285 privilege, the court shall direct the department to withhold  
286 issuance of such person's driver license or driving privilege  
287 for a period of 6 months ~~1 year~~ after the date the person was  
288 convicted or until the person is evaluated for and, if deemed  
289 necessary by the evaluating agency, completes a drug treatment  
290 and rehabilitation program approved or regulated by the  
291 Department of Children and Families. However, the court may,  
292 upon finding a compelling circumstance to warrant an exception  
293 ~~in its sound discretion~~, direct the department to issue a  
294 license for driving privilege restricted to business or  
295 employment purposes only, as defined by s. 322.271, if the  
296 person is otherwise qualified for such a license. ~~A driver whose~~  
297 ~~license or driving privilege has been suspended or revoked under~~  
298 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~  
299 ~~petition the department for restoration of the driving privilege~~  
300 ~~on a restricted or unrestricted basis depending on the length of~~  
301 ~~suspension or revocation. In no case shall a restricted license~~



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302 ~~be available until 6 months of the suspension or revocation~~  
303 ~~period has expired.~~

304 (3) If a person 18 years of age or older is convicted for  
305 the possession or sale of, trafficking in, or conspiracy to  
306 possess, sell, or traffic in a controlled substance and such  
307 person's driver license or driving privilege is already under  
308 suspension or revocation for any reason, the court shall direct  
309 the department to extend the period of such suspension or  
310 revocation by an additional period of 6 months ~~1 year~~ or until  
311 the person is evaluated for and, if deemed necessary by the  
312 evaluating agency, completes a drug treatment and rehabilitation  
313 program approved or regulated by the Department of Children and  
314 Families. However, the court may, upon finding a compelling  
315 circumstance to warrant an exception ~~in its sound discretion,~~  
316 direct the department to issue a license for driving privilege  
317 restricted to business or employment purposes only, as defined  
318 by s. 322.271, if the person is otherwise qualified for such a  
319 license. ~~A driver whose license or driving privilege has been~~  
320 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
321 ~~the expiration of 6 months, petition the department for~~  
322 ~~restoration of the driving privilege on a restricted or~~  
323 ~~unrestricted basis depending on the length of suspension or~~  
324 ~~revocation. In no case shall a restricted license be available~~  
325 ~~until 6 months of the suspension or revocation period has~~  
326 ~~expired.~~

327 (4) If a person 18 years of age or older is convicted for  
328 the possession or sale of, trafficking in, or conspiracy to  
329 possess, sell, or traffic in a controlled substance and such  
330 person is ineligible by reason of age for a driver license or



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331 driving privilege, the court shall direct the department to  
332 withhold issuance of such person's driver license or driving  
333 privilege for a period of 6 months ~~1 year~~ after the date that he  
334 or she would otherwise have become eligible or until he or she  
335 becomes eligible by reason of age for a driver license and is  
336 evaluated for and, if deemed necessary by the evaluating agency,  
337 completes a drug treatment and rehabilitation program approved  
338 or regulated by the Department of Children and Families.  
339 However, the court may, upon finding a compelling circumstance  
340 to warrant an exception in its sound discretion, direct the  
341 department to issue a license for driving privilege restricted  
342 to business or employment purposes only, as defined by s.  
343 322.271, if the person is otherwise qualified for such a  
344 license. ~~A driver whose license or driving privilege has been~~  
345 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
346 ~~the expiration of 6 months, petition the department for~~  
347 ~~restoration of the driving privilege on a restricted or~~  
348 ~~unrestricted basis depending on the length of suspension or~~  
349 ~~revocation. In no case shall a restricted license be available~~  
350 ~~until 6 months of the suspension or revocation period has~~  
351 ~~expired.~~

352 Section 11. Section 322.056, Florida Statutes, is amended  
353 to read:

354 322.056 Mandatory revocation or suspension of, or delay of  
355 eligibility for, driver license for persons under age 18 found  
356 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;  
357 prohibition.—

358 (1) Notwithstanding ~~the provisions of~~ s. 322.055, if a  
359 person under 18 years of age is found guilty of or delinquent



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360 for a violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893,  
361 and:

362 (a) The person is eligible by reason of age for a driver  
363 license or driving privilege, the court shall direct the  
364 department to revoke or to withhold issuance of his or her  
365 driver license or driving privilege for a period of 6 months±

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

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

369 (b) The person's driver license or driving privilege is  
370 under suspension or revocation for any reason, the court shall  
371 direct the department to extend the period of suspension or  
372 revocation by an additional period of 6 months±

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

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

376 (c) The person is ineligible by reason of age for a driver  
377 license or driving privilege, the court shall direct the  
378 department to withhold issuance of his or her driver license or  
379 driving privilege for a period of±

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

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

385  
386 However, the court may, upon finding a compelling circumstance  
387 to warrant an exception in its sound discretion, direct the  
388 department to issue a license for driving privileges restricted



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389 to business or employment purposes only, as defined in s.  
390 322.271, if the person is otherwise qualified for such a  
391 license.

392 ~~(2) If a person under 18 years of age is found by the court~~  
393 ~~to have committed a noncriminal violation under s. 569.11 or s.~~  
394 ~~877.112(6) or (7) and that person has failed to comply with the~~  
395 ~~procedures established in that section by failing to fulfill~~  
396 ~~community service requirements, failing to pay the applicable~~  
397 ~~fine, or failing to attend a locally available school-approved~~  
398 ~~anti-tobacco program, and:~~

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

- 403 ~~1. For the first violation, for 30 days.~~  
404 ~~2. For the second violation within 12 weeks of the first~~  
405 ~~violation, for 45 days.~~

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

- 410 ~~1. For the first violation, for 30 days.~~  
411 ~~2. For the second violation within 12 weeks of the first~~  
412 ~~violation, for 45 days.~~

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

- 417 ~~1. For the first violation, for 30 days.~~



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

420  
421 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~  
422 ~~within the 12-week period after the first violation will be~~  
423 ~~treated as a first violation and in the same manner as provided~~  
424 ~~in this subsection.~~

425 ~~(3) If a person under 18 years of age is found by the court~~  
426 ~~to have committed a third violation of s. 569.11 or s.~~  
427 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~  
428 ~~court must direct the Department of Highway Safety and Motor~~  
429 ~~Vehicles to suspend or withhold issuance of his or her driver~~  
430 ~~license or driving privilege for 60 consecutive days. Any third~~  
431 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~  
432 ~~12-week period after the first violation will be treated as a~~  
433 ~~first violation and in the same manner as provided in subsection~~  
434 ~~(2).~~

435 ~~(2)-(4)~~ A penalty imposed under this section shall be in  
436 addition to any other penalty imposed by law.

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

443 Section 12. Section 322.057, Florida Statutes, is repealed.

444 Section 13. Subsections (2), (4), (5), (7), paragraph (a)  
445 of subsection (8), paragraph (a) of subsection (9), subsection  
446 (10), and paragraph (a) of subsection (11) of section 322.34,





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447 Florida Statutes, are amended to read:

448 322.34 Driving while license suspended, revoked, canceled,  
449 or disqualified.—

450 (2) Any person whose driver license or driving privilege  
451 has been canceled, suspended, or revoked as provided by law, or  
452 who does not have a driver license or driving privilege but is  
453 under suspension or revocation equivalent status as defined in  
454 s. 322.01(41), except persons defined in s. 322.264, who,  
455 knowing of such cancellation, suspension, ~~or~~ revocation, or  
456 suspension or revocation equivalent status, drives any motor  
457 vehicle upon the highways of this state while such license or  
458 privilege is canceled, suspended, or revoked, or while under  
459 suspension or revocation equivalent status, commits upon:

460 (a) A ~~first conviction is guilty of a~~ misdemeanor of the  
461 second degree, punishable as provided in s. 775.082 or s.  
462 775.083.

463 (b) 1. A ~~second conviction is guilty of a~~ misdemeanor of the  
464 first degree, punishable as provided in s. 775.082 or s.  
465 775.083, upon a second or subsequent conviction, except as  
466 provided in paragraph (c).

467 2. A person convicted of a third or subsequent conviction,  
468 except as provided in paragraph (c), must serve a minimum of 10  
469 days in jail.

470 (c) A ~~third or subsequent conviction is guilty of a~~ felony  
471 of the third degree, punishable as provided in s. 775.082, s.  
472 775.083, or s. 775.084, upon a third or subsequent conviction if  
473 the current violation of this section or the most recent prior  
474 violation of the section are related to driving while license  
475 canceled, suspended, revoked, or suspension or revocation



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476 equivalent status resulting from a violation of:

477 1. Driving under the influence;

478 2. Refusal to submit to a urine, breath-alcohol, or blood  
479 alcohol test;

480 3. A traffic offense causing death or serious bodily  
481 injury; or

482 4. Fleeing or eluding.

483

484 The element of knowledge is satisfied if the person has been  
485 previously cited as provided in subsection (1); or the person  
486 admits to knowledge of the cancellation, suspension, or  
487 revocation, or suspension or revocation equivalent status; or  
488 the person received notice as provided in subsection (4). There  
489 shall be a rebuttable presumption that the knowledge requirement  
490 is satisfied if a judgment or order as provided in subsection  
491 (4) appears in the department's records for any case except for  
492 one involving a suspension by the department for failure to pay  
493 a traffic fine or for a financial responsibility violation.

494 (4) Any judgment or order rendered by a court or  
495 adjudicatory body or any uniform traffic citation that cancels,  
496 suspends, or revokes a person's driver license or places a  
497 person under suspension or revocation equivalent status must  
498 contain a provision notifying the person that his or her driver  
499 license has been canceled, suspended, or revoked, or of such  
500 suspension or revocation equivalent status.

501 (5) Any person who has been designated a habitual traffic  
502 offender as defined by ~~whose driver license has been revoked~~  
503 ~~pursuant to s. 322.264 (habitual offender)~~ and who drives any  
504 motor vehicle upon the highways of this state while designated a



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505 habitual traffic offender ~~such license is revoked~~ is guilty of a  
506 felony of the third degree, punishable as provided in s.  
507 775.082, s. 775.083, or s. 775.084.

508 (7) Any person whose driver license or driving privilege  
509 has been canceled, suspended, revoked, or disqualified, or who  
510 does not have a driver license or driving privilege but is under  
511 suspension or revocation equivalent status, and who drives a  
512 commercial motor vehicle on the highways of this state while  
513 such license or privilege is canceled, suspended, revoked, or  
514 disqualified, or while under suspension or revocation equivalent  
515 status, upon:

516 (a) A first conviction is guilty of a misdemeanor of the  
517 first degree, punishable as provided in s. 775.082 or s.  
518 775.083.

519 (b) A second or subsequent conviction is guilty of a felony  
520 of the third degree, punishable as provided in s. 775.082, s.  
521 775.083, or s. 775.084.

522 (8) (a) Upon the arrest of a person for the offense of  
523 driving while the person's driver license or driving privilege  
524 is suspended or revoked, the arresting officer shall determine:

525 1. Whether the person's driver license is suspended or  
526 revoked, or the person is under suspension or revocation  
527 equivalent status.

528 2. Whether the person's driver license has remained  
529 suspended or revoked, or the person has been under suspension or  
530 revocation equivalent status, since a conviction for the offense  
531 of driving with a suspended or revoked license.

532 3. Whether the suspension, ~~or~~ revocation, or suspension or  
533 revocation equivalent status was made under s. 316.646 or s.



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534 627.733, relating to failure to maintain required security, or  
535 under s. 322.264, relating to habitual traffic offenders.

536 4. Whether the driver is the registered owner or coowner of  
537 the vehicle.

538 (9) (a) A motor vehicle that is driven by a person under the  
539 influence of alcohol or drugs in violation of s. 316.193 is  
540 subject to seizure and forfeiture under ss. 932.701-932.7062 and  
541 is subject to liens for recovering, towing, or storing vehicles  
542 under s. 713.78 if, at the time of the offense, the person's  
543 driver license is suspended, revoked, or canceled, or suspension  
544 or revocation equivalent status was imposed, as a result of a  
545 prior conviction for driving under the influence.

546 (10) (a) Notwithstanding any other provision of this  
547 section, if a person does not have a prior forcible felony  
548 conviction as defined in s. 776.08, the penalties provided in  
549 paragraph (b) apply if a person's driver license or driving  
550 privilege is canceled, suspended, or revoked, or the person is  
551 under suspension or revocation equivalent status, for:

552 1. Failing to pay child support as provided in s. 322.245  
553 or s. 61.13016;

554 2. Failing to pay any other financial obligation as  
555 provided in s. 322.245 other than those specified in s.  
556 322.245(1);

557 3. Failing to comply with a civil penalty required in s.  
558 318.15;

559 4. Failing to maintain vehicular financial responsibility  
560 as required by chapter 324;

561 5. Failing to comply with attendance or other requirements  
562 for minors as set forth in s. 322.091; or



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563           6. Having been designated a habitual traffic offender under  
564 s. 322.264(1)(d) as a result of suspensions of his or her driver  
565 license or driver privilege for any underlying violation listed  
566 in subparagraphs 1.-5.

567           (b)1. Upon a first conviction for knowingly driving while  
568 his or her license is suspended, revoked, or canceled, or while  
569 under suspension or revocation equivalent status, for any of the  
570 underlying violations listed in subparagraphs (a)1.-6., a person  
571 commits a misdemeanor of the second degree, punishable as  
572 provided in s. 775.082 or s. 775.083.

573           2. Upon a second or subsequent conviction for the same  
574 offense of knowingly driving while his or her license is  
575 suspended, revoked, or canceled, or while under suspension or  
576 revocation equivalent status, for any of the underlying  
577 violations listed in subparagraphs (a)1.-6., a person commits a  
578 misdemeanor of the first degree, punishable as provided in s.  
579 775.082 or s. 775.083.

580           (11)(a) A person who does not hold a commercial driver  
581 license and who is cited for an offense of knowingly driving  
582 while his or her license is suspended, revoked, or canceled, or  
583 while under suspension or revocation equivalent status, for any  
584 of the underlying violations listed in paragraph (10)(a) may, in  
585 lieu of payment of fine or court appearance, elect to enter a  
586 plea of nolo contendere and provide proof of compliance to the  
587 clerk of the court, designated official, or authorized operator  
588 of a traffic violations bureau. In such case, adjudication shall  
589 be withheld. However, no election shall be made under this  
590 subsection if such person has made an election under this  
591 subsection during the preceding 12 months. A person may not make



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592 more than three elections under this subsection.

593 Section 14. Section 322.75, Florida Statutes, is created to  
594 read:

595 322.75 Driver License Reinstatement Days.-

596 (1) Each clerk of court shall establish a Driver License  
597 Reinstatement Days program for reinstating suspended driver  
598 licenses. Participants may include, but are not limited to, the  
599 Department of Highway Safety and Motor Vehicles, the state  
600 attorney's office, the public defender's office, the circuit and  
601 county courts, the clerk of court, and any interested community  
602 organization.

603 (2) The clerk of court, in consultation with other  
604 participants, shall select 1 or more days annually for an event  
605 at which a person may have his or her driver license reinstated.  
606 The clerk may work with the Florida Association of Court Clerks  
607 and Comptrollers to promote such program, develop  
608 communications, and coordinate the event. A person must pay the  
609 full license reinstatement fee; however, the clerk may reduce or  
610 waive other fees and costs, except those imposed by the court,  
611 to facilitate reinstatement.

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

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

- 616 1. Driving without a valid driver license;  
617 2. Driving with a suspended driver license;  
618 3. Failing to make a payment on penalties in collection;  
619 4. Failing to appear in court for a traffic violation; or  
620 5. Failing to comply with any provision of chapter 318 or



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621 this chapter.

622 (b) Notwithstanding paragraphs (5) (a)-(c), a person is  
623 eligible for reinstatement under the program if the period of  
624 suspension or revocation has elapsed, the person has completed  
625 any required course or program as described in paragraph (5) (c),  
626 and the person is otherwise eligible for reinstatement.

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

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

632 (b) A violation of s. 316.193;

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

637 (d) A traffic-related felony; or

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

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

643 (7) The clerk of court must collect and report to the  
644 Florida Clerks of Court Operations Corporation all of the  
645 following:

646 (a) Number of cases paid in full.

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

648 (c) Number of driver license reinstatements.

649 (d) Number of driver licenses made eligible for



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650 reinstatement.

651 (e) Amount of fees and costs collected, reported by the  
652 entity receiving the funds. The Florida Clerks of Court  
653 Operations Corporation must report the aggregate funds received  
654 by the clerks of court, the local governmental entities, and  
655 state entities, including the General Revenue Fund.

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

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

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

663 Section 15. Subsection (2) of section 394.917, Florida  
664 Statutes, is amended to read:

665 394.917 Determination; commitment procedure; mistrials;  
666 housing; counsel and costs in indigent appellate cases.—

667 (2) If the court or jury determines that the person is a  
668 sexually violent predator, upon the expiration of the  
669 incarcerative portion of all criminal sentences and disposition  
670 of any detainers, the person shall be committed to the custody  
671 of the Department of Children and Families for control, care,  
672 ~~and~~ treatment, and rehabilitation of criminal offenders, until  
673 such time as the person's mental abnormality or personality  
674 disorder has so changed that it is safe for the person to be at  
675 large. At all times, persons who are detained or committed under  
676 this part shall be kept in a secure facility segregated from  
677 patients of the department who are not detained or committed  
678 under this part.





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679 Section 16. Subsection (2) of section 397.334, Florida  
680 Statutes, is amended to read:

681 397.334 Treatment-based drug court programs.—

682 (2) Entry into any pretrial treatment-based drug court  
683 program shall be voluntary. When neither s. 948.08(6)(c)1. nor  
684 2. s. 948.08(6)(a)1. nor 2. applies, the court may order an  
685 eligible individual to enter into a pretrial treatment-based  
686 drug court program only upon written agreement by the  
687 individual, which shall include a statement that the individual  
688 understands the requirements of the program and the potential  
689 sanctions for noncompliance.

690 Section 17. Subsection (3) of section 397.403, Florida  
691 Statutes, is amended to read:

692 397.403 License application.—

693 (3) Applications for licensure renewal must include proof  
694 of application for accreditation for each licensed service  
695 component providing clinical treatment by an accrediting  
696 organization that is acceptable to the department for the first  
697 renewal, and proof of accreditation for any subsequent renewals.  
698 This subsection does not apply to any inmate substance abuse  
699 program operated by or under an exclusive contract with a jail  
700 or the Department of Corrections.

701 Section 18. Present subsections (3) through (12) of section  
702 455.213, Florida Statutes, are redesignated as subsections (4)  
703 through (13), respectively, subsection (2) of that section is  
704 amended, and a new subsection (3) is added to that section, to  
705 read:

706 455.213 General licensing provisions.—

707 (2) Before the issuance of any license, the department may



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708 charge an initial license fee as determined by rule of the  
709 applicable board or, if no such board exists, by rule of the  
710 department. Upon receipt of the appropriate license fee, except  
711 as provided in subsection (4) ~~(3)~~, the department shall issue a  
712 license to any person certified by the appropriate board, or its  
713 designee, or the department when there is no board, as having  
714 met the applicable requirements imposed by law or rule. However,  
715 an applicant who is not otherwise qualified for licensure is not  
716 entitled to licensure solely based on a passing score on a  
717 required examination. Upon a determination by the department  
718 that it erroneously issued a license, or upon the revocation of  
719 a license by the applicable board, or by the department when  
720 there is no board, the licensee must surrender his or her  
721 license to the department.

722 (3) (a) Notwithstanding any other law, the applicable board  
723 shall use the process in this subsection for review of an  
724 applicant's criminal record to determine his or her eligibility  
725 for licensure as:

- 726 1. A barber under chapter 476;  
727 2. A cosmetologist or cosmetology specialist under chapter  
728 477;  
729 3. Any of the following construction professions under  
730 chapter 489:  
731 a. Air-conditioning contractor;  
732 b. Electrical contractor;  
733 c. Mechanical contractor;  
734 d. Plumbing contractor;  
735 e. Pollutant storage systems contractor;  
736 f. Roofing contractor;



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737 g. Sheet metal contractor;  
738 h. Solar contractor;  
739 i. Swimming pool and spa contractor;  
740 j. Underground utility and excavation contractor; or  
741 k. Other specialty contractors; or  
742 4. Any other profession for which the department issues a  
743 license, provided the profession is offered in to inmates in any  
744 correctional institution or correctional facility as vocational  
745 training or through an industry certification program.

746 (b)1. A conviction, or any other adjudication, for a crime  
747 more than 5 years before the date the application is received by  
748 the applicable board may not be grounds for denial of a license  
749 specified in paragraph (a). For purposes of this paragraph, the  
750 term "conviction" means a determination of guilt that is the  
751 result of a plea or trial, regardless of whether adjudication is  
752 withheld. This paragraph does not limit the applicable board  
753 from considering an applicant's criminal history that includes a  
754 crime listed in s. 775.21(4) (a)1. or s. 776.08 at any time, but  
755 only if such criminal history has been found to relate to the  
756 practice of the applicable profession.

757 2. The applicable board may consider the criminal history  
758 of an applicant for licensure under subparagraph (a)3. if such  
759 criminal history has been found to relate to good moral  
760 character.

761 (c)1. A person may apply for a license before his or her  
762 lawful release from confinement or supervision. The department  
763 may not charge an applicant an additional fee for being confined  
764 or under supervision. The applicable board may not deny an  
765 application for a license solely on the basis of the applicant's



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766 current confinement or supervision.

767 2. After a license application is approved, the applicable  
768 board may stay the issuance of a license until the applicant is  
769 lawfully released from confinement or supervision and the  
770 applicant notifies the applicable board of such release. The  
771 applicable board must verify the applicant's release with the  
772 Department of Corrections before it issues a license.

773 3. If an applicant is unable to appear in person due to his  
774 or her confinement or supervision, the applicable board must  
775 permit the applicant to appear by teleconference or video  
776 conference, as appropriate, at any meeting of the applicable  
777 board or other hearing by the agency concerning his or her  
778 application.

779 4. If an applicant is confined or under supervision, the  
780 Department of Corrections and the applicable board shall  
781 cooperate and coordinate to facilitate the appearance of the  
782 applicant at a board meeting or agency hearing in person, by  
783 teleconference, or by video conference, as appropriate.

784 (d) Each applicable board shall compile a list of crimes  
785 that, if committed and regardless of adjudication, do not relate  
786 to the practice of the profession or the ability to practice the  
787 profession and do not constitute grounds for denial of a  
788 license. This list must be made available on the department's  
789 website and updated annually. Beginning October 1, 2019, each  
790 applicable board shall compile a list of crimes that although  
791 reported by an applicant for licensure, were not used as a basis  
792 for denial. The list must identify for each such license  
793 application the crime reported and the date of conviction and  
794 whether there was a finding of guilt, a plea, or an adjudication



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795 entered or the date of sentencing.

796 (e) Each applicable board shall compile a list of crimes  
797 that have been used as a basis for denial of a license in the  
798 past 2 years and shall make the list available on the  
799 department's website. Starting October 1, 2019, and updated  
800 quarterly thereafter, the applicable board shall compile a list  
801 indicating each crime used as a basis for denial. For each crime  
802 listed, the applicable board must identify the date of  
803 conviction, finding of guilt, plea, or adjudication entered, or  
804 date of sentencing. Such denials must be made available to the  
805 public upon request.

806 Section 19. Subsection (4) of section 474.2165, Florida  
807 Statutes, is amended to read:

808 474.2165 Ownership and control of veterinary medical  
809 patient records; report or copies of records to be furnished.—

810 (4) Except as otherwise provided in this section, such  
811 records may not be furnished to, and the medical condition of a  
812 patient may not be discussed with, any person other than the  
813 client or the client's legal representative or other  
814 veterinarians involved in the care or treatment of the patient,  
815 except upon written authorization of the client. However, such  
816 records may be furnished without written authorization under the  
817 following circumstances:

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

821 (b) In any civil or criminal action, unless otherwise  
822 prohibited by law, upon the issuance of a subpoena from a court  
823 of competent jurisdiction and proper notice to the client or the



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824 client's legal representative by the party seeking such records.

825 (c) For statistical and scientific research, provided the  
826 information is abstracted in such a way as to protect the  
827 identity of the patient and the client, or provided written  
828 permission is received from the client or the client's legal  
829 representative.

830 (d) In any criminal action or situation where a  
831 veterinarian suspects a criminal violation. If a criminal  
832 violation is suspected, a veterinarian may, without notice to or  
833 authorization from the client, report the violation to a law  
834 enforcement officer, an animal control officer who is certified  
835 pursuant to s. 828.27(4) (a), or an agent appointed under s.  
836 828.03. However, if a suspected violation occurs at a commercial  
837 food-producing animal operation on land classified as  
838 agricultural under s. 193.461, the veterinarian must provide  
839 notice to the client or the client's legal representative before  
840 reporting the suspected violation to an officer or agent under  
841 this paragraph. The report may not include written medical  
842 records except upon the issuance of an order from a court of  
843 competent jurisdiction.

844 Section 20. Subsections (2), (3), and (4) of section  
845 489.126, Florida Statutes, are amended, and subsections (5) and  
846 (6) are added to that section, to read:

847 489.126 Moneys received by contractors.—

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

852 1. (a) Apply for permits necessary to do work within 30 days



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853 after the date payment is made, except where the work does not  
854 require a permit under the applicable codes and ordinances, and

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

857

858 unless the contractor has just cause for failing to apply for  
859 the necessary permits, starting the work, or refunding the  
860 payment, or unless the person who made the payment agreed, in  
861 writing, to a longer period to apply for the necessary permits  
862 or start the work or to longer periods for both.

863 (b)1. If a contractor fails to comply with the requirements  
864 of paragraph (a), the contractee must make written demand to the  
865 contractor in the form of a letter that includes a demand to  
866 apply for the necessary permits, to start the work, or to refund  
867 the payment sent via certified mail, return receipt requested,  
868 mailed to the address listed in the contracting agreement. If  
869 there is no address for the contractor listed in the contracting  
870 agreement, or no written agreement exists, the contractee must  
871 mail the written demand letter to the address listed for  
872 licensing purposes with the department or the local construction  
873 industry licensing board, if applicable.

874 2. It may be inferred that a contractor does not have just  
875 cause if the contractor fails to apply for the necessary  
876 permits, start the work, or refund payments within 30 days of  
877 receiving written demand to apply for the necessary permits,  
878 start the work, or refund the payment from the person who made  
879 the payment.

880 (3) (a) A contractor who receives money for repair,  
881 restoration, addition, improvement, or construction of



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882 residential real property in excess of the value of the work  
883 performed ~~may shall~~ not, ~~with intent to defraud the owner,~~ fail  
884 or refuse to perform any work for any 90-day period or for any  
885 period that is mutually agreed upon and specified in the  
886 contract.

887 (b) It is prima facie evidence ~~Proof~~ that a contractor  
888 received money for the repair, restoration, addition,  
889 improvement, or construction of residential real property and  
890 that the amount received exceeds the value of the work performed  
891 by the contractor when ~~and that:~~

892 1. The contractor failed to perform any of the work for  
893 which he or she contracted during any 90-day ~~60-day~~ period or  
894 any period that is mutually agreed upon and specified in the  
895 contract;

896 2. The failure to perform any such work during the 90-day  
897 ~~60-day~~ period or such period that is mutually agreed upon and  
898 specified in the contract was not related to the owner's  
899 termination of the contract or a material breach of the contract  
900 by the owner; and

901 3. The contractor failed to perform for the 90-day period  
902 or such period that is mutually agreed upon and specified in the  
903 contract without just cause or terminated the contract without  
904 proper notification to the owner.

905 a. Proper notification of termination for purposes of this  
906 subparagraph must be made by the contractor in the form of a  
907 letter that includes the reason for termination of the contract  
908 or the reason for failure to perform sent via certified mail,  
909 return receipt requested, mailed to the address of the owner  
910 listed in the contracting agreement. If no written agreement





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911 exists, the letter must be mailed to the address where the work  
912 was to be performed or the address listed on the permit, if  
913 applicable.

914 b. If a contractor fails to comply with paragraph (a),  
915 written demand must be made to the contractor in the form of a  
916 letter that includes a demand to perform work, or refund the  
917 money received in excess of the value of the work performed,  
918 sent via certified mail, return receipt requested, mailed to the  
919 address listed in the contracting agreement. If there is no  
920 address for the contractor listed in the contracting agreement,  
921 or no agreement exists, the letter must be mailed to the address  
922 listed with the department for licensing purposes or the local  
923 construction industry licensing board, if applicable.

924 c. It may be inferred that a contractor does not have just  
925 cause if the contractor fails to perform work, or refund the  
926 money received in excess of the value of the work performed,  
927 within 30 days after receiving a written demand to perform the  
928 work, or refund the money received in excess of the value of the  
929 work performed, from the person who made the payment, for an  
930 additional 30-day period after the date of mailing of  
931 notification as specified in paragraph (c), to perform any work  
932 for which he or she contracted,

933  
934 gives rise to an inference that the money in excess of the value  
935 of the work performed was taken with the intent to defraud.

936 (c) Notification as contemplated in paragraph (b) consists  
937 of a certified letter, return receipt requested, mailed to the  
938 address of the contractor as listed in the written contracting  
939 agreement. The letter must indicate that the contractor has



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940 ~~failed to perform any work for a 60-day period, that the failure~~  
941 ~~to perform the work was not the result of the owner's~~  
942 ~~termination of the contract or a material breach of the contract~~  
943 ~~by the owner, and that the contractor must recommence~~  
944 ~~construction within 30 days after the date of mailing of the~~  
945 ~~letter. If there is no address for the contractor listed in the~~  
946 ~~written contracting agreement, or no written agreement exists,~~  
947 ~~the letter must be mailed to the address of the contractor~~  
948 ~~listed in the building permit application.~~

949 (4) Any violation of subsection (2) or subsection (3) must  
950 be prosecuted in accordance with the thresholds established in  
951 this section and the following: ~~person who violates any~~  
952 ~~provision of this section is guilty of theft and shall be~~  
953 ~~prosecuted and punished under s. 812.014.~~

954 (a) The required intent to prove a criminal violation may  
955 be shown to exist at the time that the contractor appropriated  
956 the money to his or her own use and is not required to be proven  
957 to exist at the time of the taking of the money from the owner  
958 or at the time the owner makes a payment to the contractor.

959 (b) It may be inferred that a contractor intended to  
960 deprive the owner of the right to the money owed, or deprive the  
961 owner of the benefit from it, and inferred that the contractor  
962 appropriated the money for his or her own use, or to a person  
963 not entitled to the use of the money, if the contractor fails to  
964 refund any portion of the money owed within 30 days after  
965 receiving a written demand for such money from the owner.

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



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969       (5) A person who violates subsection (2) commits:  
970       (a) A misdemeanor of the first degree, punishable as  
971 provided in s. 775.082 or s. 775.083, if the total money  
972 received is less than \$1,000.  
973       (b) A felony of the third degree, punishable as provided in  
974 s. 775.082, s. 775.083, or s. 775.084, if the total money  
975 received is \$1,000 or more, but less than \$20,000.  
976       (c) A felony of the second degree, punishable as provided  
977 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
978 received is \$20,000 or more, but less than \$200,000.  
979       (d) A felony of the first degree, punishable as provided in  
980 s. 775.082, s. 775.083, or s. 775.084, if the total money  
981 received is \$200,000 or more.  
982       (6) A person who violates subsection (3) commits:  
983       (a) A misdemeanor of the first degree, punishable as  
984 provided in s. 775.082 or s. 775.083, if the total money  
985 received exceeding the value of the work performed is less than  
986 \$1,000.  
987       (b) A felony of the third degree, punishable as provided in  
988 s. 775.082, s. 775.083, or s. 775.084, if the total money  
989 received exceeding the value of the work performed is \$1,000 or  
990 more, but less than \$20,000.  
991       (c) A felony of the second degree, punishable as provided  
992 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
993 received exceeding the value of the work performed is \$20,000 or  
994 more, but less than \$200,000.  
995       (d) A felony of the first degree, punishable as provided in  
996 s. 775.082, s. 775.083, or s. 775.084, if the total money  
997 received exceeding the value of the work performed is \$200,000



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998 or more.

999 Section 21. Subsections (7) through (10) are added to  
1000 section 489.553, Florida Statutes, to read:

1001 489.553 Administration of part; registration  
1002 qualifications; examination.—

1003 (7) Notwithstanding any other law, a conviction, or any  
1004 other adjudication, for a crime more than 5 years before the  
1005 date the application is received by the department or other  
1006 applicable authority may not be grounds for denial of  
1007 registration. For purposes of this subsection, the term  
1008 “conviction” means a determination of guilt that is the result  
1009 of a plea or trial, regardless of whether adjudication is  
1010 withheld. This subsection does not limit a board from  
1011 considering an applicant’s criminal history that includes any  
1012 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but  
1013 only if such criminal history has been found to relate to the  
1014 practice of the applicable profession, or any crime if it has  
1015 been found to relate to good moral character.

1016 (8) (a) A person may apply to be registered before his or  
1017 her lawful release from confinement or supervision. The  
1018 department or other applicable authority may not charge an  
1019 applicant an additional fee for being confined or under  
1020 supervision. The department or other applicable authority may  
1021 not deny an application for registration solely on the basis of  
1022 the applicant’s current confinement or supervision.

1023 (b) After a registration application is approved, the  
1024 department or other applicable authority may stay the issuance  
1025 of registration until the applicant is lawfully released from  
1026 confinement or supervision and the applicant notifies the board



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1027 of such release. The department or other applicable authority  
1028 must verify the applicant's release with the Department of  
1029 Corrections before it registers such applicant.

1030 (c) If an applicant is unable to appear in person due to  
1031 his or her confinement or supervision, the department or other  
1032 applicable authority must permit the applicant to appear by  
1033 teleconference or video conference, as appropriate, at any  
1034 meeting or hearing by the department or other applicable  
1035 authority concerning his or her application.

1036 (d) If an applicant is confined or under supervision, the  
1037 Department of Corrections and the department or other applicable  
1038 authority shall cooperate and coordinate to facilitate the  
1039 appearance of the applicant at a meeting or hearing in person,  
1040 by teleconference, or by video conference, as appropriate.

1041 (9) The department or other applicable authority shall  
1042 compile a list of crimes that, if committed and regardless of  
1043 adjudication, do not relate to the practice of the profession or  
1044 the ability to practice the profession and do not constitute  
1045 grounds for denial of registration. This list must be made  
1046 available on the department's website and updated annually.  
1047 Beginning October 1, 2019, and updated quarterly thereafter, the  
1048 department or other applicable authority shall add to this list  
1049 such crimes that although reported by an applicant for  
1050 registration, were not used as a basis for denial in the past 2  
1051 years. The list must identify for each such registration  
1052 application the crime reported and the date of conviction, plea,  
1053 adjudication, or sentencing.

1054 (10) The department or other applicable authority shall  
1055 compile a list of crimes that have been used as a basis for



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1056 denial of registration in the past 2 years and make the list  
1057 available on the department's website. Beginning October 1,  
1058 2019, and updated quarterly thereafter, the department shall add  
1059 to this list each crime used as a basis for denial. For each  
1060 crime listed, the department must identify the date of  
1061 conviction, plea, adjudication, or sentencing. Such denials must  
1062 be made available to the public upon request.

1063 Section 22. Subsection (2) of section 500.451, Florida  
1064 Statutes, is amended and subsection (1) of that section is  
1065 republished, to read:

1066 500.451 Horse meat; offenses.—

1067 (1) It is unlawful for any person to:

1068 (a) Sell in the markets of this state horse meat for human  
1069 consumption unless the horse meat is clearly stamped, marked,  
1070 and described as horse meat for human consumption.

1071 (b) Knowingly transport, distribute, sell, purchase, or  
1072 possess horse meat for human consumption that is not clearly  
1073 stamped, marked, and described as horse meat for human  
1074 consumption or horse meat that is not acquired from a licensed  
1075 slaughterhouse.

1076 (2) A person that violates this section commits a felony of  
1077 the third degree, punishable as provided in s. 775.082, s.  
1078 775.083, or s. 775.084, except that any person who commits a  
1079 violation of this section must ~~shall~~ be sentenced to a minimum  
1080 mandatory fine of \$3,500 ~~and a minimum mandatory period of~~  
1081 ~~incarceration of 1 year.~~

1082 Section 23. Subsection (1) of section 509.151, Florida  
1083 Statutes, is amended to read:

1084 509.151 Obtaining food or lodging with intent to defraud;



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1085 penalty.-

1086 (1) Any person who obtains food, lodging, or other  
1087 accommodations having a value of less than \$1,000 ~~\$300~~ at any  
1088 public food service establishment, or at any transient  
1089 establishment, with intent to defraud the operator thereof,  
1090 commits ~~is guilty of~~ a misdemeanor of the second degree,  
1091 punishable as provided in s. 775.082 or s. 775.083; if such  
1092 food, lodging, or other accommodations have a value of \$1,000  
1093 ~~\$300~~ or more, such person commits ~~is guilty of~~ a felony of the  
1094 third degree, punishable as provided in s. 775.082, s. 775.083,  
1095 or s. 775.084.

1096 Section 24. Paragraph (a) of subsection (1) and paragraph  
1097 (c) of subsection (2) of section 562.11, Florida Statutes, are  
1098 amended to read:

1099 562.11 Selling, giving, or serving alcoholic beverages to  
1100 person under age 21; providing a proper name; misrepresenting or  
1101 misstating age or age of another to induce licensee to serve  
1102 alcoholic beverages to person under 21; penalties.-

1103 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to  
1104 be served alcoholic beverages to a person under 21 years of age  
1105 or permit a person under 21 years of age to consume such  
1106 beverages on the licensed premises. A person who violates this  
1107 paragraph ~~subparagraph~~ commits a misdemeanor of the second  
1108 degree, punishable as provided in s. 775.082 or s. 775.083. A  
1109 person who violates this paragraph ~~subparagraph~~ a second or  
1110 subsequent time within 1 year after a prior conviction commits a  
1111 misdemeanor of the first degree, punishable as provided in s.  
1112 775.082 or s. 775.083.

1113 ~~2. In addition to any other penalty imposed for a violation~~



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1114 ~~of subparagraph 1., the court may order the Department of~~  
1115 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~  
1116 ~~or suspend or revoke, the driver license or driving privilege,~~  
1117 ~~as provided in s. 322.057, of any person who violates~~  
1118 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~  
1119 ~~as defined in s. 561.01, who violates subparagraph 1. while~~  
1120 ~~acting within the scope of his or her license or an employee or~~  
1121 ~~agent of a licensee, as defined in s. 561.01, who violates~~  
1122 ~~subparagraph 1. while engaged within the scope of his or her~~  
1123 ~~employment or agency.~~

1124 ~~3. A court that withholds the issuance of, or suspends or~~  
1125 ~~revokes, the driver license or driving privilege of a person~~  
1126 ~~pursuant to subparagraph 2. may direct the Department of Highway~~  
1127 ~~Safety and Motor Vehicles to issue the person a license for~~  
1128 ~~driving privilege restricted to business purposes only, as~~  
1129 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1130 (2) It is unlawful for any person to misrepresent or  
1131 misstate his or her age or the age of any other person for the  
1132 purpose of inducing any licensee or his or her agents or  
1133 employees to sell, give, serve, or deliver any alcoholic  
1134 beverages to a person under 21 years of age, or for any person  
1135 under 21 years of age to purchase or attempt to purchase  
1136 alcoholic beverages.

1137 (c) In addition to any other penalty imposed for a  
1138 violation of this subsection, if a person uses a driver license  
1139 or identification card issued by the Department of Highway  
1140 Safety and Motor Vehicles in violation of this subsection, the  
1141 court:

1142 ~~1.~~ may order the person to participate in public service or





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1143 a community work project for a period not to exceed 40 hours,  
1144 and

1145 ~~2. Shall direct the Department of Highway Safety and Motor~~  
1146 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~  
1147 ~~person's driver license or driving privilege, as provided in s.~~  
1148 ~~322.056.~~

1149 Section 25. Subsection (3) of section 562.111, Florida  
1150 Statutes, is amended to read:

1151 562.111 Possession of alcoholic beverages by persons under  
1152 age 21 prohibited.-

1153 ~~(3) In addition to any other penalty imposed for a~~  
1154 ~~violation of subsection (1), the court shall direct the~~  
1155 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
1156 ~~issuance of, or suspend or revoke, the violator's driver license~~  
1157 ~~or driving privilege, as provided in s. 322.056.~~

1158 Section 26. Subsection (8) of section 562.27, Florida  
1159 Statutes, is amended, and subsections (1) through (7) of that  
1160 section are republished, to read:

1161 562.27 Seizure and forfeiture.-

1162 (1) It is unlawful for any person to have in her or his  
1163 possession, custody, or control, or to own, make, construct, or  
1164 repair, any still, still piping, still apparatus, or still worm,  
1165 or any piece or part thereof, designed or adapted for the  
1166 manufacture of an alcoholic beverage, or to have in her or his  
1167 possession, custody or control any receptacle or container  
1168 containing any mash, wort, or wash, or other fermented liquids  
1169 whatever capable of being distilled or manufactured into an  
1170 alcoholic beverage, unless such possession, custody, control,  
1171 ownership, manufacture, construction, or repairing be by or for



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1172 a person authorized by law to manufacture such alcoholic  
1173 beverage.

1174 (2) It is unlawful for any person to have in her or his  
1175 possession, custody, or control any raw materials or substance  
1176 intended to be used in the distillation or manufacturing of an  
1177 alcoholic beverage unless the person holds a license from the  
1178 state authorizing the manufacture of the alcoholic beverage.

1179 (3) The terms "raw material" or "substance" for the purpose  
1180 of this chapter shall mean and include, but not be limited to,  
1181 any of the following: Any grade or type of sugar, syrup, or  
1182 molasses derived from sugarcane, sugar beets, corn, sorghum, or  
1183 any other source; starch; potatoes; grain or cornmeal, corn  
1184 chops, cracked corn, rye chops, middlings, shorts, bran, or any  
1185 other grain derivative; malt; malt sugar or malt syrup; oak  
1186 chips, charred or not charred; yeast; cider; honey; fruit;  
1187 grapes; berries; fruit, grape or berry juices or concentrates;  
1188 wine; caramel; burnt sugar; gin flavor; Chinese bean cake or  
1189 Chinese wine cake; urea; ammonium phosphate, ammonium carbonate,  
1190 ammonium sulphate, or any other yeast food; ethyl acetate or any  
1191 other ethyl ester; any other material of the character used in  
1192 the manufacture of distilled spirits or any chemical or other  
1193 material suitable for promoting or accelerating fermentation;  
1194 any chemical or material of the character used in the production  
1195 of distilled spirits by chemical reaction; or any combination of  
1196 such materials or chemicals.

1197 (4) Any such raw materials, substance, or any still, still  
1198 piping, still apparatus, or still worm, or any piece or part  
1199 thereof, or any mash, wort, or wash, or other fermented liquid  
1200 and the receptacle or container thereof, and any alcoholic



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1201 beverage, together with all personal property used to facilitate  
1202 the manufacture or production of the alcoholic beverage or to  
1203 facilitate the violation of the alcoholic beverage control laws  
1204 of this state or the United States, may be seized by the  
1205 division or by any sheriff or deputy sheriff and shall be  
1206 forfeited to the state.

1207 (5) It shall be unlawful for any person to sell or  
1208 otherwise dispose of raw materials or other substances knowing  
1209 same are to be used in the distillation or manufacture of an  
1210 alcoholic beverage unless such person receiving same, by  
1211 purchase or otherwise, holds a license from the state  
1212 authorizing the manufacture of such alcoholic beverage.

1213 (6) Any vehicle, vessel, or aircraft used in the  
1214 transportation or removal of or for the deposit or concealment  
1215 of any illicit liquor still or stilling apparatus; any mash,  
1216 wort, wash, or other fermented liquids capable of being  
1217 distilled or manufactured into an alcoholic beverage; or any  
1218 alcoholic beverage commonly known and referred to as "moonshine  
1219 whiskey" shall be seized and may be forfeited as provided by the  
1220 Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff,  
1221 employee of the division, or police officer may seize any of the  
1222 vehicles, vessels, or conveyances, and the same may be forfeited  
1223 as provided by law.

1224 (7) The finding of any still, still piping, still  
1225 apparatus, or still worm, or any piece or part thereof, or any  
1226 mash, wort, or wash or other fermented liquids in the dwelling  
1227 house or place of business, or so near thereto as to lead to the  
1228 reasonable belief that they are within the possession, custody,  
1229 or control of the occupants of the dwelling house or place of



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1230 business, shall be prima facie evidence of a violation of this  
1231 section by the occupants of the dwelling house or place of  
1232 business.

1233 (8) Any person violating any provisions of this section of  
1234 the law commits ~~shall be guilty of~~ a misdemeanor ~~felony~~ of the  
1235 second ~~third~~ degree, punishable as provided in s. 775.082 or ~~r~~ s.  
1236 775.083, ~~or s. 775.084.~~

1237 Section 27. Subsections (1) and (2) of section 562.451,  
1238 Florida Statutes, are amended to read:

1239 562.451 Moonshine whiskey; ownership, possession, or  
1240 control prohibited; penalties; rule of evidence.-

1241 (1) Any person who owns or has in her or his possession or  
1242 under her or his control less than 1 gallon of liquor, as  
1243 defined in the Beverage Law, which was not made or manufactured  
1244 in accordance with the laws in effect at the time when and place  
1245 where the same was made or manufactured commits ~~shall be guilty~~  
1246 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
1247 s. 775.082 or s. 775.083.

1248 (2) Any person who owns or has in her or his possession or  
1249 under her or his control 1 gallon or more of liquor, as defined  
1250 in the Beverage Law, which was not made or manufactured in  
1251 accordance with the laws in effect at the time when and place  
1252 where the same was made or manufactured commits ~~shall be guilty~~  
1253 ~~of~~ a misdemeanor ~~felony~~ of the first ~~third~~ degree, punishable as  
1254 provided in s. 775.082 or ~~r~~ s. 775.083, ~~or s. 775.084.~~

1255 Section 28. Subsections (1), (2), and (5) of section  
1256 569.11, Florida Statutes, are amended to read:

1257 569.11 Possession, misrepresenting age or military service  
1258 to purchase, and purchase of tobacco products by persons under



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1259 18 years of age prohibited; penalties; jurisdiction; disposition  
1260 of fines.—

1261 (1) It is unlawful for any person under 18 years of age to  
1262 knowingly possess any tobacco product. Any person under 18 years  
1263 of age who violates ~~the provisions of~~ this subsection commits a  
1264 noncriminal violation as provided in s. 775.08(3), punishable  
1265 by:

1266 (a) For a first violation, 16 hours of community service  
1267 or, instead of community service, a \$25 fine. In addition, the  
1268 person must attend a school-approved anti-tobacco program, if  
1269 locally available; or

1270 (b) For a second or subsequent violation within 12 weeks  
1271 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1272 ~~(c) For a third or subsequent violation within 12 weeks of~~  
1273 ~~the first violation, the court must direct the Department of~~  
1274 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
1275 ~~suspend or revoke the person's driver license or driving~~  
1276 ~~privilege, as provided in s. 322.056.~~

1277  
1278 Any second or subsequent violation not within the 12-week ~~time~~  
1279 period after the first violation is punishable as provided for a  
1280 first violation.

1281 (2) It is unlawful for any person under 18 years of age to  
1282 misrepresent his or her age or military service for the purpose  
1283 of inducing a dealer or an agent or employee of the dealer to  
1284 sell, give, barter, furnish, or deliver any tobacco product, or  
1285 to purchase, or attempt to purchase, any tobacco product from a  
1286 person or a vending machine. Any person under 18 years of age  
1287 who violates ~~a provision of~~ this subsection commits a



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1288 noncriminal violation as provided in s. 775.08(3), punishable  
1289 by:

1290 (a) For a first violation, 16 hours of community service  
1291 or, instead of community service, a \$25 fine and, in addition,  
1292 the person must attend a school-approved anti-tobacco program,  
1293 if available; or

1294 (b) For a second or subsequent violation within 12 weeks  
1295 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1296 ~~(c) For a third or subsequent violation within 12 weeks of~~  
1297 ~~the first violation, the court must direct the Department of~~  
1298 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
1299 ~~suspend or revoke the person's driver license or driving~~  
1300 ~~privilege, as provided in s. 322.056.~~

1301  
1302 Any second or subsequent violation not within the 12-week ~~time~~  
1303 period after the first violation is punishable as provided for a  
1304 first violation.

1305 (5) (a) If a person under 18 years of age is found by the  
1306 court to have committed a noncriminal violation under this  
1307 section and that person has failed to complete community  
1308 service, pay the fine as required by paragraph (1) (a) or  
1309 paragraph (2) (a), or attend a school-approved anti-tobacco  
1310 program, if locally available, the court may ~~must~~ direct the  
1311 Department of Highway Safety and Motor Vehicles to withhold  
1312 issuance of or suspend the driver license or driving privilege  
1313 of that person for a period of 30 consecutive days.

1314 (b) If a person under 18 years of age is found by the court  
1315 to have committed a noncriminal violation under this section and  
1316 that person has failed to pay the applicable fine as required by



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1317 paragraph (1)(b) or paragraph (2)(b), the court may ~~must~~ direct  
1318 the Department of Highway Safety and Motor Vehicles to withhold  
1319 issuance of or suspend the driver license or driving privilege  
1320 of that person for a period of 45 consecutive days.

1321 Section 29. Section 713.69, Florida Statutes, is amended to  
1322 read:

1323 713.69 Unlawful to remove property upon which lien has  
1324 accrued.—It is unlawful for any person to remove any property  
1325 upon which a lien has accrued under ~~the provisions of~~ s. 713.68  
1326 from any hotel, apartment house, roominghouse, lodginghouse,  
1327 boardinghouse or tenement house without first making full  
1328 payment to the person operating or conducting the same of all  
1329 sums due and payable for such occupancy or without first having  
1330 the written consent of such person so conducting or operating  
1331 such place to so remove such property. Any person who violates  
1332 ~~violating the provisions of this section shall~~, if the value of  
1333 the property removed in violation hereof is less than \$1,000 ~~be~~  
1334 ~~of the value of \$50 or less, commits~~ ~~be guilty of~~ a misdemeanor  
1335 of the second degree, punishable as provided in s. 775.082 or s.  
1336 775.083; and if the value of the property so removed is \$1,000  
1337 or more, should be of greater value than \$50 then such person  
1338 commits ~~shall be guilty of~~ a felony of the third degree,  
1339 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1340 Section 30. Paragraph (g) of subsection (1) of section  
1341 741.30, Florida Statutes, is amended to read:

1342 741.30 Domestic violence; injunction; powers and duties of  
1343 court and clerk; petition; notice and hearing; temporary  
1344 injunction; issuance of injunction; statewide verification  
1345 system; enforcement; public records exemption.—



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1346 (1) There is created a cause of action for an injunction  
1347 for protection against domestic violence.

1348 ~~(g) Notwithstanding any other law, attorney fees may not be~~  
1349 ~~awarded in any proceeding under this section.~~

1350 Section 31. Paragraphs (a) and (d) of subsection (9) of  
1351 section 775.082, Florida Statutes, are amended to read:

1352 775.082 Penalties; applicability of sentencing structures;  
1353 mandatory minimum sentences for certain reoffenders previously  
1354 released from prison.—

1355 (9) (a) 1. "Prison releasee reoffender" means any defendant  
1356 who commits, or attempts to commit:

1357 a. Treason;

1358 b. Murder;

1359 c. Manslaughter;

1360 d. Sexual battery;

1361 e. Carjacking;

1362 f. Home-invasion robbery;

1363 g. Robbery;

1364 h. Arson;

1365 i. Kidnapping;

1366 j. Aggravated assault with a deadly weapon;

1367 k. Aggravated battery;

1368 l. Aggravated stalking;

1369 m. Aircraft piracy;

1370 n. Unlawful throwing, placing, or discharging of a  
1371 destructive device or bomb;

1372 o. Any felony that involves the use or threat of physical  
1373 force or violence against an individual;

1374 p. Armed burglary;





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1375           q. Burglary of a dwelling or burglary of an occupied  
1376 structure; or  
1377           r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,  
1378 s. 827.071, or s. 847.0135(5);

1379  
1380 within 3 years after being released from a state correctional  
1381 facility operated by the Department of Corrections or a private  
1382 vendor, a county detention facility following incarceration for  
1383 an offense for which the sentence pronounced was a prison  
1384 sentence, or ~~within 3 years after being released from a~~  
1385 correctional institution of another state, the District of  
1386 Columbia, the United States, any possession or territory of the  
1387 United States, or any foreign jurisdiction, following  
1388 incarceration for an offense for which the sentence is  
1389 punishable by more than 1 year in this state.

1390           2. "Prison releasee reoffender" also means any defendant  
1391 who commits or attempts to commit any offense listed in sub-  
1392 subparagraphs (a)1.a.-r. while the defendant was serving a  
1393 prison sentence or on escape status from a state correctional  
1394 facility operated by the Department of Corrections or a private  
1395 vendor or while the defendant was on escape status from a  
1396 correctional institution of another state, the District of  
1397 Columbia, the United States, any possession or territory of the  
1398 United States, or any foreign jurisdiction, following  
1399 incarceration for an offense for which the sentence is  
1400 punishable by more than 1 year in this state.

1401           3. If the state attorney determines that a defendant is a  
1402 prison releasee reoffender as defined in subparagraph 1., the  
1403 state attorney may seek to have the court sentence the defendant



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1404 as a prison releasee reoffender. Upon proof from the state  
1405 attorney that establishes by a preponderance of the evidence  
1406 that a defendant is a prison releasee reoffender as defined in  
1407 this section, such defendant is not eligible for sentencing  
1408 under the sentencing guidelines and must be sentenced as  
1409 follows:

1410 a. For a felony punishable by life, by a term of  
1411 imprisonment for life;

1412 b. For a felony of the first degree, by a term of  
1413 imprisonment of 30 years;

1414 c. For a felony of the second degree, by a term of  
1415 imprisonment of 15 years; and

1416 d. For a felony of the third degree, by a term of  
1417 imprisonment of 5 years.

1418 (d)1. It is the intent of the Legislature that offenders  
1419 previously released from prison or a county detention facility  
1420 following incarceration for an offense for which the sentence  
1421 pronounced was a prison sentence who meet the criteria in  
1422 paragraph (a) be punished to the fullest extent of the law and  
1423 as provided in this subsection, unless the state attorney  
1424 determines that extenuating circumstances exist which preclude  
1425 the just prosecution of the offender, including whether the  
1426 victim recommends that the offender not be sentenced as provided  
1427 in this subsection.

1428 2. For every case in which the offender meets the criteria  
1429 in paragraph (a) and does not receive the mandatory minimum  
1430 prison sentence, the state attorney must explain the sentencing  
1431 deviation in writing and place such explanation in the case file  
1432 maintained by the state attorney.



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1433 Section 32. Paragraph (d) of subsection (1) of section  
1434 784.048, Florida Statutes, is amended, and subsections (2)  
1435 through (5) and (7) of that section are republished, to read:

1436 784.048 Stalking; definitions; penalties.—

1437 (1) As used in this section, the term:

1438 (d) "Cyberstalk" means:

1439 1. To engage in a course of conduct to communicate, or to  
1440 cause to be communicated, words, images, or language by or  
1441 through the use of electronic mail or electronic communication,  
1442 directed at a specific person; or

1443 2. To access, or attempt to access, the online accounts or  
1444 Internet-connected home electronic systems of another person  
1445 without that person's permission,

1446  
1447 causing substantial emotional distress to that person and  
1448 serving no legitimate purpose.

1449 (2) A person who willfully, maliciously, and repeatedly  
1450 follows, harasses, or cyberstalks another person commits the  
1451 offense of stalking, a misdemeanor of the first degree,  
1452 punishable as provided in s. 775.082 or s. 775.083.

1453 (3) A person who willfully, maliciously, and repeatedly  
1454 follows, harasses, or cyberstalks another person and makes a  
1455 credible threat to that person commits the offense of aggravated  
1456 stalking, a felony of the third degree, punishable as provided  
1457 in s. 775.082, s. 775.083, or s. 775.084.

1458 (4) A person who, after an injunction for protection  
1459 against repeat violence, sexual violence, or dating violence  
1460 pursuant to s. 784.046, or an injunction for protection against  
1461 domestic violence pursuant to s. 741.30, or after any other



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1462 court-imposed prohibition of conduct toward the subject person  
1463 or that person's property, knowingly, willfully, maliciously,  
1464 and repeatedly follows, harasses, or cyberstalks another person  
1465 commits the offense of aggravated stalking, a felony of the  
1466 third degree, punishable as provided in s. 775.082, s. 775.083,  
1467 or s. 775.084.

1468 (5) A person who willfully, maliciously, and repeatedly  
1469 follows, harasses, or cyberstalks a child under 16 years of age  
1470 commits the offense of aggravated stalking, a felony of the  
1471 third degree, punishable as provided in s. 775.082, s. 775.083,  
1472 or s. 775.084.

1473 (7) A person who, after having been sentenced for a  
1474 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and  
1475 prohibited from contacting the victim of the offense under s.  
1476 921.244, willfully, maliciously, and repeatedly follows,  
1477 harasses, or cyberstalks the victim commits the offense of  
1478 aggravated stalking, a felony of the third degree, punishable as  
1479 provided in s. 775.082, s. 775.083, or s. 775.084.

1480 Section 33. Subsection (1) of section 790.052, Florida  
1481 Statutes, is amended to read:

1482 790.052 Carrying concealed firearms; off-duty law  
1483 enforcement officers.—

1484 (1) (a) All persons holding active certifications from the  
1485 Criminal Justice Standards and Training Commission as law  
1486 enforcement officers or correctional officers as defined in s.  
1487 943.10(1), (2), (6), (7), (8), or (9) shall have the right to  
1488 carry, on or about their persons, concealed firearms, during  
1489 off-duty hours, at the discretion of their superior officers,  
1490 and may perform those law enforcement functions that they



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1491 normally perform during duty hours, utilizing their weapons in a  
1492 manner which is reasonably expected of on-duty officers in  
1493 similar situations.

1494 (b) All persons holding an active certification from the  
1495 Criminal Justice Standards and Training Commission as a law  
1496 enforcement officer or a correctional officer as defined in s.  
1497 943.10(1), (2), (6), (7), (8), or (9) meet the definition of  
1498 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

1499 (c) All persons who held an active certification from the  
1500 Criminal Justice Standards and Training Commission as a law  
1501 enforcement officer or correctional officer as defined in s.  
1502 943.10(1), (2), (6), (7), (8), or (9), while working for an  
1503 employing agency, as defined in s. 943.10(4), but have separated  
1504 from service under the conditions set forth in 18 U.S.C. s.  
1505 926C(c), meet the definition of "qualified retired law  
1506 enforcement officer."

1507 (d) However, nothing in This section does not subsection  
1508 shall be construed to limit the right of a law enforcement  
1509 officer, correctional officer, or correctional probation officer  
1510 to carry a concealed firearm off duty as a private citizen under  
1511 the exemption provided in s. 790.06 that allows a law  
1512 enforcement officer, correctional officer, or correctional  
1513 probation officer as defined in s. 943.10(1), (2), (3), (6),  
1514 (7), (8), or (9) to carry a concealed firearm without a  
1515 concealed weapon or firearm license. The appointing or employing  
1516 agency or department of an officer carrying a concealed firearm  
1517 as a private citizen under s. 790.06 shall not be liable for the  
1518 use of the firearm in such capacity. Nothing herein limits the  
1519 authority of the appointing or employing agency or department



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1520 from establishing policies limiting law enforcement officers or  
1521 correctional officers from carrying concealed firearms during  
1522 off-duty hours in their capacity as appointees or employees of  
1523 the agency or department.

1524 Section 34. Subsections (5) and (10) of section 790.22,  
1525 Florida Statutes, are amended to read:

1526 790.22 Use of BB guns, air or gas-operated guns, or  
1527 electric weapons or devices by minor under 16; limitation;  
1528 possession of firearms by minor under 18 prohibited; penalties.—

1529 (5) (a) A minor who violates subsection (3) commits a  
1530 misdemeanor of the first degree; for a first offense, may serve  
1531 a period of detention of up to 3 days in a secure detention  
1532 facility; and, in addition to any other penalty provided by law,  
1533 shall be required to perform 100 hours of community service;  
1534 and:

1535 1. If the minor is eligible by reason of age for a driver  
1536 license or driving privilege, the court may ~~shall~~ direct the  
1537 Department of Highway Safety and Motor Vehicles to revoke or to  
1538 withhold issuance of the minor's driver license or driving  
1539 privilege for up to 1 year.

1540 2. If the minor's driver license or driving privilege is  
1541 under suspension or revocation for any reason, the court may  
1542 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1543 to extend the period of suspension or revocation by an  
1544 additional period of up to 1 year.

1545 3. If the minor is ineligible by reason of age for a driver  
1546 license or driving privilege, the court may ~~shall~~ direct the  
1547 Department of Highway Safety and Motor Vehicles to withhold  
1548 issuance of the minor's driver license or driving privilege for



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1549 up to 1 year after the date on which the minor would otherwise  
1550 have become eligible.

1551 (b) For a second or subsequent offense, a minor who  
1552 violates subsection (3) commits a felony of the third degree and  
1553 shall serve a period of detention of up to 15 days in a secure  
1554 detention facility and shall be required to perform not less  
1555 than 100 nor more than 250 hours of community service, and:

1556 1. If the minor is eligible by reason of age for a driver  
1557 license or driving privilege, the court may ~~shall~~ direct the  
1558 Department of Highway Safety and Motor Vehicles to revoke or to  
1559 withhold issuance of the minor's driver license or driving  
1560 privilege for up to 2 years.

1561 2. If the minor's driver license or driving privilege is  
1562 under suspension or revocation for any reason, the court may  
1563 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1564 to extend the period of suspension or revocation by an  
1565 additional period of up to 2 years.

1566 3. If the minor is ineligible by reason of age for a driver  
1567 license or driving privilege, the court may ~~shall~~ direct the  
1568 Department of Highway Safety and Motor Vehicles to withhold  
1569 issuance of the minor's driver license or driving privilege for  
1570 up to 2 years after the date on which the minor would otherwise  
1571 have become eligible.

1572  
1573 For the purposes of this subsection, community service shall be  
1574 performed, if possible, in a manner involving a hospital  
1575 emergency room or other medical environment that deals on a  
1576 regular basis with trauma patients and gunshot wounds.

1577 (10) If a minor is found to have committed an offense under



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1578 subsection (9), the court shall impose the following penalties  
1579 in addition to any penalty imposed under paragraph (9) (a) or  
1580 paragraph (9) (b):

1581 (a) For a first offense:

1582 1. If the minor is eligible by reason of age for a driver  
1583 license or driving privilege, the court may ~~shall~~ direct the  
1584 Department of Highway Safety and Motor Vehicles to revoke or to  
1585 withhold issuance of the minor's driver license or driving  
1586 privilege for up to 1 year.

1587 2. If the minor's driver license or driving privilege is  
1588 under suspension or revocation for any reason, the court may  
1589 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1590 to extend the period of suspension or revocation by an  
1591 additional period for up to 1 year.

1592 3. If the minor is ineligible by reason of age for a driver  
1593 license or driving privilege, the court may ~~shall~~ direct the  
1594 Department of Highway Safety and Motor Vehicles to withhold  
1595 issuance of the minor's driver license or driving privilege for  
1596 up to 1 year after the date on which the minor would otherwise  
1597 have become eligible.

1598 (b) For a second or subsequent offense:

1599 1. If the minor is eligible by reason of age for a driver  
1600 license or driving privilege, the court may ~~shall~~ direct the  
1601 Department of Highway Safety and Motor Vehicles to revoke or to  
1602 withhold issuance of the minor's driver license or driving  
1603 privilege for up to 2 years.

1604 2. If the minor's driver license or driving privilege is  
1605 under suspension or revocation for any reason, the court may  
1606 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles





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1607 to extend the period of suspension or revocation by an  
1608 additional period for up to 2 years.

1609 3. If the minor is ineligible by reason of age for a driver  
1610 license or driving privilege, the court may ~~shall~~ direct the  
1611 Department of Highway Safety and Motor Vehicles to withhold  
1612 issuance of the minor's driver license or driving privilege for  
1613 up to 2 years after the date on which the minor would otherwise  
1614 have become eligible.

1615 Section 35. Section 800.09, Florida Statutes, is amended to  
1616 read:

1617 800.09 Lewd or lascivious exhibition in the presence of an  
1618 employee.—

1619 (1) As used in this section, the term:

1620 (a) "Employee" means:

1621 1. Any person employed by or performing contractual  
1622 services for a public or private entity operating a state  
1623 correctional institution or private correctional facility; ~~or~~

1624 2. Any person employed by or performing contractual  
1625 services for the corporation operating the prison industry  
1626 enhancement programs or the correctional work programs under  
1627 part II of chapter 946; ~~The term also includes~~

1628 3. Any person who is a parole examiner with the Florida  
1629 Commission on Offender Review; ~~or~~

1630 4. Any person employed at or performing contractual  
1631 services for a county detention facility.

1632 (b) "Facility" means a state correctional institution as  
1633 defined in s. 944.02, ~~or~~ a private correctional facility as  
1634 defined in s. 944.710, or a county detention facility as defined  
1635 in s. 951.23.



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1636 (2) (a) A person who is detained in a facility may not:  
1637 1. Intentionally masturbate;  
1638 2. Intentionally expose the genitals in a lewd or  
1639 lascivious manner; or  
1640 3. Intentionally commit any other sexual act that does not  
1641 involve actual physical or sexual contact with the victim,  
1642 including, but not limited to, sadomasochistic abuse, sexual  
1643 bestiality, or the simulation of any act involving sexual  
1644 activity,  
1645  
1646 in the presence of a person he or she knows or reasonably should  
1647 know is an employee.  
1648 (b) A person who violates paragraph (a) commits lewd or  
1649 lascivious exhibition in the presence of an employee, a felony  
1650 of the third degree, punishable as provided in s. 775.082, s.  
1651 775.083, or s. 775.084.  
1652 Section 36. Subsection (7) of section 806.13, Florida  
1653 Statutes, is amended, and subsection (8) of that section is  
1654 republished, to read:  
1655 806.13 Criminal mischief; penalties; penalty for minor.—  
1656 (7) In addition to any other penalty provided by law, if a  
1657 minor is found to have committed a delinquent act under this  
1658 section for placing graffiti on any public property or private  
1659 property, and:  
1660 (a) The minor is eligible by reason of age for a driver  
1661 license or driving privilege, the court may ~~shall~~ direct the  
1662 Department of Highway Safety and Motor Vehicles to revoke or  
1663 withhold issuance of the minor's driver license or driving  
1664 privilege for not more than 1 year.



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1665 (b) The minor's driver license or driving privilege is  
1666 under suspension or revocation for any reason, the court may  
1667 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1668 to extend the period of suspension or revocation by an  
1669 additional period of not more than 1 year.

1670 (c) The minor is ineligible by reason of age for a driver  
1671 license or driving privilege, the court may ~~shall~~ direct the  
1672 Department of Highway Safety and Motor Vehicles to withhold  
1673 issuance of the minor's driver license or driving privilege for  
1674 not more than 1 year after the date on which he or she would  
1675 otherwise have become eligible.

1676 (8) A minor whose driver license or driving privilege is  
1677 revoked, suspended, or withheld under subsection (7) may elect  
1678 to reduce the period of revocation, suspension, or withholding  
1679 by performing community service at the rate of 1 day for each  
1680 hour of community service performed. In addition, if the court  
1681 determines that due to a family hardship, the minor's driver  
1682 license or driving privilege is necessary for employment or  
1683 medical purposes of the minor or a member of the minor's family,  
1684 the court shall order the minor to perform community service and  
1685 reduce the period of revocation, suspension, or withholding at  
1686 the rate of 1 day for each hour of community service performed.  
1687 As used in this subsection, the term "community service" means  
1688 cleaning graffiti from public property.

1689 Section 37. Paragraphs (c), (d), and (e) of subsection (2)  
1690 of section 812.014, Florida Statutes, are amended, and  
1691 subsection (7) is added to that section, to read:

1692 812.014 Theft.—

1693 (2)



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1694 (c) It is grand theft of the third degree and a felony of  
1695 the third degree, punishable as provided in s. 775.082, s.  
1696 775.083, or s. 775.084, if the property stolen is:

1697 1. Valued at \$750 ~~\$300~~ or more, but less than \$5,000.

1698 2. Valued at \$5,000 or more, but less than \$10,000.

1699 3. Valued at \$10,000 or more, but less than \$20,000.

1700 4. A will, codicil, or other testamentary instrument.

1701 5. A firearm.

1702 6. A motor vehicle, except as provided in paragraph (a).

1703 7. Any commercially farmed animal, including any animal of  
1704 the equine, avian, bovine, or swine class or other grazing  
1705 animal; a bee colony of a registered beekeeper; and aquaculture  
1706 species raised at a certified aquaculture facility. If the  
1707 property stolen is a commercially farmed animal, including an  
1708 animal of the equine, avian, bovine, or swine class or other  
1709 grazing animal; a bee colony of a registered beekeeper; or an  
1710 aquaculture species raised at a certified aquaculture facility,  
1711 a \$10,000 fine shall be imposed.

1712 8. Any fire extinguisher that, at the time of the taking,  
1713 was installed in any building for the purpose of fire prevention  
1714 and control. This subparagraph does not apply to a fire  
1715 extinguisher taken from the inventory at a point-of-sale  
1716 business.

1717 9. Any amount of citrus fruit consisting of 2,000 or more  
1718 individual pieces of fruit.

1719 10. Taken from a designated construction site identified by  
1720 the posting of a sign as provided for in s. 810.09(2)(d).

1721 11. Any stop sign.

1722 12. Anhydrous ammonia.



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1723           13. Any amount of a controlled substance as defined in s.  
1724 893.02. Notwithstanding any other law, separate judgments and  
1725 sentences for theft of a controlled substance under this  
1726 subparagraph and for any applicable possession of controlled  
1727 substance offense under s. 893.13 or trafficking in controlled  
1728 substance offense under s. 893.135 may be imposed when all such  
1729 offenses involve the same amount or amounts of a controlled  
1730 substance.

1731  
1732 However, if the property is stolen within a county that is  
1733 subject to a state of emergency declared by the Governor under  
1734 chapter 252, the property is stolen after the declaration of  
1735 emergency is made, and the perpetration of the theft is  
1736 facilitated by conditions arising from the emergency, the  
1737 offender commits a felony of the second degree, punishable as  
1738 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
1739 property is valued at \$5,000 or more, but less than \$10,000, as  
1740 provided under subparagraph 2., or if the property is valued at  
1741 \$10,000 or more, but less than \$20,000, as provided under  
1742 subparagraph 3. As used in this paragraph, the term "conditions  
1743 arising from the emergency" means civil unrest, power outages,  
1744 curfews, voluntary or mandatory evacuations, or a reduction in  
1745 the presence of or the response time for first responders or  
1746 homeland security personnel. For purposes of sentencing under  
1747 chapter 921, a felony offense that is reclassified under this  
1748 paragraph is ranked one level above the ranking under s.  
1749 921.0022 or s. 921.0023 of the offense committed.

1750           (d) It is grand theft of the third degree and a felony of  
1751 the third degree, punishable as provided in s. 775.082, s.



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1752 775.083, or s. 775.084, if the property stolen is valued at \$100  
1753 or more, but less than \$750 ~~\$300~~, and is taken from a dwelling  
1754 as defined in s. 810.011(2) or from the unenclosed curtilage of  
1755 a dwelling pursuant to s. 810.09(1).

1756 (e) Except as provided in paragraph (d), if the property  
1757 stolen is valued at \$100 or more, but less than \$750 ~~\$300~~, the  
1758 offender commits petit theft of the first degree, punishable as  
1759 a misdemeanor of the first degree, as provided in s. 775.082 or  
1760 s. 775.083.

1761 (7) The Office of Program Policy Analysis and Government  
1762 Accountability (OPPAGA) shall perform a study every 5 years to  
1763 determine the appropriateness of the threshold amounts included  
1764 in this section. The study's scope must include, but need not be  
1765 limited to, the crime trends related to theft offenses, the  
1766 theft threshold amounts of other states in effect at the time of  
1767 the study, the fiscal impact of any modifications to this  
1768 state's threshold amounts, and the effect on economic factors,  
1769 such as inflation. The study must include options for amending  
1770 the threshold amounts if the study finds that such amounts are  
1771 inconsistent with current trends. In conducting the study,  
1772 OPPAGA shall consult with the Office of Economic and Demographic  
1773 Research in addition to other interested entities. OPPAGA shall  
1774 submit a report to the Governor, the President of the Senate,  
1775 and the Speaker of the House of Representatives by September 1  
1776 of every 5th year.

1777 Section 38. Subsections (8) and (9) of section 812.015,  
1778 Florida Statutes, are amended, and subsections (10) and (11) are  
1779 added to that section, to read:

1780 812.015 Retail and farm theft; transit fare evasion;



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1781 mandatory fine; alternative punishment; detention and arrest;  
1782 exemption from liability for false arrest; resisting arrest;  
1783 penalties.—

1784 (8) Except as provided in subsection (9), a person who  
1785 commits retail theft commits a felony of the third degree,  
1786 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
1787 if the property stolen is valued at \$750 ~~\$300~~ or more, and the  
1788 person:

1789 (a) Individually commits retail theft, or in concert with  
1790 one or more other persons, coordinates the activities of one or  
1791 more individuals in committing the offense, which may occur  
1792 through multiple acts of retail theft, in which ~~case~~ the amount  
1793 of each individual theft is aggregated within a 30-day period to  
1794 determine the value of the property stolen;

1795 (b) Conspires with another person to commit retail theft  
1796 with the intent to sell the stolen property for monetary or  
1797 other gain, and subsequently takes or causes such property to be  
1798 placed in the control of another person in exchange for  
1799 consideration, in which the stolen property taken or placed  
1800 within a 30-day period is aggregated to determine the value of  
1801 the stolen property;

1802 (c) ~~(b)~~ Individually, or in concert with one or more other  
1803 persons, commits theft from more than one location within a 30-  
1804 day ~~48-hour~~ period, in which ~~case~~ the amount of each individual  
1805 theft is aggregated to determine the value of the property  
1806 stolen;

1807 (d) ~~(c)~~ Acts in concert with one or more other individuals  
1808 within one or more establishments to distract the merchant,  
1809 merchant's employee, or law enforcement officer in order to



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1810 carry out the offense, or acts in other ways to coordinate  
1811 efforts to carry out the offense; or

1812 (e)~~(d)~~ Commits the offense through the purchase of  
1813 merchandise in a package or box that contains merchandise other  
1814 than, or in addition to, the merchandise purported to be  
1815 contained in the package or box.

1816 (9) A person commits a felony of the second degree,  
1817 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
1818 if the person:

1819 (a) Violates subsection (8) and has previously been  
1820 convicted of a violation of subsection (8); ~~or~~

1821 (b) Individually, or in concert with one or more other  
1822 persons, coordinates the activities of one or more persons in  
1823 committing the offense of retail theft, in which the amount of  
1824 each individual theft within a 30-day period is aggregated to  
1825 determine the value of the stolen property and such ~~where the~~  
1826 ~~stolen property has a value~~ is in excess of \$3,000; or

1827 (c) Conspires with another person to commit retail theft  
1828 with the intent to sell the stolen property for monetary or  
1829 other gain, and subsequently takes or causes such property to be  
1830 placed in control of another person in exchange for  
1831 consideration, in which the stolen property taken or placed  
1832 within a 30-day period is aggregated to have a value in excess  
1833 of \$3,000.

1834 (10) If a person commits retail theft in more than one  
1835 judicial circuit within a 30-day period, the value of the stolen  
1836 property resulting from the thefts in each judicial circuit may  
1837 be aggregated, and the person must be prosecuted by the Office  
1838 of the Statewide Prosecutor in accordance with s. 16.56.





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1839           (11) The Office of Program Policy Analysis and Government  
1840 Accountability (OPPAGA) shall perform a study every 5 years to  
1841 determine the appropriateness of the threshold amounts included  
1842 in this section. The study's scope must include, but need not be  
1843 limited to, the crime trends related to theft offenses, the  
1844 theft threshold amounts of other states in effect at the time of  
1845 the study, the fiscal impact of any modifications to this  
1846 state's threshold amounts, and the effect on economic factors,  
1847 such as inflation. The study must include options for amending  
1848 the threshold amounts if the study finds that such amounts are  
1849 inconsistent with current trends. In conducting the study,  
1850 OPPAGA shall consult with the Office of Economic and Demographic  
1851 Research in addition to other interested entities. OPPAGA shall  
1852 submit a report to the Governor, the President of the Senate,  
1853 and the Speaker of the House of Representatives by September 1  
1854 of every 5th year.

1855           Section 39. Section 812.0155, Florida Statutes, is amended  
1856 to read:

1857           812.0155 Driver license suspension as an alternative  
1858 sentence for a person under 18 years of age ~~Suspension of driver~~  
1859 ~~license following an adjudication of guilt for theft.-~~

1860           ~~(1) Except as provided in subsections (2) and (3), the~~  
1861 ~~court may order the suspension of the driver license of each~~  
1862 ~~person adjudicated guilty of any misdemeanor violation of s.~~  
1863 ~~812.014 or s. 812.015, regardless of the value of the property~~  
1864 ~~stolen. Upon ordering the suspension of the driver license of~~  
1865 ~~the person adjudicated guilty, the court shall forward the~~  
1866 ~~driver license of the person adjudicated guilty to the~~  
1867 ~~Department of Highway Safety and Motor Vehicles in accordance~~



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1868 ~~with s. 322.25.~~

1869 ~~(a) The first suspension of a driver license under this~~  
1870 ~~subsection shall be for a period of up to 6 months.~~

1871 ~~(b) A second or subsequent suspension of a driver license~~  
1872 ~~under this subsection shall be for 1 year.~~

1873 ~~(1)~~(2) The court may revoke, suspend, or withhold issuance  
1874 of a driver license of a person less than 18 years of age who  
1875 violates s. 812.014 or s. 812.015 as an alternative to  
1876 sentencing the person to:

1877 (a) Probation as defined in s. 985.03 or commitment to the  
1878 Department of Juvenile Justice, if the person is adjudicated  
1879 delinquent for such violation and has not previously been  
1880 convicted of or adjudicated delinquent for any criminal offense,  
1881 regardless of whether adjudication was withheld.

1882 (b) Probation as defined in s. 985.03, commitment to the  
1883 Department of Juvenile Justice, probation as defined in chapter  
1884 948, community control, or incarceration, if the person is  
1885 convicted as an adult of such violation and has not previously  
1886 been convicted of or adjudicated delinquent for any criminal  
1887 offense, regardless of whether adjudication was withheld.

1888 ~~(2)~~(3) As used in this subsection, the term "department"  
1889 means the Department of Highway Safety and Motor Vehicles. A  
1890 court that revokes, suspends, or withholds issuance of a driver  
1891 license under subsection (1) ~~(2)~~ shall:

1892 (a) If the person is eligible by reason of age for a driver  
1893 license or driving privilege, direct the department to revoke or  
1894 withhold issuance of the person's driver license or driving  
1895 privilege for not less than 6 months and not more than 1 year;

1896 (b) If the person's driver license is under suspension or



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1897 revocation for any reason, direct the department to extend the  
1898 period of suspension or revocation by not less than 6 months and  
1899 not more than 1 year; or

1900 (c) If the person is ineligible by reason of age for a  
1901 driver license or driving privilege, direct the department to  
1902 withhold issuance of the person's driver license or driving  
1903 privilege for not less than 6 months and not more than 1 year  
1904 after the date on which the person would otherwise become  
1905 eligible.

1906 ~~(3)(4) This section does~~ Subsections (2) and (3) do not  
1907 preclude the court from imposing any other sanction ~~specified or~~  
1908 ~~not specified in subsection (2) or subsection (3).~~

1909 ~~(5) A court that suspends the driver license of a person~~  
1910 ~~pursuant to subsection (1) may direct the Department of Highway~~  
1911 ~~Safety and Motor Vehicles to issue the person a license for~~  
1912 ~~driving privilege restricted to business purposes only, as~~  
1913 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1914 Section 40. Subsection (1) of section 815.03, Florida  
1915 Statutes, is amended to read:

1916 815.03 Definitions.—As used in this chapter, unless the  
1917 context clearly indicates otherwise:

1918 (1) "Access" means to approach, instruct, communicate with,  
1919 store data in, retrieve data from, or otherwise make use of any  
1920 resources of a computer, a computer system, a ~~or~~ computer  
1921 network, or an electronic device.

1922 Section 41. Subsection (2) of section 815.06, Florida  
1923 Statutes, is amended, and subsection (3) of that section is  
1924 republished, to read:

1925 815.06 Offenses against users of computers, computer



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1926 systems, computer networks, and electronic devices.-

1927 (2) A person commits an offense against users of computers,  
1928 computer systems, computer networks, or electronic devices if he  
1929 or she willfully, knowingly, and without authorization or  
1930 exceeding authorization:

1931 (a) Accesses or causes to be accessed any computer,  
1932 computer system, computer network, or electronic device with  
1933 knowledge that such access is unauthorized or the manner of use  
1934 exceeds authorization;

1935 (b) Disrupts or denies or causes the denial of the ability  
1936 to transmit data to or from an authorized user of a computer,  
1937 computer system, computer network, or electronic device, which,  
1938 in whole or in part, is owned by, under contract to, or operated  
1939 for, on behalf of, or in conjunction with another;

1940 (c) Destroys, takes, injures, or damages equipment or  
1941 supplies used or intended to be used in a computer, computer  
1942 system, computer network, or electronic device;

1943 (d) Destroys, injures, or damages any computer, computer  
1944 system, computer network, or electronic device;

1945 (e) Introduces any computer contaminant into any computer,  
1946 computer system, computer network, or electronic device; or

1947 (f) Engages in audio or video surveillance of an individual  
1948 by accessing any inherent feature or component of a computer,  
1949 computer system, computer network, or electronic device,  
1950 including accessing the data or information of a computer,  
1951 computer system, computer network, or electronic device that is  
1952 stored by a third party.

1953 (3) (a) Except as provided in paragraphs (b) and (c), a  
1954 person who violates subsection (2) commits a felony of the third



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1955 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1956 775.084.

1957 (b) A person commits a felony of the second degree,  
1958 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
1959 if he or she violates subsection (2) and:

1960 1. Damages a computer, computer equipment or supplies, a  
1961 computer system, or a computer network and the damage or loss is  
1962 at least \$5,000;

1963 2. Commits the offense for the purpose of devising or  
1964 executing any scheme or artifice to defraud or obtain property;

1965 3. Interrupts or impairs a governmental operation or public  
1966 communication, transportation, or supply of water, gas, or other  
1967 public service; or

1968 4. Intentionally interrupts the transmittal of data to or  
1969 from, or gains unauthorized access to, a computer, computer  
1970 system, computer network, or electronic device belonging to any  
1971 mode of public or private transit, as defined in s. 341.031.

1972 (c) A person who violates subsection (2) commits a felony  
1973 of the first degree, punishable as provided in s. 775.082, s.  
1974 775.083, or s. 775.084, if the violation:

1975 1. Endangers human life; or

1976 2. Disrupts a computer, computer system, computer network,  
1977 or electronic device that affects medical equipment used in the  
1978 direct administration of medical care or treatment to a person.

1979 Section 42. Section 817.413, Florida Statutes, is amended  
1980 to read:

1981 817.413 Sale of used motor vehicle goods as new; penalty.—

1982 (1) With respect to a transaction for which any charges  
1983 will be paid from the proceeds of a motor vehicle insurance



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1984 policy, and in which the purchase price of motor vehicle goods  
1985 exceeds \$100, it is unlawful for the seller to knowingly  
1986 misrepresent orally, in writing, or by failure to speak, that  
1987 the goods are new or original when they are used or repossessed  
1988 or have been used for sales demonstration.

1989 (2) A person who violates ~~the provisions of~~ this section,  
1990 if the purchase price of the motor vehicle goods is \$1,000 or  
1991 more, commits a felony of the third degree, punishable as  
1992 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1993 purchase price of the motor vehicle goods is less than \$1,000,  
1994 the person commits a misdemeanor of the first degree, punishable  
1995 as provided in s. 775.082 or s. 775.083.

1996 Section 43. Paragraph (a) of subsection (2) of section  
1997 831.28, Florida Statutes, is amended to read:

1998 831.28 Counterfeiting a payment instrument; possessing a  
1999 counterfeit payment instrument; penalties.-

2000 (2) (a) It is unlawful to counterfeit a payment instrument  
2001 with the intent to defraud a financial institution, account  
2002 holder, or any other person or organization or for a person to  
2003 have any counterfeit payment instrument in such person's  
2004 possession with the intent to defraud a financial institution,  
2005 an account holder, or any other person or organization. Any  
2006 person who violates this subsection commits a felony of the  
2007 third degree, punishable as provided in s. 775.082, s. 775.083,  
2008 or s. 775.084.

2009 Section 44. Section 849.01, Florida Statutes, is amended to  
2010 read:

2011 849.01 Keeping gambling houses, etc.-Whoever by herself or  
2012 himself, her or his servant, clerk or agent, or in any other



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2013 manner has, keeps, exercises or maintains a gaming table or  
2014 room, or gaming implements or apparatus, or house, booth, tent,  
2015 shelter or other place for the purpose of gaming or gambling or  
2016 in any place of which she or he may directly or indirectly have  
2017 charge, control or management, either exclusively or with  
2018 others, procures, suffers or permits any person to play for  
2019 money or other valuable thing at any game whatever, whether  
2020 heretofore prohibited or not, commits ~~shall be guilty of a~~  
2021 misdemeanor ~~felony~~ of the second ~~third~~ degree, punishable as  
2022 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

2023 Section 45. Subsections (6) and (7) and paragraphs (c) and  
2024 (d) of subsection (8) of section 877.112, Florida Statutes, are  
2025 amended to read:

2026 877.112 Nicotine products and nicotine dispensing devices;  
2027 prohibitions for minors; penalties; civil fines; signage  
2028 requirements; preemption.—

2029 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR  
2030 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any  
2031 person under 18 years of age to knowingly possess any nicotine  
2032 product or a nicotine dispensing device. Any person under 18  
2033 years of age who violates this subsection commits a noncriminal  
2034 violation as defined in s. 775.08(3), punishable by:

2035 (a) For a first violation, 16 hours of community service  
2036 or, instead of community service, a \$25 fine. In addition, the  
2037 person must attend a school-approved anti-tobacco and nicotine  
2038 program, if locally available; or

2039 (b) For a second or subsequent violation within 12 weeks  
2040 after ~~of~~ the first violation, a \$25 fine. ~~or~~

2041 ~~(c) For a third or subsequent violation within 12 weeks of~~



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2042 ~~the first violation, the court must direct the Department of~~  
2043 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
2044 ~~suspend or revoke the person's driver license or driving~~  
2045 ~~privilege, as provided in s. 322.056.~~

2046

2047 Any second or subsequent violation not within the 12-week time  
2048 period after the first violation is punishable as provided for a  
2049 first violation.

2050 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for  
2051 any person under 18 years of age to misrepresent his or her age  
2052 or military service for the purpose of inducing a retailer of  
2053 nicotine products or nicotine dispensing devices or an agent or  
2054 employee of such retailer to sell, give, barter, furnish, or  
2055 deliver any nicotine product or nicotine dispensing device, or  
2056 to purchase, or attempt to purchase, any nicotine product or  
2057 nicotine dispensing device from a person or a vending machine.  
2058 Any person under 18 years of age who violates this subsection  
2059 commits a noncriminal violation as defined in s. 775.08(3),  
2060 punishable by:

2061 (a) For a first violation, 16 hours of community service  
2062 or, instead of community service, a \$25 fine and, in addition,  
2063 the person must attend a school-approved anti-tobacco and  
2064 nicotine program, if available; or

2065 (b) For a second violation within 12 weeks after ~~of~~ the  
2066 first violation, a \$25 fine. ; ~~or~~

2067 ~~(c) For a third or subsequent violation within 12 weeks of~~  
2068 ~~the first violation, the court must direct the Department of~~  
2069 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
2070 ~~suspend or revoke the person's driver license or driving~~





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2071 ~~privilege, as provided in s. 322.056.~~

2072

2073 Any second or subsequent violation not within the 12-week time  
2074 period after the first violation is punishable as provided for a  
2075 first violation.

2076 (8) PENALTIES FOR MINORS.—

2077 (c) If a person under 18 years of age is found by the court  
2078 to have committed a noncriminal violation under this section and  
2079 that person has failed to complete community service, pay the  
2080 fine as required by paragraph (6) (a) or paragraph (7) (a), or  
2081 attend a school-approved anti-tobacco and nicotine program, if  
2082 locally available, the court may ~~must~~ direct the Department of  
2083 Highway Safety and Motor Vehicles to withhold issuance of or  
2084 suspend the driver license or driving privilege of that person  
2085 for 30 consecutive days.

2086 (d) If a person under 18 years of age is found by the court  
2087 to have committed a noncriminal violation under this section and  
2088 that person has failed to pay the applicable fine as required by  
2089 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct  
2090 the Department of Highway Safety and Motor Vehicles to withhold  
2091 issuance of or suspend the driver license or driving privilege  
2092 of that person for 45 consecutive days.

2093 Section 46. Paragraph (c) of subsection (1) of section  
2094 893.135, Florida Statutes, is amended to read:

2095 893.135 Trafficking; mandatory sentences; suspension or  
2096 reduction of sentences; conspiracy to engage in trafficking.—

2097 (1) Except as authorized in this chapter or in chapter 499  
2098 and notwithstanding the provisions of s. 893.13:

2099 (c)1. A person who knowingly sells, purchases,



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2100 manufactures, delivers, or brings into this state, or who is  
2101 knowingly in actual or constructive possession of, 4 grams or  
2102 more of any morphine, opium, hydromorphone, or any salt,  
2103 derivative, isomer, or salt of an isomer thereof, including  
2104 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
2105 (3)(c)4., or 4 grams or more of any mixture containing any such  
2106 substance, but less than 30 kilograms of such substance or  
2107 mixture, commits a felony of the first degree, which felony  
2108 shall be known as "trafficking in illegal drugs," punishable as  
2109 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2110 quantity involved:

2111       a. Is 4 grams or more, but less than 14 grams, such person  
2112 shall be sentenced to a mandatory minimum term of imprisonment  
2113 of 3 years and shall be ordered to pay a fine of \$50,000.

2114       b. Is 14 grams or more, but less than 28 grams, such person  
2115 shall be sentenced to a mandatory minimum term of imprisonment  
2116 of 15 years and shall be ordered to pay a fine of \$100,000.

2117       c. Is 28 grams or more, but less than 30 kilograms, such  
2118 person shall be sentenced to a mandatory minimum term of  
2119 imprisonment of 25 years and shall be ordered to pay a fine of  
2120 \$500,000.

2121       2. A person who knowingly sells, purchases, manufactures,  
2122 delivers, or brings into this state, or who is knowingly in  
2123 actual or constructive possession of, 28 ~~14~~ grams or more of  
2124 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
2125 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 ~~14~~  
2126 grams or more of any mixture containing any such substance,  
2127 commits a felony of the first degree, which felony shall be  
2128 known as "trafficking in hydrocodone," punishable as provided in



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2129 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

2130 a. Is 28 ~~14~~ grams or more, but less than 50 ~~28~~ grams, such  
2131 person shall be sentenced to a mandatory minimum term of  
2132 imprisonment of 3 years and shall be ordered to pay a fine of  
2133 \$50,000.

2134 b. Is 50 ~~28~~ grams or more, but less than 100 ~~50~~ grams, such  
2135 person shall be sentenced to a mandatory minimum term of  
2136 imprisonment of 7 years and shall be ordered to pay a fine of  
2137 \$100,000.

2138 c. Is 100 ~~50~~ grams or more, but less than 300 ~~200~~ grams,  
2139 such person shall be sentenced to a mandatory minimum term of  
2140 imprisonment of 15 years and shall be ordered to pay a fine of  
2141 \$500,000.

2142 d. Is 300 ~~200~~ grams or more, but less than 30 kilograms,  
2143 such person shall be sentenced to a mandatory minimum term of  
2144 imprisonment of 25 years and shall be ordered to pay a fine of  
2145 \$750,000.

2146 3. A person who knowingly sells, purchases, manufactures,  
2147 delivers, or brings into this state, or who is knowingly in  
2148 actual or constructive possession of, 7 grams or more of  
2149 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
2150 thereof, or 7 grams or more of any mixture containing any such  
2151 substance, commits a felony of the first degree, which felony  
2152 shall be known as "trafficking in oxycodone," punishable as  
2153 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2154 quantity involved:

2155 a. Is 7 grams or more, but less than 14 grams, such person  
2156 shall be sentenced to a mandatory minimum term of imprisonment  
2157 of 3 years and shall be ordered to pay a fine of \$50,000.



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2158           b. Is 14 grams or more, but less than 25 grams, such person  
2159 shall be sentenced to a mandatory minimum term of imprisonment  
2160 of 7 years and shall be ordered to pay a fine of \$100,000.

2161           c. Is 25 grams or more, but less than 100 grams, such  
2162 person shall be sentenced to a mandatory minimum term of  
2163 imprisonment of 15 years and shall be ordered to pay a fine of  
2164 \$500,000.

2165           d. Is 100 grams or more, but less than 30 kilograms, such  
2166 person shall be sentenced to a mandatory minimum term of  
2167 imprisonment of 25 years and shall be ordered to pay a fine of  
2168 \$750,000.

2169           4.a. A person who knowingly sells, purchases, manufactures,  
2170 delivers, or brings into this state, or who is knowingly in  
2171 actual or constructive possession of, 4 grams or more of:

2172           (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2173           (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2174           (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2175           (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

2176           (V) A fentanyl derivative, as described in s.

2177 893.03(1)(a)62.;

2178           (VI) A controlled substance analog, as described in s.  
2179 893.0356, of any substance described in sub-sub-subparagraphs  
2180 (I)-(V); or

2181           (VII) A mixture containing any substance described in sub-  
2182 sub-subparagraphs (I)-(VI), commits a felony of the first  
2183 degree, which felony shall be known as "trafficking in  
2184 fentanyl," punishable as provided in s. 775.082, s. 775.083, or  
2185 s. 775.084.

2186           b. If the quantity involved under sub-subparagraph a.:



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2187 (I) Is 4 grams or more, but less than 14 grams, such person  
2188 shall be sentenced to a mandatory minimum term of imprisonment  
2189 of 3 years, and shall be ordered to pay a fine of \$50,000.

2190 (II) Is 14 grams or more, but less than 28 grams, such  
2191 person shall be sentenced to a mandatory minimum term of  
2192 imprisonment of 15 years, and shall be ordered to pay a fine of  
2193 \$100,000.

2194 (III) Is 28 grams or more, such person shall be sentenced  
2195 to a mandatory minimum term of imprisonment of 25 years, and  
2196 shall be ordered to pay a fine of \$500,000.

2197 5. A person who knowingly sells, purchases, manufactures,  
2198 delivers, or brings into this state, or who is knowingly in  
2199 actual or constructive possession of, 30 kilograms or more of  
2200 any morphine, opium, oxycodone, hydrocodone, codeine,  
2201 hydromorphone, or any salt, derivative, isomer, or salt of an  
2202 isomer thereof, including heroin, as described in s.  
2203 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
2204 more of any mixture containing any such substance, commits the  
2205 first degree felony of trafficking in illegal drugs. A person  
2206 who has been convicted of the first degree felony of trafficking  
2207 in illegal drugs under this subparagraph shall be punished by  
2208 life imprisonment and is ineligible for any form of  
2209 discretionary early release except pardon or executive clemency  
2210 or conditional medical release under s. 947.149. However, if the  
2211 court determines that, in addition to committing any act  
2212 specified in this paragraph:

2213 a. The person intentionally killed an individual or  
2214 counseled, commanded, induced, procured, or caused the  
2215 intentional killing of an individual and such killing was the



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2216 result; or

2217       b. The person's conduct in committing that act led to a  
2218 natural, though not inevitable, lethal result, such person  
2219 commits the capital felony of trafficking in illegal drugs,  
2220 punishable as provided in ss. 775.082 and 921.142. A person  
2221 sentenced for a capital felony under this paragraph shall also  
2222 be sentenced to pay the maximum fine provided under subparagraph  
2223 1.

2224       6. A person who knowingly brings into this state 60  
2225 kilograms or more of any morphine, opium, oxycodone,  
2226 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
2227 isomer, or salt of an isomer thereof, including heroin, as  
2228 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
2229 60 kilograms or more of any mixture containing any such  
2230 substance, and who knows that the probable result of such  
2231 importation would be the death of a person, commits capital  
2232 importation of illegal drugs, a capital felony punishable as  
2233 provided in ss. 775.082 and 921.142. A person sentenced for a  
2234 capital felony under this paragraph shall also be sentenced to  
2235 pay the maximum fine provided under subparagraph 1.

2236       Section 47. Effective upon this act becoming a law, section  
2237 900.05, Florida Statutes, is amended to read:

2238       900.05 Criminal justice data collection.—

2239       (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of  
2240 the Legislature to create a model of uniform criminal justice  
2241 data collection by requiring local and state criminal justice  
2242 agencies to report complete, accurate, and timely data, and  
2243 making such data available to the public. The Legislature finds  
2244 that it is an important state interest to implement a uniform



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2245 data collection process and promote criminal justice data  
2246 transparency.

2247 (2) DEFINITIONS.—As used in this section, the term:

2248 (a) "Annual felony caseload" means the yearly caseload of  
2249 each full-time state attorney and assistant state attorney, ~~or~~  
2250 public defender and assistant public defender, or regional  
2251 conflict counsel and assistant regional conflict counsel for  
2252 cases assigned to the circuit criminal division, based on the  
2253 number of felony cases reported to the Supreme Court under s.  
2254 25.075. The term does not include the appellate caseload of a  
2255 public defender, ~~or~~ assistant public defender, regional conflict  
2256 counsel, or assistant regional conflict counsel. Cases reported  
2257 pursuant to this term must be associated with a case number, and  
2258 each case number must only be reported once regardless of the  
2259 number of attorney assignments that occur during the course of  
2260 litigation. The caseload shall be calculated on June 30 and  
2261 reported once at the beginning of the reporting agency's fiscal  
2262 year.

2263 (b) "Annual felony conflict caseload" means the total  
2264 number of felony cases the office of the public defender or  
2265 office of regional conflict counsel has declined or withdrawn  
2266 from in the previous calendar year due to lack of qualified  
2267 counsel or due to excessive caseload. The caseload shall be  
2268 calculated on June 30 and reported once at the beginning of the  
2269 reporting agency's fiscal year.

2270 (c) ~~(b)~~ "Annual misdemeanor caseload" means the yearly  
2271 caseload of each full-time state attorney and assistant state  
2272 attorney, ~~or~~ public defender and assistant public defender, or  
2273 regional conflict counsel and assistant regional conflict



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2274 counsel for cases assigned to the county criminal division,  
2275 based on the number of misdemeanor cases reported to the Supreme  
2276 Court under s. 25.075. The term does not include the appellate  
2277 caseload of a public defender, ~~or~~ assistant public defender,  
2278 regional conflict counsel, or assistant regional conflict  
2279 counsel. Cases reported pursuant to this term must be associated  
2280 with a case number, and each case number must only be reported  
2281 once regardless of the number of attorney assignments that occur  
2282 during the course of litigation. The caseload shall be  
2283 calculated on June 30 and reported once at the beginning of the  
2284 reporting agency's fiscal year.

2285 (d) "Annual misdemeanor conflict caseload" means the total  
2286 number of misdemeanor cases the office of the public defender or  
2287 office of regional conflict counsel has declined or withdrawn  
2288 from in the previous calendar year due to lack of qualified  
2289 counsel or due to excessive caseload. The caseload shall be  
2290 calculated on June 30 and reported once at the beginning of the  
2291 reporting agency's fiscal year.

2292 (e) ~~(e)~~ "Attorney assignment date" means the date a court-  
2293 appointed attorney is assigned to the case or, if privately  
2294 retained, the date an attorney files a notice of appearance with  
2295 the clerk of court.

2296 (f) ~~(d)~~ "Attorney withdrawal date" means the date the court  
2297 removes court-appointed counsel from a case or, for a privately  
2298 retained attorney, the date a motion to withdraw is granted by  
2299 the court.

2300 (g) ~~(e)~~ "Case number" means the uniform case identification  
2301 number assigned by the clerk of court to a criminal case.

2302 (h) ~~(f)~~ "Case status" means whether a case is open, active,





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2303 inactive, closed, reclosed, or reopened due to a violation of  
2304 probation or community control.

2305 (i)~~(g)~~ "Charge description" means the statement of the  
2306 conduct that is alleged to have been violated, the associated  
2307 statutory section establishing such conduct as criminal, and the  
2308 misdemeanor or felony classification that is provided for in the  
2309 statutory section alleged to have been violated.

2310 (j) "Charge disposition" means the final adjudication for  
2311 each charged crime, including, but not limited to, dismissal by  
2312 state attorney, dismissal by judge, acquittal, no contest plea,  
2313 guilty plea, or guilty finding at trial.

2314 (k)~~(h)~~ "Charge modifier" means an aggravating circumstance  
2315 of an alleged crime that enhances or reclassifies a charge to a  
2316 more serious misdemeanor or felony offense level.

2317 (l)~~(i)~~ "Concurrent or consecutive sentence flag" means an  
2318 indication that a defendant is serving another sentence  
2319 concurrently or consecutively in addition to the sentence for  
2320 which data is being reported.

2321 (m)~~(j)~~ "Daily number of correctional officers" means the  
2322 number of full-time, part-time, and auxiliary correctional  
2323 officers who are actively providing supervision, protection,  
2324 care, custody, and control of inmates in a county detention  
2325 facility or state correctional institution or facility each day.

2326 (n)~~(k)~~ "Defense attorney type" means whether the attorney  
2327 is a public defender, regional conflict counsel, or other  
2328 counsel court-appointed for the defendant; the attorney is  
2329 privately retained by the defendant; or the defendant is  
2330 represented pro se.

2331 (o)~~(l)~~ "Deferred prosecution or pretrial diversion



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2332 agreement date" means the date an agreement ~~a contract~~ is signed  
2333 by the parties regarding a defendant's admission into a deferred  
2334 prosecution or pretrial diversion program.

2335 (p) ~~(m)~~ "Deferred prosecution or pretrial diversion hearing  
2336 date" means each date that a hearing, including a status  
2337 hearing, is held on a case that is in a deferred prosecution or  
2338 pretrial diversion program, if applicable.

2339 (q) ~~(n)~~ "Disciplinary violation and action" means any  
2340 conduct performed by an inmate in violation of the rules of a  
2341 county detention facility or state correctional institution or  
2342 facility that results in the initiation of disciplinary  
2343 proceedings by the custodial entity and the consequences of such  
2344 disciplinary proceedings.

2345 (r) ~~(o)~~ "Disposition date" means the date of final judgment,  
2346 adjudication, adjudication withheld, dismissal, or nolle  
2347 prosequi for the case and if different dates apply, the  
2348 disposition dates of each charge.

2349 (s) "Disposition type" means the manner in which the charge  
2350 was closed, including final judgment, adjudication, adjudication  
2351 withheld, dismissal, or nolle prosequi.

2352 (t) ~~(p)~~ "Domestic violence flag" means an indication that a  
2353 filed charge involves domestic violence as defined in s. 741.28.

2354 (u) ~~(q)~~ "Gang affiliation flag" means an indication that a  
2355 defendant is involved in or associated with a criminal gang as  
2356 defined in s. 874.03 at the time of the current offense.

2357 (v) ~~(r)~~ "Gain-time credit earned" means a credit of time  
2358 awarded to an inmate in a county detention facility in  
2359 accordance with s. 951.22 or a state correctional institution or  
2360 facility in accordance with s. 944.275.



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2361            (w)~~(s)~~ "Habitual offender flag" means an indication that a  
2362 defendant is a habitual felony offender as defined in s. 775.084  
2363 or a habitual misdemeanor offender as defined in s. 775.0837.

2364            (x) "Habitual violent felony offender flag" means an  
2365 indication that a defendant is a habitual violent felony  
2366 offender as defined in s. 775.084.

2367            ~~(t) "Judicial transfer date" means a date on which a~~  
2368 ~~defendant's case is transferred to another court or presiding~~  
2369 ~~judge.~~

2370            (y)~~(u)~~ "Number of contract attorneys representing indigent  
2371 defendants for the office of the public defender" means the  
2372 number of attorneys hired on a temporary basis, by contract, to  
2373 represent indigent clients who were appointed a public defender,  
2374 whereby the public defender withdraws from the case due to a  
2375 conflict of interest.

2376            (z)~~(v)~~ "Pretrial release violation flag" means an  
2377 indication that the defendant has violated the terms of his or  
2378 her pretrial release.

2379            (aa)~~(w)~~ "Prior incarceration within the state" means any  
2380 prior history of a defendant's incarceration ~~defendant being~~  
2381 ~~incarcerated in a county detention facility or state~~  
2382 ~~correctional institution or facility.~~

2383            (bb) "Prison releasee reoffender flag" means an indication  
2384 that the defendant is a prison releasee reoffender as defined in  
2385 s. 775.082 or any other statute.

2386            (dd)~~(\*)~~ "Tentative release date" means the anticipated date  
2387 that an inmate will be released from incarceration after the  
2388 application of adjustments for any gain-time earned or credit  
2389 for time served.



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2390            ~~(cc)(y)~~ "Sexual offender flag" means an indication that a  
2391 defendant was ~~is~~ required to register as a sexual predator as  
2392 defined in s. 775.21 or as a sexual offender as defined in s.  
2393 943.0435.

2394            (ee) "Three-time violent felony offender flag" means an  
2395 indication that the defendant is a three-time violent felony  
2396 offender as defined in s. 775.084 or any other statute.

2397            (ff) "Violent career criminal flag" means an indication  
2398 that the defendant is a violent career criminal as defined in s.  
2399 775.084 or any other statute.

2400            (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~  
2401 ~~2019,~~ An entity required to collect data in accordance with this  
2402 subsection shall collect the specified data and ~~required of the~~  
2403 ~~entity on a biweekly basis. Each entity shall report them the~~  
2404 ~~data collected~~ in accordance with this subsection to the  
2405 Department of Law Enforcement on a monthly basis.

2406            (a) *Clerk of the court.* ~~Each clerk of court shall collect~~  
2407 ~~the following data for each criminal case:~~

- 2408            1. Case number.
- 2409            2. Date that the alleged offense occurred.
- 2410            ~~3. County in which the offense is alleged to have occurred.~~
- 2411            ~~3.4.~~ Date the defendant is taken into physical custody by a  
2412 law enforcement agency or is issued a notice to appear on a  
2413 criminal charge, if such date is different from the date the  
2414 offense is alleged to have occurred.

2415            4. Whether the case originated by notice to appear.

2416            5. Date that the criminal prosecution of a defendant is  
2417 formally initiated ~~through the filing, with the clerk of the~~  
2418 ~~court, of an information by the state attorney or an indictment~~



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2419 ~~issued by a grand jury.~~  
2420 6. Arraignment date.  
2421 7. Attorney appointment ~~assignment~~ date.  
2422 8. Attorney withdrawal date.  
2423 9. Case status.  
2424 10. Charge disposition.  
2425 ~~11.10.~~ Disposition date and disposition type.  
2426 ~~12.11.~~ Information related to each defendant, including:  
2427 a. Identifying information, including name, known aliases,  
2428 date of birth, ~~age,~~ race, ~~or~~ ethnicity, and gender.  
2429 b. Zip code of last known address ~~primary residence.~~  
2430 c. Primary language.  
2431 d. Citizenship.  
2432 e. Immigration status, if applicable.  
2433 f. Whether the defendant has been found ~~by a court~~ to be  
2434 indigent under ~~pursuant to~~ s. 27.52.  
2435 ~~13.12.~~ Information related to the ~~formal~~ charges filed  
2436 against the defendant, including:  
2437 a. Charge description.  
2438 b. Charge modifier description and statute, if applicable.  
2439 c. Drug type for each drug charge, if known.  
2440 d. Qualification for a flag designation as defined in this  
2441 section, including a domestic violence flag, gang affiliation  
2442 flag, sexual offender flag, habitual offender flag, habitual  
2443 violent felony offender flag, ~~or~~ pretrial release violation  
2444 flag, prison releasee reoffender flag, three-time violent felony  
2445 offender flag, or violent career criminal flag.  
2446 ~~14.13.~~ Information related to bail or bond and pretrial  
2447 release determinations, including the dates of any such



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2448 determinations:

2449       a. Pretrial release determination made at a first  
2450 appearance hearing that occurs within 24 hours of arrest,  
2451 including any ~~all~~ monetary and nonmonetary conditions of  
2452 release.

2453       b. Modification of bail or bond conditions made by a court  
2454 having jurisdiction to try the defendant or, in the absence of  
2455 the judge of the trial court, by the circuit court, including  
2456 modifications to any monetary and nonmonetary conditions of  
2457 release.

2458       c. Cash bail or bond payment, including whether the  
2459 defendant utilized a bond agent to post a surety bond.

2460       d. Date defendant is released on bail, bond, or pretrial  
2461 release for the current case.

2462       e. Bail or bond revocation due to a new offense, a failure  
2463 to appear, or a violation of the terms of bail or bond, if  
2464 applicable.

2465       ~~15.14.~~ Information related to court dates and dates of  
2466 motions and appearances, including:

2467       a. Date of any court appearance and the type of proceeding  
2468 scheduled for each date reported.

2469       b. Date of any failure to appear in court, if applicable.

2470       c. Deferred prosecution or pretrial diversion hearing, if  
2471 applicable ~~Judicial transfer date, if applicable.~~

2472       d. Each scheduled trial date.

2473       e. Date that a defendant files a notice to participate in  
2474 discovery.

2475       f. Speedy trial motion date and each hearing date ~~dates~~, if  
2476 applicable.



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2477 g. Dismissal motion date and each hearing date ~~dates~~, if  
2478 applicable.

2479 ~~16.15.~~ Defense attorney type.

2480 ~~17.16.~~ Information related to sentencing, including:

2481 a. Date that a court enters a sentence against a defendant.

2482 b. Charge sentenced to, including charge sequence number,  
2483 and charge description, ~~statute, type, and charge class~~  
2484 ~~severity~~.

2485 c. Sentence type and length imposed by the court in the  
2486 current case, reported in years, months, and days, including,  
2487 but not limited to, the total duration of incarceration  
2488 ~~imprisonment~~ in a county detention facility or state  
2489 correctional institution or facility, and conditions of  
2490 probation or community control supervision.

2491 d. Amount of time served in custody by the defendant  
2492 related to each charge ~~the reported criminal case~~ that is  
2493 credited at the time of disposition of the charge ~~case~~ to reduce  
2494 the imposed ~~actual~~ length of time the defendant will serve on  
2495 the term of incarceration ~~imprisonment~~ that is ordered by the  
2496 court at disposition.

2497 e. Total amount of court costs ~~fees~~ imposed by the court at  
2498 the disposition of the case.

2499 ~~f. Outstanding balance of the defendant's court fees~~  
2500 ~~imposed by the court at disposition of the case.~~

2501 ~~f.g.~~ Total amount of fines imposed by the court at the  
2502 disposition of the case.

2503 ~~h. Outstanding balance of the defendant's fines imposed by~~  
2504 ~~the court at disposition of the case.~~

2505 ~~g.i.~~ Restitution amount ordered at sentencing, ~~including~~



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2506 ~~the amount collected by the court and the amount paid to the~~  
2507 ~~victim, if applicable.~~

2508 ~~j. Digitized sentencing scoresheet prepared in accordance~~  
2509 ~~with s. 921.0024.~~

2510 ~~18.17. The sentencing judge or magistrate, or their~~  
2511 ~~equivalent number of judges or magistrates, or their~~  
2512 ~~equivalents, hearing cases in circuit or county criminal~~  
2513 ~~divisions of the circuit court. Judges or magistrates, or their~~  
2514 ~~equivalents, who solely hear appellate cases from the county~~  
2515 ~~criminal division are not to be reported under this~~  
2516 ~~subparagraph.~~

2517 (b) *State attorney.*—Each state attorney shall collect the  
2518 following data:

2519 1. Information related to a human victim of a criminal  
2520 offense, including:

2521 a. Identifying information of the victim, including race,  
2522 ~~or~~ ethnicity, gender, and age at the time of the offense.

2523 b. Relationship to the offender, if any.

2524 2. Number of full-time prosecutors.

2525 3. Number of part-time prosecutors.

2526 4. Annual felony caseload.

2527 5. Annual misdemeanor caseload.

2528 6. Disposition of each referred charge, such as filed,  
2529 declined, or diverted ~~Any charge referred to the state attorney~~  
2530 ~~by a law enforcement agency related to an episode of criminal~~  
2531 ~~activity.~~

2532 7. Number of cases in which a no-information was filed.

2533 8. Information related to each defendant, including:

2534 a. Each charge referred to the state attorney by a law





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2535 enforcement agency or sworn complainant related to an episode of  
2536 criminal activity.

2537 b. Case number, name, and date of birth.

2538 c.b. Drug type for each drug charge, if applicable.

2539 d. Deferred prosecution or pretrial diversion agreement  
2540 date, if applicable.

2541 (c) *Public defender.*—Each public defender shall collect the  
2542 following data ~~for each criminal case~~:

2543 1. Number of full-time public defenders.

2544 2. Number of part-time public defenders.

2545 3. Number of contract attorneys representing indigent  
2546 defendants for the office of the public defender.

2547 4. Annual felony caseload.

2548 5. Annual felony conflict caseload.

2549 6.5. Annual misdemeanor caseload.

2550 7. Annual misdemeanor conflict caseload.

2551 (d) *County detention facility.*—The administrator of each  
2552 county detention facility shall collect the following data:

2553 1. Maximum capacity for the county detention facility.

2554 2. Weekly admissions to the county detention facility for a  
2555 revocation of probation or community control.

2556 3. Weekly admissions to the county detention facility for a  
2557 revocation of pretrial release.

2558 4.3. Daily population of the county detention facility,  
2559 including the specific number of inmates in the custody of the  
2560 county that:

2561 a. Are awaiting case disposition.

2562 b. Have been sentenced by a court to a term of  
2563 incarceration ~~imprisonment~~ in the county detention facility.



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2564 c. Have been sentenced by a court to a term of imprisonment  
2565 with the Department of Corrections and who are awaiting  
2566 transportation to the department.

2567 d. Have a federal detainer, ~~or~~ are awaiting disposition of  
2568 a case in federal court, or are awaiting other federal  
2569 disposition.

2570 ~~5.4.~~ Information related to each inmate, including:

2571 a. Identifying information, including name, date of birth,  
2572 race, ethnicity, gender, case number, and identification number  
2573 assigned by the county detention facility.

2574 ~~b.a.~~ Date when an inmate ~~a defendant~~ is processed and  
2575 booked into the county detention facility subsequent to an  
2576 arrest for a new violation of law, ~~or~~ for a violation of  
2577 probation or community control, or for a violation of pretrial  
2578 release.

2579 ~~c.b.~~ Reason why an inmate ~~a defendant~~ is processed and  
2580 booked into the county detention facility, including if it is  
2581 ~~for~~ a new law violation, ~~or~~ a violation of probation or  
2582 community control, or a violation of pretrial release.

2583 ~~d.e.~~ Qualification for a flag designation as defined in  
2584 this section, including domestic violence flag, gang affiliation  
2585 flag, habitual offender flag, habitual violent felony offender  
2586 flag, pretrial release violation flag, ~~or~~ sexual offender flag,  
2587 prison releasee reoffender flag, three-time violent felony  
2588 offender flag, or violent career criminal flag.

2589 ~~6.5.~~ Total population of the county detention facility at  
2590 year-end. This data must include the same specified  
2591 classifications as subparagraph 3.

2592 ~~7.6.~~ Per diem rate for a county detention facility bed.



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2593           ~~8.7.~~ Daily number of correctional officers for the county  
2594 detention facility.

2595           ~~9.8.~~ Annual county detention facility budget. This  
2596 information only needs to be reported once annually at the  
2597 beginning of the county's fiscal year.

2598           ~~10.9.~~ Annual revenue generated for the county from the  
2599 temporary incarceration of federal defendants or inmates.

2600           (e) *Department of Corrections.*—The Department of  
2601 Corrections shall collect the following data:

2602           1. Information related to each inmate, including:

2603           a. Identifying information, including name, date of birth,  
2604 race, ~~or~~ ethnicity, gender, case number, and identification  
2605 number assigned by the department.

2606           b. ~~Number of children.~~

2607           e. Highest education level, ~~including any vocational~~  
2608 ~~training.~~

2609           ~~c.d.~~ Date the inmate was admitted to the custody of the  
2610 department for his or her current incarceration.

2611           ~~d.e.~~ Current institution placement and the security level  
2612 assigned to the institution.

2613           ~~e.f.~~ Custody level assignment.

2614           ~~f.g.~~ Qualification for a flag designation as defined in  
2615 this section, including sexual offender flag, habitual offender  
2616 flag, habitual violent felony offender flag, prison releasee  
2617 reoffender flag, three-time violent felony offender flag,  
2618 violent career criminal flag, gang affiliation flag, or  
2619 concurrent or consecutive sentence flag.

2620           ~~g.h.~~ County that committed the prisoner to the custody of  
2621 the department.



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2622            h.i. Whether the reason for admission to the department is  
2623 for a new conviction or a violation of probation, community  
2624 control, or parole. For an admission for a probation, community  
2625 control, or parole violation, the department shall report  
2626 whether the violation was technical or based on a new violation  
2627 of law.

2628            i.j. Specific statutory citation for which the inmate was  
2629 committed to the department, including, for an inmate convicted  
2630 of drug trafficking under s. 893.135, the statutory citation for  
2631 each specific drug trafficked.

2632            j. Length of sentence served.

2633            k. Length of ~~sentence or~~ concurrent or consecutive  
2634 sentences served.

2635            l. Tentative release date.

2636            m. Gain time earned in accordance with s. 944.275.

2637            n. Prior incarceration within the state.

2638            o. Disciplinary violation and action.

2639            p. Participation in rehabilitative or educational programs  
2640 while in the custody of the department.

2641            q. Digitized sentencing scoresheet prepared in accordance  
2642 with s. 921.0024.

2643            2. Information about each state correctional institution or  
2644 facility, including:

2645            a. Budget for each state correctional institution or  
2646 facility.

2647            b. Daily prison population of all inmates incarcerated in a  
2648 state correctional institution or facility.

2649            c. Daily number of correctional officers for each state  
2650 correctional institution or facility.



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2651           3. Information related to persons supervised by the  
2652 department on probation or community control, including:  
2653           a. Identifying information for each person supervised by  
2654 the department on probation or community control, including his  
2655 or her name, date of birth, race, ~~or~~ ethnicity, gender, case  
2656 number ~~sex~~, and department-assigned case number.  
2657           b. Length of probation or community control sentence  
2658 imposed and amount of time that has been served on such  
2659 sentence.  
2660           c. Projected termination date for probation or community  
2661 control.  
2662           d. Revocation of probation or community control due to a  
2663 violation, including whether the revocation is due to a  
2664 technical violation of the conditions of supervision or from the  
2665 commission of a new law violation.  
2666           4. Per diem rates for:  
2667           a. Prison bed.  
2668           b. Probation.  
2669           c. Community control.  
2670  
2671 This information only needs to be reported once annually at the  
2672 time the most recent per diem rate is published.  
2673           (f) Justice Administrative Commission.—The Justice  
2674 Administrative Commission shall collect the following data:  
2675           1. Number of private registry attorneys representing  
2676 indigent adult defendants.  
2677           2. Annual felony caseload assigned to private registry  
2678 contract attorneys.  
2679           3. Annual misdemeanor caseload assigned to private registry



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2680 contract attorneys.

2681 (g) Criminal regional conflict counsel.—Each office of

2682 criminal regional conflict counsel shall report the following

2683 data:

2684 1. Number of full-time assistant regional conflict counsel

2685 handling criminal cases.

2686 2. Number of part-time assistant regional conflict counsel

2687 handling criminal cases.

2688 3. Number of contract attorneys representing indigent adult

2689 defendants.

2690 4. Annual felony caseload.

2691 5. Annual felony caseload assigned to contract attorneys.

2692 6. Annual felony conflict caseload.

2693 7. Annual misdemeanor caseload.

2694 8. Annual misdemeanor caseload assigned to contract

2695 attorneys.

2696 9. Annual misdemeanor conflict caseload.

2697 (4) DATA PUBLICLY AVAILABLE.—~~Beginning January 1, 2019,~~ The

2698 Department of Law Enforcement shall publish datasets in its

2699 possession in a modern, open, electronic format that is machine-

2700 readable and readily accessible by the public on the

2701 department's website. The published data must be searchable, at

2702 a minimum, by ~~each~~ data elements ~~element~~, county, circuit, and

2703 unique identifier. Beginning March 1, 2019, the department shall

2704 publish ~~begin publishing~~ the data received under subsection (3)

2705 ~~(2)~~ in the same modern, open, electronic format that is machine-

2706 readable and readily accessible to the public on the

2707 department's website. The department shall publish all data

2708 received under subsection (3) ~~(2)~~ no later than January 1, 2020,



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2709 and monthly thereafter July 1, 2019.

2710 (5) NONCOMPLIANCE.—Notwithstanding any other ~~provision of~~  
2711 law, an entity required to collect and transmit data under  
2712 subsection (3) paragraph (3)(a) or paragraph (3)(d) which does  
2713 not comply with the requirements of this section is ineligible  
2714 to receive funding from the General Appropriations Act, any  
2715 state grant program administered by the Department of Law  
2716 Enforcement, or any other state agency for 5 years after the  
2717 date of noncompliance.

2718 (6) CONFIDENTIALITY.—Information collected by any reporting  
2719 agency which is confidential and exempt upon collection remains  
2720 confidential and exempt when reported to the Department of Law  
2721 Enforcement under this section.

2722 Section 48. Section 943.0578, Florida Statutes, is created  
2723 to read:

2724 943.0578 Lawful self-defense expunction.—

2725 (1) Notwithstanding the eligibility requirements defined in  
2726 s. 943.0585(1) and (2), the department shall issue a certificate  
2727 of eligibility for expunction under this section to a person who  
2728 is the subject of a criminal history record if that person has  
2729 obtained, and submitted to the department, on a form provided by  
2730 the department, a written, certified statement from the  
2731 appropriate state attorney or statewide prosecutor which states  
2732 whether an information, indictment, or other charging document  
2733 was not filed or was dismissed by the state attorney, or  
2734 dismissed by the court, because it was found that the person  
2735 acted in lawful self-defense pursuant to chapter 776.

2736 (2) Each petition to expunge a criminal history record  
2737 pursuant to this section must be accompanied by:



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2738 (a) A valid certificate of eligibility for expunction  
2739 issued by the department pursuant to this section; and

2740 (b) The petitioner's sworn statement attesting that the  
2741 petitioner is eligible for such an expunction to the best of his  
2742 or her knowledge or belief.

2743  
2744 Any person who knowingly provides false information on such  
2745 sworn statement to the court commits a felony of the third  
2746 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2747 775.084.

2748 (3) This section does not confer any right to the  
2749 expunction of a criminal history record, and any request for  
2750 expunction of a criminal history record may be denied at the  
2751 discretion of the court.

2752 (4) Sections 943.0585(5) and (6) apply to an expunction  
2753 ordered under this section.

2754 (5) The department shall adopt rules to establish  
2755 procedures for applying for and issuing a certificate of  
2756 eligibility for expunction under this section.

2757 Section 49. Section 943.0581, Florida Statutes, is amended  
2758 to read:

2759 943.0581 Administrative expunction for arrests made  
2760 contrary to law or by mistake.-

2761 (1) Notwithstanding any law dealing generally with the  
2762 preservation and destruction of public records, the department  
2763 may adopt a rule pursuant to chapter 120 for the administrative  
2764 expunction of any nonjudicial record of an arrest of a minor or  
2765 an adult made contrary to law or by mistake.

2766 (2) A law enforcement agency shall apply to the department





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2767 in the manner prescribed by rule for the administrative  
2768 expunction of any nonjudicial record of any arrest of a minor or  
2769 an adult who is subsequently determined by the agency, at its  
2770 discretion, or by the final order of a court of competent  
2771 jurisdiction, to have been arrested contrary to law or by  
2772 mistake.

2773 (3) An adult or, in the case of a minor child, the parent  
2774 or legal guardian of the minor child, may apply to the  
2775 department in the manner prescribed by rule for the  
2776 administrative expunction of any nonjudicial record of an arrest  
2777 alleged to have been made contrary to law or by mistake,  
2778 provided that the application is supported by the endorsement of  
2779 the head of the arresting agency or his or her designee or the  
2780 state attorney of the judicial circuit in which the arrest  
2781 occurred or his or her designee.

2782 (4) An application for administrative expunction shall  
2783 include the date and time of the arrest, the name of the person  
2784 arrested, the offender-based tracking system (OBTS) number, and  
2785 the crime or crimes charged. The application shall be on the  
2786 submitting agency's letterhead and shall be signed by the head  
2787 of the submitting agency or his or her designee.

2788 (5) If the person was arrested on a warrant, *capias*, or  
2789 pickup order, a request for an administrative expunction may be  
2790 made by the sheriff of the county in which the warrant, *capias*,  
2791 or pickup order was issued or his or her designee or by the  
2792 state attorney of the judicial circuit in which the warrant,  
2793 *capias*, or pickup order was issued or his or her designee.

2794 (6) An application or endorsement under this section is not  
2795 admissible as evidence in any judicial or administrative



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2796 proceeding and may not be construed in any way as an admission  
2797 of liability in connection with an arrest.

2798 Section 50. Section 943.0584, Florida Statutes, is created  
2799 to read:

2800 943.0584 Criminal history records ineligible for court-  
2801 ordered expunction or court-ordered sealing.-

2802 (1) As used in this section, the term "conviction" means a  
2803 determination of guilt which is the result of a trial or the  
2804 entry of a plea of guilty or nolo contendere, regardless of  
2805 whether adjudication is withheld, or if the defendant was a  
2806 minor, a finding that the defendant committed or pled guilty or  
2807 nolo contendere to committing a delinquent act, regardless of  
2808 whether adjudication of delinquency is withheld.

2809 (2) A criminal history record is ineligible for a  
2810 certificate of eligibility for expunction or a court-ordered  
2811 expunction pursuant to s. 943.0585 or a certificate of  
2812 eligibility for sealing or a court-ordered sealing pursuant to  
2813 s. 943.059 if the record is a conviction for any of the  
2814 following offenses:

2815 (a) Sexual misconduct, as defined in s. 393.135, s.  
2816 394.4593, or s. 916.1075;

2817 (b) Illegal use of explosives, as defined in chapter 552;

2818 (c) Terrorism, as defined in s. 775.30;

2819 (d) Murder, as defined in s. 782.04, s. 782.065, or s.  
2820 782.09;

2821 (e) Manslaughter or homicide, as defined in s. 782.07, s.  
2822 782.071, or s. 782.072;

2823 (f) Assault or battery, as defined in ss. 784.011 and  
2824 784.03, respectively, of one family or household member by



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2825 another family or household member, as defined in s. 741.28(3);  
2826 (g) Aggravated assault, as defined in s. 784.021;  
2827 (h) Felony battery, domestic battery by strangulation, or  
2828 aggravated battery, as defined in s. 784.03, s. 784.041, and s.  
2829 784.045, respectively;  
2830 (i) Stalking or aggravated stalking, as defined in s.  
2831 784.048;  
2832 (j) Luring or enticing a child, as defined in s. 787.025;  
2833 (k) Human trafficking, as defined in s. 787.06;  
2834 (l) Kidnapping or false imprisonment, as defined in s.  
2835 787.01 or s. 787.02;  
2836 (m) Any offense defined in chapter 794;  
2837 (n) Procuring a person less than 18 years of age for  
2838 prostitution, as defined in former s. 796.03;  
2839 (o) Lewd or lascivious offenses committed upon or in the  
2840 presence of persons less than 16 years of age, as defined in s.  
2841 800.04;  
2842 (p) Arson, as defined in s. 806.01;  
2843 (q) Burglary of a dwelling, as defined in s. 810.02;  
2844 (r) Voyeurism or video voyeurism, as defined in s. 810.14  
2845 and s. 810.145, respectively;  
2846 (s) Robbery or robbery by sudden snatching, as defined in  
2847 s. 812.13 and s. 812.131, respectively;  
2848 (t) Carjacking, as defined in s. 812.133;  
2849 (u) Home-invasion robbery, as defined in s. 812.135;  
2850 (v) A violation of the Florida Communications Fraud Act, as  
2851 provided in s. 817.034;  
2852 (w) Abuse of an elderly person or disabled adult, or  
2853 aggravated abuse of an elderly person or disabled adult, as



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2854 defined in s. 825.102;  
2855 (x) Lewd or lascivious offenses committed upon or in the  
2856 presence of an elderly person or disabled person, as defined in  
2857 s. 825.1025;  
2858 (y) Child abuse or aggravated child abuse, as defined in s.  
2859 827.03;  
2860 (z) Sexual performance by a child, as defined in s.  
2861 827.071;  
2862 (aa) Any offense defined in chapter 839;  
2863 (bb) Certain acts in connection with obscenity, as defined  
2864 in s. 847.0133;  
2865 (cc) Any offense defined in s. 847.0135;  
2866 (dd) Selling or buying of minors, as defined in s.  
2867 847.0145;  
2868 (ee) Aircraft piracy, as defined in s. 860.16;  
2869 (ff) Manufacturing a controlled substance in violation of  
2870 chapter 893;  
2871 (gg) Drug trafficking, as defined in s. 893.135; or  
2872 (hh) Any violation specified as a predicate offense for  
2873 registration as a sexual predator pursuant to s. 775.21, or  
2874 sexual offender pursuant to s. 943.0435, without regard to  
2875 whether that offense alone is sufficient to require such  
2876 registration.  
2877 Section 51. Section 943.0585, Florida Statutes, is amended  
2878 to read:  
2879 (Substantial rewording of section. See  
2880 s. 943.0585, F.S., for present text.)  
2881 943.0585 Court-ordered expunction of criminal history  
2882 records.-



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2883           (1) ELIGIBILITY.—A person is eligible to petition a court  
2884 to expunge a criminal history record if:

2885           (a) An indictment, information, or other charging document  
2886 was not filed or issued in the case giving rise to the criminal  
2887 history record.

2888           (b) An indictment, information, or other charging document  
2889 was filed or issued in the case giving rise to the criminal  
2890 history record, was dismissed or nolle prosequi by the state  
2891 attorney or statewide prosecutor, or was dismissed by a court of  
2892 competent jurisdiction or a judgment of acquittal was rendered  
2893 by a judge, or a verdict of not guilty was rendered by a judge  
2894 or jury.

2895           (c) The person is not seeking to expunge a criminal history  
2896 record that is ineligible for court-ordered expunction under s.  
2897 943.0584.

2898           (d) The person has never, as of the date the application  
2899 for a certificate of expunction is filed, been adjudicated  
2900 guilty in this state of a criminal offense or been adjudicated  
2901 delinquent in this state for committing any felony or any of the  
2902 following misdemeanors, unless the record of such adjudication  
2903 of delinquency has been expunged pursuant to s. 943.0515:

- 2904           1. Assault, as defined in s. 784.011;  
2905           2. Battery, as defined in s. 784.03;  
2906           3. Assault on a law enforcement officer, a firefighter, or  
2907 other specified officers, as defined in s. 784.07(2)(a);  
2908           4. Carrying a concealed weapon, as defined in s. 790.01(1);  
2909           5. Open carrying of a weapon, as defined in s. 790.053;  
2910           6. Unlawful possession or discharge of a weapon or firearm  
2911 at a school-sponsored event or on school property, as defined in



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2912 s. 790.115;  
2913 7. Unlawful use of destructive devices or bombs, as defined  
2914 in s. 790.1615(1);  
2915 8. Unlawful possession of a firearm, as defined in s.  
2916 790.22(5);  
2917 9. Exposure of sexual organs, as defined in s. 800.03;  
2918 10. Arson, as defined in s. 806.031(1);  
2919 11. Petit theft, as defined in s. 812.014(3);  
2920 12. Neglect of a child, as defined in s. 827.03(1)(e); or  
2921 13. Cruelty to animals, as defined in s. 828.12(1).  
2922 (e) The person has not been adjudicated guilty of, or  
2923 adjudicated delinquent for committing, any of the acts stemming  
2924 from the arrest or alleged criminal activity to which the  
2925 petition pertains.  
2926 (f) The person is no longer under court supervision  
2927 applicable to the disposition of arrest or alleged criminal  
2928 activity to which the petition to expunge pertains.  
2929 (g) The person has never secured a prior sealing or  
2930 expunction of a criminal history record under this section, s.  
2931 943.059, former s. 893.14, former s. 901.33, or former s.  
2932 943.058, unless expunction is sought of a criminal history  
2933 record previously sealed for 10 years pursuant to paragraph (h)  
2934 and the record is otherwise eligible for expunction.  
2935 (h) The person has previously obtained a court-ordered  
2936 sealing the criminal history record under s. 943.059, former s.  
2937 893.14, former s. 901.33, or former s. 943.058 for a minimum of  
2938 10 years because adjudication was withheld or because all  
2939 charges related to the arrest or alleged criminal activity to  
2940 which the petition to expunge pertains were not dismissed before



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2941 trial, without regard to whether the outcome of the trial was  
2942 other than an adjudication of guilt. The requirement for the  
2943 record to have previously been sealed for a minimum of 10 years  
2944 does not apply if a plea was not entered or all charges related  
2945 to the arrest or alleged criminal activity to which the petition  
2946 to expunge pertains were dismissed before trial or a judgment of  
2947 acquittal was rendered by a judge or a verdict of not guilty was  
2948 rendered by a judge or jury.

2949 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court  
2950 to expunge a criminal history record, a person seeking to  
2951 expunge a criminal history record must apply to the department  
2952 for a certificate of eligibility for expunction. The department  
2953 shall adopt rules to establish procedures for applying for and  
2954 issuing a certificate of eligibility for expunction.

2955 (a) The department shall issue a certificate of eligibility  
2956 for expunction to a person who is the subject of a criminal  
2957 history record if that person:

2958 1. Satisfies the eligibility criteria in paragraphs (1) (a)-  
2959 (h) and is not ineligible under s. 943.0584.

2960 2. Has submitted to the department a written certified  
2961 statement from the appropriate state attorney or statewide  
2962 prosecutor which confirms the criminal history record complies  
2963 with the criteria in paragraph (1) (a) or paragraphs (1) (b) and  
2964 (c).

2965 3. Has submitted to the department a certified copy of the  
2966 disposition of the charge to which the petition to expunge  
2967 pertains.

2968 4. Remits a \$75 processing fee to the department for  
2969 placement in the Department of Law Enforcement Operating Trust



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2970 Fund, unless the executive director waives such fee.

2971 (b) A certificate of eligibility for expunction is valid

2972 for 12 months after the date stamped on the certificate when

2973 issued by the department. After that time, the petitioner must

2974 reapply to the department for a new certificate of eligibility.

2975 The petitioner's status and the law in effect at the time of the

2976 renewal application determine the petitioner's eligibility.

2977 (3) PETITION.—Each petition to expunge a criminal history

2978 record must be accompanied by:

2979 (a) A valid certificate of eligibility issued by the

2980 department.

2981 (b) The petitioner's sworn statement that he or she:

2982 1. Satisfies the eligibility requirements for expunction in

2983 subsection (1).

2984 2. Is eligible for expunction to the best of his or her

2985 knowledge and does not have any other petition to seal or

2986 expunge a criminal history record pending before any court.

2987

2988 A person who knowingly provides false information on such sworn

2989 statement commits a felony of the third degree, punishable as

2990 provided in s. 775.082, s. 775.083, or s. 775.084.

2991 (4) COURT AUTHORITY.—

2992 (a) The courts of this state have jurisdiction over their

2993 own procedures, including the maintenance, expunction, and

2994 correction of judicial records containing criminal history

2995 information to the extent that such procedures are not

2996 inconsistent with the conditions, responsibilities, and duties

2997 established by this section.

2998 (b) A court of competent jurisdiction may order a criminal





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2999 justice agency to expunge the criminal history record of a minor  
3000 or an adult who complies with the requirements of this section.  
3001 The court may not order a criminal justice agency to expunge a  
3002 criminal history record until the person seeking to expunge a  
3003 criminal history record has applied for and received a  
3004 certificate of eligibility under subsection (2).

3005 (c) The court may order expunction of a criminal history  
3006 record pertaining to one arrest or one incident of alleged  
3007 criminal activity only, except that the court may order the  
3008 expunction of a criminal history record pertaining to more than  
3009 one arrest if the additional arrests directly relate to the  
3010 original arrest. If the court intends to order the expunction of  
3011 records pertaining to such additional arrests, such intent must  
3012 be specified in the order. A criminal justice agency may not  
3013 expunge any record pertaining to such additional arrests if the  
3014 order to expunge does not articulate the intention of the court  
3015 to expunge a record pertaining to more than one arrest. This  
3016 section does not prevent the court from ordering the expunction  
3017 of only a portion of a criminal history record pertaining to one  
3018 arrest or one incident of alleged criminal activity.

3019 (d) Notwithstanding any law to the contrary, a criminal  
3020 justice agency may comply with laws, court orders, and official  
3021 requests of other jurisdictions relating to expunction,  
3022 correction, or confidential handling of criminal history records  
3023 or information derived therefrom.

3024 (e) This section does not confer any right to expunction of  
3025 any criminal history record, and any request for expunction of a  
3026 criminal history record may be denied at the sole discretion of  
3027 the court.



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3028 (5) PROCESSING OF A PETITION OR AN ORDER.-

3029 (a) In judicial proceedings under this section, a copy of  
3030 the completed petition to expunge shall be served upon the  
3031 appropriate state attorney or the statewide prosecutor and upon  
3032 the arresting agency; however, it is not necessary to make any  
3033 agency other than the state a party. The appropriate state  
3034 attorney or the statewide prosecutor and the arresting agency  
3035 may respond to the court regarding the completed petition to  
3036 expunge.

3037 (b) If relief is granted by the court, the clerk of the  
3038 court shall certify copies of the order to the appropriate state  
3039 attorney or the statewide prosecutor and the arresting agency.  
3040 The arresting agency shall forward the order to any other agency  
3041 to which the arresting agency disseminated the criminal history  
3042 record information to which the order pertains. The department  
3043 shall forward the order to expunge to the Federal Bureau of  
3044 Investigation. The clerk of the court shall certify a copy of  
3045 the order to any other agency which the records of the court  
3046 reflect has received the criminal history record from the court.

3047 (c) The department or any other criminal justice agency is  
3048 not required to act on an order to expunge entered by a court  
3049 when such order does not comply with the requirements of this  
3050 section. Upon receipt of such an order, the department must  
3051 notify the issuing court, the appropriate state attorney or  
3052 statewide prosecutor, the petitioner or the petitioner's  
3053 attorney, and the arresting agency of the reason for  
3054 noncompliance. The appropriate state attorney or statewide  
3055 prosecutor shall take action within 60 days to correct the  
3056 record and petition the court to void the order. No cause of



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3057 action, including contempt of court, shall arise against any  
3058 criminal justice agency for failure to comply with an order to  
3059 expunge when the petitioner for such order failed to obtain the  
3060 certificate of eligibility as required by this section or such  
3061 order does not otherwise comply with the requirements of this  
3062 section.

3063 (6) EFFECT OF EXPUNCTION ORDER.—

3064 (a) Any criminal history record of a minor or an adult  
3065 which is ordered expunged by a court of competent jurisdiction  
3066 pursuant to this section must be physically destroyed or  
3067 obliterated by any criminal justice agency having custody of  
3068 such record, except that any criminal history record in the  
3069 custody of the department must be retained in all cases. A  
3070 criminal history record ordered expunged which is retained by  
3071 the department is confidential and exempt from s. 119.07(1) and  
3072 s. 24(a), Art. I of the State Constitution and not available to  
3073 any person or entity except upon order of a court of competent  
3074 jurisdiction. A criminal justice agency may retain a notation  
3075 indicating compliance with an order to expunge.

3076 (b) The person who is the subject of a criminal history  
3077 record that is expunged under this section or under other  
3078 provisions of law, including former s. 893.14, former s. 901.33,  
3079 and former s. 943.058, may lawfully deny or fail to acknowledge  
3080 the arrests covered by the expunged record, except when the  
3081 subject of the record:

- 3082 1. Is a candidate for employment with a criminal justice  
3083 agency;  
3084 2. Is a defendant in a criminal prosecution;  
3085 3. Concurrently or subsequently petitions for relief under



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3086 this section, s. 943.0583, or s. 943.059;  
3087 4. Is a candidate for admission to The Florida Bar;  
3088 5. Is seeking to be employed or licensed by or to contract  
3089 with the Department of Children and Families, the Division of  
3090 Vocational Rehabilitation within the Department of Education,  
3091 the Agency for Health Care Administration, the Agency for  
3092 Persons with Disabilities, the Department of Health, the  
3093 Department of Elderly Affairs, or the Department of Juvenile  
3094 Justice or to be employed or used by such contractor or licensee  
3095 in a sensitive position having direct contact with children, the  
3096 disabled, or the elderly;  
3097 6. Is seeking to be employed or licensed by the Department  
3098 of Education, any district school board, any university  
3099 laboratory school, any charter school, any private or parochial  
3100 school, or any local governmental entity that licenses child  
3101 care facilities;  
3102 7. Is seeking to be licensed by the Division of Insurance  
3103 Agent and Agency Services within the Department of Financial  
3104 Services; or  
3105 8. Is seeking to be appointed as a guardian pursuant to s.  
3106 744.3125.  
3107 (c) Subject to the exceptions in paragraph (b), a person  
3108 who has been granted an expunction under this section, former s.  
3109 893.14, former s. 901.33, or former s. 943.058 may not be held  
3110 under any provision of law of this state to commit perjury or to  
3111 be otherwise liable for giving a false statement by reason of  
3112 such person's failure to recite or acknowledge an expunged  
3113 criminal history record.  
3114 (d) Information relating to the existence of an expunged



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3115 criminal history record which is provided in accordance with  
3116 paragraph (a) is confidential and exempt from s. 119.07(1) and  
3117 s. 24(a), Art. I of the State Constitution, except that the  
3118 department shall disclose the existence of a criminal history  
3119 record ordered expunged to the entities set forth in  
3120 subparagraphs (b)1., 4., 5., 6., 7., and 8. for their respective  
3121 licensing, access authorization, and employment purposes and to  
3122 criminal justice agencies for their respective criminal justice  
3123 purposes. It is unlawful for any employee of an entity set forth  
3124 in subparagraph (b)1., 4., 5., 6., 7., or 8. to disclose  
3125 information relating to the existence of an expunged criminal  
3126 history record of a person seeking employment, access  
3127 authorization, or licensure with such entity or contractor,  
3128 except to the person to whom the criminal history record relates  
3129 or to persons having direct responsibility for employment,  
3130 access authorization, or licensure decisions. A person who  
3131 violates this paragraph commits a misdemeanor of the first  
3132 degree, punishable as provided in s. 775.082 or s. 775.083.

3133 Section 52. Section 943.059, Florida Statutes, is amended  
3134 to read:

3135 (Substantial rewording of section. See  
3136 s. 943.059, F.S., for present text.)

3137 943.059 Court-ordered sealing of criminal history records.-

3138 (1) ELIGIBILITY.-A person is eligible to petition a court  
3139 to seal a criminal history record when:

3140 (a) The criminal history record is not ineligible for  
3141 court-ordered sealing under s. 943.0584.

3142 (b) The person has never, before the date the application  
3143 for a certificate of eligibility is filed, been adjudicated



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3144 guilty in this state of a criminal offense, or been adjudicated  
3145 delinquent in this state for committing any felony or any of the  
3146 following misdemeanor offenses, unless the record of such  
3147 adjudication of delinquency has been expunged pursuant to s.  
3148 943.0515:

- 3149 1. Assault, as defined in s. 784.011;
- 3150 2. Battery, as defined in s. 784.03;
- 3151 3. Assault on a law enforcement officer, a firefighter, or  
3152 other specified officers, as defined in s. 784.07(2)(a);
- 3153 4. Carrying a concealed weapon, as defined in s. 790.01(1);
- 3154 5. Open carrying of a weapon, as defined in s. 790.053;
- 3155 6. Unlawful possession or discharge of a weapon or firearm  
3156 at a school-sponsored event or on school property, as defined in  
3157 s. 790.115;
- 3158 7. Unlawful use of destructive devices or bombs, as defined  
3159 in s. 790.1615(1);
- 3160 8. Unlawful possession of a firearm by a minor, as defined  
3161 in s. 790.22(5);
- 3162 9. Exposure of sexual organs, as defined in s. 800.03;
- 3163 10. Arson, as defined in s. 806.031(1);
- 3164 11. Petit theft, as defined in s. 812.014(3);
- 3165 12. Neglect of a child, as defined in s. 827.03(1)(e); or
- 3166 13. Cruelty to animals, as defined in s. 828.12(10).

3167 (c) The person has not been adjudicated guilty of, or  
3168 adjudicated delinquent for committing, any of the acts stemming  
3169 from the arrest or alleged criminal activity to which the  
3170 petition to seal pertains.

3171 (d) The person is no longer under court supervision  
3172 applicable to the disposition of arrest or alleged criminal



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3173 activity to which the petition to seal pertains.

3174 (e) The person has never secured a prior sealing or  
3175 expunction of a criminal history record under this section, s.  
3176 943.0585, former s. 893.14, former s. 901.33, or former s.  
3177 943.058.

3178 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the  
3179 court to seal a criminal history record, a person seeking to  
3180 seal a criminal history record must apply to the department for  
3181 a certificate of eligibility for sealing. The department shall  
3182 adopt rules relating to the application for and issuance of  
3183 certificates of eligibility for sealing.

3184 (a) The department shall issue a certificate of eligibility  
3185 for sealing to a person who is the subject of a criminal history  
3186 record if that person:

3187 1. Satisfies the eligibility criteria in paragraphs (1) (a)–  
3188 (e) and is not ineligible for court-ordered sealing under s.  
3189 943.0584.

3190 2. Has submitted to the department a certified copy of the  
3191 disposition of charge to which the petition pertains.

3192 3. Remits a \$75 processing fee to the department for  
3193 placement in the Department of Law Enforcement Operating Trust  
3194 Fund, unless the executive director waives such fee.

3195 (b) A certificate of eligibility for sealing is valid for  
3196 12 months after the date stamped on the certificate when issued  
3197 by the department. After that time, the petitioner must reapply  
3198 to the department for a new certificate of eligibility. The  
3199 status of the applicant and the law in effect at the time of the  
3200 renewal application determine the petitioner’s eligibility.

3201 (3) PETITION.—Each petition to a court to seal a criminal



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3202 history record is complete only when accompanied by:  
3203 (a) A valid certificate of eligibility issued by the  
3204 department pursuant to this section.  
3205 (b) The petitioner's sworn statement that the petitioner:  
3206 1. Satisfies the eligibility requirements for sealing in  
3207 subsection (1).  
3208 2. Is eligible for sealing to the best of his or her  
3209 knowledge and does not have any other petition to seal or  
3210 expunge a criminal history record pending before any court.  
3211  
3212 Any person who knowingly provides false information on such  
3213 sworn statement to the court commits a felony of the third  
3214 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
3215 775.084.  
3216 (4) COURT AUTHORITY.—  
3217 (a) The courts of this state have jurisdiction over their  
3218 own procedures, including the maintenance, sealing, and  
3219 correction of judicial records containing criminal history  
3220 information to the extent that such procedures are not  
3221 inconsistent with the conditions, responsibilities, and duties  
3222 established by this section.  
3223 (b) Any court of competent jurisdiction may order a  
3224 criminal justice agency to seal the criminal history record of a  
3225 minor or an adult who complies with the requirements of this  
3226 section. The court may not order a criminal justice agency to  
3227 seal a criminal history record until the person seeking to seal  
3228 a criminal history record has applied for and received a  
3229 certificate of eligibility pursuant to subsection (2).  
3230 (c) The court may order the sealing of a criminal history





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3231 record pertaining to one arrest or one incident of alleged  
3232 criminal activity only, except the court may order the sealing  
3233 of a criminal history record pertaining to more than one arrest  
3234 if the additional arrests directly relate to the original  
3235 arrest. If the court intends to order the sealing of records  
3236 pertaining to such additional arrests, such intent must be  
3237 specified in the order. A criminal justice agency may not seal  
3238 any record pertaining to such additional arrests if the order to  
3239 seal does not articulate the intention of the court to seal a  
3240 record pertaining to more than one arrest. This section does not  
3241 prevent the court from ordering the sealing of only a portion of  
3242 a criminal history record pertaining to one arrest or one  
3243 incident of alleged criminal activity.

3244 (d) Notwithstanding any law to the contrary, a criminal  
3245 justice agency may comply with laws, court orders, and official  
3246 requests of other jurisdictions relating to sealing, correction,  
3247 or confidential handling of criminal history records or  
3248 information derived therefrom.

3249 (e) This section does not confer any right to the sealing  
3250 of any criminal history record, and any request for sealing of a  
3251 criminal history record may be denied at the sole discretion of  
3252 the court.

3253 (5) PROCESSING OF A PETITION OR ORDER.—

3254 (a) In judicial proceedings under this section, a copy of  
3255 the completed petition to seal shall be served upon the  
3256 appropriate state attorney or the statewide prosecutor and upon  
3257 the arresting agency; however, it is not necessary to make any  
3258 agency other than the state a party. The appropriate state  
3259 attorney or the statewide prosecutor and the arresting agency



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3260 may respond to the court regarding the completed petition to  
3261 seal.

3262 (b) If relief is granted by the court, the clerk of the  
3263 court shall certify copies of the order to the appropriate state  
3264 attorney or the statewide prosecutor and the arresting agency.  
3265 The arresting agency is responsible for forwarding the order to  
3266 any other agency to which the arresting agency disseminated the  
3267 criminal history record information to which the order pertains.  
3268 The department shall forward the order to seal to the Federal  
3269 Bureau of Investigation. The clerk of the court shall certify a  
3270 copy of the order to any other agency that the records of the  
3271 court reflect has received the criminal history record from the  
3272 court.

3273 (c) The department or any other criminal justice agency is  
3274 not required to act on an order to seal entered by a court when  
3275 such order does not comply with the requirements of this  
3276 section. Upon receipt of such an order, the department must  
3277 notify the issuing court, the appropriate state attorney or  
3278 statewide prosecutor, the petitioner or the petitioner's  
3279 attorney, and the arresting agency of the reason for  
3280 noncompliance. The appropriate state attorney or statewide  
3281 prosecutor shall take action within 60 days to correct the  
3282 record and petition the court to void the order. No cause of  
3283 action, including contempt of court, shall arise against any  
3284 criminal justice agency for failure to comply with an order to  
3285 seal when the petitioner for such order failed to obtain the  
3286 certificate of eligibility as required by this section or such  
3287 order does not otherwise comply with the requirements of this  
3288 section.



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3289           (6) EFFECT OF ORDER.—  
3290           (a) A criminal history record of a minor or an adult which  
3291 is ordered sealed by a court pursuant to this section is  
3292 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
3293 of the State Constitution and is available only to the following  
3294 persons:  
3295           1. The subject of the record;  
3296           2. The subject's attorney;  
3297           3. Criminal justice agencies for their respective criminal  
3298 justice purposes, which include conducting a criminal history  
3299 background check for approval of firearms purchases or transfers  
3300 as authorized by state or federal law;  
3301           4. Judges in the state courts system for the purpose of  
3302 assisting them in their case-related decisionmaking  
3303 responsibilities, as set forth in s. 943.053(5); or  
3304           5. To those entities set forth in subparagraphs (b)1., 4.,  
3305 5., 6., 8., 9., and 10. for their respective licensing access  
3306 authorization and employment purposes.  
3307           (b) The subject of the criminal history record sealed under  
3308 this section or under other provisions of law, including former  
3309 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
3310 deny or fail to acknowledge the arrests covered by the sealed  
3311 record, except when the subject of the record:  
3312           1. Is a candidate for employment with a criminal justice  
3313 agency;  
3314           2. Is a defendant in a criminal prosecution;  
3315           3. Concurrently or subsequently petitions for relief under  
3316 this section, s. 943.0583, or s. 943.0585;  
3317           4. Is a candidate for admission to The Florida Bar;



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3318           5. Is seeking to be employed or licensed by or to contract  
3319 with the Department of Children and Families, the Division of  
3320 Vocational Rehabilitation within the Department of Education,  
3321 the Agency for Health Care Administration, the Agency for  
3322 Persons with Disabilities, the Department of Health, the  
3323 Department of Elderly Affairs, or the Department of Juvenile  
3324 Justice or to be employed or used by such contractor or licensee  
3325 in a sensitive position having direct contact with children, the  
3326 disabled, or the elderly;

3327           6. Is seeking to be employed or licensed by the Department  
3328 of Education, a district school board, a university laboratory  
3329 school, a charter school, a private or parochial school, or a  
3330 local governmental entity that licenses child care facilities;

3331           7. Is attempting to purchase a firearm from a licensed  
3332 importer, licensed manufacturer, or licensed dealer and is  
3333 subject to a criminal history check under state or federal law;

3334           8. Is seeking to be licensed by the Division of Insurance  
3335 Agent and Agency Services within the Department of Financial  
3336 Services;

3337           9. Is seeking to be appointed as a guardian pursuant to s.  
3338 744.3125; or

3339           10. Is seeking to be licensed by the Bureau of License  
3340 Issuance of the Division of Licensing within the Department of  
3341 Agriculture and Consumer Services to carry a concealed weapon or  
3342 concealed firearm. This subparagraph applies only in the  
3343 determination of an applicant's eligibility under s. 790.06.

3344           (c) Subject to the exceptions in paragraph (b), a person  
3345 who has been granted a sealing under this section, former s.  
3346 893.14, former s. 901.33, or former s. 943.058 may not be held



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3347 under any provision of law of this state to commit perjury or to  
3348 be otherwise liable for giving a false statement by reason of  
3349 such person's failure to recite or acknowledge a sealed criminal  
3350 history record.

3351 (d) Information relating to the existence of a sealed  
3352 criminal history record provided in accordance with paragraph  
3353 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),  
3354 Art. I of the State Constitution, except that the department  
3355 shall disclose the sealed criminal history record to the  
3356 entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9.,  
3357 and 10. for their respective licensing, access authorization,  
3358 and employment purposes. An employee of an entity set forth in  
3359 subparagraph (b)1., (b)4., (b)5., (b)6., (b)8., (b)9., or (b)10.  
3360 may not disclose information relating to the existence of a  
3361 sealed criminal history record of a person seeking employment,  
3362 access authorization, or licensure with such entity or  
3363 contractor, except to the person to whom the criminal history  
3364 record relates or to persons having direct responsibility for  
3365 employment, access authorization, or licensure decisions. A  
3366 person who violates this paragraph commits a misdemeanor of the  
3367 first degree, punishable as provided in s. 775.082 or s.  
3368 775.083.

3369 Section 53. Section 943.0595, Florida Statutes, is created  
3370 to read:

3371 943.0595 Automatic sealing of criminal history records.—

3372 (1) RULEMAKING.—Notwithstanding any law dealing generally  
3373 with the preservation and destruction of public records, the  
3374 department shall adopt rules addressing the automatic sealing of  
3375 any criminal history record of a minor or adult described in



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3376 this section.

3377 (2) ELIGIBILITY.—

3378 (a) The department shall automatically seal a criminal  
3379 history record that does not result from an indictment,  
3380 information, or other charging document for a forcible felony as  
3381 defined in s. 776.08 or for an offense enumerated in s.  
3382 943.0435(1)(h)1.a.(I), if:

3383 1. An indictment, information, or other charging document  
3384 was not filed or issued in the case giving rise to the criminal  
3385 history record.

3386 2. An indictment, information, or other charging document  
3387 was filed in the case giving rise to the criminal history  
3388 record, but was dismissed or nolle prosequi by the state  
3389 attorney or statewide prosecutor or was dismissed by a court of  
3390 competent jurisdiction. However, a person is not eligible for  
3391 automatic sealing under this section if the dismissal was  
3392 pursuant to s. 916.145 or s. 985.19.

3393 3. A not guilty verdict was rendered by a judge or jury.  
3394 However, a person is not eligible for automatic sealing under  
3395 this section if the defendant was found not guilty by reason of  
3396 insanity.

3397 4. A judgment of acquittal was rendered by a judge.

3398 (b) There is no limitation on the number of times a person  
3399 may obtain an automatic sealing for a criminal history record  
3400 described in paragraph (a).

3401 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

3402 (a) Upon the disposition of a criminal case resulting in a  
3403 criminal history record eligible for automatic sealing under  
3404 paragraph (2)(a), the clerk of the court shall transmit a



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3405 certified copy of the disposition of the criminal history record  
3406 to the department, which shall seal the criminal history record  
3407 upon receipt of the certified copy.

3408 (b) Automatic sealing of a criminal history record does not  
3409 require sealing by the court or other criminal justice agencies,  
3410 or that such record be surrendered to the court, and such record  
3411 shall continue to be maintained by the department and other  
3412 criminal justice agencies.

3413 (c) Except as provided in this section, automatic sealing  
3414 of a criminal history record shall have the same effect, and the  
3415 department may disclose such a record in the same manner, as a  
3416 record sealed under s. 943.059.

3417 Section 54. Effective upon this act becoming a law,  
3418 subsections (9) and (10) are added to section 943.6871, Florida  
3419 Statutes, to read:

3420 943.6871 Criminal justice data transparency.—In order to  
3421 facilitate the availability of comparable and uniform criminal  
3422 justice data, the department shall:

3423 (9) Keep all information received by the department under  
3424 s. 900.05 which is confidential and exempt when collected by the  
3425 reporting agency confidential and exempt for purposes of this  
3426 section and s. 900.05.

3427 (10) (a) By October 1, 2019, assist the Criminal and  
3428 Juvenile Justice Information Systems Council in developing  
3429 specifications for a uniform arrest affidavit to be used by each  
3430 state, county, and municipal law enforcement agency to  
3431 facilitate complete, accurate, and timely collection and  
3432 reporting of data from each criminal offense arrest. The uniform  
3433 arrest affidavit must at a minimum include all of the following:



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- 3434 1. Identification of the arrestee.
- 3435 2. Details of the arrest, including each charge.
- 3436 3. Details of each vehicle and item seized at the time of
- 3437 arrest.
- 3438 4. Juvenile arrestee information.
- 3439 5. Release information.

3440

3441 The uniform arrest affidavit specifications must also include

3442 guidelines for developing a uniform criminal charge and

3443 disposition statute crosswalk table to be used by each law

3444 enforcement agency, state attorney, and jail administrator; and

3445 guidelines for developing a uniform criminal disposition and

3446 sentencing statute crosswalk table to be used by each clerk of

3447 the court.

3448 (b) By January 1, 2020, subject to appropriation, the

3449 department shall procure a uniform arrest affidavit, a uniform

3450 criminal charge and disposition statute crosswalk table, and a

3451 uniform criminal disposition and sentencing statute crosswalk

3452 table following the specifications developed under paragraph

3453 (a). The department shall provide training on use of the

3454 affidavit and crosswalk tables to each state, county, and

3455 municipal law enforcement agency, clerk of the court, state

3456 attorney, and jail administrator, as appropriate.

3457 (c) By July 1, 2020, each state, county, and municipal law

3458 enforcement agency must use the uniform arrest affidavit, each

3459 state attorney and jail administrator must use the uniform

3460 criminal charge and statute crosswalk table, and each clerk of

3461 the court must use the uniform criminal disposition and

3462 sentencing statute crosswalk table.





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3463 Section 55. Section 944.40, Florida Statutes, is amended to  
3464 read:

3465 944.40 Escapes; penalty.—Any prisoner confined in, or  
3466 released on furlough from, any prison, jail, private  
3467 correctional facility, road camp, or other penal institution,  
3468 whether operated by the state, a county, or a municipality, or  
3469 operated under a contract with the state, a county, or a  
3470 municipality, working upon the public roads, or being  
3471 transported to or from a place of confinement who escapes or  
3472 attempts to escape from such confinement commits a felony of the  
3473 second degree, punishable as provided in s. 775.082, s. 775.083,  
3474 or s. 775.084. The punishment of imprisonment imposed under this  
3475 section shall run consecutive to any former sentence imposed  
3476 upon any prisoner.

3477 Section 56. Subsection (2) of section 944.47, Florida  
3478 Statutes, is amended to read:

3479 944.47 Introduction, removal, or possession of contraband  
3480 ~~certain articles unlawful~~; penalty.—

3481 (2) (a) A person who violates ~~any provision of~~ this section  
3482 as it pertains to an article of contraband described in  
3483 subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph  
3484 (1)(a)6. commits a felony of the third degree, punishable as  
3485 provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In~~  
3486 ~~all other cases,~~ a violation of ~~a provision of~~ this section is  
3487 ~~constitutes~~ a felony of the second degree, punishable as  
3488 provided in s. 775.082, s. 775.083, or s. 775.084.

3489 (b) A violation of this section by an employee, as defined  
3490 in s. 944.115(2)(b), who uses or attempts to use the powers,  
3491 rights, privileges, duties, or position of his or her employment



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3492 in the commission of the violation is ranked one level above the  
3493 ranking specified in s. 921.0022 or s. 921.0023 for the offense  
3494 committed.

3495 Section 57. Section 944.704, Florida Statutes, is amended  
3496 to read:

3497 944.704 Staff who provide transition assistance; duties.—

3498 (1) The department shall provide a transition assistance  
3499 specialist at each of the major institutions.

3500 (2) The department may increase the number of transition  
3501 assistance specialists in proportion to the number of inmates  
3502 served at each of the major institutions and may increase the  
3503 number of employment specialists per judicial circuit based on  
3504 the number of released inmates served under community  
3505 supervision in that circuit, subject to appropriations.

3506 (3) The transition assistance specialists' ~~whose~~ duties  
3507 include, but are not limited to:

3508 (a)~~(1)~~ Coordinating delivery of transition assistance  
3509 program services at the institution and at the community  
3510 correctional centers authorized pursuant to s. 945.091(1)(b).

3511 (b)~~(2)~~ Assisting in the development of each inmate's  
3512 postrelease plan.

3513 (c)~~(3)~~ Obtaining job placement information. Such  
3514 information must include identifying any job assignment  
3515 credentialing or industry certifications for which the inmate is  
3516 eligible.

3517 (d)~~(4)~~ Providing a written medical discharge plan and  
3518 referral to a county health department.

3519 (e)~~(5)~~ For an inmate who is known to be HIV positive,  
3520 providing a 30-day supply of all HIV/AIDS-related medication



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3521 that the inmate is taking before ~~prior to~~ release, if required  
3522 under protocols of the Department of Corrections and treatment  
3523 guidelines of the United States Department of Health and Human  
3524 Services.

3525 (f) ~~(6)~~ Facilitating placement in a private transition  
3526 housing program, if requested by any eligible inmate. If an  
3527 inmate who is nearing his or her date of release requests  
3528 placement in a contracted substance abuse transition housing  
3529 program, the transition assistance specialist shall inform the  
3530 inmate of program availability and assess the inmate's need and  
3531 suitability for transition housing assistance. If an inmate is  
3532 approved for placement, the specialist shall assist the inmate  
3533 and coordinate the release of the inmate with the selected  
3534 program. If an inmate requests and is approved for placement in  
3535 a contracted faith-based substance abuse transition housing  
3536 program, the specialist must consult with the chaplain before  
3537 ~~prior to~~ such placement. In selecting inmates who are nearing  
3538 their date of release for placement in a faith-based program,  
3539 the department shall ensure that an inmate's faith orientation,  
3540 or lack thereof, will not be considered in determining admission  
3541 to the program and that the program does not attempt to convert  
3542 an inmate toward a particular faith or religious preference.

3543 (g) ~~(7)~~ Providing a photo identification card to all inmates  
3544 before ~~prior to~~ their release.

3545 (4) A ~~The~~ transition assistance specialist may not be a  
3546 correctional officer or correctional probation officer as  
3547 defined in s. 943.10.

3548 Section 58. Present subsections (3) through (6) of section  
3549 944.705, Florida Statutes, are redesignated as subsections (4)



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3550 through (7), respectively, and a new subsection (3) and  
3551 subsections (8) through (12) are added to that section, to read:

3552 944.705 Release orientation program.—

3553 (3)(a) The department shall establish a toll-free hotline  
3554 for the benefit of released inmates. The hotline shall provide  
3555 information to released inmates seeking to obtain post-release  
3556 referrals for community-based reentry services.

3557 (b) Before an inmate's release, the department shall  
3558 provide the inmate with a comprehensive community reentry  
3559 resource directory organized by county and which must include  
3560 the name, address, and a description of the services offered by  
3561 each reentry service provider. The directory must also include  
3562 the name, address, and telephone number of existing portals of  
3563 entry and the toll-free hotline number required by paragraph  
3564 (a).

3565 (c) The department shall expand the use of a department-  
3566 approved risk and needs assessment system to provide inmates and  
3567 offenders with community-specific reentry service provider  
3568 referrals.

3569 (8) A nonprofit faith-based or professional business, or a  
3570 civic or community organization, may apply for registration with  
3571 the department to provide inmate reentry services. Reentry  
3572 services include, but are not limited to, counseling; providing  
3573 information on housing and job placement; money management  
3574 assistance; and programs that address substance abuse, mental  
3575 health, or co-occurring conditions.

3576 (9) The department shall adopt policies and procedures for  
3577 screening, approving, and registering an organization that  
3578 applies under subsection (8). The department may deny approval



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3579 and registration of an organization or a representative from an  
3580 organization if it determines that the organization or  
3581 representative does not meet the department's policies and  
3582 procedures.

3583 (10) The department may contract with a public or private  
3584 educational institution's veteran advocacy clinic or veteran  
3585 legal clinic to assist qualified veteran inmates in applying for  
3586 veterans' benefits upon release.

3587 (11) The department may contract with public or private  
3588 organizations to establish transitional employment programs that  
3589 provide employment opportunities for released inmates.

3590 (12) The department shall adopt rules to implement this  
3591 section.

3592 Section 59. Present subsections (4), (5), and (6) of  
3593 section 944.801, Florida Statutes, are redesignated as  
3594 subsections (7), (8), and (9), respectively, and new subsections  
3595 (4), (5), and (6) are added to that section, to read:

3596 944.801 Education for state prisoners.—

3597 (4) The department may expand the use of job assignment  
3598 credentialing and industry certifications.

3599 (5) The Correctional Education Program may establish a  
3600 prison entrepreneurship program and adopt procedures for  
3601 admitting student inmates. If the department elects to develop  
3602 the program, it must include at least 180 days of in-prison  
3603 education. The program curriculum must include a component on  
3604 developing a business plan, procedures for graduation and  
3605 certification of successful student inmates, and at least 90  
3606 days of transitional and postrelease continuing educational  
3607 services. Transitional and postrelease continuing educational



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3608 services may be offered to graduate student inmates on a  
3609 voluntary basis and are not a requirement for completion of the  
3610 program. The department shall enter into agreements with public  
3611 or private colleges or universities, other nonprofit entities,  
3612 or other authorized provider under s. 1002.45(1)(a)1. to  
3613 implement the program. The program must be funded with existing  
3614 resources.

3615 (6) The Correctional Education Program may work in  
3616 cooperation with the Department of Agriculture and Consumer  
3617 Services, Florida Forestry Service Division, and the Florida  
3618 Department of Financial Services, Division of State Fire  
3619 Marshall to develop a program for implementation within state  
3620 correctional institutions or correctional facilities to train  
3621 and certify inmates as firefighters. The program should include,  
3622 but not be limited to, certification of inmates as state forest  
3623 staff trained to help protect homes, forestland, and natural  
3624 resources from the effects of wildfires throughout the state.

3625 Section 60. Subsection (1) of section 948.001, Florida  
3626 Statutes, is amended to read:

3627 948.001 Definitions.—As used in this chapter, the term:

3628 (1) "Administrative probation" means a form of no contact,  
3629 nonreporting supervision. A court may order administrative  
3630 probation, or the Department of Corrections may transfer an  
3631 offender to administrative probation, as provided in s. 948.013  
3632 in which an offender who presents a low risk of harm to the  
3633 community may, upon satisfactory completion of half the term of  
3634 probation, be transferred by the Department of Corrections to  
3635 this type of reduced level of supervision, as provided in s.  
3636 948.013.



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3637 Section 61. Subsection (1) of section 948.013, Florida  
3638 Statutes, is amended to read:

3639 948.013 Administrative probation.—

3640 (1) The Department of Corrections may transfer an offender  
3641 to administrative probation if he or she presents a low risk of  
3642 harm to the community and has satisfactorily completed at least  
3643 half of his or her probation term. The department of Corrections  
3644 may establish procedures for transferring an offender to  
3645 administrative probation. The department may collect an initial  
3646 processing fee of up to \$50 for each probationer transferred to  
3647 administrative probation. The offender is exempt from further  
3648 payment for the cost of supervision as required in s. 948.09.

3649 Section 62. Subsections (4), (5), and (6) are added to  
3650 section 948.04, Florida Statutes, to read:

3651 948.04 Period of probation; duty of probationer; early  
3652 termination; conversion of term.—

3653 (4) Except as provided in subsection (5), for defendants  
3654 sentenced to probation on or after October 1, 2019, the court,  
3655 upon motion by the probationer or the probation officer, shall  
3656 either early terminate the probationer's supervision or convert  
3657 the supervisory term to administrative probation if all of the  
3658 following requirements are met:

3659 (a) The probationer has completed at least half of the term  
3660 of probation to which he or she was sentenced.

3661 (b) The probationer has successfully completed all other  
3662 conditions of probation.

3663 (c) The court has not found the probationer in violation of  
3664 probation pursuant to a filed affidavit of violation of  
3665 probation at any point during the current supervisory term.



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3666           (d) The parties did not specifically exclude the  
3667 possibility of early termination or conversion to administrative  
3668 probation as part of a negotiated sentence.

3669           (e) The probationer does not qualify as a violent felony  
3670 offender of special concern under s. 948.06(8)(b).

3671           (5) Upon making written findings that continued reporting  
3672 probation is necessary to protect the community or the interests  
3673 of justice, the court may decline to early terminate the  
3674 probationary term or convert the term to administrative  
3675 probation for a probationer who is otherwise eligible under  
3676 subsection (4).

3677           (6) Subsections (4) and (5) do not apply to an offender on  
3678 community control. If an offender on community control is  
3679 subsequently placed on probation, he or she must complete half  
3680 of the probationary term to which he or she was sentenced,  
3681 without receiving credit for time served on community control,  
3682 before being eligible for mandatory early termination or  
3683 conversion to administrative probation under this section.

3684           Section 63. Section 948.05, Florida Statutes, is amended to  
3685 read:

3686           948.05 Court to admonish or commend probationer or offender  
3687 in community control; graduated incentives.-

3688           (1) A court may at any time cause a probationer or offender  
3689 in community control to appear before it to be admonished or  
3690 commended, and, when satisfied that its action will be for the  
3691 best interests of justice and the welfare of society, it may  
3692 discharge the probationer or offender in community control from  
3693 further supervision.

3694           (2) The department shall implement a system of graduated





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3695 incentives to promote compliance with the terms of supervision  
3696 and prioritize the highest levels of supervision for  
3697 probationers or offenders presenting the greatest risk of  
3698 recidivism.

3699 (a) As part of the graduated incentives system, the  
3700 department may, without leave of court, offer the following  
3701 incentives to a compliant probationer or offender in community  
3702 control:

- 3703 1. Up to 25 percent reduction of required community service  
3704 hours;  
3705 2. Waiver of supervision fees;  
3706 3. Reduction in frequency of reporting;  
3707 4. Permission to report by mail or telephone; or  
3708 5. Transfer of an eligible offender to administrative  
3709 probation as authorized under s. 948.013.

3710 (b) The department may also incentivize positive behavior  
3711 and compliance with recommendations to the court to modify the  
3712 terms of supervision, including recommending:

- 3713 1. Permission to travel;  
3714 2. Reduction of supervision type;  
3715 3. Modification or cessation of curfew;  
3716 4. Reduction or cessation of substance abuse testing; or  
3717 5. Early termination of supervision.

3718 (c) A probationer or offender who commits a subsequent  
3719 violation of probation may forfeit any previously earned  
3720 probation incentive, as determined appropriate by his or her  
3721 probation officer.

3722 Section 64. Present paragraphs (c) through (g) of  
3723 subsection (1) of section 948.06, Florida Statutes, are



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3724 redesignated as paragraphs (d) through (h), respectively, a new  
3725 paragraph (c) is added to that subsection, and present paragraph  
3726 (h) of that subsection is amended, present paragraphs (f)  
3727 through (j) of subsection (2) are redesignated as paragraphs (g)  
3728 through (k), respectively, and a new paragraph (f) is added to  
3729 that subsection, and subsection (9) is added to that section, to  
3730 read:

3731       948.06 Violation of probation or community control;  
3732 revocation; modification; continuance; failure to pay  
3733 restitution or cost of supervision.—

3734       (1)

3735       (c) If a probationer or offender on community control  
3736 commits a technical violation, the probation officer shall  
3737 determine whether the probationer or offender on community  
3738 control is eligible for the alternative sanctioning program  
3739 under subsection (9). If the probation officer determines that  
3740 the probationer or offender on community control is eligible,  
3741 the probation officer may proceed with the alternative  
3742 sanctioning program in lieu of filing an affidavit of violation  
3743 with the court. For purposes of this section, the term  
3744 "technical violation" means an alleged violation of supervision  
3745 that is not a new felony offense, misdemeanor offense, or  
3746 criminal traffic offense.

3747       ~~(h)1. The chief judge of each judicial circuit, in~~  
3748 ~~consultation with the state attorney, the public defender, and~~  
3749 ~~the department, may establish an alternative sanctioning program~~  
3750 ~~in which the department, after receiving court approval, may~~  
3751 ~~enforce specified sanctions for certain technical violations of~~  
3752 ~~supervision. For purposes of this paragraph, the term "technical~~



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3753 ~~violation" means any alleged violation of supervision that is~~  
3754 ~~not a new felony offense, misdemeanor offense, or criminal~~  
3755 ~~traffic offense.~~

3756 ~~2. To establish an alternative sanctioning program, the~~  
3757 ~~chief judge must issue an administrative order specifying:~~

3758 ~~a. Eligibility criteria.~~

3759 ~~b. The technical violations that are eligible for the~~  
3760 ~~program.~~

3761 ~~c. The sanctions that may be recommended by a probation~~  
3762 ~~officer for each technical violation.~~

3763 ~~d. The process for reporting technical violations through~~  
3764 ~~the alternative sanctioning program, including approved forms.~~

3765 ~~3. If an offender is alleged to have committed a technical~~  
3766 ~~violation of supervision that is eligible for the program, the~~  
3767 ~~offender may:~~

3768 ~~a. Waive participation in the alternative sanctioning~~  
3769 ~~program, in which case the probation officer may submit a~~  
3770 ~~violation report, affidavit, and warrant to the court in~~  
3771 ~~accordance with this section; or~~

3772 ~~b. Elect to participate in the alternative sanctioning~~  
3773 ~~program after receiving written notice of an alleged technical~~  
3774 ~~violation and a disclosure of the evidence against the offender,~~  
3775 ~~admit to the technical violation, agree to comply with the~~  
3776 ~~probation officer's recommended sanction if subsequently ordered~~  
3777 ~~by the court, and agree to waive the right to:~~

3778 ~~(I) Be represented by legal counsel.~~

3779 ~~(II) Require the state to prove his or her guilt before a~~  
3780 ~~neutral and detached hearing body.~~

3781 ~~(III) Subpoena witnesses and present to a judge evidence in~~



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3782 ~~his or her defense.~~  
3783 ~~(IV) Confront and cross-examine adverse witnesses.~~  
3784 ~~(V) Receive a written statement from a factfinder as to the~~  
3785 ~~evidence relied on and the reasons for the sanction imposed.~~  
3786 ~~4. If the offender admits to committing the technical~~  
3787 ~~violation and agrees with the probation officer's recommended~~  
3788 ~~sanction, the probation officer must, before imposing the~~  
3789 ~~sanction, submit the recommended sanction to the court as well~~  
3790 ~~as documentation reflecting the offender's admission to the~~  
3791 ~~technical violation and agreement with the recommended sanction.~~  
3792 ~~5. The court may impose the recommended sanction or may~~  
3793 ~~direct the department to submit a violation report, affidavit,~~  
3794 ~~and warrant to the court in accordance with this section.~~  
3795 ~~6. An offender's participation in an alternative~~  
3796 ~~sanctioning program is voluntary. The offender may elect to~~  
3797 ~~waive or discontinue participation in an alternative sanctioning~~  
3798 ~~program at any time before the issuance of a court order~~  
3799 ~~imposing the recommended sanction.~~  
3800 ~~7. If an offender waives or discontinues participation in~~  
3801 ~~an alternative sanctioning program, the probation officer may~~  
3802 ~~submit a violation report, affidavit, and warrant to the court~~  
3803 ~~in accordance with this section. The offender's prior admission~~  
3804 ~~to the technical violation may not be used as evidence in~~  
3805 ~~subsequent proceedings.~~  
3806 (2)  
3807 (f)1. Except as provided in subparagraph 3. or upon waiver  
3808 by the probationer, the court shall modify or continue a  
3809 probationary term upon finding a probationer in violation when  
3810 any of the following applies:



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3811       a. The term of supervision is probation.  
3812       b. The probationer does not qualify as a violent felony  
3813 offender of special concern, as defined in paragraph (8)(b).  
3814       c. The violation is a low-risk technical violation, as  
3815 defined in paragraph (9)(b).  
3816       d. The court has not previously found the probationer in  
3817 violation of his or her probation pursuant to a filed violation  
3818 of probation affidavit during the current term of supervision. A  
3819 probationer who has successfully completed sanctions through the  
3820 alternative sanctioning program is eligible for mandatory  
3821 modification or continuation of his or her probation.  
3822       2. Upon modifying probation under subparagraph 1., the  
3823 court may include in the sentence a maximum of 90 days in county  
3824 jail as a special condition of probation.  
3825       3. Notwithstanding s. 921.0024, if a probationer has less  
3826 than 90 days of supervision remaining on his or her term of  
3827 probation and meets the criteria for mandatory modification or  
3828 continuation in subparagraph 1., the court may revoke probation  
3829 and sentence the probationer to a maximum of 90 days in county  
3830 jail.  
3831       4. For purposes of imposing a jail sentence under this  
3832 paragraph only, the court may grant credit only for time served  
3833 in the county jail since the probationer's most recent arrest  
3834 for the violation. However, the court may not order the  
3835 probationer to a total term of incarceration greater than the  
3836 maximum provided by s. 775.082.  
3837       (9)(a) Each judicial circuit shall establish an alternative  
3838 sanctioning program as provided in this subsection. The chief  
3839 judge of each judicial circuit may, by administrative order,



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3840 define additional sanctions or eligibility criteria and specify  
3841 the process for reporting technical violations through the  
3842 alternative sanctioning program. Any sanctions recommended for  
3843 imposition through an alternative sanctions program must be  
3844 submitted to the court by the probation officer for approval  
3845 before imposing the sanction.

3846 (b) As used in this subsection, the term "low-risk  
3847 violation," when committed by a probationer, means any of the  
3848 following:

3849 1. A positive drug or alcohol test result.  
3850 2. Failure to report to the probation office.  
3851 3. Failure to report a change in address or other required  
3852 information.

3853 4. Failure to attend a required class, treatment or  
3854 counseling session, or meeting.

3855 5. Failure to submit to a drug or alcohol test.

3856 6. A violation of curfew.

3857 7. Failure to meet a monthly quota on any required  
3858 probation condition, including, but not limited to, making  
3859 restitution payments, paying court costs, or completing  
3860 community service hours.

3861 8. Leaving the county without permission.

3862 9. Failure to report a change in employment.

3863 10. Associating with a person engaged in criminal activity.

3864 11. Any other violation as determined by administrative  
3865 order of the chief judge of the circuit.

3866 (c) As used in this subsection, the term "moderate-risk  
3867 violation" means any of the following:

3868 1. A violation identified in paragraph (b), when committed



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3869 by an offender on community control.  
3870 2. Failure to remain at an approved residence by an  
3871 offender on community control.  
3872 3. A third violation identified in paragraph (b) by a  
3873 probationer within the current term of supervision.  
3874 4. Any other violation as determined by administrative  
3875 order of the chief judge of the circuit.  
3876 (d) A probationer or offender on community control is not  
3877 eligible for an alternative sanction if:  
3878 1. He or she is a violent felony offender of special  
3879 concern as defined in paragraph (8) (b);  
3880 2. The violation is a felony, misdemeanor, or criminal  
3881 traffic offense;  
3882 3. The violation is absconding;  
3883 4. The violation is of a stay-away order or no-contact  
3884 order;  
3885 5. The violation is not identified as low-risk or moderate-  
3886 risk under this subsection or by administrative order;  
3887 6. He or she has a prior moderate-risk level violation  
3888 during the current term of supervision;  
3889 7. He or she has three prior low-risk level violations  
3890 during the same term of supervision;  
3891 8. The term of supervision is scheduled to terminate in  
3892 less than 90 days; or  
3893 9. The terms of the sentence prohibit alternative  
3894 sanctioning.  
3895 (e) For a first or second low-risk violation, as defined in  
3896 paragraph (b), within the current term of supervision, a  
3897 probation officer may offer an eligible probationer one or more



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3898 of the following as an alternative sanction:

- 3899 1. Up to 5 days in the county jail.  
3900 2. Up to 50 additional community service hours.  
3901 3. Counseling or treatment.  
3902 4. Support group attendance.  
3903 5. Drug testing.  
3904 6. Loss of travel or other privileges.  
3905 7. Curfew for up to 30 days.  
3906 8. House arrest for up to 30 days.  
3907 9.a. Any other sanction as determined by administrative  
3908 order of the chief judge of the circuit.

3909 b. However, in no circumstance shall participation in an  
3910 alternative sanctioning program convert a withheld adjudication  
3911 to an adjudication of guilt.

3912 (f) For a first moderate-risk violation, as defined in  
3913 paragraph (c), within the current term of supervision, a  
3914 probation officer, with a supervisor's approval, may offer an  
3915 eligible probationer or offender on community control one or  
3916 more of the following as an alternative sanction:

- 3917 1. Up to 21 days in the county jail.  
3918 2. Curfew for up to 90 days.  
3919 3. House arrest for up to 90 days.  
3920 4. Electronic monitoring for up to 90 days.  
3921 5. Residential treatment for up to 90 days.  
3922 6. Any other sanction available for a low-risk violation.  
3923 7.a. Any other sanction as determined by administrative  
3924 order of the chief judge of the circuit.

3925 b. However, in no circumstance shall participation in an  
3926 alternative sanctioning program convert a withheld adjudication





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3927 to an adjudication of guilt.

3928 (g) The participation of a probationer or an offender on  
3929 community control in the program is voluntary. The probationer  
3930 or offender on community control may waive or discontinue  
3931 participation in the program at any time before the court  
3932 imposes a recommended sanction.

3933 (h)1. If a probationer or offender on community control is  
3934 eligible for the alternative sanctioning program under this  
3935 subsection, he or she may:

3936 a. Waive participation in the program, in which case the  
3937 probation officer may submit a violation report, affidavit, and  
3938 warrant to the court; or

3939 b. Elect to participate in the program after receiving  
3940 written notice of an alleged technical violation and disclosure  
3941 of the evidence against him or her, and admit the technical  
3942 violation, agree to comply with the probation officer's  
3943 recommended sanction if subsequently ordered by the court, and  
3944 agree to waive the right to:

3945 (I) Be represented by legal counsel.

3946 (II) Require the state to prove his or her guilt before a  
3947 neutral and detached hearing body.

3948 (III) Subpoena witnesses and present to a judge evidence in  
3949 his or her defense.

3950 (IV) Confront and cross-examine adverse witnesses.

3951 (V) Receive a written statement from a judge as to the  
3952 evidence relied on and the reasons for the sanction imposed.

3953 2. If the probationer or offender on community control  
3954 admits to committing the technical violation and agrees with the  
3955 probation officer's recommended sanction, the probation officer



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3956 must, before imposing the sanction, submit the recommended  
3957 sanction to the court with documentation reflecting the  
3958 probationer's admission to the technical violation and agreement  
3959 with the recommended sanction.

3960 (i) The court may impose the recommended sanction or direct  
3961 the department to submit a violation report, affidavit, and  
3962 warrant to the court.

3963 (j) If a probationer or offender on community control  
3964 waives or discontinues participation in the program or fails to  
3965 successfully complete all alternative sanctions within 90 days  
3966 after imposition or within the timeframe specified in the  
3967 agreed-upon sanction, the probation officer may submit a  
3968 violation report, affidavit, and warrant to the court. A prior  
3969 admission by the probationer or offender on community control to  
3970 a technical violation may not be used as evidence in subsequent  
3971 proceedings.

3972 Section 65. Subsection (6) of section 948.08, Florida  
3973 Statutes, is amended to read:

3974 948.08 Pretrial intervention program.-

3975 (6) (a) For purposes of this subsection, the term  
3976 "nonviolent felony" means a third degree felony violation of  
3977 chapter 810 or any other felony offense that is not a forcible  
3978 felony as defined in s. 776.08.

3979 (b) Notwithstanding any provision of this section, a person  
3980 who is charged with a nonviolent felony and is identified as  
3981 having a substance abuse problem or is charged with a felony of  
3982 the second or third degree for purchase or possession of a  
3983 controlled substance under chapter 893, prostitution, tampering  
3984 with evidence, solicitation for purchase of a controlled



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3985 ~~substance, or obtaining a prescription by fraud; who has not~~  
3986 ~~been charged with a crime involving violence, including, but not~~  
3987 ~~limited to, murder, sexual battery, robbery, carjacking, home-~~  
3988 ~~invasion robbery, or any other crime involving violence; and who~~  
3989 ~~has not previously been convicted of a felony~~ is eligible for  
3990 voluntary admission into a pretrial substance abuse education  
3991 and treatment intervention program, including a treatment-based  
3992 drug court program established pursuant to s. 397.334, approved  
3993 by the chief judge of the circuit, for a period of not less than  
3994 1 year in duration, if he or she:

3995 1. Is identified as having a substance abuse problem and is  
3996 amenable to treatment.

3997 2. Is charged with a nonviolent felony.

3998 3. Has never been charged with a crime involving violence,  
3999 including, but not limited to, murder, sexual battery, robbery,  
4000 carjacking, home-invasion robbery, or any other crime involving  
4001 violence.

4002 4. Has two or fewer felony convictions, provided that the  
4003 prior convictions are for nonviolent felonies.

4004 (c) Upon motion of either party or the court's own motion,  
4005 and with the agreement of the defendant, the court shall admit  
4006 an eligible person into a pretrial substance abuse education and  
4007 treatment intervention program, except:

4008 1. If a defendant was previously offered admission to a  
4009 pretrial substance abuse education and treatment intervention  
4010 program at any time before ~~prior to~~ trial and the defendant  
4011 rejected that offer on the record, ~~then~~ the court or the state  
4012 attorney may deny the defendant's admission to such a program.

4013 2. If the state attorney believes that the facts and



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4014 circumstances of the case suggest the defendant's involvement in  
4015 the dealing and selling of controlled substances, the court  
4016 shall hold a preadmission hearing. If the state attorney  
4017 establishes, by a preponderance of the evidence at such hearing,  
4018 that the defendant was involved in the dealing or selling of  
4019 controlled substances, the court shall deny the defendant's  
4020 admission into a pretrial intervention program.

4021 3. If the defendant has two or fewer prior felony  
4022 convictions as provided in subparagraph (b)4., the court, in its  
4023 discretion, may deny admission to such a program.

4024 (d) ~~(b)~~ While enrolled in a pretrial intervention program  
4025 authorized by this subsection, the participant is subject to a  
4026 coordinated strategy developed by a drug court team under s.  
4027 397.334(4). The coordinated strategy may include a protocol of  
4028 sanctions that may be imposed upon the participant for  
4029 noncompliance with program rules. The protocol of sanctions may  
4030 include, but is not limited to, placement in a substance abuse  
4031 treatment program offered by a licensed service provider as  
4032 defined in s. 397.311 or in a jail-based treatment program or  
4033 serving a period of incarceration within the time limits  
4034 established for contempt of court. The coordinated strategy must  
4035 be provided in writing to the participant before the participant  
4036 agrees to enter into a pretrial treatment-based drug court  
4037 program or other pretrial intervention program. Any person whose  
4038 charges are dismissed after successful completion of the  
4039 treatment-based drug court program, if otherwise eligible, may  
4040 have his or her arrest record and plea of nolo contendere to the  
4041 dismissed charges expunged under s. 943.0585.

4042 (e) ~~(c)~~ At the end of the pretrial intervention period, the



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4043 court shall consider the recommendation of the administrator  
4044 pursuant to subsection (5) and the recommendation of the state  
4045 attorney as to disposition of the pending charges. The court  
4046 shall determine, by written finding, whether the defendant has  
4047 successfully completed the pretrial intervention program.  
4048 Notwithstanding the coordinated strategy developed by a drug  
4049 court team pursuant to s. 397.334(4), if the court finds that  
4050 the defendant has not successfully completed the pretrial  
4051 intervention program, the court may order the person to continue  
4052 in education and treatment, which may include substance abuse  
4053 treatment programs offered by licensed service providers as  
4054 defined in s. 397.311 or jail-based treatment programs, or order  
4055 that the charges revert to normal channels for prosecution. The  
4056 court shall dismiss the charges upon a finding that the  
4057 defendant has successfully completed the pretrial intervention  
4058 program.

4059 (f) ~~(d)~~ Any entity, whether public or private, providing a  
4060 pretrial substance abuse education and treatment intervention  
4061 program under this subsection must contract with the county or  
4062 appropriate governmental entity, and the terms of the contract  
4063 must include, but need not be limited to, the requirements  
4064 established for private entities under s. 948.15(3).

4065 Section 66. Section 948.081, Florida Statutes, is created  
4066 to read:

4067 948.081 Community court programs.—

4068 (1) Each judicial circuit may establish a community court  
4069 program for defendants charged with certain misdemeanor  
4070 offenses. Each community court shall, at a minimum:

4071 (a) Adopt a nonadversarial approach.



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4072           (b) Establish an advisory committee to recommend solutions  
4073 and sanctions in each case.

4074           (c) Provide for judicial leadership and interaction.

4075           (d) In each particular case, consider the needs of the  
4076 victim, consider individualized treatment services for the  
4077 defendant, and monitor the defendant's compliance.

4078           (2) The chief judge of the judicial circuit, by  
4079 administrative order, shall specify each misdemeanor offense  
4080 eligible for the community court program. In making such  
4081 determination, the chief judge shall consider the particular  
4082 needs and concerns of the communities within the judicial  
4083 circuit.

4084           (3) A defendant's entry into any community court program  
4085 must be voluntary.

4086           (4) The chief judge shall appoint a community court  
4087 resource coordinator, who shall:

4088           (a) Coordinate the responsibilities of the participating  
4089 agencies and service providers.

4090           (b) Provide case management services.

4091           (c) Monitor compliance by defendants with court  
4092 requirements.

4093           (d) Manage the collection of data for program evaluation  
4094 and accountability.

4095           (5) The chief judge of the judicial circuit shall appoint  
4096 members to an advisory committee for each community court. The  
4097 members of the advisory committee must include, at a minimum:

4098           (a) The chief judge or a community court judge designated  
4099 by the chief judge, who shall serve as chair.

4100           (b) The state attorney or his or her designee.



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4101       (c) The public defender or his or her designee.  
4102       (d) The community court resource coordinator.  
4103  
4104       The committee may also include community stakeholders, treatment  
4105       representatives, and other persons the chair deems appropriate.  
4106       (6) The advisory committee shall review each defendant's  
4107       case. Each committee member may make recommendations to the  
4108       judge, including appropriate sanctions and treatment solutions  
4109       for the defendant. The judge shall consider such recommendations  
4110       and make the final decision concerning sanctions and treatment  
4111       with respect to each defendant.  
4112       (7) Each judicial circuit shall report client-level and  
4113       programmatic data to the Office of the State Courts  
4114       Administrator annually for program evaluation. Client-level data  
4115       include primary offenses resulting in the community court  
4116       referral or sentence, treatment compliance, completion status,  
4117       reasons for failing to complete the program, offenses committed  
4118       during treatment and sanctions imposed, frequency of court  
4119       appearances, and units of service. Programmatic data include  
4120       referral and screening procedures, eligibility criteria, type  
4121       and duration of treatment offered, and residential treatment  
4122       resources.  
4123       (8) The Department of Corrections, the Department of  
4124       Juvenile Justice, the Department of Health, the Department of  
4125       Law Enforcement, the Department of Education, law enforcement  
4126       agencies, and other governmental entities involved in the  
4127       criminal justice system shall support such community court  
4128       programs.  
4129       (9) Community court program funding must be secured from



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4130 sources other than the state for costs not assumed by the state  
4131 under s. 29.004. However, this subsection does not preclude the  
4132 use of funds provided for treatment and other services through  
4133 state executive branch agencies.

4134 Section 67. Section 951.22, Florida Statutes, is amended to  
4135 read:

4136 951.22 County detention facilities; contraband articles.-

4137 (1) It is unlawful, except through regular channels as duly  
4138 authorized by the sheriff or officer in charge, to introduce  
4139 into or possess upon the grounds of any county detention  
4140 facility as defined in s. 951.23 or to give to or receive from  
4141 any inmate of any such facility wherever said inmate is located  
4142 at the time or to take or to attempt to take or send therefrom  
4143 any of the following articles, ~~which are hereby declared to be~~  
4144 contraband:

4145 ~~(a) for the purposes of this act, to wit:~~ Any written or  
4146 recorded communication. This paragraph does not apply to any  
4147 document or correspondence exchanged between a lawyer,  
4148 paralegal, or other legal staff and an inmate at a detention  
4149 facility if the document or correspondence is otherwise lawfully  
4150 possessed and disseminated and relates to the legal  
4151 representation of the inmate.†

4152 (b) Any currency or coin.†

4153 (c) Any article of food or clothing.†

4154 (d) Any tobacco products as defined in s. 210.25(12).†

4155 (e) Any cigarette as defined in s. 210.01(1).†

4156 (f) Any cigar.†

4157 (g) Any intoxicating beverage or beverage ~~that~~ which causes  
4158 or may cause an intoxicating effect.†





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4159           (h) Any narcotic, hypnotic, or excitative drug or drug of  
4160 any kind or nature, including nasal inhalators, sleeping pills,  
4161 barbiturates, and controlled substances as defined in s.  
4162 893.02(4).~~†~~

4163           (i) Any firearm or any instrumentality customarily used or  
4164 which is intended to be used as a dangerous weapon.~~†~~~~and~~

4165           (j) Any instrumentality of any nature which ~~that~~ may be or  
4166 is intended to be used as an aid in effecting or attempting to  
4167 effect an escape from a county facility.

4168           (k) Any cellular telephone or other portable communication  
4169 device as described in s. 944.47(1)(a)6. The term does not  
4170 include any device that has communication capabilities which has  
4171 been approved or issued by the sheriff or officer in charge for  
4172 investigative or institutional security purposes or for  
4173 conducting other official business.

4174           (2) A person who ~~Whoever~~ violates paragraph (1)(a),  
4175 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph  
4176 (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a  
4177 misdemeanor of the first degree, punishable as provided in s.  
4178 775.082 or s. 775.083. A person who violates paragraph (1)(h),  
4179 paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits  
4180 subsection (1) shall be guilty of a felony of the third degree,  
4181 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4182           Section 68. Subsection (1) of section 958.04, Florida  
4183 Statutes, is amended to read:

4184           958.04 Judicial disposition of youthful offenders.—

4185           (1) The court may sentence as a youthful offender any  
4186 person:

4187           (a) Who is at least 18 years of age or who has been



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4188 transferred for prosecution to the criminal division of the  
4189 circuit court pursuant to chapter 985;

4190 (b) Who is found guilty of or who has tendered, and the  
4191 court has accepted, a plea of nolo contendere or guilty to a  
4192 crime that is, under the laws of this state, a felony if such  
4193 crime was committed before the defendant turned 21 years of age  
4194 ~~the offender is younger than 21 years of age at the time~~  
4195 ~~sentence is imposed~~; and

4196 (c) Who has not previously been classified as a youthful  
4197 offender under ~~the provisions of~~ this act; however, a person who  
4198 has been found guilty of a capital or life felony may not be  
4199 sentenced as a youthful offender under this act.

4200 Section 69. Section 960.07, Florida Statutes, is amended to  
4201 read:

4202 960.07 Filing of claims for compensation.—

4203 (1) A claim for compensation may be filed by a person  
4204 eligible for compensation as provided in s. 960.065 or, if such  
4205 person is a minor, by his or her parent or guardian or, if the  
4206 person entitled to make a claim is mentally incompetent, by the  
4207 person's guardian or such other individual authorized to  
4208 administer his or her estate.

4209 (2) Except as provided in subsections ~~subsection~~ (3) and  
4210 (4), a claim must be filed in accordance with this subsection.  
4211 ~~not later than 1 year after:~~

4212 (a) 1. A claim arising from a crime occurring before October  
4213 1, 2019, must be filed within 1 year after:

4214 a. The occurrence of the crime upon which the claim is  
4215 based.

4216 b. ~~(b)~~ The death of the victim or intervenor.



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4217 c.~~(e)~~ The death of the victim or intervenor is determined  
4218 to be the result of a crime, and the crime occurred after June  
4219 30, 1994.

4220 2. ~~However,~~ For good cause the department may extend the  
4221 time for filing a claim under subparagraph 1. for a period not  
4222 exceeding 2 years after such occurrence.

4223 (b)1. A claim arising from a crime occurring on or after  
4224 October 1, 2019, must be filed within 3 years after the later  
4225 of:

4226 a. The occurrence of the crime upon which the claim is  
4227 based;

4228 b. The death of the victim or intervenor; or

4229 c. The death of the victim or intervenor is determined to  
4230 be the result of the crime.

4231 2. For good cause the department may extend the time for  
4232 filing a claim under subparagraph 1. for a period not to exceed  
4233 5 years after such occurrence.

4234 (3) Notwithstanding the provisions of subsection (2) ~~and~~  
4235 ~~regardless of when the crime occurred,~~ if the victim or  
4236 intervenor was under the age of 18 at the time the crime upon  
4237 which the claim is based occurred, a claim may be filed in  
4238 accordance with this subsection.

4239 (a) The victim's or intervenor's parent or guardian may  
4240 file a claim on behalf of the victim or intervenor while the  
4241 victim or intervenor is less than 18 years of age; ~~or~~

4242 (b) For a claim arising from a crime that occurred before  
4243 October 1, 2019, when a victim or intervenor who was under the  
4244 age of 18 at the time the crime occurred reaches the age of 18,  
4245 the victim or intervenor has 1 year ~~within which~~ to file a



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4246 claim; or

4247 (c) For a claim arising from a crime occurring on or after  
4248 October 1, 2019, when a victim or intervenor who was under the  
4249 age of 18 at the time the crime occurred reaches the age of 18,  
4250 the victim or intervenor has 3 years to file a claim.

4251  
4252 For good cause, the department may extend the time period  
4253 allowed for filing a claim under paragraph (b) for an additional  
4254 period not to exceed 1 year or under paragraph (c) for an  
4255 additional period not to exceed 2 years.

4256 (4) The provisions of subsection (2) notwithstanding, ~~and~~  
4257 ~~regardless of when the crime occurred,~~ a victim of a sexually  
4258 violent offense as defined in s. 394.912, may file a claim for  
4259 compensation for counseling or other mental health services  
4260 within:

4261 (a) One ± year after the filing of a petition under s.  
4262 394.914, to involuntarily civilly commit the individual who  
4263 perpetrated the sexually violent offense, if the claim arises  
4264 from a crime committed before October 1, 2019; or

4265 (b) Three years after the filing of petition under s.  
4266 394.914, to involuntarily civilly commit the individual who  
4267 perpetrated the sexually violent offense, if the claim arises  
4268 from a crime committed on or after October 1, 2019.

4269 Section 70. Paragraph (b) of subsection (1) of section  
4270 960.13, Florida Statutes, is amended to read:

4271 960.13 Awards.—

4272 (1)

4273 (b) In no case may an award be made when the record shows  
4274 that such report was made more than:



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4275 1. Seventy-two 72 hours after the occurrence of such crime,  
4276 if the crime occurred before October 1, 2019; or

4277 2. Five days after the occurrence of such crime, if the  
4278 crime occurred on or after October 1, 2019,

4279

4280 unless the department, for good cause shown, finds the delay to  
4281 have been justified. The department, upon finding that any  
4282 claimant or award recipient has not duly cooperated with the  
4283 state attorney, all law enforcement agencies, and the  
4284 department, may deny, reduce, or withdraw any award, as the case  
4285 may be.

4286 Section 71. Subsection (1) of section 960.195, Florida  
4287 Statutes, is amended to read:

4288 960.195 Awards to elderly persons or disabled adults for  
4289 property loss.—

4290 (1) Notwithstanding the criteria in s. 960.13, for crime  
4291 victim compensation awards, the department may award a maximum  
4292 of \$500 on any one claim and a lifetime maximum of \$1,000 on all  
4293 claims to elderly persons or disabled adults who suffer a  
4294 property loss that causes a substantial diminution in their  
4295 quality of life when:

4296 (a) There is proof that a criminal or delinquent act was  
4297 committed;

4298 (b) The criminal or delinquent act is reported to law  
4299 enforcement authorities within:

4300 1. Seventy-two 72 hours, if such crime or act occurred  
4301 before October 1, 2019; or

4302 2. Five days, if such crime or act occurred on or after  
4303 October 1, 2019,



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4304  
4305 unless the department, for good cause shown, finds the delay to  
4306 have been justified;

4307 (c) There is proof that the tangible personal property in  
4308 question belonged to the claimant;

4309 (d) The claimant did not contribute to the criminal or  
4310 delinquent act;

4311 (e) There is no other source of reimbursement or  
4312 indemnification available to the claimant; and

4313 (f) The claimant would not be able to replace the tangible  
4314 personal property in question without incurring a serious  
4315 financial hardship.

4316 Section 72. Section 960.196, Florida Statutes, is amended  
4317 to read:

4318 960.196 Relocation assistance for victims of human  
4319 trafficking.—

4320 (1) Notwithstanding the criteria specified in ss. 960.07(2)  
4321 and 960.13 for crime victim compensation awards, the department  
4322 may award a one-time payment of up to \$1,500 for any one claim  
4323 and a lifetime maximum of \$3,000 to a victim of human  
4324 trafficking who needs urgent assistance to escape from an unsafe  
4325 environment directly related to the human trafficking offense.

4326 (2) In order for an award to be granted to a victim for  
4327 relocation assistance:

4328 (a) There must be proof that a human trafficking offense,  
4329 as described in s. 787.06(3)(b), (d), (f), or (g), was  
4330 committed.

4331 (b) 1. For a crime occurring before October 1, 2019, the  
4332 crime must be reported to the proper authorities and the claim



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4333 must be filed within 1 year, or 2 years with good cause, after  
4334 the date of the last human trafficking offense, as described in  
4335 s. 787.06(3) (b), (d), (f), or (g).

4336 2. For a crime occurring on or after October 1, 2019, the  
4337 crime must be reported to the proper authorities and the claim  
4338 must be filed within 3 years, or 5 years with good cause, after  
4339 the date of the last human trafficking offense, as described in  
4340 s. 787.06(3) (b), (d), (f), or (g).

4341 3. In a case that exceeds the reporting and filing 2-year  
4342 requirement due to an active and ongoing investigation, a state  
4343 attorney, statewide prosecutor, or federal prosecutor may  
4344 certify in writing a human trafficking victim's need to relocate  
4345 from an unsafe environment due to the threat of future violence  
4346 which is directly related to the human trafficking offense.

4347 (c) The victim's need must be certified by a certified  
4348 domestic violence or rape crisis center in this state, except as  
4349 provided in paragraph (b). The center's certification must  
4350 assert that the victim is cooperating with the proper  
4351 authorities and must include documentation that the victim has  
4352 developed a safety plan.

4353 (3) Relocation payments for a human trafficking claim shall  
4354 be denied if the department has previously approved or paid out  
4355 a domestic violence or sexual battery relocation claim under s.  
4356 960.198 or s. 960.199 to the same victim regarding the same  
4357 incident.

4358 Section 73. Subsection (2) of section 960.28, Florida  
4359 Statutes, is amended to read:

4360 960.28 Payment for victims' initial forensic physical  
4361 examinations.-



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4362 (2) The Crime Victims' Services Office of the department  
4363 shall pay for medical expenses connected with an initial  
4364 forensic physical examination of a victim of sexual battery as  
4365 defined in chapter 794 or a lewd or lascivious offense as  
4366 defined in chapter 800. Such payment shall be made regardless of  
4367 whether the victim is covered by health or disability insurance  
4368 and whether the victim participates in the criminal justice  
4369 system or cooperates with law enforcement. The payment shall be  
4370 made only out of moneys allocated to the Crime Victims' Services  
4371 Office for the purposes of this section, and the payment may not  
4372 exceed \$1,000 ~~\$500~~ with respect to any violation. The department  
4373 shall develop and maintain separate protocols for the initial  
4374 forensic physical examination of adults and children. Payment  
4375 under this section is limited to medical expenses connected with  
4376 the initial forensic physical examination, and payment may be  
4377 made to a medical provider using an examiner qualified under  
4378 part I of chapter 464, excluding s. 464.003(14); chapter 458; or  
4379 chapter 459. Payment made to the medical provider by the  
4380 department shall be considered by the provider as payment in  
4381 full for the initial forensic physical examination associated  
4382 with the collection of evidence. The victim may not be required  
4383 to pay, directly or indirectly, the cost of an initial forensic  
4384 physical examination performed in accordance with this section.

4385 Section 74. Effective upon this act becoming a law,  
4386 paragraphs (c), (d), and (f) of subsection (2) of section  
4387 985.12, Florida Statutes, are amended to read:

4388 985.12 Civil citation or similar prearrest diversion  
4389 programs.—

4390 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST





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4391 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

4392 (c) The state attorney of each circuit shall operate a  
4393 civil citation or similar prearrest diversion program in each  
4394 circuit. A sheriff, police department, county, municipality,  
4395 locally authorized entity, or public or private educational  
4396 institution may continue to operate an independent civil  
4397 citation or similar prearrest diversion program that is in  
4398 operation as of October 1, 2018, if the independent program is  
4399 reviewed by the state attorney of the applicable circuit and he  
4400 or she determines that the independent program is substantially  
4401 similar to the civil citation or similar prearrest diversion  
4402 program developed by the circuit. If the state attorney  
4403 determines that the independent program is not substantially  
4404 similar to the civil citation or similar prearrest diversion  
4405 program developed by the circuit, the operator of the  
4406 independent diversion program may revise the program and the  
4407 state attorney may conduct an additional review of the  
4408 independent program.

4409 (d) A judicial circuit may model an existing sheriff's,  
4410 police department's, county's, municipality's, locally  
4411 authorized entity's, or public or private educational  
4412 institution's independent civil citation or similar prearrest  
4413 diversion program in developing the civil citation or similar  
4414 prearrest diversion program for the circuit.

4415 (f) Each civil citation or similar prearrest diversion  
4416 program shall enter the appropriate youth data into the Juvenile  
4417 Justice Information System Prevention Web within 7 days after  
4418 the admission of the youth into the program ~~A copy of each civil~~  
4419 ~~citation or similar prearrest diversion program notice issued~~



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4420 ~~under this section shall be provided to the department, and the~~  
4421 ~~department shall enter appropriate information into the juvenile~~  
4422 ~~offender information system.~~

4423 Section 75. Effective upon this act becoming a law,  
4424 subsection (2) and paragraph (c) of subsection (3) of section  
4425 985.126, Florida Statutes, are amended to read:

4426 985.126 Diversion programs; data collection; denial of  
4427 participation or expunged record.—

4428 (2) Upon issuance of documentation requiring a minor to  
4429 participate in a diversion program, before or without an arrest,  
4430 the issuing law enforcement officer shall send a copy of such  
4431 documentation to the entity designated to operate the diversion  
4432 program ~~and to the department~~, which shall enter such  
4433 information into the Juvenile Justice Information System  
4434 Prevention Web within 7 days after the youth's admission into  
4435 the program.

4436 (3)

4437 (c) The data required pursuant to paragraph (a) shall be  
4438 entered into the Juvenile Justice Information System Prevention  
4439 Web within 7 days after the youth's admission into the program  
4440 ~~submitted to the department quarterly.~~

4441 Section 76. Effective upon this act becoming a law,  
4442 paragraph (f) of subsection (1) of section 985.145, Florida  
4443 Statutes, is amended to read:

4444 985.145 Responsibilities of the department during intake;  
4445 screenings and assessments.—

4446 (1) The department shall serve as the primary case manager  
4447 for the purpose of managing, coordinating, and monitoring the  
4448 services provided to the child. Each program administrator



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4449 within the Department of Children and Families shall cooperate  
4450 with the primary case manager in carrying out the duties and  
4451 responsibilities described in this section. In addition to  
4452 duties specified in other sections and through departmental  
4453 rules, the department shall be responsible for the following:

4454 ~~(f) Prevention web. For a child with a first-time~~  
4455 ~~misdemeanor offense, the department shall enter all related~~  
4456 ~~information into the Juvenile Justice Information System~~  
4457 ~~Prevention Web until such time as formal charges are filed. If~~  
4458 ~~formal charges are not filed, the information shall remain in~~  
4459 ~~the Juvenile Justice Information System Prevention Web until~~  
4460 ~~removed pursuant to department policies.~~

4461 Section 77. Subsection (2) of section 985.557, Florida  
4462 Statutes, is amended to read:

4463 985.557 Direct filing of an information; discretionary and  
4464 mandatory criteria.—

4465 ~~(2) MANDATORY DIRECT FILE.—~~

4466 ~~(a) With respect to any child who was 16 or 17 years of age~~  
4467 ~~at the time the alleged offense was committed, the state~~  
4468 ~~attorney shall file an information if the child has been~~  
4469 ~~previously adjudicated delinquent for an act classified as a~~  
4470 ~~felony, which adjudication was for the commission of, attempt to~~  
4471 ~~commit, or conspiracy to commit murder, sexual battery, armed or~~  
4472 ~~strong-armed robbery, carjacking, home-invasion robbery,~~  
4473 ~~aggravated battery, or aggravated assault, and the child is~~  
4474 ~~currently charged with a second or subsequent violent crime~~  
4475 ~~against a person.~~

4476 ~~(b) With respect to any child 16 or 17 years of age at the~~  
4477 ~~time an offense classified as a forcible felony, as defined in~~



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4478 ~~s. 776.08, was committed, the state attorney shall file an~~  
4479 ~~information if the child has previously been adjudicated~~  
4480 ~~delinquent or had adjudication withheld for three acts~~  
4481 ~~classified as felonies each of which occurred at least 45 days~~  
4482 ~~apart from each other. This paragraph does not apply when the~~  
4483 ~~state attorney has good cause to believe that exceptional~~  
4484 ~~circumstances exist which preclude the just prosecution of the~~  
4485 ~~juvenile in adult court.~~

4486 ~~(c) The state attorney must file an information if a child,~~  
4487 ~~regardless of the child's age at the time the alleged offense~~  
4488 ~~was committed, is alleged to have committed an act that would be~~  
4489 ~~a violation of law if the child were an adult, that involves~~  
4490 ~~stealing a motor vehicle, including, but not limited to, a~~  
4491 ~~violation of s. 812.133, relating to carjacking, or s.~~  
4492 ~~812.014(2)(c)6., relating to grand theft of a motor vehicle, and~~  
4493 ~~while the child was in possession of the stolen motor vehicle~~  
4494 ~~the child caused serious bodily injury to or the death of a~~  
4495 ~~person who was not involved in the underlying offense. For~~  
4496 ~~purposes of this section, the driver and all willing passengers~~  
4497 ~~in the stolen motor vehicle at the time such serious bodily~~  
4498 ~~injury or death is inflicted shall also be subject to mandatory~~  
4499 ~~transfer to adult court. "Stolen motor vehicle," for the~~  
4500 ~~purposes of this section, means a motor vehicle that has been~~  
4501 ~~the subject of any criminal wrongful taking. For purposes of~~  
4502 ~~this section, "willing passengers" means all willing passengers~~  
4503 ~~who have participated in the underlying offense.~~

4504 ~~(d)1. With respect to any child who was 16 or 17 years of~~  
4505 ~~age at the time the alleged offense was committed, the state~~  
4506 ~~attorney shall file an information if the child has been charged~~



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4507 ~~with committing or attempting to commit an offense listed in s.~~  
4508 ~~775.087(2)(a)1.a.-p., and, during the commission of or attempt~~  
4509 ~~to commit the offense, the child:~~

4510 ~~a. Actually possessed a firearm or destructive device, as~~  
4511 ~~those terms are defined in s. 790.001.~~

4512 ~~b. Discharged a firearm or destructive device, as described~~  
4513 ~~in s. 775.087(2)(a)2.~~

4514 ~~c. Discharged a firearm or destructive device, as described~~  
4515 ~~in s. 775.087(2)(a)3., and, as a result of the discharge, death~~  
4516 ~~or great bodily harm was inflicted upon any person.~~

4517 ~~2. Upon transfer, any child who is:~~

4518 ~~a. Charged under sub-subparagraph 1.a. and who has been~~  
4519 ~~previously adjudicated or had adjudication withheld for a~~  
4520 ~~forcible felony offense or any offense involving a firearm, or~~  
4521 ~~who has been previously placed in a residential commitment~~  
4522 ~~program, shall be subject to sentencing under s. 775.087(2)(a),~~  
4523 ~~notwithstanding s. 985.565.~~

4524 ~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~  
4525 ~~1.c., shall be subject to sentencing under s. 775.087(2)(a),~~  
4526 ~~notwithstanding s. 985.565.~~

4527 ~~3. Upon transfer, any child who is charged under this~~  
4528 ~~paragraph, but who does not meet the requirements specified in~~  
4529 ~~subparagraph 2., shall be sentenced under s. 985.565; however,~~  
4530 ~~if the court imposes a juvenile sanction, the court must commit~~  
4531 ~~the child to a high-risk or maximum-risk juvenile facility.~~

4532 ~~4. This paragraph shall not apply if the state attorney has~~  
4533 ~~good cause to believe that exceptional circumstances exist that~~  
4534 ~~preclude the just prosecution of the child in adult court.~~

4535 ~~5. The Department of Corrections shall make every~~



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4536 ~~reasonable effort to ensure that any child 16 or 17 years of age~~  
4537 ~~who is convicted and sentenced under this paragraph be~~  
4538 ~~completely separated such that there is no physical contact with~~  
4539 ~~adult offenders in the facility, to the extent that it is~~  
4540 ~~consistent with chapter 958.~~

4541 Section 78. Subsection (3) of section 776.09, Florida  
4542 Statutes, is amended to read:

4543 776.09 Retention of records pertaining to persons found to  
4544 be acting in lawful self-defense; expunction of criminal history  
4545 records.—

4546 (3) Under either condition described in subsection (1) or  
4547 subsection (2), the person accused may apply for a certificate  
4548 of eligibility to expunge the associated criminal history  
4549 record, pursuant to s. 943.0578 ~~s. 943.0585(5)~~, notwithstanding  
4550 the eligibility requirements prescribed in s. 943.0585(1) ~~s.~~  
4551 ~~943.0585(1)(b)~~ or (2).

4552 Section 79. Paragraph (c) of subsection (3) of section  
4553 943.053, Florida Statutes, is amended to read:

4554 943.053 Dissemination of criminal justice information;  
4555 fees.—

4556 (3)

4557 (c)1. Criminal history information relating to juveniles,  
4558 including criminal history information consisting in whole or in  
4559 part of information that is confidential and exempt under  
4560 paragraph (b), shall be available to:

4561 a. A criminal justice agency for criminal justice purposes  
4562 on a priority basis and free of charge;

4563 b. The person to whom the record relates, or his or her  
4564 attorney;



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4565 c. The parent, guardian, or legal custodian of the person  
4566 to whom the record relates, provided such person has not reached  
4567 the age of majority, been emancipated by a court, or been  
4568 legally married; or

4569 d. An agency or entity specified in s. 943.0585(6) ~~s.~~  
4570 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~, for the purposes  
4571 specified therein, and to any person within such agency or  
4572 entity who has direct responsibility for employment, access  
4573 authorization, or licensure decisions.

4574 2. After providing the program with all known personal  
4575 identifying information, the criminal history information  
4576 relating to a juvenile which is not confidential and exempt  
4577 under this subsection may be released to the private sector and  
4578 noncriminal justice agencies not specified in s. 943.0585(6) ~~s.~~  
4579 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~ in the same manner as  
4580 provided in paragraph (a). Criminal history information relating  
4581 to a juvenile which is not confidential and exempt under this  
4582 subsection is the entire criminal history information relating  
4583 to a juvenile who satisfies any of the criteria listed in sub-  
4584 subparagraphs (b)1.a.-d., except for any portion of such  
4585 juvenile's criminal history record which has been expunged or  
4586 sealed under any law applicable to such record.

4587 3. All criminal history information relating to juveniles,  
4588 other than that provided to criminal justice agencies for  
4589 criminal justice purposes, shall be provided upon tender of fees  
4590 as established in this subsection and in the manner prescribed  
4591 by rule of the Department of Law Enforcement.

4592 Section 80. Paragraph (b) of subsection (2) of section  
4593 943.0582, Florida Statutes, is amended to read:



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4594 943.0582 Diversion program expunction.-

4595 (2) As used in this section, the term:

4596 (b) "Expunction" has the same meaning ascribed in and  
4597 effect as s. 943.0585, except that:

4598 1. Section 943.0585(6) (b) does ~~The provisions of s.~~  
4599 ~~943.0585(4) (a) do~~ not apply, except that the criminal history  
4600 record of a person whose record is expunged pursuant to this  
4601 section shall be made available only to criminal justice  
4602 agencies for the purpose of:

- 4603 a. Determining eligibility for diversion programs;  
4604 b. A criminal investigation; or  
4605 c. Making a prosecutorial decision under s. 985.15.

4606 2. Records maintained by local criminal justice agencies in  
4607 the county in which the arrest occurred that are eligible for  
4608 expunction pursuant to this section shall be sealed as the term  
4609 is used in s. 943.059.

4610 Section 81. Paragraphs (a) and (b) of subsection (4) of  
4611 section 985.565, Florida Statutes, are amended to read:

4612 985.565 Sentencing powers; procedures; alternatives for  
4613 juveniles prosecuted as adults.-

4614 (4) SENTENCING ALTERNATIVES.-

4615 (a) *Adult sanctions*.-

4616 1. Cases prosecuted on indictment.-If the child is found to  
4617 have committed the offense punishable by death or life  
4618 imprisonment, the child shall be sentenced as an adult. If the  
4619 juvenile is not found to have committed the indictable offense  
4620 but is found to have committed a lesser included offense or any  
4621 other offense for which he or she was indicted as a part of the  
4622 criminal episode, the court may sentence as follows:





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4623           a. As an adult;  
4624           b. Under chapter 958; or  
4625           c. As a juvenile under this section.  
4626           2. Other cases.—If a child who has been transferred for  
4627 criminal prosecution pursuant to information or waiver of  
4628 juvenile court jurisdiction is found to have committed a  
4629 violation of state law or a lesser included offense for which he  
4630 or she was charged as a part of the criminal episode, the court  
4631 may sentence as follows:  
4632           a. As an adult;  
4633           b. Under chapter 958; or  
4634           c. As a juvenile under this section.  
4635           3. Notwithstanding any other provision to the contrary, if  
4636 the state attorney is required to file a motion to transfer and  
4637 certify the juvenile for prosecution as an adult under s.  
4638 985.556(3) and that motion is granted, ~~or if the state attorney~~  
4639 ~~is required to file an information under s. 985.557(2) (a) or~~  
4640 ~~(b)~~, the court must impose adult sanctions.  
4641           4. Any sentence imposing adult sanctions is presumed  
4642 appropriate, and the court is not required to set forth specific  
4643 findings or enumerate the criteria in this subsection as any  
4644 basis for its decision to impose adult sanctions.  
4645           5. When a child has been transferred for criminal  
4646 prosecution as an adult and has been found to have committed a  
4647 violation of state law, the disposition of the case may include  
4648 the enforcement of any restitution ordered in any juvenile  
4649 proceeding.  
4650           (b) *Juvenile sanctions*.—For juveniles transferred to adult  
4651 court but who do not qualify for such transfer under s.



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4652 985.556(3) ~~or s. 985.557(2)(a) or (b)~~, the court may impose  
4653 juvenile sanctions under this paragraph. If juvenile sentences  
4654 are imposed, the court shall, under this paragraph, adjudge the  
4655 child to have committed a delinquent act. Adjudication of  
4656 delinquency may ~~shall~~ not be deemed a conviction, nor shall it  
4657 operate to impose any of the civil disabilities ordinarily  
4658 resulting from a conviction. The court shall impose an adult  
4659 sanction or a juvenile sanction and may not sentence the child  
4660 to a combination of adult and juvenile punishments. An adult  
4661 sanction or a juvenile sanction may include enforcement of an  
4662 order of restitution or probation previously ordered in any  
4663 juvenile proceeding. However, if the court imposes a juvenile  
4664 sanction and the department determines that the sanction is  
4665 unsuitable for the child, the department shall return custody of  
4666 the child to the sentencing court for further proceedings,  
4667 including the imposition of adult sanctions. Upon adjudicating a  
4668 child delinquent under subsection (1), the court may:

4669       1. Place the child in a probation program under the  
4670 supervision of the department for an indeterminate period of  
4671 time until the child reaches the age of 19 years or sooner if  
4672 discharged by order of the court.

4673       2. Commit the child to the department for treatment in an  
4674 appropriate program for children for an indeterminate period of  
4675 time until the child is 21 or sooner if discharged by the  
4676 department. The department shall notify the court of its intent  
4677 to discharge no later than 14 days before ~~prior to~~ discharge.  
4678 Failure of the court to timely respond to the department's  
4679 notice shall be considered approval for discharge.

4680       3. Order disposition under ss. 985.435, 985.437, 985.439,



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4681 985.441, 985.45, and 985.455 as an alternative to youthful  
4682 offender or adult sentencing if the court determines not to  
4683 impose youthful offender or adult sanctions.

4684  
4685 It is the intent of the Legislature that the criteria and  
4686 guidelines in this subsection are mandatory and that a  
4687 determination of disposition under this subsection is subject to  
4688 the right of the child to appellate review under s. 985.534.

4689 Section 82. Subsection (3) of section 921.0022, Florida  
4690 Statutes, is amended to read:

4691 921.0022 Criminal Punishment Code; offense severity ranking  
4692 chart.—

4693 (3) OFFENSE SEVERITY RANKING CHART

4694 (a) LEVEL 1

4695

Florida Statute	Felony Degree	Description
4696 24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
4697 212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
4698 212.15(2)(b)	3rd	Failure to remit sales taxes, amount <u>\$1,000 or more</u> <del>greater than \$300</del> but less than \$20,000.



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4699	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
4700	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
4701	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
4702	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
4703	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
4704	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
4705	322.212 (5) (a)	3rd	False application for driver license or identification



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4706			card.
	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
4707			
	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
4708			
	509.151(1)	3rd	Defraud an innkeeper, food or lodging value <u>\$1,000 or more</u> <del>greater than \$300.</del>
4709			
	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
4710			
	<del>562.27(1)</del>	3rd	<del>Possess still or still apparatus.</del>
4711			
	713.69	3rd	Tenant removes property upon which lien has accrued, value <u>\$1,000 or more</u> <del>than \$50.</del>
4712			
	812.014(3)(c)	3rd	Petit theft (3rd



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4713			conviction); theft of any property not specified in subsection (2).
	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
4714			
	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
4715			
	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
4716			
	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
4717			
	826.01	3rd	Bigamy.
4718			
	828.122 (3)	3rd	Fighting or baiting animals.
4719			
	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other



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4720			document listed in s. 92.28.
	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
4721			
	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
4722			
	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
4723			
	838.15 (2)	3rd	Commercial bribe receiving.
4724			
	838.16	3rd	Commercial bribery.
4725			
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
4726			
	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
4727			
	<del>849.01</del>	<del>3rd</del>	<del>Keeping gambling house.</del>
4728			



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4729	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
4730	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
4731	849.25(2)	3rd	Engaging in bookmaking.
4732	860.08	3rd	Interfere with a railroad signal.
4733	860.13(1)(a)	3rd	Operate aircraft while under the influence.
4734	893.13(2)(a)2.	3rd	Purchase of cannabis.
4735	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
4736	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.





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4737			
4738	(b) LEVEL 2		
4739			
	Florida	Felony	
	Statute	Degree	Description
4740	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
4741	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
4742	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
4743	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
4744			



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4745	590.28 (1)	3rd	Intentional burning of lands.
4746	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
4747	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
4748	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
4749	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
4750	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.



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4751	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$750</u> <del>\$300</del> or more but less than \$5,000.
4752	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$750</u> <del>\$300</del> , taken from unenclosed curtilage of dwelling.
4753	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
4754	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
4755	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
4756	817.52 (3)	3rd	Failure to redeliver hired vehicle.



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817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
4757		
817.60 (5)	3rd	Dealing in credit cards of another.
4758		
817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
4759		
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
4760		
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
4761		
831.01	3rd	Forgery.
4762		
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
4763		
831.07	3rd	Forging bank bills, checks, drafts, or



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4764			promissory notes.
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
4765			
	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
4766			
	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
4767			
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
4768			
	843.08	3rd	False personation.
4769			
	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs other than cannabis.



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4770	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
4771			
4772			
4773	(c) LEVEL 3		
4774			
	Florida	Felony	
	Statute	Degree	Description
4775	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
4776	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
4777	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
4778	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
4779	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate



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4780			removed.
	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
4781			
	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
4782			
	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
4783			
	327.35(2)(b)	3rd	Felony BUI.
4784			
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
4785			
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
4786			



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4787	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
4788	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
4789	379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.





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4790	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
4791	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
4792	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
4793	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
4794	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
4795	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of



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4796			authority; premium collected less than \$20,000.
4797	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
4798	697.08	3rd	Equity skimming.
4799	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
4800	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
4801	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
4802	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more



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4803			but less than \$10,000.
	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
4804	<u>812.015 (8) (b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; conspires with others.</u>
4805	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
4806	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
4807	817.233	3rd	Burning to defraud insurer.
4808	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
4809	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
4810	817.236	3rd	Filing a false motor



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4811			vehicle insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
4812			
	817.413 (2)	3rd	Sale of used goods <u>of \$1,000 or more</u> as new.
4813			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument <u>with intent to defraud</u> .
4814			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
4815			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
4816			
	843.19	3rd	Injure, disable, or kill police dog or horse.
4817			



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4818	860.15(3)	3rd	Overcharging for repairs and parts.
4819	870.01(2)	3rd	Riot; inciting or encouraging.
4820	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
4821	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
4821	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8.,



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4822	893.13(4)(c)	3rd	(2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
4823	893.13(6)(a)	3rd	Use or hire of minor; deliver to minor other controlled substances.
4824	893.13(7)(a)8.	3rd	Possession of any controlled substance other than felony possession of cannabis.
4825	893.13(7)(a)9.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
4826	893.13(7)(a)10.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
4827			Affix false or forged label to package of controlled substance.



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4828	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
4829	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
4830	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
4831	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a



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4832			patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
4833	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
4834	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
4835	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
4836			
4837			
4838	(d) LEVEL 4		
4839			
4840	Florida Statute	Felony Degree	Description
	316.1935 (3) (a)	2nd	Driving at high speed or





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4841	499.0051(1)	3rd	with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
4842	499.0051(5)	2nd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
4843	517.07(1)	3rd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
4844	517.12(1)	3rd	Failure to register securities.
4845	784.07(2)(b)	3rd	Failure of dealer, associated person, or issuer of securities to register.
		3rd	Battery of law



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4846	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
4847	784.075	3rd	Battery on detention or commitment facility staff.
4848	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
4849	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
4850	784.081 (3)	3rd	Battery on specified official or employee.
4851	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
4852	784.083 (3)	3rd	Battery on code inspector.



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4853	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
4854	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
4855	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
4856	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
4857	787.07	3rd	Human smuggling.
4858	790.115 (1)	3rd	Exhibiting firearm or



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4859			weapon within 1,000 feet of a school.
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
4860			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
4861			
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
4862			
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
4863			
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
4864			
	810.06	3rd	Burglary; possession of



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4865			tools.
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
4866			
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
4867			
	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , <del>a will,</del> <del>firearm, motor vehicle,</del> <del>livestock, etc.</del>
4868			
	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
4869			
	817.505 (4) (a)	3rd	Patient brokering.
4870			
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
4871			
	817.568 (2) (a)	3rd	Fraudulent use of



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4872			personal identification information.
	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
4873			
	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
4874			
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
4875			
	837.02 (1)	3rd	Perjury in official proceedings.
4876			
	837.021 (1)	3rd	Make contradictory statements in official proceedings.
4877			
	838.022	3rd	Official misconduct.
4878			
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care



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4879			and custody of a state agency.
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
4880			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
4881			
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
4882			
	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
4883			
	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
4884			
	874.05 (1) (a)	3rd	Encouraging or



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4885			recruiting another to join a criminal gang.
	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
4886			
	914.14 (2)	3rd	Witnesses accepting bribes.
4887			
	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
4888			
	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
4889			
	918.12	3rd	Tampering with jurors.
4890			
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
4891			
	<u>944.47 (1) (a) 6.</u>	<u>3rd</u>	<u>Introduction of</u>





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4892	<u>951.22 (1) (h) , (j) , &amp; (k)</u>	<u>3rd</u>	<u>contraband (cellular telephone or other portable communication device) into correctional institution.</u>
4893			
4894			
4895	(e) LEVEL 5		
4896			
	Florida	Felony	
	Statute	Degree	Description
4897	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
4898	316.1935 (4) (a)	2nd	Aggravated fleeing or



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4899			eluding.
	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
4900			
	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
4901			
	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
4902			
	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap



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			tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
4903	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
4904	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
4905	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
4906	440.10(1)(g)	2nd	Failure to obtain workers' compensation



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4907			coverage.
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
4908			
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
4909			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
4910			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
4911			
	790.01 (2)	3rd	Carrying a concealed firearm.
4912			



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4913	790.162	2nd	Threat to throw or discharge destructive device.
4914	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
4915	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
4916	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
4917	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
4918	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.



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4919	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
4920	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
4921	812.015 (8) <u>(a), (c), (d), &amp; (e)</u>	3rd	Retail theft; property stolen is valued at <u>\$750</u> <del>\$300</del> or more and one or more specified acts.
4922	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
4923	812.131 (2) (b)	3rd	Robbery by sudden snatching.
4924	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
4925	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
4926			



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4927	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
4928	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
4929	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
4929	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related



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4930			documents.
	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
4931			
	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
4932			
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
4933			
	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
4934			
	828.12 (2)	3rd	Tortures any animal with





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4935	839.13 (2) (b)	2nd	intent to inflict intense pain, serious physical injury, or death.
4936	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
4937	847.0135 (5) (b)	2nd	Resist officer with violence to person; resist arrest with violence.
4938	847.0137 (2) & (3)	3rd	Lewd or lascivious exhibition using computer; offender 18 years or older.
4939	847.0138 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
			Transmission of material harmful to minors to a minor by electronic



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4940	874.05 (1) (b)	2nd	device or equipment. Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
4941	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
4942	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
4943	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs) within 1,000 feet of a



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4944	893.13(1)(d)1.	1st	child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
4945	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
4946			Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.



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4947	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
4948	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
4949	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
4950			
4951	(f) LEVEL 6		
4952			
	Florida Statute	Felony Degree	Description
4953	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
4954	316.193(2)(b)	3rd	Felony DUI, 4th or



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4955			subsequent conviction.
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
4956			
	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
4957			
	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
4958			
	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
4959			
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
4960			
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
4961			



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4962	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
4963	784.041	3rd	Felony battery; domestic battery by strangulation.
4964	784.048 (3)	3rd	Aggravated stalking; credible threat.
4965	784.048 (5)	3rd	Aggravated stalking of person under 16.
4966	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
4967	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
4968	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
4969	784.081 (2)	2nd	Aggravated assault on specified official or employee.



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4970	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
4971	784.083 (2)	2nd	Aggravated assault on code inspector.
4972	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
4973	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
4974	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.



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4975	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
4976	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
4977	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
4978	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
4979	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
4980	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.





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4981	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
4982	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
4983	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
4984	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
4985	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$750</u> <del>\$300</del> or more; second or subsequent conviction.
4986	812.015 (9) (b)	2nd	Retail theft; <u>aggregated property stolen within 30 days is</u> \$3,000 or more; coordination of others.
4987			



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4988	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
4989	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
4990	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
4991	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
4992	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
4993	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.



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4994	827.03 (2) (c)	3rd	Abuse of a child.
4995	827.03 (2) (d)	3rd	Neglect of a child.
4996	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
4997	836.05	2nd	Threats; extortion.
4998	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
4999	843.12	3rd	Aids or assists person to escape.
5000	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
5001	847.012	3rd	Knowingly using a minor in the production of



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5002	847.0135 (2)	3rd	materials harmful to minors. Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
5003	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
5004	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
5005	944.40	2nd	Escapes.
5006	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
5007			



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5008	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
5009	<u>951.22 (1) (i)</u>	3rd	<del>Intoxicating drug,</del>
5010	<del>951.22 (1)</del>		Firearm, or weapon introduced into county <u>detention</u> facility.
5011	(g) LEVEL 7		
5012	Florida Statute	Felony Degree	Description
5013	316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
5014	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
5015	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while



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5016			fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
5017			
	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
5018			
	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
5019			
	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
5020			
	456.065 (2)	3rd	Practicing a health care profession without a license.
5021			
	456.065 (2)	2nd	Practicing a health care profession without a



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5022			license which results in serious bodily injury.
	458.327 (1)	3rd	Practicing medicine without a license.
5023			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
5024			
	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
5025			
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
5026			
	462.17	3rd	Practicing naturopathy without a license.
5027			
	463.015 (1)	3rd	Practicing optometry without a license.
5028			
	464.016 (1)	3rd	Practicing nursing without a license.
5029			
	465.015 (2)	3rd	Practicing pharmacy without a license.



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5030	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
5031	467.201	3rd	Practicing midwifery without a license.
5032	468.366	3rd	Delivering respiratory care services without a license.
5033	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
5034	483.901(7)	3rd	Practicing medical physics without a license.
5035	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
5036	484.053	3rd	Dispensing hearing aids without a license.
5037	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money





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5038	560.123 (8) (b) 1.	3rd	and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
5039	560.125 (5) (a)	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
5040	655.50 (10) (b) 1.	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
5041	775.21 (10) (a)	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
5042			Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.



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5043	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
5044	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
5045	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
5046	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
5047	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being



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5048			by the operation of a vessel in a reckless manner (vessel homicide).
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
5049			
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
5050			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
5051			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
5052			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
5053			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
5054			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.



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5055	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
5056	784.081 (1)	1st	Aggravated battery on specified official or employee.
5057	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
5058	784.083 (1)	1st	Aggravated battery on code inspector.
5059	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
5060	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
5061	790.07 (4)	1st	Specified weapons violation subsequent to



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5062			previous conviction of s. 790.07(1) or (2).
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
5063			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
5064			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
5065			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
5066			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
5067			



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5068	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
5069	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
5070	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
5071	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
5072	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of



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5073	800.04 (5) (e)	1st	age; offender 18 years of age or older. Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
5074	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
5075	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
5076	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
5077	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
5078	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.



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5079	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
5080	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
5081	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
5082	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
5083	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
5084	812.019 (2)	1st	Stolen property;





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5085			initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
5086	812.131 (2) (a)	2nd	Robbery by sudden snatching.
5087	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
5088	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
5089	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
5090	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
5091	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341	1st	Making false entries of



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	(2) (b) & (3) (b)		material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
5092	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
5093	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
5094	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
5095	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
5096	827.03 (2) (b)	2nd	Neglect of a child causing



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5097			great bodily harm, disability, or disfigurement.
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
5098			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
5099			
	838.015	2nd	Bribery.
5100			
	838.016	2nd	Unlawful compensation or reward for official behavior.
5101			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
5102			
	838.22	2nd	Bid tampering.
5103			
	843.0855 (2)	3rd	Impersonation of a public officer or employee.
5104			
	843.0855 (3)	3rd	Unlawful simulation of



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5105			legal process.
	843.0855 (4)	3rd	Intimidation of a public officer or employee.
5106			
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
5107			
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
5108			
	872.06	2nd	Abuse of a dead human body.
5109			
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
5110			
	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
5111			



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893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
5112		
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
5113		
893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
5114		
893.135(1)(a)1.	1st	Trafficking in cannabis,



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5115	893.135 (1) (b) 1.a.	1st	more than 25 lbs., less than 2,000 lbs. Trafficking in cocaine, more than 28 grams, less than 200 grams.
5116	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
5117	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, <u>28</u> <del>14</del> grams or more, less than <u>50</u> <del>28</del> grams.
5118	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, <u>50</u> <del>28</del> grams or more, less than <u>100</u> <del>50</del> grams.
5119	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
5120	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
5121			



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5122	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
5123	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
5124	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
5125	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
5126	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
5127	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5



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5128			kilograms.
	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
5129			
	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
5130			
	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
5131			
	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
5132			
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
5133			
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less





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5134	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
5135	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
5136	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
5137	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
5138	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.



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5139	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5140	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
5141	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
5142	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5143	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5144			



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5145	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
5146	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5147	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5148			
5149	(h) LEVEL 8		
5150			
	Florida Statute	Felony Degree	Description
5151	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
5152	316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or



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5153			death.
5154	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
5155	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
5156	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
5157	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
5158	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
	655.50 (10) (b) 2.	2nd	Failure to report financial transactions



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5159			totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
5160	777.03(2)(a)	1st	Accessory after the fact, capital felony.
5161	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
5162	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
5162	782.071(1)(b)	1st	Committing vehicular homicide and failing to



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5163			render aid or give information.
	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
5164			
	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
5165			
	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
5166			
	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
5167			
	787.06 (3) (e) 1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
5168			



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5169	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
5170	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
5171	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
5172	794.011(5)(b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
	794.011(5)(c)	2nd	Sexual battery; victim 12



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5173			years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
5174			
	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
5175			
	800.04 (4) (b)	2nd	Lewd or lascivious battery.
5176			
	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
5177			





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5178	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
5179	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
5180	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
5181	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
5182	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
5183	812.13 (2) (b)	1st	Robbery with a weapon.
	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.



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5184	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
5185	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
5186	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
5187	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
5188	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
5189	817.568 (6)	2nd	Fraudulent use of



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5190			personal identification information of an individual under the age of 18.
5190	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
5191	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
5192	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
5193	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
5194	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
5195	837.021 (2)	2nd	Making contradictory



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5196			statements in official proceedings relating to prosecution of a capital felony.
	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
5197			
	860.16	1st	Aircraft piracy.
5198			
	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
5199			
	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
5200			
	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
5201			
	893.135 (1) (a) 2.	1st	Trafficking in cannabis,



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5202	893.135 (1) (b) 1.b.	1st	more than 2,000 lbs., less than 10,000 lbs. Trafficking in cocaine, more than 200 grams, less than 400 grams.
5203	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
5204	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, <u>100</u> <del>50</del> grams or more, less than <u>300</u> <del>200</del> grams.
5205	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
5206	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
5207	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.



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5208	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
5209	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
5210	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
5211	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
5212	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or more, less than 10 kilograms.
5213	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200



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5214	893.135 (1) (m) 2.c.	1st	grams or more, less than 400 grams. Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
5215	893.135 (1) (n) 2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
5216	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
5217	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
5218	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.



5219	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
5220	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
5221	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
5222			
5223			
5224	(i) LEVEL 9		
5225			
	Florida Statute	Felony Degree	Description
5226	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.





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5227	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
5228	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
5229	499.0051 (8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
5230	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
5231	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
5232	655.50 (10) (b) 3.	1st	Failure to report financial transactions



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5233			totaling or exceeding \$100,000 by financial institution.
	775.0844	1st	Aggravated white collar crime.
5234			
	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
5235			
	782.04 (3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
5236			
	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3) .
5237			
	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.



5238	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
5239	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
5240	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
5241	787.02(3)(a)	1st,PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
5242	787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
5243	787.06(3)(d)	1st	Human trafficking using



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5244	787.06(3)(f)1.	1st,PBL	coercion for commercial sexual activity of an unauthorized adult alien. Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
5245	790.161	1st	Attempted capital destructive device offense.
5246	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
5247	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
5248	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.



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5249	794.011 (4) (a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
5250	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
5251	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
5252	794.011 (4) (d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
5253	794.011 (8) (b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial



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5254			authority.
	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
5255			
	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
5256			
	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
5257			
	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
5258			
	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
5259			
	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
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5261	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
5262	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
5263	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
5264	827.03 (2) (a)	1st	Aggravated child abuse.
	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.



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5265	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
5266	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
5267	893.135	1st	Attempted capital trafficking offense.
5268	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
5269	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
5270	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
5271	893.135	1st	Trafficking in





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5272	(1) (c) 2.d.		hydrocodone, <u>300</u> <del>200</del> grams or more, less than 30 kilograms.
5273	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
5274	893.135 (1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
5275	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
5276	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
5277	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
5278	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
	893.135	1st	Trafficking in 1,4-



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5279	(1) (j) 1.c.		Butanediol, 10 kilograms or more.
	893.135	1st	Trafficking in Phenethylamines, 400 grams or more.
5280	(1) (k) 2.c.		
	893.135	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
5281	(1) (m) 2.d.		
	893.135	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
5282	(1) (n) 2.c.		
	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
5283			
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
5284			
5285			
5286	(j) LEVEL 10		



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5287	Florida Statute	Felony Degree	Description
5288	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
5289	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
5290	782.07 (3)	1st	Aggravated manslaughter of a child.
5291	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
5292	787.01 (3) (a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
5293	787.06 (3) (g)	Life	Human trafficking for



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5294			commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.
	787.06(4)(a)	Life	Selling or buying of minors into human trafficking.
5295			
	794.011(3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
5296			
	812.135(2)(a)	1st,PBL	Home-invasion robbery with firearm or other deadly weapon.
5297			
	876.32	1st	Treason against the state.
5298			
5299			
5300	Section 83. For the purpose of incorporating the amendment		
5301	made by this act to section 322.056, Florida Statutes, in a		
5302	reference thereto, subsection (11) of section 322.05, Florida		
5303	Statutes, is reenacted to read:		



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5304           322.05 Persons not to be licensed.—The department may not  
5305 issue a license:

5306           (11) To any person who is ineligible under s. 322.056.

5307           Section 84. For the purpose of incorporating the amendment  
5308 made by this act to section 322.34, Florida Statutes, in a  
5309 reference thereto, paragraph (c) of subsection (2) of section  
5310 316.027, Florida Statutes, is reenacted to read:

5311           316.027 Crash involving death or personal injuries.—

5312           (2)

5313           (c) The driver of a vehicle involved in a crash occurring  
5314 on public or private property which results in the death of a  
5315 person shall immediately stop the vehicle at the scene of the  
5316 crash, or as close thereto as possible, and shall remain at the  
5317 scene of the crash until he or she has fulfilled the  
5318 requirements of s. 316.062. A person who is arrested for a  
5319 violation of this paragraph and who has previously been  
5320 convicted of a violation of this section, s. 316.061, s.  
5321 316.191, or s. 316.193, or a felony violation of s. 322.34,  
5322 shall be held in custody until brought before the court for  
5323 admittance to bail in accordance with chapter 903. A person who  
5324 willfully violates this paragraph commits a felony of the first  
5325 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
5326 775.084, and shall be sentenced to a mandatory minimum term of  
5327 imprisonment of 4 years. A person who willfully commits such a  
5328 violation while driving under the influence as set forth in s.  
5329 316.193(1) shall be sentenced to a mandatory minimum term of  
5330 imprisonment of 4 years.

5331           Section 85. For the purpose of incorporating the amendment  
5332 made by this act to section 322.34, Florida Statutes, in a



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5333 reference thereto, paragraph (c) of subsection (4) of section  
5334 907.041, Florida Statutes, is reenacted to read:  
5335 907.041 Pretrial detention and release.—  
5336 (4) PRETRIAL DETENTION.—  
5337 (c) The court may order pretrial detention if it finds a  
5338 substantial probability, based on a defendant's past and present  
5339 patterns of behavior, the criteria in s. 903.046, and any other  
5340 relevant facts, that any of the following circumstances exist:  
5341 1. The defendant has previously violated conditions of  
5342 release and that no further conditions of release are reasonably  
5343 likely to assure the defendant's appearance at subsequent  
5344 proceedings;  
5345 2. The defendant, with the intent to obstruct the judicial  
5346 process, has threatened, intimidated, or injured any victim,  
5347 potential witness, juror, or judicial officer, or has attempted  
5348 or conspired to do so, and that no condition of release will  
5349 reasonably prevent the obstruction of the judicial process;  
5350 3. The defendant is charged with trafficking in controlled  
5351 substances as defined by s. 893.135, that there is a substantial  
5352 probability that the defendant has committed the offense, and  
5353 that no conditions of release will reasonably assure the  
5354 defendant's appearance at subsequent criminal proceedings;  
5355 4. The defendant is charged with DUI manslaughter, as  
5356 defined by s. 316.193, and that there is a substantial  
5357 probability that the defendant committed the crime and that the  
5358 defendant poses a threat of harm to the community; conditions  
5359 that would support a finding by the court pursuant to this  
5360 subparagraph that the defendant poses a threat of harm to the  
5361 community include, but are not limited to, any of the following:



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5362           a. The defendant has previously been convicted of any crime  
5363 under s. 316.193, or of any crime in any other state or  
5364 territory of the United States that is substantially similar to  
5365 any crime under s. 316.193;

5366           b. The defendant was driving with a suspended driver  
5367 license when the charged crime was committed; or

5368           c. The defendant has previously been found guilty of, or  
5369 has had adjudication of guilt withheld for, driving while the  
5370 defendant's driver license was suspended or revoked in violation  
5371 of s. 322.34;

5372           5. The defendant poses the threat of harm to the community.  
5373 The court may so conclude, if it finds that the defendant is  
5374 presently charged with a dangerous crime, that there is a  
5375 substantial probability that the defendant committed such crime,  
5376 that the factual circumstances of the crime indicate a disregard  
5377 for the safety of the community, and that there are no  
5378 conditions of release reasonably sufficient to protect the  
5379 community from the risk of physical harm to persons;

5380           6. The defendant was on probation, parole, or other release  
5381 pending completion of sentence or on pretrial release for a  
5382 dangerous crime at the time the current offense was committed;

5383           7. The defendant has violated one or more conditions of  
5384 pretrial release or bond for the offense currently before the  
5385 court and the violation, in the discretion of the court,  
5386 supports a finding that no conditions of release can reasonably  
5387 protect the community from risk of physical harm to persons or  
5388 assure the presence of the accused at trial; or

5389           8.a. The defendant has ever been sentenced pursuant to s.  
5390 775.082(9) or s. 775.084 as a prison releasee reoffender,



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5391 habitual violent felony offender, three-time violent felony  
5392 offender, or violent career criminal, or the state attorney  
5393 files a notice seeking that the defendant be sentenced pursuant  
5394 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
5395 habitual violent felony offender, three-time violent felony  
5396 offender, or violent career criminal;

5397       b. There is a substantial probability that the defendant  
5398 committed the offense; and

5399       c. There are no conditions of release that can reasonably  
5400 protect the community from risk of physical harm or ensure the  
5401 presence of the accused at trial.

5402       Section 86. For the purpose of incorporating the amendment  
5403 made by this act to section 509.151, Florida Statutes, in a  
5404 reference thereto, section 509.161, Florida Statutes, is  
5405 reenacted to read:

5406       509.161 Rules of evidence in prosecutions.—In prosecutions  
5407 under s. 509.151, proof that lodging, food, or other  
5408 accommodations were obtained by false pretense; by false or  
5409 fictitious show of baggage or other property; by absconding  
5410 without paying or offering to pay for such food, lodging, or  
5411 accommodations; or by surreptitiously removing or attempting to  
5412 remove baggage shall constitute prima facie evidence of  
5413 fraudulent intent. If the operator of the establishment has  
5414 probable cause to believe, and does believe, that any person has  
5415 obtained food, lodging, or other accommodations at such  
5416 establishment with intent to defraud the operator thereof, the  
5417 failure to make payment upon demand therefor, there being no  
5418 dispute as to the amount owed, shall constitute prima facie  
5419 evidence of fraudulent intent in such prosecutions.





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5420           Section 87. For the purpose of incorporating the amendment  
5421 made by this act to section 784.048, Florida Statutes, in a  
5422 reference thereto, paragraph (c) of subsection (2) of section  
5423 790.065, Florida Statutes, is reenacted to read:

5424           790.065 Sale and delivery of firearms.—

5425           (2) Upon receipt of a request for a criminal history record  
5426 check, the Department of Law Enforcement shall, during the  
5427 licensee's call or by return call, forthwith:

5428           (c)1. Review any records available to it to determine  
5429 whether the potential buyer or transferee has been indicted or  
5430 has had an information filed against her or him for an offense  
5431 that is a felony under either state or federal law, or, as  
5432 mandated by federal law, has had an injunction for protection  
5433 against domestic violence entered against the potential buyer or  
5434 transferee under s. 741.30, has had an injunction for protection  
5435 against repeat violence entered against the potential buyer or  
5436 transferee under s. 784.046, or has been arrested for a  
5437 dangerous crime as specified in s. 907.041(4)(a) or for any of  
5438 the following enumerated offenses:

- 5439           a. Criminal anarchy under ss. 876.01 and 876.02.
- 5440           b. Extortion under s. 836.05.
- 5441           c. Explosives violations under s. 552.22(1) and (2).
- 5442           d. Controlled substances violations under chapter 893.
- 5443           e. Resisting an officer with violence under s. 843.01.
- 5444           f. Weapons and firearms violations under this chapter.
- 5445           g. Treason under s. 876.32.
- 5446           h. Assisting self-murder under s. 782.08.
- 5447           i. Sabotage under s. 876.38.
- 5448           j. Stalking or aggravated stalking under s. 784.048.



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If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

a. That the potential buyer is not prohibited from owning a



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5478 firearm, it shall treat the record of the transaction in  
5479 accordance with this section; or

5480         b. That the potential buyer is prohibited from owning a  
5481 firearm, it shall immediately revoke the conditional approval  
5482 number and notify local law enforcement.

5483         8. During the time that disposition of the indictment,  
5484 information, or arrest is pending and until the department is  
5485 notified by the potential buyer that there has been a final  
5486 disposition of the indictment, information, or arrest, the  
5487 conditional nonapproval number shall remain in effect.

5488         Section 88. For the purpose of incorporating the amendment  
5489 made by this act to section 784.048, Florida Statutes, in a  
5490 reference thereto, subsection (1) of section 794.056, Florida  
5491 Statutes, is reenacted to read:

5492         794.056 Rape Crisis Program Trust Fund.—

5493         (1) The Rape Crisis Program Trust Fund is created within  
5494 the Department of Health for the purpose of providing funds for  
5495 rape crisis centers in this state. Trust fund moneys shall be  
5496 used exclusively for the purpose of providing services for  
5497 victims of sexual assault. Funds credited to the trust fund  
5498 consist of those funds collected as an additional court  
5499 assessment in each case in which a defendant pleads guilty or  
5500 nolo contendere to, or is found guilty of, regardless of  
5501 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
5502 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
5503 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
5504 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
5505 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
5506 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.



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5507 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
5508 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
5509 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
5510 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
5511 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
5512 fund also shall include revenues provided by law, moneys  
5513 appropriated by the Legislature, and grants from public or  
5514 private entities.

5515 Section 89. For the purpose of incorporating the amendment  
5516 made by this act to section 784.048, Florida Statutes, in a  
5517 reference thereto, subsection (4) of section 847.0141, Florida  
5518 Statutes, is reenacted to read:

5519 847.0141 Sexting; prohibited acts; penalties.—

5520 (4) This section does not prohibit the prosecution of a  
5521 minor for a violation of any law of this state if the photograph  
5522 or video that depicts nudity also includes the depiction of  
5523 sexual conduct or sexual excitement, and does not prohibit the  
5524 prosecution of a minor for stalking under s. 784.048.

5525 Section 90. For the purpose of incorporating the amendment  
5526 made by this act to section 784.048, Florida Statutes, in a  
5527 reference thereto, subsection (5) of section 901.41, Florida  
5528 Statutes, is reenacted to read:

5529 901.41 Prearrest diversion programs.—

5530 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime  
5531 of domestic violence, as defined in s. 741.28, or a misdemeanor  
5532 under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048,  
5533 s. 784.0487, or s. 784.049 does not qualify for a civil citation  
5534 or prearrest diversion program.

5535 Section 91. For the purpose of incorporating the amendment



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5536 made by this act to section 784.048, Florida Statutes, in a  
5537 reference thereto, section 938.08, Florida Statutes, is  
5538 reenacted to read:

5539       938.08 Additional cost to fund programs in domestic  
5540 violence.—In addition to any sanction imposed for a violation of  
5541 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.  
5542 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.  
5543 784.083, s. 784.085, s. 794.011, or for any offense of domestic  
5544 violence described in s. 741.28, the court shall impose a  
5545 surcharge of \$201. Payment of the surcharge shall be a condition  
5546 of probation, community control, or any other court-ordered  
5547 supervision. The sum of \$85 of the surcharge shall be deposited  
5548 into the Domestic Violence Trust Fund established in s. 741.01.  
5549 The clerk of the court shall retain \$1 of each surcharge that  
5550 the clerk of the court collects as a service charge of the  
5551 clerk's office. The remainder of the surcharge shall be provided  
5552 to the governing board of the county and must be used only to  
5553 defray the costs of incarcerating persons sentenced under s.  
5554 741.283 and provide additional training to law enforcement  
5555 personnel in combating domestic violence.

5556       Section 92. For the purpose of incorporating the amendment  
5557 made by this act to section 784.048, Florida Statutes, in a  
5558 reference thereto, section 938.085, Florida Statutes, is  
5559 reenacted to read:

5560       938.085 Additional cost to fund rape crisis centers.—In  
5561 addition to any sanction imposed when a person pleads guilty or  
5562 nolo contendere to, or is found guilty of, regardless of  
5563 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and  
5564 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;



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5565 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
5566 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
5567 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
5568 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
5569 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
5570 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
5571 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
5572 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
5573 (14)(c); or s. 985.701(1), the court shall impose a surcharge of  
5574 \$151. Payment of the surcharge shall be a condition of  
5575 probation, community control, or any other court-ordered  
5576 supervision. The sum of \$150 of the surcharge shall be deposited  
5577 into the Rape Crisis Program Trust Fund established within the  
5578 Department of Health by chapter 2003-140, Laws of Florida. The  
5579 clerk of the court shall retain \$1 of each surcharge that the  
5580 clerk of the court collects as a service charge of the clerk's  
5581 office.

5582 Section 93. For the purpose of incorporating the amendment  
5583 made by this act to section 784.048, Florida Statutes, in a  
5584 reference thereto, paragraph (c) of subsection (8) of section  
5585 948.06, Florida Statutes, is reenacted to read:

5586 948.06 Violation of probation or community control;  
5587 revocation; modification; continuance; failure to pay  
5588 restitution or cost of supervision.—

5589 (8)

5590 (c) For purposes of this section, the term "qualifying  
5591 offense" means any of the following:

5592 1. Kidnapping or attempted kidnapping under s. 787.01,  
5593 false imprisonment of a child under the age of 13 under s.



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- 5594 787.02(3), or luring or enticing a child under s. 787.025(2)(b)  
5595 or (c).
- 5596 2. Murder or attempted murder under s. 782.04, attempted  
5597 felony murder under s. 782.051, or manslaughter under s. 782.07.
- 5598 3. Aggravated battery or attempted aggravated battery under  
5599 s. 784.045.
- 5600 4. Sexual battery or attempted sexual battery under s.  
5601 794.011(2), (3), (4), or (8)(b) or (c).
- 5602 5. Lewd or lascivious battery or attempted lewd or  
5603 lascivious battery under s. 800.04(4), lewd or lascivious  
5604 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious  
5605 conduct under s. 800.04(6)(b), lewd or lascivious exhibition  
5606 under s. 800.04(7)(b), or lewd or lascivious exhibition on  
5607 computer under s. 847.0135(5)(b).
- 5608 6. Robbery or attempted robbery under s. 812.13, carjacking  
5609 or attempted carjacking under s. 812.133, or home invasion  
5610 robbery or attempted home invasion robbery under s. 812.135.
- 5611 7. Lewd or lascivious offense upon or in the presence of an  
5612 elderly or disabled person or attempted lewd or lascivious  
5613 offense upon or in the presence of an elderly or disabled person  
5614 under s. 825.1025.
- 5615 8. Sexual performance by a child or attempted sexual  
5616 performance by a child under s. 827.071.
- 5617 9. Computer pornography under s. 847.0135(2) or (3),  
5618 transmission of child pornography under s. 847.0137, or selling  
5619 or buying of minors under s. 847.0145.
- 5620 10. Poisoning food or water under s. 859.01.
- 5621 11. Abuse of a dead human body under s. 872.06.
- 5622 12. Any burglary offense or attempted burglary offense that



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5623 is either a first degree felony or second degree felony under s.  
5624 810.02(2) or (3).

5625 13. Arson or attempted arson under s. 806.01(1).

5626 14. Aggravated assault under s. 784.021.

5627 15. Aggravated stalking under s. 784.048(3), (4), (5), or  
5628 (7).

5629 16. Aircraft piracy under s. 860.16.

5630 17. Unlawful throwing, placing, or discharging of a  
5631 destructive device or bomb under s. 790.161(2), (3), or (4).

5632 18. Treason under s. 876.32.

5633 19. Any offense committed in another jurisdiction which  
5634 would be an offense listed in this paragraph if that offense had  
5635 been committed in this state.

5636 Section 94. For the purpose of incorporating the amendment  
5637 made by this act to section 784.048, Florida Statutes, in a  
5638 reference thereto, subsection (1) of section 948.062, Florida  
5639 Statutes, is reenacted to read:

5640 948.062 Reviewing and reporting serious offenses committed  
5641 by offenders placed on probation or community control.—

5642 (1) The department shall review the circumstances related  
5643 to an offender placed on probation or community control who has  
5644 been arrested while on supervision for the following offenses:

5645 (a) Any murder as provided in s. 782.04;

5646 (b) Any sexual battery as provided in s. 794.011 or s.  
5647 794.023;

5648 (c) Any sexual performance by a child as provided in s.  
5649 827.071;

5650 (d) Any kidnapping, false imprisonment, or luring of a  
5651 child as provided in s. 787.01, s. 787.02, or s. 787.025;





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5652 (e) Any lewd and lascivious battery or lewd and lascivious  
5653 molestation as provided in s. 800.04(4) or (5);

5654 (f) Any aggravated child abuse as provided in s.  
5655 827.03(2) (a);

5656 (g) Any robbery with a firearm or other deadly weapon, home  
5657 invasion robbery, or carjacking as provided in s. 812.13(2) (a),  
5658 s. 812.135, or s. 812.133;

5659 (h) Any aggravated stalking as provided in s. 784.048(3),  
5660 (4), or (5);

5661 (i) Any forcible felony as provided in s. 776.08, committed  
5662 by a person on probation or community control who is designated  
5663 as a sexual predator; or

5664 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),  
5665 or vehicular or vessel homicide as provided in s. 782.071 or s.  
5666 782.072, committed by a person who is on probation or community  
5667 control for an offense involving death or injury resulting from  
5668 a driving incident.

5669 Section 95. For the purpose of incorporating the amendment  
5670 made by this act to section 784.048, Florida Statutes, in a  
5671 reference thereto, paragraph (b) of subsection (1) of section  
5672 960.001, Florida Statutes, is reenacted to read:

5673 960.001 Guidelines for fair treatment of victims and  
5674 witnesses in the criminal justice and juvenile justice systems.-

5675 (1) The Department of Legal Affairs, the state attorneys,  
5676 the Department of Corrections, the Department of Juvenile  
5677 Justice, the Florida Commission on Offender Review, the State  
5678 Courts Administrator and circuit court administrators, the  
5679 Department of Law Enforcement, and every sheriff's department,  
5680 police department, or other law enforcement agency as defined in



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5681 s. 943.10(4) shall develop and implement guidelines for the use  
5682 of their respective agencies, which guidelines are consistent  
5683 with the purposes of this act and s. 16(b), Art. I of the State  
5684 Constitution and are designed to implement s. 16(b), Art. I of  
5685 the State Constitution and to achieve the following objectives:

5686 (b) *Information for purposes of notifying victim or*  
5687 *appropriate next of kin of victim or other designated contact of*  
5688 *victim.*—In the case of a homicide, pursuant to chapter 782; or a  
5689 sexual offense, pursuant to chapter 794; or an attempted murder  
5690 or sexual offense, pursuant to chapter 777; or stalking,  
5691 pursuant to s. 784.048; or domestic violence, pursuant to s.  
5692 25.385:

5693 1. The arresting law enforcement officer or personnel of an  
5694 organization that provides assistance to a victim or to the  
5695 appropriate next of kin of the victim or other designated  
5696 contact must request that the victim or appropriate next of kin  
5697 of the victim or other designated contact complete a victim  
5698 notification card. However, the victim or appropriate next of  
5699 kin of the victim or other designated contact may choose not to  
5700 complete the victim notification card.

5701 2. Unless the victim or the appropriate next of kin of the  
5702 victim or other designated contact waives the option to complete  
5703 the victim notification card, a copy of the victim notification  
5704 card must be filed with the incident report or warrant in the  
5705 sheriff's office of the jurisdiction in which the incident  
5706 report or warrant originated. The notification card shall, at a  
5707 minimum, consist of:

- 5708 a. The name, address, and phone number of the victim; or  
5709 b. The name, address, and phone number of the appropriate



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5710 next of kin of the victim; or

5711 c. The name, address, and telephone number of a designated  
5712 contact other than the victim or appropriate next of kin of the  
5713 victim; and

5714 d. Any relevant identification or case numbers assigned to  
5715 the case.

5716 3. The chief administrator, or a person designated by the  
5717 chief administrator, of a county jail, municipal jail, juvenile  
5718 detention facility, or residential commitment facility shall  
5719 make a reasonable attempt to notify the alleged victim or  
5720 appropriate next of kin of the alleged victim or other  
5721 designated contact within 4 hours following the release of the  
5722 defendant on bail or, in the case of a juvenile offender, upon  
5723 the release from residential detention or commitment. If the  
5724 chief administrator, or designee, is unable to contact the  
5725 alleged victim or appropriate next of kin of the alleged victim  
5726 or other designated contact by telephone, the chief  
5727 administrator, or designee, must send to the alleged victim or  
5728 appropriate next of kin of the alleged victim or other  
5729 designated contact a written notification of the defendant's  
5730 release.

5731 4. Unless otherwise requested by the victim or the  
5732 appropriate next of kin of the victim or other designated  
5733 contact, the information contained on the victim notification  
5734 card must be sent by the chief administrator, or designee, of  
5735 the appropriate facility to the subsequent correctional or  
5736 residential commitment facility following the sentencing and  
5737 incarceration of the defendant, and unless otherwise requested  
5738 by the victim or the appropriate next of kin of the victim or



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5739 other designated contact, he or she must be notified of the  
5740 release of the defendant from incarceration as provided by law.

5741         5. If the defendant was arrested pursuant to a warrant  
5742 issued or taken into custody pursuant to s. 985.101 in a  
5743 jurisdiction other than the jurisdiction in which the defendant  
5744 is being released, and the alleged victim or appropriate next of  
5745 kin of the alleged victim or other designated contact does not  
5746 waive the option for notification of release, the chief  
5747 correctional officer or chief administrator of the facility  
5748 releasing the defendant shall make a reasonable attempt to  
5749 immediately notify the chief correctional officer of the  
5750 jurisdiction in which the warrant was issued or the juvenile was  
5751 taken into custody pursuant to s. 985.101, and the chief  
5752 correctional officer of that jurisdiction shall make a  
5753 reasonable attempt to notify the alleged victim or appropriate  
5754 next of kin of the alleged victim or other designated contact,  
5755 as provided in this paragraph, that the defendant has been or  
5756 will be released.

5757         Section 96. For the purpose of incorporating the amendment  
5758 made by this act to section 784.048, Florida Statutes, in a  
5759 reference thereto, paragraph (b) of subsection (3) of section  
5760 985.265, Florida Statutes, is reenacted to read:

5761         985.265 Detention transfer and release; education; adult  
5762 jails.-

5763         (3)

5764         (b) When a juvenile is released from secure detention or  
5765 transferred to nonsecure detention, detention staff shall  
5766 immediately notify the appropriate law enforcement agency,  
5767 school personnel, and victim if the juvenile is charged with



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5768 committing any of the following offenses or attempting to commit  
5769 any of the following offenses:

- 5770 1. Murder, under s. 782.04;
- 5771 2. Sexual battery, under chapter 794;
- 5772 3. Stalking, under s. 784.048; or
- 5773 4. Domestic violence, as defined in s. 741.28.

5774 Section 97. For the purpose of incorporating the amendment  
5775 made by this act to section 784.048, Florida Statutes, in a  
5776 reference thereto, paragraph (e) of subsection (3) of section  
5777 1006.147, Florida Statutes, is reenacted to read:

5778 1006.147 Bullying and harassment prohibited.—

5779 (3) For purposes of this section:

5780 (e) Definitions in s. 815.03 and the definition in s.  
5781 784.048(1)(d) relating to stalking are applicable to this  
5782 section.

5783 Section 98. For the purpose of incorporating the amendment  
5784 made by this act to section 806.13, Florida Statutes, in a  
5785 reference thereto, subsection (1) of section 316.0775, Florida  
5786 Statutes, is reenacted to read:

5787 316.0775 Interference with official traffic control devices  
5788 or railroad signs or signals.—

5789 (1) A person may not, without lawful authority, attempt to  
5790 or in fact alter, deface, injure, knock down, or remove any  
5791 official traffic control device or any railroad sign or signal  
5792 or any inscription, shield, or insignia thereon, or any other  
5793 part thereof. A violation of this subsection is a criminal  
5794 violation pursuant to s. 318.17 and shall be punishable as set  
5795 forth in s. 806.13 related to criminal mischief and graffiti,  
5796 beginning on or after July 1, 2000.



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5797 Section 99. For the purpose of incorporating the amendment  
5798 made by this act to section 812.014, Florida Statutes, in a  
5799 reference thereto, subsection (10) of section 95.18, Florida  
5800 Statutes, is reenacted to read:

5801 95.18 Real property actions; adverse possession without  
5802 color of title.—

5803 (10) A person who occupies or attempts to occupy a  
5804 residential structure solely by claim of adverse possession  
5805 under this section and offers the property for lease to another  
5806 commits theft under s. 812.014.

5807 Section 100. For the purpose of incorporating the amendment  
5808 made by this act to section 812.014, Florida Statutes, in a  
5809 reference thereto, paragraph (c) of subsection (3) of section  
5810 373.6055, Florida Statutes, is reenacted to read:

5811 373.6055 Criminal history checks for certain water  
5812 management district employees and others.—

5813 (3)

5814 (c) In addition to other requirements for employment or  
5815 access established by any water management district pursuant to  
5816 its water management district's security plan for buildings,  
5817 facilities, and structures, each water management district's  
5818 security plan shall provide that:

5819 1. Any person who has within the past 7 years been  
5820 convicted, regardless of whether adjudication was withheld, for  
5821 a forcible felony as defined in s. 776.08; an act of terrorism  
5822 as defined in s. 775.30; planting of a hoax bomb as provided in  
5823 s. 790.165; any violation involving the manufacture, possession,  
5824 sale, delivery, display, use, or attempted or threatened use of  
5825 a weapon of mass destruction or hoax weapon of mass destruction



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5826 as provided in s. 790.166; dealing in stolen property; any  
5827 violation of s. 893.135; any violation involving the sale,  
5828 manufacturing, delivery, or possession with intent to sell,  
5829 manufacture, or deliver a controlled substance; burglary;  
5830 robbery; any felony violation of s. 812.014; any violation of s.  
5831 790.07; any crime an element of which includes use or possession  
5832 of a firearm; any conviction for any similar offenses under the  
5833 laws of another jurisdiction; or conviction for conspiracy to  
5834 commit any of the listed offenses may not be qualified for  
5835 initial employment within or authorized regular access to  
5836 buildings, facilities, or structures defined in the water  
5837 management district's security plan as restricted access areas.

5838 2. Any person who has at any time been convicted of any of  
5839 the offenses listed in subparagraph 1. may not be qualified for  
5840 initial employment within or authorized regular access to  
5841 buildings, facilities, or structures defined in the water  
5842 management district's security plan as restricted access areas  
5843 unless, after release from incarceration and any supervision  
5844 imposed as a sentence, the person remained free from a  
5845 subsequent conviction, regardless of whether adjudication was  
5846 withheld, for any of the listed offenses for a period of at  
5847 least 7 years prior to the employment or access date under  
5848 consideration.

5849 Section 101. For the purpose of incorporating the amendment  
5850 made by this act to section 812.014, Florida Statutes, in a  
5851 reference thereto, subsection (3) of section 400.9935, Florida  
5852 Statutes, is reenacted to read:

5853 400.9935 Clinic responsibilities.—

5854 (3) A charge or reimbursement claim made by or on behalf of



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5855 a clinic that is required to be licensed under this part but  
5856 that is not so licensed, or that is otherwise operating in  
5857 violation of this part, regardless of whether a service is  
5858 rendered or whether the charge or reimbursement claim is paid,  
5859 is an unlawful charge and is noncompensable and unenforceable. A  
5860 person who knowingly makes or causes to be made an unlawful  
5861 charge commits theft within the meaning of and punishable as  
5862 provided in s. 812.014.

5863 Section 102. For the purpose of incorporating the amendment  
5864 made by this act to section 812.014, Florida Statutes, in a  
5865 reference thereto, subsection (10) of section 550.6305, Florida  
5866 Statutes, is reenacted to read:

5867 550.6305 Intertrack wagering; guest track payments;  
5868 accounting rules.—

5869 (10) All races or games conducted at a permitholder's  
5870 facility, all broadcasts of such races or games, and all  
5871 broadcast rights relating thereto are owned by the permitholder  
5872 at whose facility such races or games are conducted and  
5873 constitute the permitholder's property as defined in s.  
5874 812.012(4). Transmission, reception of a transmission,  
5875 exhibition, use, or other appropriation of such races or games,  
5876 broadcasts of such races or games, or broadcast rights relating  
5877 thereto without the written consent of the permitholder  
5878 constitutes a theft of such property under s. 812.014; and in  
5879 addition to the penal sanctions contained in s. 812.014, the  
5880 permitholder has the right to avail itself of the civil remedies  
5881 specified in ss. 772.104, 772.11, and 812.035 in addition to any  
5882 other remedies available under applicable state or federal law.

5883 Section 103. For the purpose of incorporating the amendment





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5884 made by this act to section 812.014, Florida Statutes, in a  
5885 reference thereto, subsection (2) of section 627.743, Florida  
5886 Statutes, is reenacted to read:

5887       627.743 Payment of third-party claims.-

5888       (2) When making any payment on a third party claim for  
5889 damage to an automobile for a partial loss, the insurer shall  
5890 have printed on the loss estimate, if prepared by the insurer,  
5891 the following: "Failure to use the insurance proceeds in  
5892 accordance with the security agreement, if any, could be a  
5893 violation of s. 812.014, Florida Statutes. If you have any  
5894 questions, contact your lending institution." However, this  
5895 subsection does not apply if the insurer does not prepare the  
5896 loss estimate.

5897       Section 104. For the purpose of incorporating the amendment  
5898 made by this act to section 812.014, Florida Statutes, in a  
5899 reference thereto, subsection (2) of section 634.421, Florida  
5900 Statutes, is reenacted to read:

5901       634.421 Reporting and accounting for funds.-

5902       (2) Any sales representative who, not being entitled  
5903 thereto, diverts or appropriates funds or any portion thereof to  
5904 her or his own use commits theft as provided in s. 812.014.

5905       Section 105. For the purpose of incorporating the amendment  
5906 made by this act to section 812.014, Florida Statutes, in a  
5907 reference thereto, subsection (2) of section 642.038, Florida  
5908 Statutes, is reenacted to read:

5909       642.038 Reporting and accounting for funds.-

5910       (2) Any sales representative who, not being entitled  
5911 thereto, diverts or appropriates such funds or any portion  
5912 thereof to his or her own use commits theft as provided in s.



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5913 812.014.

5914           Section 106. For the purpose of incorporating the amendment  
5915 made by this act to section 812.014, Florida Statutes, in a  
5916 reference thereto, subsection (4) of section 705.102, Florida  
5917 Statutes, is reenacted to read:

5918           705.102 Reporting lost or abandoned property.—

5919           (4) Any person who unlawfully appropriates such lost or  
5920 abandoned property to his or her own use or refuses to deliver  
5921 such property when required commits theft as defined in s.  
5922 812.014, punishable as provided in s. 775.082, s. 775.083, or s.  
5923 775.084.

5924           Section 107. For the purpose of incorporating the amendment  
5925 made by this act to section 812.014, Florida Statutes, in a  
5926 reference thereto, subsection (7) of section 812.14, Florida  
5927 Statutes, is reenacted to read:

5928           812.14 Trespass and larceny with relation to utility  
5929 fixtures; theft of utility services.—

5930           (7) An owner, lessor, or sublessor who willfully violates  
5931 subsection (5) commits a misdemeanor of the first degree,  
5932 punishable as provided in s. 775.082 or s. 775.083. Prosecution  
5933 for a violation of subsection (5) does not preclude prosecution  
5934 for theft pursuant to subsection (8) or s. 812.014.

5935           Section 108. For the purpose of incorporating the amendment  
5936 made by this act to section 812.014, Florida Statutes, in a  
5937 reference thereto, subsection (3) of section 893.138, Florida  
5938 Statutes, is reenacted to read:

5939           893.138 Local administrative action to abate drug-related,  
5940 prostitution-related, or stolen-property-related public  
5941 nuisances and criminal gang activity.—



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5942 (3) Any pain-management clinic, as described in s. 458.3265  
5943 or s. 459.0137, which has been used on more than two occasions  
5944 within a 6-month period as the site of a violation of:

5945 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,  
5946 relating to assault and battery;

5947 (b) Section 810.02, relating to burglary;

5948 (c) Section 812.014, relating to theft;

5949 (d) Section 812.131, relating to robbery by sudden  
5950 snatching; or

5951 (e) Section 893.13, relating to the unlawful distribution  
5952 of controlled substances,

5953

5954 may be declared to be a public nuisance, and such nuisance may  
5955 be abated pursuant to the procedures provided in this section.

5956 Section 109. For the purpose of incorporating the amendment  
5957 made by this act to section 812.015, Florida Statutes, in a  
5958 reference thereto, subsection (5) of section 538.09, Florida  
5959 Statutes, is reenacted to read:

5960 538.09 Registration.—

5961 (5) In addition to the fine provided in subsection (4),  
5962 registration under this section may be denied or any  
5963 registration granted may be revoked, restricted, or suspended by  
5964 the department if the department determines that the applicant  
5965 or registrant:

5966 (a) Has violated any provision of this chapter or any rule  
5967 or order made pursuant to this chapter;

5968 (b) Has made a material false statement in the application  
5969 for registration;

5970 (c) Has been guilty of a fraudulent act in connection with



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5971 any purchase or sale or has been or is engaged in or is about to  
5972 engage in any practice, purchase, or sale which is fraudulent or  
5973 in violation of the law;

5974 (d) Has made a misrepresentation or false statement to, or  
5975 concealed any essential or material fact from, any person in  
5976 making any purchase or sale;

5977 (e) Is making purchases or sales through any business  
5978 associate not registered in compliance with the provisions of  
5979 this chapter;

5980 (f) Has, within the preceding 10-year period for new  
5981 registrants who apply for registration on or after October 1,  
5982 2006, been convicted of, or has entered a plea of guilty or nolo  
5983 contendere to, or had adjudication withheld for, a crime against  
5984 the laws of this state or any other state or of the United  
5985 States which relates to registration as a secondhand dealer or  
5986 which involves theft, larceny, dealing in stolen property,  
5987 receiving stolen property, burglary, embezzlement, obtaining  
5988 property by false pretenses, possession of altered property, any  
5989 felony drug offense, any violation of s. 812.015, or any  
5990 fraudulent dealing;

5991 (g) Has had a final judgment entered against her or him in  
5992 a civil action upon grounds of fraud, embezzlement,  
5993 misrepresentation, or deceit; or

5994 (h) Has failed to pay any sales tax owed to the Department  
5995 of Revenue.

5996  
5997 In the event the department determines to deny an application or  
5998 revoke a registration, it shall enter a final order with its  
5999 findings on the register of secondhand dealers and their



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6000 business associates, if any; and denial, suspension, or  
6001 revocation of the registration of a secondhand dealer shall also  
6002 deny, suspend, or revoke the registration of such secondhand  
6003 dealer's business associates.

6004 Section 110. For the purpose of incorporating the amendment  
6005 made by this act to section 812.015, Florida Statutes, in a  
6006 reference thereto, subsection (2) of section 538.23, Florida  
6007 Statutes, is reenacted to read:

6008 538.23 Violations and penalties.—

6009 (2) A secondary metals recycler is presumed to know upon  
6010 receipt of stolen regulated metals property in a purchase  
6011 transaction that the regulated metals property has been stolen  
6012 from another if the secondary metals recycler knowingly and  
6013 intentionally fails to maintain the information required in s.  
6014 538.19 and shall, upon conviction of a violation of s. 812.015,  
6015 be punished as provided in s. 812.014(2) or (3).

6016 Section 111. For the purpose of incorporating the amendment  
6017 made by this act to section 815.03, Florida Statutes, in a  
6018 reference thereto, paragraph (e) of subsection (3) of section  
6019 1006.147, Florida Statutes, is reenacted to read:

6020 1006.147 Bullying and harassment prohibited.—

6021 (3) For purposes of this section:

6022 (e) Definitions in s. 815.03 and the definition in s.  
6023 784.048(1)(d) relating to stalking are applicable to this  
6024 section.

6025 Section 112. For the purpose of incorporating the amendment  
6026 made by this act to section 815.06, Florida Statutes, in a  
6027 reference thereto, subsection (2) of section 316.80, Florida  
6028 Statutes, is reenacted to read:



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6029           316.80 Unlawful conveyance of fuel; obtaining fuel  
6030 fraudulently.—

6031           (2) A person who violates subsection (1) commits a felony  
6032 of the second degree, punishable as provided in s. 775.082, s.  
6033 775.083, or s. 775.084, if he or she has attempted to or has  
6034 fraudulently obtained motor or diesel fuel by:

6035           (a) Presenting a credit card or a credit card account  
6036 number in violation of ss. 817.57–817.685;

6037           (b) Using unauthorized access to any computer network in  
6038 violation of s. 815.06; or

6039           (c) Using a fraudulently scanned or lost or stolen payment  
6040 access device, whether credit card or contactless device.

6041           Section 113. For the purpose of incorporating the amendment  
6042 made by this act to section 815.06, Florida Statutes, in  
6043 references thereto, subsections (1) and (2) of section 775.30,  
6044 Florida Statutes, are reenacted to read:

6045           775.30 Terrorism; defined; penalties.—

6046           (1) As used in this chapter and the Florida Criminal Code,  
6047 the terms “terrorism” or “terrorist activity” mean an activity  
6048 that:

6049           (a) Involves:

6050           1. A violent act or an act dangerous to human life which is  
6051 a violation of the criminal laws of this state or of the United  
6052 States; or

6053           2. A violation of s. 815.06; and

6054           (b) Is intended to:

6055           1. Intimidate, injure, or coerce a civilian population;

6056           2. Influence the policy of a government by intimidation or  
6057 coercion; or



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6058           3. Affect the conduct of government through destruction of  
6059 property, assassination, murder, kidnapping, or aircraft piracy.

6060           (2) A person who violates s. 782.04(1)(a)1. or (2), s.  
6061 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.  
6062 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,  
6063 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.  
6064 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.  
6065 859.01, or s. 876.34, in furtherance of intimidating or coercing  
6066 the policy of a government, or in furtherance of affecting the  
6067 conduct of a government by mass destruction, assassination, or  
6068 kidnapping, commits the crime of terrorism, a felony of the  
6069 first degree, punishable as provided in s. 775.082, s. 775.083,  
6070 or s. 775.084.

6071           Section 114. For the purpose of incorporating the amendment  
6072 made by this act to section 815.06, Florida Statutes, in a  
6073 reference thereto, subsection (2) of section 775.33, Florida  
6074 Statutes, is reenacted to read:

6075           775.33 Providing material support or resources for  
6076 terrorism or to terrorist organizations.—

6077           (2) A person commits a felony of the first degree,  
6078 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
6079 if the person:

6080           (a) Provides material support or resources or conceals or  
6081 disguises the nature, location, source, or ownership of the  
6082 material support or resources, knowing or intending that the  
6083 support or resources are to be used in preparation for or in  
6084 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.  
6085 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.  
6086 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,



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6087 s. 876.34, or s. 876.36;

6088 (b) Conceals an escape from the commission of a violation  
6089 of paragraph (a); or

6090 (c) Attempts or conspires to commit a violation of  
6091 paragraph (a).

6092 Section 115. For the purpose of incorporating the amendment  
6093 made by this act to section 815.06, Florida Statutes, in a  
6094 reference thereto, subsection (5) of section 782.04, Florida  
6095 Statutes, is reenacted to read:

6096 782.04 Murder.—

6097 (5) As used in this section, the term "terrorism" means an  
6098 activity that:

6099 (a)1. Involves a violent act or an act dangerous to human  
6100 life which is a violation of the criminal laws of this state or  
6101 of the United States; or

6102 2. Involves a violation of s. 815.06; and

6103 (b) Is intended to:

6104 1. Intimidate, injure, or coerce a civilian population;

6105 2. Influence the policy of a government by intimidation or  
6106 coercion; or

6107 3. Affect the conduct of government through destruction of  
6108 property, assassination, murder, kidnapping, or aircraft piracy.

6109 Section 116. For the purpose of incorporating the amendment  
6110 made by this act to section 815.06, Florida Statutes, in a  
6111 reference thereto, subsection (3) of section 934.07, Florida  
6112 Statutes, is reenacted to read:

6113 934.07 Authorization for interception of wire, oral, or  
6114 electronic communications.—

6115 (3) As used in this section, the term "terrorism" means an





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6116 activity that:

6117 (a)1. Involves a violent act or an act dangerous to human  
6118 life which is a violation of the criminal laws of this state or  
6119 of the United States; or

6120 2. Involves a violation of s. 815.06; and

6121 (b) Is intended to:

6122 1. Intimidate, injure, or coerce a civilian population;

6123 2. Influence the policy of a government by intimidation or  
6124 coercion; or

6125 3. Affect the conduct of government through destruction of  
6126 property, assassination, murder, kidnapping, or aircraft piracy.

6127 Section 117. For the purpose of incorporating the amendment  
6128 made by this act to section 849.01, Florida Statutes, in a  
6129 reference thereto, section 849.02, Florida Statutes, is  
6130 reenacted to read:

6131 849.02 Agents or employees of keeper of gambling house.—  
6132 Whoever acts as servant, clerk, agent, or employee of any person  
6133 in the violation of s. 849.01 shall be punished in the manner  
6134 and to the extent therein mentioned.

6135 Section 118. For the purpose of incorporating the amendment  
6136 made by this act to section 893.135, Florida Statutes, in a  
6137 reference thereto, paragraph (c) of subsection (3) of section  
6138 373.6055, Florida Statutes, is reenacted to read:

6139 373.6055 Criminal history checks for certain water  
6140 management district employees and others.—

6141 (3)

6142 (c) In addition to other requirements for employment or  
6143 access established by any water management district pursuant to  
6144 its water management district's security plan for buildings,



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6145 facilities, and structures, each water management district's  
6146 security plan shall provide that:

6147 1. Any person who has within the past 7 years been  
6148 convicted, regardless of whether adjudication was withheld, for  
6149 a forcible felony as defined in s. 776.08; an act of terrorism  
6150 as defined in s. 775.30; planting of a hoax bomb as provided in  
6151 s. 790.165; any violation involving the manufacture, possession,  
6152 sale, delivery, display, use, or attempted or threatened use of  
6153 a weapon of mass destruction or hoax weapon of mass destruction  
6154 as provided in s. 790.166; dealing in stolen property; any  
6155 violation of s. 893.135; any violation involving the sale,  
6156 manufacturing, delivery, or possession with intent to sell,  
6157 manufacture, or deliver a controlled substance; burglary;  
6158 robbery; any felony violation of s. 812.014; any violation of s.  
6159 790.07; any crime an element of which includes use or possession  
6160 of a firearm; any conviction for any similar offenses under the  
6161 laws of another jurisdiction; or conviction for conspiracy to  
6162 commit any of the listed offenses may not be qualified for  
6163 initial employment within or authorized regular access to  
6164 buildings, facilities, or structures defined in the water  
6165 management district's security plan as restricted access areas.

6166 2. Any person who has at any time been convicted of any of  
6167 the offenses listed in subparagraph 1. may not be qualified for  
6168 initial employment within or authorized regular access to  
6169 buildings, facilities, or structures defined in the water  
6170 management district's security plan as restricted access areas  
6171 unless, after release from incarceration and any supervision  
6172 imposed as a sentence, the person remained free from a  
6173 subsequent conviction, regardless of whether adjudication was



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6174 withheld, for any of the listed offenses for a period of at  
6175 least 7 years prior to the employment or access date under  
6176 consideration.

6177 Section 119. For the purpose of incorporating the amendment  
6178 made by this act to section 893.135, Florida Statutes, in a  
6179 reference thereto, subsection (6) of section 397.4073, Florida  
6180 Statutes, is reenacted to read:

6181 397.4073 Background checks of service provider personnel.—

6182 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State  
6183 funds may not be disseminated to any service provider owned or  
6184 operated by an owner, director, or chief financial officer who  
6185 has been convicted of, has entered a plea of guilty or nolo  
6186 contendere to, or has had adjudication withheld for, a violation  
6187 of s. 893.135 pertaining to trafficking in controlled  
6188 substances, or a violation of the law of another state, the  
6189 District of Columbia, the United States or any possession or  
6190 territory thereof, or any foreign jurisdiction which is  
6191 substantially similar in elements and penalties to a trafficking  
6192 offense in this state, unless the owner's or director's civil  
6193 rights have been restored.

6194 Section 120. For the purpose of incorporating the amendment  
6195 made by this act to section 893.135, Florida Statutes, in a  
6196 reference thereto, subsection (1) of section 414.095, Florida  
6197 Statutes, is reenacted to read:

6198 414.095 Determining eligibility for temporary cash  
6199 assistance.—

6200 (1) ELIGIBILITY.—An applicant must meet eligibility  
6201 requirements of this section before receiving services or  
6202 temporary cash assistance under this chapter, except that an



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6203 applicant shall be required to register for work and engage in  
6204 work activities in accordance with s. 445.024, as designated by  
6205 the local workforce development board, and may receive support  
6206 services or child care assistance in conjunction with such  
6207 requirement. The department shall make a determination of  
6208 eligibility based on the criteria listed in this chapter. The  
6209 department shall monitor continued eligibility for temporary  
6210 cash assistance through periodic reviews consistent with the  
6211 food assistance eligibility process. Benefits may not be denied  
6212 to an individual solely based on a felony drug conviction,  
6213 unless the conviction is for trafficking pursuant to s. 893.135.  
6214 To be eligible under this section, an individual convicted of a  
6215 drug felony must be satisfactorily meeting the requirements of  
6216 the temporary cash assistance program, including all substance  
6217 abuse treatment requirements. Within the limits specified in  
6218 this chapter, the state opts out of the provision of Pub. L. No.  
6219 104-193, s. 115, that eliminates eligibility for temporary cash  
6220 assistance and food assistance for any individual convicted of a  
6221 controlled substance felony.

6222 Section 121. For the purpose of incorporating the amendment  
6223 made by this act to section 893.135, Florida Statutes, in a  
6224 reference thereto, subsection (2) of section 772.12, Florida  
6225 Statutes, is reenacted to read:

6226 772.12 Drug Dealer Liability Act.—

6227 (2) A person, including any governmental entity, has a  
6228 cause of action for threefold the actual damages sustained and  
6229 is entitled to minimum damages in the amount of \$1,000 and  
6230 reasonable attorney's fees and court costs in the trial and  
6231 appellate courts, if the person proves by the greater weight of



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6232 the evidence that:

6233 (a) The person was injured because of the defendant's  
6234 actions that resulted in the defendant's conviction for:

6235 1. A violation of s. 893.13, except for a violation of s.  
6236 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

6237 2. A violation of s. 893.135; and

6238 (b) The person was not injured by reason of his or her  
6239 participation in the same act or transaction that resulted in  
6240 the defendant's conviction for any offense described in  
6241 subparagraph (a)1.

6242 Section 122. For the purpose of incorporating the amendment  
6243 made by this act to section 893.135, Florida Statutes, in  
6244 references thereto, paragraph (a) of subsection (2) and  
6245 paragraph (a) of subsection (3) of section 775.087, Florida  
6246 Statutes, are reenacted to read:

6247 775.087 Possession or use of weapon; aggravated battery;  
6248 felony reclassification; minimum sentence.—

6249 (2)(a)1. Any person who is convicted of a felony or an  
6250 attempt to commit a felony, regardless of whether the use of a  
6251 weapon is an element of the felony, and the conviction was for:

6252 a. Murder;

6253 b. Sexual battery;

6254 c. Robbery;

6255 d. Burglary;

6256 e. Arson;

6257 f. Aggravated battery;

6258 g. Kidnapping;

6259 h. Escape;

6260 i. Aircraft piracy;



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- 6261 j. Aggravated child abuse;
- 6262 k. Aggravated abuse of an elderly person or disabled adult;
- 6263 l. Unlawful throwing, placing, or discharging of a
- 6264 destructive device or bomb;
- 6265 m. Carjacking;
- 6266 n. Home-invasion robbery;
- 6267 o. Aggravated stalking;
- 6268 p. Trafficking in cannabis, trafficking in cocaine, capital
- 6269 importation of cocaine, trafficking in illegal drugs, capital
- 6270 importation of illegal drugs, trafficking in phencyclidine,
- 6271 capital importation of phencyclidine, trafficking in
- 6272 methaqualone, capital importation of methaqualone, trafficking
- 6273 in amphetamine, capital importation of amphetamine, trafficking
- 6274 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
- 6275 (GHB), trafficking in 1,4-Butanediol, trafficking in
- 6276 Phenethylamines, or other violation of s. 893.135(1); or
- 6277 q. Possession of a firearm by a felon

6278  
6279 and during the commission of the offense, such person actually  
6280 possessed a "firearm" or "destructive device" as those terms are  
6281 defined in s. 790.001, shall be sentenced to a minimum term of  
6282 imprisonment of 10 years, except that a person who is convicted  
6283 for possession of a firearm by a felon or burglary of a  
6284 conveyance shall be sentenced to a minimum term of imprisonment  
6285 of 3 years if such person possessed a "firearm" or "destructive  
6286 device" during the commission of the offense. However, if an  
6287 offender who is convicted of the offense of possession of a  
6288 firearm by a felon has a previous conviction of committing or  
6289 attempting to commit a felony listed in s. 775.084(1)(b)1. and



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6290 actually possessed a firearm or destructive device during the  
6291 commission of the prior felony, the offender shall be sentenced  
6292 to a minimum term of imprisonment of 10 years.

6293         2. Any person who is convicted of a felony or an attempt to  
6294 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
6295 regardless of whether the use of a weapon is an element of the  
6296 felony, and during the course of the commission of the felony  
6297 such person discharged a "firearm" or "destructive device" as  
6298 defined in s. 790.001 shall be sentenced to a minimum term of  
6299 imprisonment of 20 years.

6300         3. Any person who is convicted of a felony or an attempt to  
6301 commit a felony listed in sub-subparagraphs (a)1.a.-p.,  
6302 regardless of whether the use of a weapon is an element of the  
6303 felony, and during the course of the commission of the felony  
6304 such person discharged a "firearm" or "destructive device" as  
6305 defined in s. 790.001 and, as the result of the discharge, death  
6306 or great bodily harm was inflicted upon any person, the  
6307 convicted person shall be sentenced to a minimum term of  
6308 imprisonment of not less than 25 years and not more than a term  
6309 of imprisonment of life in prison.

6310         (3)(a)1. Any person who is convicted of a felony or an  
6311 attempt to commit a felony, regardless of whether the use of a  
6312 firearm is an element of the felony, and the conviction was for:

- 6313             a. Murder;
- 6314             b. Sexual battery;
- 6315             c. Robbery;
- 6316             d. Burglary;
- 6317             e. Arson;
- 6318             f. Aggravated battery;



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6319 g. Kidnapping;  
6320 h. Escape;  
6321 i. Sale, manufacture, delivery, or intent to sell,  
6322 manufacture, or deliver any controlled substance;  
6323 j. Aircraft piracy;  
6324 k. Aggravated child abuse;  
6325 l. Aggravated abuse of an elderly person or disabled adult;  
6326 m. Unlawful throwing, placing, or discharging of a  
6327 destructive device or bomb;  
6328 n. Carjacking;  
6329 o. Home-invasion robbery;  
6330 p. Aggravated stalking; or  
6331 q. Trafficking in cannabis, trafficking in cocaine, capital  
6332 importation of cocaine, trafficking in illegal drugs, capital  
6333 importation of illegal drugs, trafficking in phencyclidine,  
6334 capital importation of phencyclidine, trafficking in  
6335 methaqualone, capital importation of methaqualone, trafficking  
6336 in amphetamine, capital importation of amphetamine, trafficking  
6337 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
6338 (GHB), trafficking in 1,4-Butanediol, trafficking in  
6339 Phenethylamines, or other violation of s. 893.135(1);  
6340  
6341 and during the commission of the offense, such person possessed  
6342 a semiautomatic firearm and its high-capacity detachable box  
6343 magazine or a machine gun as defined in s. 790.001, shall be  
6344 sentenced to a minimum term of imprisonment of 15 years.  
6345 2. Any person who is convicted of a felony or an attempt to  
6346 commit a felony listed in subparagraph (a)1., regardless of  
6347 whether the use of a weapon is an element of the felony, and





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6348 during the course of the commission of the felony such person  
6349 discharged a semiautomatic firearm and its high-capacity box  
6350 magazine or a "machine gun" as defined in s. 790.001 shall be  
6351 sentenced to a minimum term of imprisonment of 20 years.

6352 3. Any person who is convicted of a felony or an attempt to  
6353 commit a felony listed in subparagraph (a)1., regardless of  
6354 whether the use of a weapon is an element of the felony, and  
6355 during the course of the commission of the felony such person  
6356 discharged a semiautomatic firearm and its high-capacity box  
6357 magazine or a "machine gun" as defined in s. 790.001 and, as the  
6358 result of the discharge, death or great bodily harm was  
6359 inflicted upon any person, the convicted person shall be  
6360 sentenced to a minimum term of imprisonment of not less than 25  
6361 years and not more than a term of imprisonment of life in  
6362 prison.

6363 Section 123. For the purpose of incorporating the amendment  
6364 made by this act to section 893.135, Florida Statutes, in  
6365 references thereto, paragraph (a) of subsection (1) and  
6366 subsections (3) and (4) of section 782.04, Florida Statutes, are  
6367 reenacted to read:

6368 782.04 Murder.—

6369 (1)(a) The unlawful killing of a human being:

6370 1. When perpetrated from a premeditated design to effect  
6371 the death of the person killed or any human being;

6372 2. When committed by a person engaged in the perpetration  
6373 of, or in the attempt to perpetrate, any:

6374 a. Trafficking offense prohibited by s. 893.135(1),

6375 b. Arson,

6376 c. Sexual battery,



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- 6377 d. Robbery,  
6378 e. Burglary,  
6379 f. Kidnapping,  
6380 g. Escape,  
6381 h. Aggravated child abuse,  
6382 i. Aggravated abuse of an elderly person or disabled adult,  
6383 j. Aircraft piracy,  
6384 k. Unlawful throwing, placing, or discharging of a  
6385 destructive device or bomb,  
6386 l. Carjacking,  
6387 m. Home-invasion robbery,  
6388 n. Aggravated stalking,  
6389 o. Murder of another human being,  
6390 p. Resisting an officer with violence to his or her person,  
6391 q. Aggravated fleeing or eluding with serious bodily injury  
6392 or death,  
6393 r. Felony that is an act of terrorism or is in furtherance  
6394 of an act of terrorism, including a felony under s. 775.30, s.  
6395 775.32, s. 775.33, s. 775.34, or s. 775.35, or  
6396 s. Human trafficking; or  
6397 3. Which resulted from the unlawful distribution by a  
6398 person 18 years of age or older of any of the following  
6399 substances, or mixture containing any of the following  
6400 substances, when such substance or mixture is proven to be the  
6401 proximate cause of the death of the user:  
6402 a. A substance controlled under s. 893.03(1);  
6403 b. Cocaine, as described in s. 893.03(2)(a)4.;  
6404 c. Opium or any synthetic or natural salt, compound,  
6405 derivative, or preparation of opium;



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6406 d. Methadone;  
6407 e. Alfentanil, as described in s. 893.03(2)(b)1.;  
6408 f. Carfentanil, as described in s. 893.03(2)(b)6.;  
6409 g. Fentanyl, as described in s. 893.03(2)(b)9.;  
6410 h. Sufentanil, as described in s. 893.03(2)(b)30.; or  
6411 i. A controlled substance analog, as described in s.  
6412 893.0356, of any substance specified in sub-subparagraphs a.-h.,  
6413  
6414 is murder in the first degree and constitutes a capital felony,  
6415 punishable as provided in s. 775.082.  
6416 (3) When a human being is killed during the perpetration  
6417 of, or during the attempt to perpetrate, any:  
6418 (a) Trafficking offense prohibited by s. 893.135(1),  
6419 (b) Arson,  
6420 (c) Sexual battery,  
6421 (d) Robbery,  
6422 (e) Burglary,  
6423 (f) Kidnapping,  
6424 (g) Escape,  
6425 (h) Aggravated child abuse,  
6426 (i) Aggravated abuse of an elderly person or disabled  
6427 adult,  
6428 (j) Aircraft piracy,  
6429 (k) Unlawful throwing, placing, or discharging of a  
6430 destructive device or bomb,  
6431 (l) Carjacking,  
6432 (m) Home-invasion robbery,  
6433 (n) Aggravated stalking,  
6434 (o) Murder of another human being,



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6435           (p) Aggravated fleeing or eluding with serious bodily  
6436 injury or death,  
6437           (q) Resisting an officer with violence to his or her  
6438 person, or  
6439           (r) Felony that is an act of terrorism or is in furtherance  
6440 of an act of terrorism, including a felony under s. 775.30, s.  
6441 775.32, s. 775.33, s. 775.34, or s. 775.35,  
6442  
6443 by a person other than the person engaged in the perpetration of  
6444 or in the attempt to perpetrate such felony, the person  
6445 perpetrating or attempting to perpetrate such felony commits  
6446 murder in the second degree, which constitutes a felony of the  
6447 first degree, punishable by imprisonment for a term of years not  
6448 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
6449 775.084.  
6450           (4) The unlawful killing of a human being, when perpetrated  
6451 without any design to effect death, by a person engaged in the  
6452 perpetration of, or in the attempt to perpetrate, any felony  
6453 other than any:  
6454           (a) Trafficking offense prohibited by s. 893.135(1),  
6455           (b) Arson,  
6456           (c) Sexual battery,  
6457           (d) Robbery,  
6458           (e) Burglary,  
6459           (f) Kidnapping,  
6460           (g) Escape,  
6461           (h) Aggravated child abuse,  
6462           (i) Aggravated abuse of an elderly person or disabled  
6463 adult,



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6464           (j) Aircraft piracy,  
6465           (k) Unlawful throwing, placing, or discharging of a  
6466 destructive device or bomb,  
6467           (l) Unlawful distribution of any substance controlled under  
6468 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or  
6469 opium or any synthetic or natural salt, compound, derivative, or  
6470 preparation of opium by a person 18 years of age or older, when  
6471 such drug is proven to be the proximate cause of the death of  
6472 the user,  
6473           (m) Carjacking,  
6474           (n) Home-invasion robbery,  
6475           (o) Aggravated stalking,  
6476           (p) Murder of another human being,  
6477           (q) Aggravated fleeing or eluding with serious bodily  
6478 injury or death,  
6479           (r) Resisting an officer with violence to his or her  
6480 person, or  
6481           (s) Felony that is an act of terrorism or is in furtherance  
6482 of an act of terrorism, including a felony under s. 775.30, s.  
6483 775.32, s. 775.33, s. 775.34, or s. 775.35,  
6484  
6485 is murder in the third degree and constitutes a felony of the  
6486 second degree, punishable as provided in s. 775.082, s. 775.083,  
6487 or s. 775.084.  
6488           Section 124. For the purpose of incorporating the amendment  
6489 made by this act to section 893.135, Florida Statutes, in a  
6490 reference thereto, subsection (3) of section 810.02, Florida  
6491 Statutes, is reenacted to read:  
6492           810.02 Burglary.—



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6493 (3) Burglary is a felony of the second degree, punishable  
6494 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
6495 course of committing the offense, the offender does not make an  
6496 assault or battery and is not and does not become armed with a  
6497 dangerous weapon or explosive, and the offender enters or  
6498 remains in a:

6499 (a) Dwelling, and there is another person in the dwelling  
6500 at the time the offender enters or remains;

6501 (b) Dwelling, and there is not another person in the  
6502 dwelling at the time the offender enters or remains;

6503 (c) Structure, and there is another person in the structure  
6504 at the time the offender enters or remains;

6505 (d) Conveyance, and there is another person in the  
6506 conveyance at the time the offender enters or remains;

6507 (e) Authorized emergency vehicle, as defined in s. 316.003;  
6508 or

6509 (f) Structure or conveyance when the offense intended to be  
6510 committed therein is theft of a controlled substance as defined  
6511 in s. 893.02. Notwithstanding any other law, separate judgments  
6512 and sentences for burglary with the intent to commit theft of a  
6513 controlled substance under this paragraph and for any applicable  
6514 possession of controlled substance offense under s. 893.13 or  
6515 trafficking in controlled substance offense under s. 893.135 may  
6516 be imposed when all such offenses involve the same amount or  
6517 amounts of a controlled substance.

6518  
6519 However, if the burglary is committed within a county that is  
6520 subject to a state of emergency declared by the Governor under  
6521 chapter 252 after the declaration of emergency is made and the



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6522 | perpetration of the burglary is facilitated by conditions  
6523 | arising from the emergency, the burglary is a felony of the  
6524 | first degree, punishable as provided in s. 775.082, s. 775.083,  
6525 | or s. 775.084. As used in this subsection, the term "conditions  
6526 | arising from the emergency" means civil unrest, power outages,  
6527 | curfews, voluntary or mandatory evacuations, or a reduction in  
6528 | the presence of or response time for first responders or  
6529 | homeland security personnel. A person arrested for committing a  
6530 | burglary within a county that is subject to such a state of  
6531 | emergency may not be released until the person appears before a  
6532 | committing magistrate at a first appearance hearing. For  
6533 | purposes of sentencing under chapter 921, a felony offense that  
6534 | is reclassified under this subsection is ranked one level above  
6535 | the ranking under s. 921.0022 or s. 921.0023 of the offense  
6536 | committed.

6537 |       Section 125. For the purpose of incorporating the amendment  
6538 | made by this act to section 893.135, Florida Statutes, in a  
6539 | reference thereto, paragraph (d) of subsection (8) of section  
6540 | 893.13, Florida Statutes, is reenacted to read:

6541 |       893.13 Prohibited acts; penalties.—

6542 |       (8)

6543 |       (d) Notwithstanding paragraph (c), if a prescribing  
6544 | practitioner has violated paragraph (a) and received \$1,000 or  
6545 | more in payment for writing one or more prescriptions or, in the  
6546 | case of a prescription written for a controlled substance  
6547 | described in s. 893.135, has written one or more prescriptions  
6548 | for a quantity of a controlled substance which, individually or  
6549 | in the aggregate, meets the threshold for the offense of  
6550 | trafficking in a controlled substance under s. 893.135, the



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6551 violation is reclassified as a felony of the second degree and  
6552 ranked in level 4 of the Criminal Punishment Code.

6553 Section 126. For the purpose of incorporating the amendment  
6554 made by this act to section 893.135, Florida Statutes, in  
6555 references thereto, subsections (1) and (2) of section 893.1351,  
6556 Florida Statutes, are reenacted to read:

6557 893.1351 Ownership, lease, rental, or possession for  
6558 trafficking in or manufacturing a controlled substance.—

6559 (1) A person may not own, lease, or rent any place,  
6560 structure, or part thereof, trailer, or other conveyance with  
6561 the knowledge that the place, structure, trailer, or conveyance  
6562 will be used for the purpose of trafficking in a controlled  
6563 substance, as provided in s. 893.135; for the sale of a  
6564 controlled substance, as provided in s. 893.13; or for the  
6565 manufacture of a controlled substance intended for sale or  
6566 distribution to another. A person who violates this subsection  
6567 commits a felony of the third degree, punishable as provided in  
6568 s. 775.082, s. 775.083, or s. 775.084.

6569 (2) A person may not knowingly be in actual or constructive  
6570 possession of any place, structure, or part thereof, trailer, or  
6571 other conveyance with the knowledge that the place, structure,  
6572 or part thereof, trailer, or conveyance will be used for the  
6573 purpose of trafficking in a controlled substance, as provided in  
6574 s. 893.135; for the sale of a controlled substance, as provided  
6575 in s. 893.13; or for the manufacture of a controlled substance  
6576 intended for sale or distribution to another. A person who  
6577 violates this subsection commits a felony of the second degree,  
6578 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6579 Section 127. For the purpose of incorporating the amendment





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6580 made by this act to section 893.135, Florida Statutes, in a  
6581 reference thereto, paragraph (e) of subsection (3) of section  
6582 900.05, Florida Statutes, is reenacted to read:

6583 900.05 Criminal justice data collection.—

6584 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,  
6585 2019, an entity required to collect data in accordance with this  
6586 subsection shall collect the specified data required of the  
6587 entity on a biweekly basis. Each entity shall report the data  
6588 collected in accordance with this subsection to the Department  
6589 of Law Enforcement on a monthly basis.

6590 (e) *Department of Corrections.*—The Department of  
6591 Corrections shall collect the following data:

6592 1. Information related to each inmate, including:

6593 a. Identifying information, including name, date of birth,  
6594 race or ethnicity, and identification number assigned by the  
6595 department.

6596 b. Number of children.

6597 c. Education level, including any vocational training.

6598 d. Date the inmate was admitted to the custody of the  
6599 department.

6600 e. Current institution placement and the security level  
6601 assigned to the institution.

6602 f. Custody level assignment.

6603 g. Qualification for a flag designation as defined in this  
6604 section, including sexual offender flag, habitual offender flag,  
6605 gang affiliation flag, or concurrent or consecutive sentence  
6606 flag.

6607 h. County that committed the prisoner to the custody of the  
6608 department.



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6609           i. Whether the reason for admission to the department is  
6610 for a new conviction or a violation of probation, community  
6611 control, or parole. For an admission for a probation, community  
6612 control, or parole violation, the department shall report  
6613 whether the violation was technical or based on a new violation  
6614 of law.

6615           j. Specific statutory citation for which the inmate was  
6616 committed to the department, including, for an inmate convicted  
6617 of drug trafficking under s. 893.135, the statutory citation for  
6618 each specific drug trafficked.

6619           k. Length of sentence or concurrent or consecutive  
6620 sentences served.

6621           l. Tentative release date.

6622           m. Gain time earned in accordance with s. 944.275.

6623           n. Prior incarceration within the state.

6624           o. Disciplinary violation and action.

6625           p. Participation in rehabilitative or educational programs  
6626 while in the custody of the department.

6627           2. Information about each state correctional institution or  
6628 facility, including:

6629           a. Budget for each state correctional institution or  
6630 facility.

6631           b. Daily prison population of all inmates incarcerated in a  
6632 state correctional institution or facility.

6633           c. Daily number of correctional officers for each state  
6634 correctional institution or facility.

6635           3. Information related to persons supervised by the  
6636 department on probation or community control, including:

6637           a. Identifying information for each person supervised by



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6638 the department on probation or community control, including his  
6639 or her name, date of birth, race or ethnicity, sex, and  
6640 department-assigned case number.

6641 b. Length of probation or community control sentence  
6642 imposed and amount of time that has been served on such  
6643 sentence.

6644 c. Projected termination date for probation or community  
6645 control.

6646 d. Revocation of probation or community control due to a  
6647 violation, including whether the revocation is due to a  
6648 technical violation of the conditions of supervision or from the  
6649 commission of a new law violation.

6650 4. Per diem rates for:

6651 a. Prison bed.

6652 b. Probation.

6653 c. Community control.

6654

6655 This information only needs to be reported once annually at the  
6656 time the most recent per diem rate is published.

6657 Section 128. For the purpose of incorporating the amendment  
6658 made by this act to section 893.135, Florida Statutes, in a  
6659 reference thereto, section 903.133, Florida Statutes, is  
6660 reenacted to read:

6661 903.133 Bail on appeal; prohibited for certain felony  
6662 convictions.—Notwithstanding the provisions of s. 903.132, no  
6663 person adjudged guilty of a felony of the first degree for a  
6664 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
6665 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
6666 violation of s. 794.011(2) or (3), shall be admitted to bail



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6667 pending review either by posttrial motion or appeal.

6668 Section 129. For the purpose of incorporating the amendment  
6669 made by this act to section 893.135, Florida Statutes, in a  
6670 reference thereto, paragraph (c) of subsection (4) of section  
6671 907.041, Florida Statutes, is reenacted to read:

6672 907.041 Pretrial detention and release.—

6673 (4) PRETRIAL DETENTION.—

6674 (c) The court may order pretrial detention if it finds a  
6675 substantial probability, based on a defendant's past and present  
6676 patterns of behavior, the criteria in s. 903.046, and any other  
6677 relevant facts, that any of the following circumstances exist:

6678 1. The defendant has previously violated conditions of  
6679 release and that no further conditions of release are reasonably  
6680 likely to assure the defendant's appearance at subsequent  
6681 proceedings;

6682 2. The defendant, with the intent to obstruct the judicial  
6683 process, has threatened, intimidated, or injured any victim,  
6684 potential witness, juror, or judicial officer, or has attempted  
6685 or conspired to do so, and that no condition of release will  
6686 reasonably prevent the obstruction of the judicial process;

6687 3. The defendant is charged with trafficking in controlled  
6688 substances as defined by s. 893.135, that there is a substantial  
6689 probability that the defendant has committed the offense, and  
6690 that no conditions of release will reasonably assure the  
6691 defendant's appearance at subsequent criminal proceedings;

6692 4. The defendant is charged with DUI manslaughter, as  
6693 defined by s. 316.193, and that there is a substantial  
6694 probability that the defendant committed the crime and that the  
6695 defendant poses a threat of harm to the community; conditions



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6696 that would support a finding by the court pursuant to this  
6697 subparagraph that the defendant poses a threat of harm to the  
6698 community include, but are not limited to, any of the following:

6699 a. The defendant has previously been convicted of any crime  
6700 under s. 316.193, or of any crime in any other state or  
6701 territory of the United States that is substantially similar to  
6702 any crime under s. 316.193;

6703 b. The defendant was driving with a suspended driver  
6704 license when the charged crime was committed; or

6705 c. The defendant has previously been found guilty of, or  
6706 has had adjudication of guilt withheld for, driving while the  
6707 defendant's driver license was suspended or revoked in violation  
6708 of s. 322.34;

6709 5. The defendant poses the threat of harm to the community.  
6710 The court may so conclude, if it finds that the defendant is  
6711 presently charged with a dangerous crime, that there is a  
6712 substantial probability that the defendant committed such crime,  
6713 that the factual circumstances of the crime indicate a disregard  
6714 for the safety of the community, and that there are no  
6715 conditions of release reasonably sufficient to protect the  
6716 community from the risk of physical harm to persons;

6717 6. The defendant was on probation, parole, or other release  
6718 pending completion of sentence or on pretrial release for a  
6719 dangerous crime at the time the current offense was committed;

6720 7. The defendant has violated one or more conditions of  
6721 pretrial release or bond for the offense currently before the  
6722 court and the violation, in the discretion of the court,  
6723 supports a finding that no conditions of release can reasonably  
6724 protect the community from risk of physical harm to persons or



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6725 assure the presence of the accused at trial; or

6726 8.a. The defendant has ever been sentenced pursuant to s.  
6727 775.082(9) or s. 775.084 as a prison releasee reoffender,  
6728 habitual violent felony offender, three-time violent felony  
6729 offender, or violent career criminal, or the state attorney  
6730 files a notice seeking that the defendant be sentenced pursuant  
6731 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
6732 habitual violent felony offender, three-time violent felony  
6733 offender, or violent career criminal;

6734 b. There is a substantial probability that the defendant  
6735 committed the offense; and

6736 c. There are no conditions of release that can reasonably  
6737 protect the community from risk of physical harm or ensure the  
6738 presence of the accused at trial.

6739 Section 130. For the purpose of incorporating the amendment  
6740 made by this act to section 893.135, Florida Statutes, in a  
6741 reference thereto, subsection (9) of section 921.141, Florida  
6742 Statutes, is reenacted to read:

6743 921.141 Sentence of death or life imprisonment for capital  
6744 felonies; further proceedings to determine sentence.—

6745 (9) APPLICABILITY.—This section does not apply to a person  
6746 convicted or adjudicated guilty of a capital drug trafficking  
6747 felony under s. 893.135.

6748 Section 131. For the purpose of incorporating the amendment  
6749 made by this act to section 893.135, Florida Statutes, in a  
6750 reference thereto, subsection (2) of section 921.142, Florida  
6751 Statutes, is reenacted to read:

6752 921.142 Sentence of death or life imprisonment for capital  
6753 drug trafficking felonies; further proceedings to determine



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6754 sentence.-

6755 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon  
6756 conviction or adjudication of guilt of a defendant of a capital  
6757 felony under s. 893.135, the court shall conduct a separate  
6758 sentencing proceeding to determine whether the defendant should  
6759 be sentenced to death or life imprisonment as authorized by s.  
6760 775.082. The proceeding shall be conducted by the trial judge  
6761 before the trial jury as soon as practicable. If, through  
6762 impossibility or inability, the trial jury is unable to  
6763 reconvene for a hearing on the issue of penalty, having  
6764 determined the guilt of the accused, the trial judge may summon  
6765 a special juror or jurors as provided in chapter 913 to  
6766 determine the issue of the imposition of the penalty. If the  
6767 trial jury has been waived, or if the defendant pleaded guilty,  
6768 the sentencing proceeding shall be conducted before a jury  
6769 impaneled for that purpose, unless waived by the defendant. In  
6770 the proceeding, evidence may be presented as to any matter that  
6771 the court deems relevant to the nature of the crime and the  
6772 character of the defendant and shall include matters relating to  
6773 any of the aggravating factors enumerated in subsection (7) and  
6774 for which notice has been provided pursuant to s. 782.04(1)(b)  
6775 or mitigating circumstances enumerated in subsection (8). Any  
6776 such evidence that the court deems to have probative value may  
6777 be received, regardless of its admissibility under the  
6778 exclusionary rules of evidence, provided the defendant is  
6779 accorded a fair opportunity to rebut any hearsay statements.  
6780 However, this subsection shall not be construed to authorize the  
6781 introduction of any evidence secured in violation of the  
6782 Constitution of the United States or the Constitution of the



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6783 State of Florida. The state and the defendant or the defendant's  
6784 counsel shall be permitted to present argument for or against  
6785 sentence of death.

6786 Section 132. For the purpose of incorporating the amendment  
6787 made by this act to section 944.704, Florida Statutes, in a  
6788 reference thereto, paragraph (a) of subsection (3) of section  
6789 944.026, Florida Statutes, is reenacted to read:

6790 944.026 Community-based facilities and programs.—

6791 (3)(a) The department shall develop and implement  
6792 procedures to diagnose offenders prior to sentencing, for the  
6793 purpose of recommending to the sentencing court suitable  
6794 candidates for placement in a community-based residential drug  
6795 treatment facility or probation and restitution center as  
6796 provided in this section. The department shall also develop and  
6797 implement procedures to properly identify inmates prior to  
6798 release who demonstrate the need for or interest in and  
6799 suitability for placement in a community-based substance abuse  
6800 transition housing program as provided in this section and  
6801 pursuant to ss. 944.4731 and 944.704.

6802 Section 133. For the purpose of incorporating the amendment  
6803 made by this act to section 944.705, Florida Statutes, in a  
6804 reference thereto, subsection (6) of section 944.4731, Florida  
6805 Statutes, is reenacted to read:

6806 944.4731 Addiction-Recovery Supervision Program.—

6807 (6) Six months before an offender is released, the chaplain  
6808 and transition assistance specialist at the institution where  
6809 the offender is incarcerated shall initiate the prerelease  
6810 screening process in addition to the basic release orientation  
6811 required under s. 944.705.





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6812 (a) The transition assistance specialist and the chaplain  
6813 shall provide a list of contracted private providers, including  
6814 faith-based providers, to the offender and facilitate the  
6815 application process. The transition assistance specialist shall  
6816 inform the offender of program availability and assess the  
6817 offender's need and suitability for substance abuse transition  
6818 housing assistance. If an offender is approved for placement,  
6819 the specialist shall assist the offender and coordinate the  
6820 release of the offender with the selected program. If an  
6821 offender requests and is approved for placement in a contracted  
6822 faith-based substance abuse transition housing program, the  
6823 specialist must consult with the chaplain prior to such  
6824 placement. A right to substance abuse program services is not  
6825 stated, intended, or otherwise implied by this section.

6826 (b) If an offender has participated in a faith-based  
6827 program while incarcerated or housed at a community correctional  
6828 center and the same or a similar faith-based provider offers a  
6829 contracted substance abuse transition housing program, the  
6830 department shall make every attempt to maintain this continuum  
6831 of care.

6832 Section 134. For the purpose of incorporating the amendment  
6833 made by this act to section 944.801, Florida Statutes, in a  
6834 reference thereto, subsection (2) of section 447.203, Florida  
6835 Statutes, is reenacted to read:

6836 447.203 Definitions.—As used in this part:

6837 (2) "Public employer" or "employer" means the state or any  
6838 county, municipality, or special district or any subdivision or  
6839 agency thereof which the commission determines has sufficient  
6840 legal distinctiveness properly to carry out the functions of a



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6841 public employer. With respect to all public employees determined  
6842 by the commission as properly belonging to a statewide  
6843 bargaining unit composed of State Career Service System  
6844 employees or Selected Professional Service employees, the  
6845 Governor shall be deemed to be the public employer; and the  
6846 Board of Governors of the State University System, or the  
6847 board's designee, shall be deemed to be the public employer with  
6848 respect to all public employees of each constituent state  
6849 university. The board of trustees of a community college shall  
6850 be deemed to be the public employer with respect to all  
6851 employees of the community college. The district school board  
6852 shall be deemed to be the public employer with respect to all  
6853 employees of the school district. The Board of Trustees of the  
6854 Florida School for the Deaf and the Blind shall be deemed to be  
6855 the public employer with respect to the academic and academic  
6856 administrative personnel of the Florida School for the Deaf and  
6857 the Blind. The Governor shall be deemed to be the public  
6858 employer with respect to all employees in the Correctional  
6859 Education Program of the Department of Corrections established  
6860 pursuant to s. 944.801.

6861 Section 135. For the purpose of incorporating the amendment  
6862 made by this act to section 948.013, Florida Statutes, in a  
6863 reference thereto, paragraph (n) of subsection (1) of section  
6864 921.187, Florida Statutes, is reenacted to read:

6865 921.187 Disposition and sentencing; alternatives;  
6866 restitution.—

6867 (1) The alternatives provided in this section for the  
6868 disposition of criminal cases shall be used in a manner that  
6869 will best serve the needs of society, punish criminal offenders,



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6870 and provide the opportunity for rehabilitation. If the offender  
6871 does not receive a state prison sentence, the court may:

6872 (n) Impose split probation whereby upon satisfactory  
6873 completion of half the term of probation, the Department of  
6874 Corrections may place the offender on administrative probation  
6875 pursuant to s. 948.013 for the remainder of the term of  
6876 supervision.

6877 Section 136. For the purpose of incorporating the amendment  
6878 made by this act to section 948.06, Florida Statutes, in a  
6879 reference thereto, paragraph (b) of subsection (2) of section  
6880 948.012, Florida Statutes, is reenacted to read:

6881 948.012 Split sentence of probation or community control  
6882 and imprisonment.—

6883 (2) The court may also impose a split sentence whereby the  
6884 defendant is sentenced to a term of probation which may be  
6885 followed by a period of incarceration or, with respect to a  
6886 felony, into community control, as follows:

6887 (b) If the offender does not meet the terms and conditions  
6888 of probation or community control, the court may revoke, modify,  
6889 or continue the probation or community control as provided in s.  
6890 948.06. If the probation or community control is revoked, the  
6891 court may impose any sentence that it could have imposed at the  
6892 time the offender was placed on probation or community control.  
6893 The court may not provide credit for time served for any portion  
6894 of a probation or community control term toward a subsequent  
6895 term of probation or community control. However, the court may  
6896 not impose a subsequent term of probation or community control  
6897 which, when combined with any amount of time served on preceding  
6898 terms of probation or community control for offenses pending



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6899 before the court for sentencing, would exceed the maximum  
6900 penalty allowable as provided in s. 775.082. Such term of  
6901 incarceration shall be served under applicable law or county  
6902 ordinance governing service of sentences in state or county  
6903 jurisdiction. This paragraph does not prohibit any other  
6904 sanction provided by law.

6905 Section 137. For the purpose of incorporating the amendment  
6906 made by this act to section 948.06, Florida Statutes, in a  
6907 reference thereto, subsection (3) of section 948.10, Florida  
6908 Statutes, is reenacted to read:

6909 948.10 Community control programs; home confinement.—

6910 (3) Procedures governing violations of community control  
6911 are the same as those described in s. 948.06 with respect to  
6912 probation.

6913 Section 138. For the purpose of incorporating the amendment  
6914 made by this act to section 948.06, Florida Statutes, in a  
6915 reference thereto, subsection (3) of section 948.20, Florida  
6916 Statutes, is reenacted to read:

6917 948.20 Drug offender probation.—

6918 (3) Offenders placed on drug offender probation are subject  
6919 to revocation of probation as provided in s. 948.06.

6920 Section 139. For the purpose of incorporating the amendment  
6921 made by this act to section 948.06, Florida Statutes, in a  
6922 reference thereto, section 958.14, Florida Statutes, is  
6923 reenacted to read:

6924 958.14 Violation of probation or community control  
6925 program.—A violation or alleged violation of probation or the  
6926 terms of a community control program shall subject the youthful  
6927 offender to the provisions of s. 948.06. However, no youthful



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6928 offender shall be committed to the custody of the department for  
6929 a substantive violation for a period longer than the maximum  
6930 sentence for the offense for which he or she was found guilty,  
6931 with credit for time served while incarcerated, or for a  
6932 technical or nonsubstantive violation for a period longer than 6  
6933 years or for a period longer than the maximum sentence for the  
6934 offense for which he or she was found guilty, whichever is less,  
6935 with credit for time served while incarcerated.

6936 Section 140. For the purpose of incorporating the amendment  
6937 made by this act to section 948.08, Florida Statutes, in a  
6938 reference thereto, paragraph (b) of subsection (4) of section  
6939 796.07, Florida Statutes, is reenacted to read:

6940 796.07 Prohibiting prostitution and related acts.—

6941 (4)

6942 (b) A person who is charged with a third or subsequent  
6943 violation of this section, other than paragraph (2)(f), shall be  
6944 offered admission to a pretrial intervention program or a  
6945 substance abuse treatment program as provided in s. 948.08.

6946 Section 141. For the purpose of incorporating the amendment  
6947 made by this act to section 948.08, Florida Statutes, in a  
6948 reference thereto, paragraph (b) of subsection (3) of section  
6949 944.026, Florida Statutes, is reenacted to read:

6950 944.026 Community-based facilities and programs.—

6951 (3)

6952 (b) Pretrial intervention programs in appropriate counties  
6953 to provide early counseling and supervision services to  
6954 specified offenders as provided in s. 948.08.

6955 Section 142. For the purpose of incorporating the amendment  
6956 made by this act to section 948.08, Florida Statutes, in a



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6957 reference thereto, subsection (1) of section 948.036, Florida  
6958 Statutes, is reenacted to read:

6959       948.036 Work programs as a condition of probation,  
6960 community control, or other court-ordered community  
6961 supervision.—

6962       (1) Whenever an offender is required by the court to  
6963 participate in any work program under the provisions of this  
6964 chapter, enters into the pretrial intervention program pursuant  
6965 to s. 948.08, or volunteers to work in a supervised work program  
6966 conducted by a specified state, county, municipal, or community  
6967 service organization or to work for the victim, either as an  
6968 alternative to monetary restitution or as a part of the  
6969 rehabilitative or community control program, the offender shall  
6970 be considered an employee of the state for the purposes of  
6971 chapter 440.

6972       Section 143. For the purpose of incorporating the  
6973 amendments made by this act to section 948.08, Florida Statutes,  
6974 in a reference thereto, subsection (2) of section 394.47892,  
6975 Florida Statutes, is reenacted to read:

6976       394.47892 Mental health court programs.—

6977       (2) Mental health court programs may include pretrial  
6978 intervention programs as provided in ss. 948.08, 948.16, and  
6979 985.345, postadjudicatory mental health court programs as  
6980 provided in ss. 948.01 and 948.06, and review of the status of  
6981 compliance or noncompliance of sentenced defendants through a  
6982 mental health court program.

6983       Section 144. For the purpose of incorporating the  
6984 amendments made by this act to section 948.08, Florida Statutes,  
6985 in a reference thereto, subsection (5) of section 397.334,



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6986 Florida Statutes, is reenacted to read:

6987 397.334 Treatment-based drug court programs.—

6988 (5) Treatment-based drug court programs may include  
6989 pretrial intervention programs as provided in ss. 948.08,  
6990 948.16, and 985.345, treatment-based drug court programs  
6991 authorized in chapter 39, postadjudicatory programs as provided  
6992 in ss. 948.01, 948.06, and 948.20, and review of the status of  
6993 compliance or noncompliance of sentenced offenders through a  
6994 treatment-based drug court program. While enrolled in a  
6995 treatment-based drug court program, the participant is subject  
6996 to a coordinated strategy developed by a drug court team under  
6997 subsection (4). The coordinated strategy may include a protocol  
6998 of sanctions that may be imposed upon the participant for  
6999 noncompliance with program rules. The protocol of sanctions may  
7000 include, but is not limited to, placement in a substance abuse  
7001 treatment program offered by a licensed service provider as  
7002 defined in s. 397.311 or in a jail-based treatment program or  
7003 serving a period of secure detention under chapter 985 if a  
7004 child or a period of incarceration within the time limits  
7005 established for contempt of court if an adult. The coordinated  
7006 strategy must be provided in writing to the participant before  
7007 the participant agrees to enter into a treatment-based drug  
7008 court program.

7009 Section 145. For the purpose of incorporating the  
7010 amendments made by this act to section 948.08, Florida Statutes,  
7011 in a reference thereto, paragraph (a) of subsection (5) of  
7012 section 910.035, Florida Statutes, is reenacted to read:

7013 910.035 Transfer from county for plea, sentence, or  
7014 participation in a problem-solving court.—



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7015 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

7016 (a) For purposes of this subsection, the term “problem-  
7017 solving court” means a drug court pursuant to s. 948.01, s.  
7018 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans’  
7019 and servicemembers’ court pursuant to s. 394.47891, s. 948.08,  
7020 s. 948.16, or s. 948.21; a mental health court program pursuant  
7021 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;  
7022 or a delinquency pretrial intervention court program pursuant to  
7023 s. 985.345.

7024 Section 146. For the purpose of incorporating the amendment  
7025 made by this act to section 958.04, Florida Statutes, in a  
7026 reference thereto, subsection (5) of section 958.03, Florida  
7027 Statutes, is reenacted to read:

7028 958.03 Definitions.—As used in this act:

7029 (5) “Youthful offender” means any person who is sentenced  
7030 as such by the court or is classified as such by the department  
7031 pursuant to s. 958.04.

7032 Section 147. For the purpose of incorporating the amendment  
7033 made by this act to section 958.04, Florida Statutes, in a  
7034 reference thereto, paragraph (a) of subsection (8) of section  
7035 958.045, Florida Statutes, is reenacted to read:

7036 958.045 Youthful offender basic training program.—

7037 (8) (a) The Assistant Secretary for Youthful Offenders shall  
7038 continuously screen all institutions, facilities, and programs  
7039 for any inmate who meets the eligibility requirements for  
7040 youthful offender designation specified in s. 958.04, whose age  
7041 does not exceed 24 years. The department may classify and assign  
7042 as a youthful offender any inmate who meets the criteria of s.  
7043 958.04.





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7044           Section 148. For the purpose of incorporating the amendment  
7045 made by this act to section 958.04, Florida Statutes, in a  
7046 reference thereto, section 958.046, Florida Statutes, is  
7047 reenacted to read:

7048           958.046 Placement in county-operated boot camp programs for  
7049 youthful offenders.—In counties where there are county-operated  
7050 youthful offender boot camp programs, other than boot camps  
7051 described in s. 958.04, the court may sentence a youthful  
7052 offender to such a boot camp. In county-operated youthful  
7053 offender boot camp programs, juvenile offenders shall not be  
7054 commingled with youthful offenders.

7055           Section 149. For the purpose of incorporating the amendment  
7056 made by this act to section 958.04, Florida Statutes, in a  
7057 reference thereto, paragraph (c) of subsection (4) of section  
7058 985.565, Florida Statutes, is reenacted to read:

7059           985.565 Sentencing powers; procedures; alternatives for  
7060 juveniles prosecuted as adults.—

7061           (4) SENTENCING ALTERNATIVES.—

7062           (c) *Adult sanctions upon failure of juvenile sanctions.*—If  
7063 a child proves not to be suitable to a commitment program,  
7064 juvenile probation program, or treatment program under paragraph  
7065 (b), the department shall provide the sentencing court with a  
7066 written report outlining the basis for its objections to the  
7067 juvenile sanction and shall simultaneously provide a copy of the  
7068 report to the state attorney and the defense counsel. The  
7069 department shall schedule a hearing within 30 days. Upon  
7070 hearing, the court may revoke the previous adjudication, impose  
7071 an adjudication of guilt, and impose any sentence which it may  
7072 lawfully impose, giving credit for all time spent by the child



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7073 in the department. The court may also classify the child as a  
7074 youthful offender under s. 958.04, if appropriate. For purposes  
7075 of this paragraph, a child may be found not suitable to a  
7076 commitment program, community control program, or treatment  
7077 program under paragraph (b) if the child commits a new violation  
7078 of law while under juvenile sanctions, if the child commits any  
7079 other violation of the conditions of juvenile sanctions, or if  
7080 the child's actions are otherwise determined by the court to  
7081 demonstrate a failure of juvenile sanctions.

7082

7083 It is the intent of the Legislature that the criteria and  
7084 guidelines in this subsection are mandatory and that a  
7085 determination of disposition under this subsection is subject to  
7086 the right of the child to appellate review under s. 985.534.

7087 Section 150. For the purpose of incorporating the amendment  
7088 made by this act to section 985.557, Florida Statutes, in a  
7089 reference thereto, subsection (3) of section 985.556, Florida  
7090 Statutes, is reenacted to read:

7091 985.556 Waiver of juvenile court jurisdiction; hearing.—

7092 (3) INVOLUNTARY MANDATORY WAIVER.—

7093 (a) If the child was 14 years of age or older, and if the  
7094 child has been previously adjudicated delinquent for an act  
7095 classified as a felony, which adjudication was for the  
7096 commission of, attempt to commit, or conspiracy to commit  
7097 murder, sexual battery, armed or strong-armed robbery,  
7098 carjacking, home-invasion robbery, aggravated battery,  
7099 aggravated assault, or burglary with an assault or battery, and  
7100 the child is currently charged with a second or subsequent  
7101 violent crime against a person; or



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7102 (b) If the child was 14 years of age or older at the time  
7103 of commission of a fourth or subsequent alleged felony offense  
7104 and the child was previously adjudicated delinquent or had  
7105 adjudication withheld for or was found to have committed, or to  
7106 have attempted or conspired to commit, three offenses that are  
7107 felony offenses if committed by an adult, and one or more of  
7108 such felony offenses involved the use or possession of a firearm  
7109 or violence against a person;

7110  
7111 the state attorney shall request the court to transfer and  
7112 certify the child for prosecution as an adult or shall provide  
7113 written reasons to the court for not making such request, or  
7114 proceed under s. 985.557(1). Upon the state attorney's request,  
7115 the court shall either enter an order transferring the case and  
7116 certifying the case for trial as if the child were an adult or  
7117 provide written reasons for not issuing such an order.

7118 Section 151. For the purpose of incorporating the amendment  
7119 made by this act to section 985.557, Florida Statutes, in a  
7120 reference thereto, subsection (1) of section 985.15, Florida  
7121 Statutes, is reenacted to read:

7122 985.15 Filing decisions.—

7123 (1) The state attorney may in all cases take action  
7124 independent of the action or lack of action of the juvenile  
7125 probation officer and shall determine the action that is in the  
7126 best interest of the public and the child. If the child meets  
7127 the criteria requiring prosecution as an adult under s. 985.556,  
7128 the state attorney shall request the court to transfer and  
7129 certify the child for prosecution as an adult or shall provide  
7130 written reasons to the court for not making such a request. In



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7131 all other cases, the state attorney may:  
7132       (a) File a petition for dependency;  
7133       (b) File a petition under chapter 984;  
7134       (c) File a petition for delinquency;  
7135       (d) File a petition for delinquency with a motion to  
7136 transfer and certify the child for prosecution as an adult;  
7137       (e) File an information under s. 985.557;  
7138       (f) Refer the case to a grand jury;  
7139       (g) Refer the child to a diversionary, pretrial  
7140 intervention, arbitration, or mediation program, or to some  
7141 other treatment or care program if such program commitment is  
7142 voluntarily accepted by the child or the child's parents or  
7143 legal guardian; or  
7144       (h) Decline to file.  
7145       Section 152. For the purpose of incorporating the amendment  
7146 made by this act to section 985.557, Florida Statutes, in a  
7147 reference thereto, paragraph (c) of subsection (2) of section  
7148 985.26, Florida Statutes, is reenacted to read:  
7149       985.26 Length of detention.—  
7150       (2)  
7151       (c) A prolific juvenile offender under s. 985.255(1)(j)  
7152 shall be placed on nonsecure detention care with electronic  
7153 monitoring or in secure detention care under a special detention  
7154 order until disposition. If secure detention care is ordered by  
7155 the court, it must be authorized under this part and may not  
7156 exceed:  
7157       1. Twenty-one days unless an adjudicatory hearing for the  
7158 case has been commenced in good faith by the court or the period  
7159 is extended by the court pursuant to paragraph (b); or



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7160           2. Fifteen days after the entry of an order of  
7161 adjudication.

7162  
7163 As used in this paragraph, the term "disposition" means a  
7164 declination to file under s. 985.15(1)(h), the entry of nolle  
7165 prosequi for the charges, the filing of an indictment under s.  
7166 985.56 or an information under s. 985.557, a dismissal of the  
7167 case, or an order of final disposition by the court.

7168           Section 153. Criminal Punishment Code Task Force.—

7169           (1) The Task Force on the Criminal Punishment Code, a task  
7170 force as defined in s. 20.03(8), Florida Statutes, is created  
7171 adjunct to the Department of Legal Affairs for the purpose of  
7172 reviewing, evaluating, and making recommendations regarding  
7173 sentencing for and ranking of noncapital felony offenses under  
7174 the Criminal Punishment Code. The task force shall include an  
7175 analysis of best practices in its review.

7176           (2) The task force is composed of the following members:

7177           (a) The Attorney General, or a designee of the Attorney  
7178 General, who shall serve as chair of the task force.

7179           (b) The Secretary of Corrections, or a designee of the  
7180 secretary.

7181           (c) Two members appointed by the President of the Senate,  
7182 one of whom must be a public defender.

7183           (d) Two members appointed by the Speaker of the House of  
7184 Representatives, one of whom must be a state attorney.

7185           (e) Two members appointed by the Chief Justice of the  
7186 Supreme Court, one of whom must be a circuit judge currently  
7187 assigned to a felony division.

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7189 Any vacancies on the task force shall be filled in the same  
7190 manner as the original appointments. Appointments to the task  
7191 force shall be made no later than July 15, 2019.

7192 (3) The task force shall meet throughout its duration and  
7193 is encouraged to take input from all stakeholders involved in  
7194 the criminal justice system. The first meeting of the task force  
7195 shall occur no later than August 15, 2019. The Attorney General  
7196 shall designate staff of the Department of Legal Affairs to  
7197 provide support to the task force.

7198 (4) Upon the Attorney General's request, the Department of  
7199 Corrections and the Office of the State Courts Administrator  
7200 shall provide necessary data collection and analysis, research,  
7201 and support services to the task force.

7202 (5) Members of the task force may not receive compensation  
7203 other than their usual salaries received from their employers,  
7204 but are entitled to reimbursement for per diem and travel  
7205 expenses from their employers in accordance with s. 112.061,  
7206 Florida Statutes.

7207 (6) The task force shall submit a report to the Governor,  
7208 the President of the Senate, the Speaker of the House of  
7209 Representatives, and the Chief Justice of the Supreme Court no  
7210 later than June 30, 2020, which must include, at a minimum, the  
7211 issues considered by the task force, any recommendations for  
7212 legislative changes, and an analysis of the expected impact of  
7213 such recommendations if enacted by the Legislature. The task  
7214 force is dissolved upon submission of the report.

7215 (7) This section expires July 1, 2020.

7216 Section 154. For the 2019-2020 fiscal year, the sum of  
7217 \$250,000 in nonrecurring funds is appropriated from the General



7218 Revenue Fund to the Department of Legal Affairs for the purpose  
7219 of implementing the Criminal Punishment Code Task Force.

7220 Section 155. Except as otherwise expressly provided in this  
7221 act, and except for this section, which shall take effect upon  
7222 this act becoming a law, this act shall take effect October 1,  
7223 2019.

7224  
7225 ===== T I T L E A M E N D M E N T =====

7226 And the title is amended as follows:

7227 Delete everything before the enacting clause  
7228 and insert:

7229 A bill to be entitled  
7230 An act relating to public safety; amending s. 16.555,  
7231 F.S.; providing for reallocation of unencumbered funds  
7232 returned to the Crime Stoppers Trust Fund; specifying  
7233 permissible uses for funds awarded to counties from  
7234 the trust fund; creating s. 16.557, F.S.; defining  
7235 terms; providing criminal penalties for disclosure of  
7236 privileged communications or protected information or  
7237 information concerning such communications or  
7238 information; providing exceptions; creating s. 25.025,  
7239 F.S.; authorizing certain Supreme Court justices to  
7240 have an appropriate facility in their district of  
7241 residence designated as their official headquarters;  
7242 providing that an official headquarters may serve only  
7243 as a justice's private chambers; providing that such  
7244 justices are eligible for a certain subsistence  
7245 allowance and reimbursement for certain transportation  
7246 expenses; requiring that such allowance and



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7247 reimbursement be made to the extent appropriated funds  
7248 are available, as determined by the Chief Justice;  
7249 requiring the Chief Justice to coordinate with certain  
7250 persons in designating official headquarters;  
7251 providing that a county is not required to provide  
7252 space for a justice in a county courthouse;  
7253 authorizing counties to enter into agreements with the  
7254 Supreme Court for the use of county courthouse space;  
7255 prohibiting the Supreme Court from using state funds  
7256 to lease space in specified facilities to allow a  
7257 justice to establish an official headquarters;  
7258 creating s. 43.51, F.S.; requiring the Office of the  
7259 State Courts Administrator to provide an annual report  
7260 containing certain information to the Legislature;  
7261 defining the term "problem-solving court"; amending s.  
7262 57.105, F.S.; prohibiting the awarding of attorney  
7263 fees for certain proceedings for injunctions for  
7264 protection under specified provisions; providing an  
7265 exception; amending s. 61.13016, F.S.; providing that  
7266 a written agreement for payment may include a  
7267 reasonable period of payment deferral to accommodate  
7268 an obligor's good faith job-seeking efforts; amending  
7269 s. 212.15, F.S.; increasing threshold amounts for  
7270 certain theft offenses; amending s. 287.095, F.S.;  
7271 deleting a provision that provides a limitation on the  
7272 total sales by a specified corporation of certain  
7273 products offered for purchase to a state agency;  
7274 amending s. 322.01, F.S.; defining the term  
7275 "suspension or revocation equivalent status"; amending





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7276 s. 322.055, F.S.; reducing the length of driver  
7277 license revocation for possession or sale of,  
7278 trafficking in, or conspiracy to possess, sell, or  
7279 traffic in a controlled substance; deleting provisions  
7280 authorizing a driver to petition the Department of  
7281 Highway Safety and Motor Vehicles for restoration of  
7282 his or her driving privilege; amending s. 322.056,  
7283 F.S.; reducing the period for revocation or suspension  
7284 of, or delay of eligibility for, driver licenses or  
7285 driving privileges for certain persons found guilty of  
7286 certain drug offenses; deleting requirements relating  
7287 to the revocation or suspension of, or delay of  
7288 eligibility for, driver licenses or driving privileges  
7289 for certain persons found guilty of certain alcohol or  
7290 tobacco offenses; deleting provisions relating to the  
7291 suspension or revocation of certain persons' driver  
7292 licenses; repealing s. 322.057, F.S., relating to  
7293 discretionary revocation or suspension of a driver  
7294 license for certain persons who provide alcohol to  
7295 persons under a specified age; amending s. 322.34,  
7296 F.S.; revising criminal penalties for the third or  
7297 subsequent offense of driving while license suspended,  
7298 revoked, canceled, or disqualified; applying criminal  
7299 penalties related to various provisions of driving on  
7300 certain driver license statuses to persons driving  
7301 with suspension or revocation equivalent status;  
7302 creating s. 322.75, F.S.; requiring each clerk of  
7303 court to establish a Driver License Reinstatement Days  
7304 program for reinstating suspended driver licenses in



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7305 certain circumstances; providing duties of the clerks  
7306 of the circuit courts and the department; authorizing  
7307 such clerks to compromise on or waive certain fees and  
7308 costs; authorizing such clerks to schedule a Driver  
7309 License Reinstatement Days event on certain days or  
7310 times; providing eligibility requirements; requiring  
7311 such clerks and the Department of Highway Safety and  
7312 Motor Vehicles to verify information necessary to  
7313 reinstate a driver license under the program;  
7314 requiring the clerks of court to collect specified  
7315 data and report such data to the Florida Clerks of  
7316 Court Operations Corporation; requiring the Florida  
7317 Clerks of Court Operations Corporation to report  
7318 specified information in a certain annual report the  
7319 annual report required by s. 28.35, F.S.; amending s.  
7320 394.917, F.S.; requiring the Department of Children  
7321 and Families to provide rehabilitation to criminal  
7322 offenders designated as sexually violent predators;  
7323 amending s. 397.334, F.S.; conforming provisions to  
7324 changes made by the act; amending s. 397.403, F.S.;  
7325 providing an exemption from certain accreditation  
7326 requirements relating to licensure renewal for certain  
7327 substance abuse programs; amending s. 455.213, F.S.;  
7328 requiring certain boards and entities within the  
7329 Divisions of Certified Public Accounting, Professions,  
7330 or Real Estate of the Department of Business and  
7331 Professional Regulation to use a specified process for  
7332 the review of an applicant's criminal record to  
7333 determine the applicant's eligibility for certain



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7334 licenses; prohibiting the conviction, or any other  
7335 adjudication, of a crime before a specified date from  
7336 being grounds for the denial of certain licenses;  
7337 defining the term "conviction"; providing  
7338 construction; authorizing a person to apply for a  
7339 license before his or her lawful release from  
7340 confinement or supervision; prohibiting the department  
7341 from charging an applicant who is confined or under  
7342 supervision an additional fee; prohibiting a board  
7343 from basing a denial of a license application solely  
7344 on the applicant's current confinement or supervision;  
7345 authorizing a board to stay the issuance of an  
7346 approved license under certain circumstances;  
7347 requiring a board to verify an applicant's release  
7348 with the Department of Corrections; requiring the  
7349 applicable board or the Department of Business and  
7350 Professional Regulation to allow certain applicants to  
7351 appear by teleconference or video conference at  
7352 certain meetings; requiring the Department of  
7353 Corrections to cooperate and coordinate with the  
7354 applicable board to facilitate the appearance of  
7355 certain applicants at certain meetings in person, by  
7356 teleconference, or by video conference, as  
7357 appropriate; requiring a board or the department to  
7358 provide certain lists on the department's website  
7359 specifying how certain crimes do or do not affect an  
7360 applicant's eligibility for licensure; providing that  
7361 certain information be identified for the crimes on  
7362 such list; requiring such lists to be available to the



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7363 public upon request; amending s. 474.2165, F.S.;

7364 authorizing a veterinarian to report certain suspected

7365 criminal violations without notice to or authorization

7366 from a client; providing an exception; amending s.

7367 489.126, F.S.; providing that a contractor has a just

7368 cause defense for criminal offenses and disciplinary

7369 violations; providing an inference; deleting an intent

7370 requirement for contractor offenses; revising elements

7371 of offenses; revising criminal penalties for

7372 contractor offenses; amending s. 489.553, F.S.;

7373 prohibiting the conviction, or any other adjudication,

7374 of a crime before a specified date from being grounds

7375 for the denial of registration under certain

7376 circumstances; defining the term "conviction";

7377 providing construction; authorizing a person to apply

7378 for registration before his or her lawful release from

7379 confinement or supervision; prohibiting the department

7380 or other applicable authority from charging an

7381 applicant who is confined or under supervision an

7382 additional fee; prohibiting the department or other

7383 applicable authority from basing the denial of

7384 registration solely on the applicant's current

7385 confinement or supervision; authorizing the department

7386 or other applicable authority to stay the issuance of

7387 an approved registration under certain circumstances;

7388 requiring the department or other applicable authority

7389 to verify an applicant's release with the Department

7390 of Corrections; requiring the Department of Business

7391 and Professional Regulation or other applicable



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7392 authority to allow certain applicants to appear by  
7393 teleconference or video conference at certain  
7394 meetings; requiring the Department of Corrections to  
7395 cooperate and coordinate with the department or  
7396 applicable authority to facilitate the appearance of  
7397 certain applicants at certain meetings in person, by  
7398 teleconference, or by video conference, as  
7399 appropriate; requiring the department or other  
7400 applicable authority to provide certain lists on its  
7401 website specifying how certain crimes do or do not  
7402 affect an applicant's eligibility for registration;  
7403 providing that certain information be identified for  
7404 each crime on such lists; requiring such lists to be  
7405 available to the public upon request; amending s.  
7406 500.451, F.S.; abolishing mandatory minimum sentence  
7407 for the sale of horse meat for human consumption;  
7408 amending s. 509.151, F.S.; increasing threshold  
7409 amounts for certain theft offenses; amending s.  
7410 562.11, F.S.; deleting provisions relating to  
7411 withholding, suspending, or revoking the driving  
7412 privilege of a person who provides alcoholic beverages  
7413 to a person under 21 years of age; amending s.  
7414 562.111, F.S.; deleting provisions relating to  
7415 withholding, suspending, or revoking the driving  
7416 privilege of a person under 21 years of age who  
7417 possesses alcoholic beverages; amending s. 562.27,  
7418 F.S.; reducing the offense severity of certain crimes  
7419 related to the possession of a still or related  
7420 apparatus; amending s. 562.451, F.S.; reducing the



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7421 offense severity for possession of one or more gallons  
7422 of certain liquors; amending s. 569.11, F.S.;

7423 conforming provisions to changes made by the act;

7424 revising penalties; amending s. 713.69, F.S.;

7425 increasing threshold amounts for certain theft

7426 offenses; amending s. 741.30, F.S.; conforming a

7427 provision to changes made by the act; amending s.

7428 775.082, F.S.; revising legislative intent that

7429 certain offenders released from incarceration from

7430 county detention facilities qualify as prison releasee

7431 reoffenders; amending s. 784.048, F.S.; revising the

7432 definition of the term "cyberstalk"; providing

7433 criminal penalties; amending s. 790.052, F.S.;

7434 specifying that certain law enforcement and

7435 correctional officers meet the definition of

7436 "qualified law enforcement officer" for the purposes

7437 of qualifying for certain rights during off-duty

7438 hours; specifying that certain persons meet the

7439 definition of "qualified retired law enforcement

7440 officer" for the purposes of qualifying for certain

7441 rights during off-duty hours; amending s. 790.22,

7442 F.S.; authorizing, rather than requiring, a court to

7443 withhold issuance of or suspend a person's driver

7444 license or driving privilege for a minor who possesses

7445 or uses a firearm in certain circumstances; amending

7446 s. 800.09, F.S.; revising the definitions of the terms

7447 "employee" and "facility"; prohibiting certain lewd or

7448 lascivious acts in the presence of county correctional

7449 personnel; providing criminal penalties; amending s.



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7450 806.13, F.S.; authorizing, rather than requiring, a  
7451 court to withhold issuance of or suspend a person's  
7452 driver license or driving privilege for committing  
7453 criminal mischief by a minor; amending s. 812.014,  
7454 F.S.; increasing the threshold amount for certain  
7455 theft offenses; revising the list of items the theft  
7456 of which constitutes a felony of the third degree;  
7457 requiring the Office of Program Policy Analysis and  
7458 Government Accountability (OPPAGA) to perform a study  
7459 about certain threshold amounts on a specified  
7460 schedule; providing study requirements; requiring  
7461 OPPAGA to consult with the Office of Economic and  
7462 Demographic Research and other interested entities;  
7463 requiring OPPAGA to submit a report to the Governor  
7464 and the Legislature by a certain date and on a  
7465 specified basis; amending s. 812.015, F.S.; revising  
7466 the circumstances under which an offense of retail  
7467 theft constitutes a felony of the second or third  
7468 degree; authorizing the aggregation of retail thefts  
7469 that occur in more than one judicial circuit within a  
7470 30-day period into one total value and requiring  
7471 prosecution of such thefts by the Office of the  
7472 Statewide Prosecutor in accordance with s. 16.56,  
7473 F.S.; requiring OPPAGA to perform a study about  
7474 certain threshold amounts on a specified schedule;  
7475 providing study requirements; requiring OPPAGA to  
7476 consult with the Office of Economic and Demographic  
7477 Research and other interested entities; requiring  
7478 OPPAGA to submit a report to the Governor and the



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7479 Legislature by a certain date and on a specified  
7480 basis; amending s. 812.0155, F.S.; removing a court's  
7481 authority to suspend a driver license for a  
7482 misdemeanor theft adjudication of guilt for a person  
7483 18 years of age or older; allowing a court to suspend  
7484 a driver license for a person 18 years of age or  
7485 younger as an alternative to other possible sentences;  
7486 amending s. 815.03, F.S.; revising the definition of  
7487 the term "access" for purposes of provisions relating  
7488 to computer crimes; amending s. 815.06, F.S.; revising  
7489 conduct constituting an offense against users of  
7490 computers, computer systems, computer networks, or  
7491 electronic devices; providing criminal penalties;  
7492 amending s. 817.413, F.S.; increasing threshold  
7493 amounts for certain theft offenses; amending s.  
7494 831.28, F.S.; criminalizing possession of a  
7495 counterfeit instrument with intent to defraud;  
7496 amending s. 849.01, F.S.; reducing the offense  
7497 severity of certain crimes relating to keeping a  
7498 gambling house or possessing certain gambling  
7499 apparatuses; amending s. 877.112, F.S.; removing  
7500 driver license revocation or suspension as a penalty  
7501 for certain offenses involving nicotine products;  
7502 amending s. 893.135, F.S.; revising threshold amounts  
7503 for trafficking in specified substances ; amending s.  
7504 900.05, F.S.; revising and providing definitions;  
7505 revising and providing data required to be collected  
7506 and reported to the Department of Law Enforcement by  
7507 specified entities; requiring the department to





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7508 publish data received from reporting agencies by a  
7509 specified date; imposing penalties on reporting  
7510 agencies for noncompliance with data reporting  
7511 requirements; declaring information that is  
7512 confidential and exempt upon collection by a reporting  
7513 agency remains confidential and exempt when reported  
7514 to the department; creating s. 943.0578, F.S.;

7515 establishing eligibility criteria for expunction of a  
7516 criminal history record by a person found to have  
7517 acted in lawful self-defense; requiring the department  
7518 to issue a certificate of eligibility for expunction  
7519 if specified criteria are fulfilled; specifying  
7520 requirements for a petition to expunge; creating a  
7521 penalty for providing false information on such  
7522 petition; requiring the department to adopt rules  
7523 relating to a certificate of expunction for lawful  
7524 self-defense; amending s. 943.0581, F.S.; clarifying  
7525 that administrative expunction applies to criminal  
7526 history records resulting from an arrest made contrary  
7527 to law or by mistake; creating s. 943.0584, F.S.;

7528 providing a definition; specifying criminal history  
7529 records that are ineligible for court-ordered  
7530 expunction or court-ordered sealing; amending s.  
7531 943.0585, F.S.; providing eligibility criteria for  
7532 court-ordered expunction of a criminal history record;  
7533 requiring the department to issue a certificate of  
7534 eligibility to petitioners meeting eligibility  
7535 criteria; specifying requirements for a petition for  
7536 court-ordered expunction; specifying a court's



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7537 authority to expunge criminal history records;  
7538 specifying the process for a petition to expunge a  
7539 criminal history record; specifying the process  
7540 following the issuance of an order to expunge a  
7541 criminal history record; specifying the effect of an  
7542 order to expunge a criminal history record; amending  
7543 s. 943.059, F.S.; providing eligibility criteria for  
7544 court-ordered sealing of a criminal history record;  
7545 requiring the department to issue a certificate of  
7546 eligibility to petitioners meeting eligibility  
7547 criteria; specifying requirements for a petition for  
7548 court-ordered sealing; specifying a court's authority  
7549 to seal criminal history records; specifying the  
7550 process for a petition to seal a criminal history  
7551 record; specifying the effect of an order to seal a  
7552 criminal history record; creating s. 943.0595, F.S.;  
7553 requiring the department to adopt rules to implement  
7554 administrative sealing of specified criminal history  
7555 records; providing eligibility criteria for  
7556 administrative sealing of criminal history records;  
7557 specifying ineligible criminal history records;  
7558 providing that there is no limitation on the number of  
7559 times a person with an eligible criminal history  
7560 record may obtain an automatic administrative sealing;  
7561 requiring the clerk of court to transmit a certified  
7562 copy of an eligible criminal history record to the  
7563 department upon the resolution of a criminal case;  
7564 specifying that the effect of automatic sealing is the  
7565 same as court-ordered sealing; amending s. 943.6871,



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7566 F.S.; declaring information received by the department  
7567 from a reporting agency that is confidential and  
7568 exempt upon collection remains confidential and  
7569 exempt; requiring the Criminal and Juvenile Justice  
7570 Information Systems Council to develop specifications  
7571 for a uniform arrest affidavit; providing requirements  
7572 for such affidavits; requiring the council to develop  
7573 specifications for a uniform criminal charge and  
7574 disposition statute crosswalk table and uniform  
7575 criminal disposition and sentencing crosswalk table;  
7576 requiring the department to procure the affidavit and  
7577 statute crosswalk tables by a certain date; requiring  
7578 the department to provide training on the use of the  
7579 affidavit and crosswalk tables; requiring law  
7580 enforcement agencies to use the uniform arrest  
7581 affidavit and other agencies to use the statute  
7582 crosswalk tables by a certain date; amending s.  
7583 944.40, F.S.; including escape while on furlough in  
7584 the offense of escape; providing criminal penalties;  
7585 amending s. 944.47, F.S.; providing enhanced penalties  
7586 for offenses involving introduction of contraband in  
7587 correctional facilities when committed by correctional  
7588 facility employees; amending s. 944.704, F.S.;  
7589 authorizing the department to increase the number of  
7590 employees serving as transition specialists and  
7591 employment specialists; requiring transition  
7592 assistance staff to provide job assignment  
7593 credentialing and industry certification information  
7594 to inmates before their release; amending s. 944.705,



7595 F.S.; requiring the department to establish a  
7596 telephone hotline for released offenders; requiring  
7597 that the department provide an inmate with a  
7598 comprehensive community reentry resource directory  
7599 organized by county before the inmate's release;  
7600 requiring the department to use certain programming  
7601 data to notify inmates about reentry resources before  
7602 release; authorizing a nonprofit faith-based or  
7603 professional business or a civic or community  
7604 organization to apply for registration with the  
7605 department to provide inmate reentry services;  
7606 requiring the department to adopt certain policies and  
7607 procedures; authorizing the department to deny  
7608 approval and registration of an organization or  
7609 representative of an organization under certain  
7610 circumstances; authorizing the department to contract  
7611 with a public or private educational institution's  
7612 veteran advocacy clinic or veteran legal clinic for  
7613 certain purposes; authorizing the department to  
7614 contract with public or private organizations to  
7615 establish transitional employment programs that  
7616 provide employment opportunities to recently released  
7617 inmates; requiring the department to adopt certain  
7618 rules; amending s. 944.801, F.S.; authorizing the  
7619 Correctional Education Program to establish a Prison  
7620 Entrepreneurship Program and adopt procedures for  
7621 admitting student inmates; providing requirements for  
7622 the program; authorizing transitional and postrelease  
7623 continuing educational services to be offered under



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7624 certain circumstances; requiring the department to  
7625 enter into certain agreements to implement the  
7626 program; requiring that the program be funded with  
7627 existing resources; authorizing the Department of  
7628 Corrections to develop a program, in cooperation with  
7629 the Department of Agriculture and Consumer Service,  
7630 the Florida Forestry Division, and the Florida  
7631 Department of Financial Services, Division of State  
7632 Fire Marshall, to train and certify inmates to become  
7633 firefighters; amending s. 948.001, F.S.; redefining  
7634 the term "administrative probation"; amending s.  
7635 948.013, F.S.; authorizing the department to transfer  
7636 an offender to administrative probation under certain  
7637 circumstances; amending s. 948.04, F.S.; requiring a  
7638 court to early terminate a term of probation or  
7639 convert the term to administrative probation under  
7640 certain circumstances; authorizing a court to continue  
7641 reporting probation upon making written findings;  
7642 amending s. 948.05, F.S.; requiring the department to  
7643 implement a graduated incentives program for  
7644 probationers and offenders on community control;  
7645 authorizing the department to issue certain incentives  
7646 without leave of court; amending s. 948.06, F.S.;  
7647 requiring a probation officer to determine whether a  
7648 probationer or offender on community control who  
7649 commits a technical violation is eligible for a  
7650 certain alternative sanctioning program; authorizing  
7651 the probation officer to take certain actions if such  
7652 probationer or offender is eligible; defining the term



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7653 "technical violation"; requiring a court to modify or  
7654 continue a probationary term under certain  
7655 circumstances; requiring that judicial circuits  
7656 establish an alternative sanctioning program;  
7657 authorizing the chief judge of each judicial circuit  
7658 to issue specified administrative orders; requiring a  
7659 probation officer to submit to the court for approval  
7660 any recommended sanctions against a probationer or  
7661 offender determined to be eligible for the program;  
7662 defining the terms "low-risk violation" and "moderate-  
7663 risk violation"; specifying circumstances under which  
7664 a probationer or offender on community control is not  
7665 eligible for an alternative sanction; authorizing a  
7666 probation officer to offer an eligible probationer one  
7667 or more specified alternative sanctions for a first or  
7668 second low-risk violation; authorizing a probation  
7669 officer, under certain circumstances, to offer an  
7670 eligible probationer or offender on community control  
7671 one or more specified alternative sanctions for a  
7672 first moderate-risk violation; providing that the  
7673 participation of a probationer or offender on  
7674 community control in the alternative sanctioning  
7675 program is voluntary, subject to certain requirements;  
7676 specifying actions that a probationer or offender on  
7677 community control may take if he or she is eligible  
7678 for an alternative sanctioning program; requiring that  
7679 a probation officer, under certain circumstances,  
7680 submit a recommended sanction to the court;  
7681 authorizing the court to impose the recommended



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7682 sanction or direct the department to submit a  
7683 violation report, affidavit, and warrant to the court;  
7684 authorizing a probation officer to submit a violation  
7685 report, affidavit, and warrant to the court under  
7686 certain circumstances; prohibiting certain evidence in  
7687 subsequent proceedings; amending s. 948.08, F.S.;  
7688 expanding eligibility criteria for pretrial substance  
7689 abuse education programs to include a person with two  
7690 or fewer convictions for nonviolent felonies; creating  
7691 s. 948.081, F.S.; authorizing community court  
7692 programs; providing program requirements; amending s.  
7693 951.22, F.S.; providing an exception to a prohibition  
7694 on contraband for certain legal documents; prohibiting  
7695 introduction into or possession of certain cellular  
7696 telephones or other portable communication devices on  
7697 the grounds of any county detention facility;  
7698 providing criminal penalties; amending s. 958.04,  
7699 F.S.; revising the criteria authorizing a court to  
7700 sentence as a youthful offender a person who is found  
7701 guilty of, or who pled nolo contendere or guilty to,  
7702 committing a felony before the person turned 21 years  
7703 of age; amending s. 960.07, F.S.; increasing the  
7704 timeframe for filing a crime victim compensation  
7705 claim; providing an extension for good cause for a  
7706 specified period; increasing the timeframe to file a  
7707 claim for a victim or intervenor who was under a  
7708 certain age at the time of the crime; providing an  
7709 extension of a certain timeframe for good cause;  
7710 increasing the timeframe a victim of a sexually



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7711 violent offense may file a claim for victim  
7712 compensation; amending s. 960.13, F.S.; increasing the  
7713 timeframe for prompt reporting of a crime to be  
7714 eligible for a victim compensation award; amending s.  
7715 960.195, F.S.; increasing the timeframe for reporting  
7716 a criminal or delinquent act resulting in property  
7717 loss of an elderly person or disabled adult; amending  
7718 s. 960.196, F.S.; increasing the timeframe to report  
7719 certain human trafficking offenses to be eligible for  
7720 a victim relocation assistance award; providing an  
7721 extension for good cause; amending s. 960.28, F.S.,  
7722 increasing the maximum monetary reimbursement amount  
7723 to certain medical providers for an initial forensic  
7724 physical examination of certain victims; amending s.  
7725 985.12, F.S.; providing that locally authorized  
7726 entities may continue to operate an independent civil  
7727 citation or similar prearrest diversion program that  
7728 is in operation as of October 1, 2018; requiring each  
7729 civil citation or similar diversion program to enter  
7730 appropriate youth data into the Juvenile Justice  
7731 Information System Prevention Web within a specified  
7732 period after the admission of the youth into the  
7733 program; amending s. 985.126, F.S.; removing the  
7734 requirement for law enforcement officers to submit a  
7735 copy of specified documentation to the Department of  
7736 Juvenile Justice; requiring certain information be  
7737 entered into the Juvenile Justice Information System  
7738 Prevention Web within a specified timeframe; amending  
7739 s. 985.145, F.S.; deleting the requirement that the





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7740 department must enter certain information into the  
7741 Juvenile Justice Information System Prevention Web in  
7742 specified instances; amending s. 985.557, F.S.;

7743 deleting provisions requiring the mandatory direct  
7744 filing of charges in adult court against juveniles  
7745 under certain circumstances; amending ss. 776.09,  
7746 943.053, and 943.0582, F.S.; conforming cross-  
7747 references; amending s. 985.565, F.S.; conforming  
7748 provisions to changes made by the act; amending s.  
7749 921.0022, F.S.; listing on levels 3 and 4 certain  
7750 felonies on the offense severity ranking chart of the  
7751 Criminal Punishment Code; conforming provisions to  
7752 changes made by the act; reenacting s. 322.05(11),  
7753 F.S., relating to prohibiting the issuance of a driver  
7754 license to certain persons, to incorporate the  
7755 amendment made to s. 322.056, F.S., in a reference  
7756 thereto; reenacting s. 316.027(2)(c) and  
7757 907.041(4)(c), F.S., relating to a crash involving  
7758 death or personal injuries and pretrial detention and  
7759 release, respectively, to incorporate the amendment  
7760 made to s. 322.34, F.S., in references thereto;  
7761 reenacting s. 509.161, F.S., relating to rules of  
7762 evidence in certain prosecutions, to incorporate the  
7763 amendment made to s. 509.151, F.S., in a reference  
7764 thereto; reenacting ss. 790.065(2)(c), 794.056(1),  
7765 847.0141(4), 901.41(5), 938.08, 938.085,  
7766 943.325(2)(g), 948.06(8)(c), 948.062(1),  
7767 960.001(1)(b), 985.265(3)(b), and 1006.147(3)(e),  
7768 F.S., relating to the sale and delivery of firearms,



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7769 the Rape Crisis Program Trust Fund, sexting, prearrest  
7770 diversion programs, additional costs to fund programs  
7771 in domestic violence and rape crisis centers, the DNA  
7772 database, the definition of the term "qualifying  
7773 offense" as it relates to the violation of probation  
7774 or community control and failure to pay restitution or  
7775 cost of supervision, reviewing and reporting serious  
7776 offenses committed by offenders placed on probation or  
7777 community control, guidelines for fair treatment of  
7778 victims and witnesses in the criminal justice and  
7779 juvenile justice systems, detention transfer and  
7780 release, education, and adult jails, and the  
7781 prohibition of bullying and harassment, respectively,  
7782 to incorporate the amendment made to s. 784.048, F.S.,  
7783 in references thereto; reenacting s. 316.0775(1),  
7784 F.S., relating to interference with official traffic  
7785 control devices or railroad signs or signals, to  
7786 incorporate the amendment made to s. 806.13, F.S., in  
7787 a reference thereto; reenacting ss. 95.18(10),  
7788 373.6055(3)(c), 400.9935(3), 550.6305(10), 627.743(2),  
7789 634.421(2), 642.038(2), 705.102(4), 812.14(7), and  
7790 893.138(3), F.S., relating to real property actions  
7791 and adverse possession without color of title,  
7792 criminal history checks for certain water management  
7793 district employees and others, clinic  
7794 responsibilities, intertrack wagering, guest track  
7795 payments, and accounting rules, the payment of third-  
7796 party claims, reporting and accounting for funds,  
7797 reporting lost or abandoned property, trespass and



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7798 larceny with relation to utility fixtures and the  
7799 theft of utility services, and local administrative  
7800 action to abate drug-related, prostitution-related, or  
7801 stolen-property-related public nuisances and criminal  
7802 gang activity, respectively, to incorporate the  
7803 amendment made to s. 812.014, F.S., in references  
7804 thereto; reenacting ss. 538.09(5) and 538.23(2), F.S.,  
7805 relating to the registration of and violations and  
7806 penalties for secondhand dealers, respectively, to  
7807 incorporate the amendment made to s. 812.015, F.S., in  
7808 references thereto; reenacting s. 1006.147(3)(e),  
7809 F.S., relating to the prohibition of bullying and  
7810 harassment, to incorporate the amendment made to s.  
7811 815.03, F.S., in a reference thereto; reenacting ss.  
7812 316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5),  
7813 and 934.07(3), F.S., relating to the unlawful  
7814 conveyance of fuel and obtaining fuel fraudulently,  
7815 terrorism, providing material support or resources for  
7816 terrorism or to terrorist organizations, the  
7817 definition of the term "terrorism" as it relates to  
7818 murder, and the authorization for interception of  
7819 wire, oral, or electronic communications,  
7820 respectively, to incorporate the amendment made to s.  
7821 815.06, F.S., in references thereto; reenacting s.  
7822 849.02, F.S., relating to agents or employees of  
7823 keepers of gambling houses, to incorporate the  
7824 amendment made to s. 849.01, F.S., in a reference  
7825 thereto; reenacting ss. 373.6055(3)(c), 397.4073(6),  
7826 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a),



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7827 782.04(1)(a), (3), and (4), 810.02(3), 893.13(8)(d),  
7828 893.1351(1) and (2), 900.05(3)(e), 903.133,  
7829 907.041(4)(c), 921.141(9), and 921.142(2), F.S.,  
7830 relating to criminal history checks for certain water  
7831 management district employees and others, background  
7832 checks of service provider personnel, determining  
7833 eligibility for temporary cash assistance, the Drug  
7834 Dealer Liability Act, possession or use of a weapon,  
7835 aggravated battery, felony reclassifications, and  
7836 minimum sentencing, murder, burglary, prohibited acts  
7837 and penalties relating to controlled substances, the  
7838 ownership, lease, rental, or possession for  
7839 trafficking in or manufacturing a controlled  
7840 substance, criminal justice data collection, the  
7841 prohibition of bail on appeal for certain felony  
7842 convictions, pretrial detention and release, the  
7843 sentence of death or life imprisonment for capital  
7844 felonies and further proceedings to determine  
7845 sentences, and the sentence of death or life  
7846 imprisonment for capital drug trafficking felonies and  
7847 further proceedings to determine sentences,  
7848 respectively, to incorporate the amendment made to s.  
7849 893.135, F.S., in references thereto; reenacting s.  
7850 944.026(3)(a), F.S., relating to community-based  
7851 facilities and programs, to incorporate the amendment  
7852 made to s. 944.704, F.S., in a reference thereto;  
7853 reenacting s. 944.4731(6), F.S., relating to the  
7854 Addiction-Recovery Supervision Program, to incorporate  
7855 the amendment made to s. 944.705, F.S., in a reference



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7856 thereto; reenacting s. 447.203(2), F.S., relating to  
7857 the definition of the terms "public employer" or  
7858 "employer," to incorporate the amendment made to s.  
7859 944.801, F.S., in a reference thereto; reenacting s.  
7860 921.187(1)(n), F.S., relating to disposition and  
7861 sentencing alternatives, to incorporate the amendment  
7862 made to s. 948.013, F.S., in a reference thereto;  
7863 reenacting ss. 948.012(2)(b), 948.10(3), 948.20(3),  
7864 and 958.14, F.S., relating to split sentencing of  
7865 probation or community control and imprisonment,  
7866 procedures governing violations of community control,  
7867 revocation of drug offender probation, and violations  
7868 of probation or community control programs,  
7869 respectively, to incorporate the amendment made to s.  
7870 948.06, F.S., in references thereto; reenacting ss.  
7871 796.07(4)(b), 944.026(3)(b), and 948.036(1), F.S.,  
7872 relating to charges of prostitution and related acts,  
7873 certain pretrial intervention programs, and work  
7874 programs, respectively, to incorporate the amendment  
7875 made to s. 948.08, F.S., in references thereto;  
7876 reenacting ss. 394.47892(2), 397.334(5), and  
7877 910.035(5)(a), F.S., relating to mental health court  
7878 programs, treatment-based drug court programs, and  
7879 transfer for participation in a problem-solving court,  
7880 respectively, to incorporate the amendments made to  
7881 ss. 948.08 and 948.16, F.S., in references thereto;  
7882 reenacting ss. 958.03(5), 958.045(8)(a), 958.046, and  
7883 985.565(4)(c), F.S., relating to the definition of the  
7884 term "youthful offender," the youthful offender basic



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7885 training program, county-operated youthful offender  
7886 boot camp programs, and adult sanctions upon failure  
7887 of juvenile sanctions, to incorporate the amendment  
7888 made to s. 958.04, F.S., in references thereto;  
7889 reenacting s. 985.556(3), F.S., relating to  
7890 involuntary mandatory waiver, to incorporate the  
7891 amendment made to s. 985.557, F.S., in a reference  
7892 thereto; reenacting ss. 985.15(1), and 985.26(2)(c),  
7893 F.S., relating to filing decisions of state attorneys  
7894 in the prosecution of a child, and length of detention  
7895 for prolific juvenile offenders, respectively, to  
7896 incorporate the amendment made to s. 985.557, F.S., in  
7897 references thereto; creating the Task Force on the  
7898 Criminal Punishment Code adjunct to the Department of  
7899 Legal Affairs; providing a legislative finding;  
7900 specifying the task force's purpose; requiring that  
7901 the task force analyze best practices; providing for  
7902 membership of the task force and the filling of any  
7903 vacancies; providing meeting requirements; providing  
7904 for staff support; requiring specified governmental  
7905 entities to provide certain information and support  
7906 services upon request of the Attorney General;  
7907 providing for reimbursement of per diem and travel  
7908 expenses; prescribing reporting requirements;  
7909 providing for dissolution of the task force; providing  
7910 an appropriation; providing effective dates.